

Employee Handbook

Mid-Willamette Valley Council of Governments



September 2021

Amended by Board Resolution _____

Preface

The Mid-Willamette Valley Council of Governments (MWVCOG) is glad that you are a member of our team. The Board of Directors and Executive Director believe that our employees are our most valuable assets and attribute MWVCOG's success to our ability to recruit, hire, and maintain a motivated and productive high performing workforce.

This employee handbook describes, in summary form, the personnel policies and procedures that govern the employment relationship between MWVCOG and its employees. The policies stated in this handbook are subject to change at any time at the sole discretion of the MWVCOG Board of Directors with or without prior notice. This handbook supersedes any prior handbooks or written policies of MWVCOG that are inconsistent with its provisions. If you receive updated information concerning changes in policy, those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued later, please ask the Executive Director.

This handbook does not create a contract of employment between MWVCOG and its employees. All employment at MWVCOG is "at will." That means that either you or MWVCOG may terminate this relationship at any time, for any reason, with or without cause or notice. No supervisor, manager, or representative of MWVCOG other than the Executive Director has the authority to enter any agreement with you regarding the terms of your employment that changes the at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the Executive Director.

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Chapter 1: Equal Employment Opportunity (EEO) Policies

The following EEO Policies apply to all employees. Members of management, elected officials and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with the Executive Director at any time if they have questions relating to the issues of harassment, discrimination or bullying.

A. No-Discrimination Policy

MWVCOG provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran's status, or any other status protected by applicable federal, Oregon, or local law. This EEO policy applies to all aspects of the employment relationship – including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

B. No-Harassment Policy

MWVCOG prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace. Specifically, MWVCOG prohibits harassment or conduct related to an individual's race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status, or any other protected status or activity recognized under Oregon, federal or local law.

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

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

C. Sexual Harassment

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

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

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual’s body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about alternative lifestyles, including comments about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

D. Other Forms of Prohibited Harassment

Other forms of prohibited harassment under MWVCOG policy and federal and Oregon law include harassment against an individual based on the individual’s race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity and any other status protected by applicable law.

Such harassment may include verbal, written or physical conduct that denigrates or shows hostility towards an individual because of any protected status, and can include:

- jokes, pictures (including drawings), epithets or slurs;
- negative stereotyping;
- Displaying racist symbols anywhere on MWVCOG property;
- “Teasing” or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person’s religious beliefs, or “pushing” your religious beliefs on someone who doesn’t have them;
- threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or

- written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

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

E. Bullying

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

Examples of bullying include:

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

Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and bullying. Further, all employees are responsible for respecting the rights of other employees and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or the Executive Director, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

Employees are strongly encouraged to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop. Employees who have experienced any harassment, discrimination, or bullying, are expected and required to bring the matter to the attention of a supervisor or member of management as soon as possible.

In addition, any employee who observes any conduct that he or she believes constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to their supervisor, the Finance Director, or the Executive Director.

Investigation and Confidentiality

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

Protection Against Retaliation

MWVCOG prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the Policy on Non-Retaliation, below.

F. Disability Accommodation Policy

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

Accommodations

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

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, MWVCOG) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and

privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made in writing to the Executive Director or his or her designee, and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of their need for a reasonable accommodation.

G. Reporting Improper or Unlawful Conduct — No Retaliation

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

- A violation of any federal, Oregon, or local law, rules or regulations by the MWVCOG;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the MWVCOG ;
- A substantial and specific danger to public health and safety resulting from actions of the MWVCOG ; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

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

Employee Reporting Options

In addition to MWVCOG's Open Door Policy, an employee who wishes to report improper or unlawful conduct should first talk to his or her supervisor. An employee not comfortable speaking with their supervisor, or who is not satisfied with their supervisor's response, is encouraged to speak with the next level of management. Supervisors and managers are required to inform the executive director about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

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

Additional Protection for Reporting Employees

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

Policy Against Retaliation

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

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

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

Chapter 2: Employment Status

A. Probationary Period of Employment

All new employees, including current employees who are promoted or transferred within the MWVCOG, are hired into a probationary training period that generally lasts no less than 180 days and may be continued for up to one (1) year. The probationary period is an extension of the employee selection process. During this period, the employee is in training and under observation and evaluation by the manager. Evaluation of the employee's adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the probationary period. This period gives the employee an opportunity to demonstrate satisfactory performance for the position and provides an opportunity to determine if the employee's knowledge, skills and abilities, and the requirements of the position match. It is also an opportunity for the employee to decide if the MWVCOG meets their expectations of an employer.

At or before the end of the probationary period, a decision about the employee's employment status will be made. The MWVCOG will decide whether to: (1) Extend the probationary period; (2) Move the employee to regular, full-time or regular, part-time status; or (3) Terminate employment. In no case shall the probationary period be extended beyond one year.

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

B. Employee Classification

MWVCOG classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 32 hours or more of work per week. Generally, full-time employees are eligible to participate in MWVCOG's benefit programs.
2. Regular Part-time: Employment requiring less than 32 hours of work per week. Normally, a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 32 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees working at least 20 hours per week are eligible for benefits. Employees working less than 20 hours per week are eligible for those benefits mandated by applicable law.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments.

Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all MWVCOG rules and procedures.

C. The Workweek

The workweek is a seven-day work period beginning Sunday at 12:00 a.m. through Saturday at 11:59 p.m. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m.

D. Meal Periods and Rest Breaks

Non-exempt employees are required to take a paid, uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform their supervisor before the end of the shift so that MWVCOG may pay the employee for that work.

Meal periods and rest breaks are mandatory and are not optional for non-exempt employees. Exempt employees are encouraged to also take rest breaks and uninterrupted meal periods. An employee’s meal period and rest break(s), if applicable, may not be taken together as one break. Meal periods and rest breaks may not be “skipped” in order to come in late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available to him or her should contact the Executive Director or his or her designee.

Length of Work Period	Requirement	
	Rest Breaks	Meal Periods
2 hours or less	0	0
2 hours & 1 min – 5 hours & 59 min	1	0
6 hours	1	1
6 hours & 1 min – 10 hours	2	1
10 hours & 1 min. – 13 hours & 59 min	3	1

E. Rest Breaks for Expression of Breast Milk

The MWVCOG will provide reasonable rest periods to accommodate an employee who needs to express milk for their child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not feasible, the employee is entitled to take reasonable time as needed to express breast milk.

The MWVCOG will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the MWVCOG is required to provide as paid rest breaks and/or meal periods under applicable personnel rules. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

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

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

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

Notice

An employee who intends to express milk during work hours must give their supervisor or Executive Director or their designee reasonable oral or written notice of their intention to

do so in order to allow the MWVCOG time to make any preparations necessary for compliance with this rule.

Storage

Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

F. Overtime

Time-and-a-Half

MWVCOG pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. When possible, MWVCOG will have the employee flex their schedule within the same work week in order to avoid overtime. All overtime and schedule adjustments must be pre-approved by the supervisor. See "Employee Classification," above.

Limitation on Overtime Pay

Paid hours not actually worked (for example, vacation, holidays, etc.) will not be counted toward the 40 hours per workweek required to receive overtime pay.

Assignment of Overtime Work

Employees may be required to work overtime. When overtime work is required by MWVCOG on a particular job, the non-exempt employee performing that job at the conclusion of 40 straight-time hours will normally be expected to continue to perform the job on an overtime basis. MWVCOG does not frequently require overtime of its employees. However, when overtime is required by MWVCOG on a Sunday or on a holiday, MWVCOG will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or Holiday.

Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or the Executive Director. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with MWVCOG approval, accumulated at time and one-half up to a maximum of 40 hours and taken as comp time off. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued. At the discretion of an employee's manager/supervisor, employees who have accrued less than 40 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee

at the time the employee receives the payment. Any hours not taken in the fiscal year in which they were earned will be paid to the employee with the last payroll check in June of each year. When an employee is separated from employment with MWVCOG, any remaining comp time will be paid to the employee.

G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on a time sheet for payroll purposes. Time sheets are used not only to track hours worked but also project codes are used to track which programs are to be charged for hours worked and which hours are to be billed to individual members. Instructions for completing the MWVCOG timesheet will be given to employees upon hire and will be updated as necessary.

Salaried exempt employees also are required to record their time on a time sheet in order to track which programs/project codes are to be charged for time worked. These employees will be instructed separately on this process.

H. Employee-Incurred Expenses and Reimbursements

The MWVCOG will pay actual and reasonable business-related expenses incurred in the performance of job responsibilities if they are: (1) listed below or elsewhere in this handbook; (2) pre-approved by the supervisor/manager before they are incurred; and (3) qualify as an eligible expense when paid for by grant, state or federal funds. The MWVCOG will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on MWVCOG -approved travel.

Employees must provide a completed and signed expense report within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement.

In limited circumstances such as, but not limited to, when booking MWVCOG travel, hotel accommodations, and conference or training registration, Employee's may use a personal credit card to make their reservations and submit receipts for reimbursement. Any credit card loyalty credits, including mileage credits, earned as a result of such credit card use shall be the property of the Employee as part of their MWVCOG compensation package.

Use of MWVCOG Vehicle

In general, the use of a MWVCOG vehicle is the preferred means of travel available. However, there are times, when a MWVCOG vehicle is not available or when circumstances warrant the use of a personal vehicle. MWVCOG vehicles are not to be used for personal use other than incidental to MWVCOG travel. Family members and other non-MWVCOG employees shall not travel in MWVCOG vehicles unless pre-authorized by the Executive Director.

The MWVCOG vehicle should not be used for out-of-state travel with the exception of travel to cities in states bordering Oregon (Washington, Idaho and California) and travel to cities in those states where other modes of travel are impractical.

Use of Personal Vehicle

Employees using their own vehicle for transportation on MWVCOG travel will be reimbursed at the current IRS rate. Mileage reimbursement will be based on the most direct route available. Any substantial deviation from use of the most direct route must be documented and satisfactorily explained. Google Maps and other mapping software are acceptable mileage guides to submit for reimbursement.

Employees using a personal vehicle shall be responsible for and assume liability for such vehicle. The employee's auto insurance shall be primary and the employee solely responsible for maintaining and providing insurance on the vehicle, as well as its maintenance and upkeep.

With approval of the Executive Director, an employee who elects to use a privately-owned vehicle to combine official travel with a holiday or weekend trip, vacation, or other valid personal reason will be reimbursed the lesser of:

- Actual mileage reimbursement, or
- Cost of round-trip air coach fare for trips between points where scheduled airline service is available; or other public transportation that may be available such as the train.

Expenses will be allowed only for the period during which the employee would have been in a travel status on official business.

Airfare

When approved by the Executive Director, the MWVCOG will reimburse an employee for airfare when in connection with authorized travel. Reimbursement is limited to the cost of an economy coach class ticket, plus luggage fees for one checked bag. When obtaining approval, the employee must provide a cost worksheet showing that the selected airfare is the lowest cost possible taking into consideration reasonable travel times. Employees who earn frequent flyer miles on an MWVCOG paid ticket may retain those miles as part of the employee's official compensation package.

Excess Expense and Time Off

If an employee travels by an indirect route for personal convenience or interrupts travel for an unofficial reason, the employee will bear the extra expense. Time taken in excess of that needed for the program and direct travel will be charged to personal leave.

Overnight Travel Expenses

For overnight travel, the IRS approved per diem rate for the travel location will serve as the reimbursement rate for an employee's meals and no meal receipts will be required. The per diem payment will serve as MWVCOG's total responsibility for the employee's meals (including tips and taxes). The IRS rules for partial per-diem for first and last day of travel apply. Per diem rates can be found on the following website: <http://www.gsa.gov/>

Lodging during overnight travel must be at a hotel/motel/or bed and breakfast that offers lodging at or below the established per diem rate for that location, as established by GSA. Per

diem lodging rates can be found on the following website: <http://www.gsa.gov/>. If overnight lodging is required as part of a conference, maximum allowed cost is further restricted to the government rate offered at the conference hotel rate. Except when authorized by the Executive Director, MWVCOG will not reimburse for lodging in excess of the government per diem rate.

Non-Overnight Travel Expenses

MWVCOG will reimburse employees for non-overnight reasonable official business travel expenses when such reimbursement is non-taxable. Some examples of actual and reasonable business-related expenses that the MWVCOG will reimburse are:

- Conferences or workshops:
- Meals Not Associated with Overnight Travel: MWVCOG will pay for reasonable meal expenses (exclusive of alcohol which will not be reimbursed and is not a permitted expense) when incurred at a location other than the COG offices and when training or business is conducted during the meal time. Otherwise, meals expenses incurred by the employee at an offsite training or meeting are personal expenses and not subject to reimbursement.
- Mileage and Parking: Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the MWVCOG. MWVCOG retains the right to determine the mode of transportation most appropriate to the type of travel involved.

Expense Authorization Report Forms and Payments

Itemized expenses for overnight trips are to be submitted on the Travel Request and Expense Report forms. In-state travel must be approved by the Program Director. Out-of-state travel must be approved in advance by the Executive Director. Requests for out of state travel and travel requiring airfare should be submitted on the appropriate form to the supervisor or the Executive Director.

Expense reports should be used for non-overnight travel and turned in with the employee's end-of-month timesheet for signatures and then forwarded to the Finance Department for payment on the deadline for timesheets.

Advance for Expenses

After the necessary approvals are received, an advance for expenses to be incurred may be obtained as indicated on the travel request form. This request shall be submitted a minimum of four (4) workdays prior to the date of departure.

I. Payroll Policies

MWVCOG employees will be paid bi-monthly.

Paydays are generally the 6th and 21st of each month, for both non-exempt and exempt employees.

Net pay will be directly deposited into the employee's bank account, unless an employee requests otherwise. If an employee requests to pick up their check from MWVCOG, only the employee named on the paycheck will be allowed to do so, unless the employee provides written permission to MWVCOG to have someone else receive the check.

The MWVCOG makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event an employee believes that the MWVCOG has made any improper deductions, has failed to pay the employee for all hours worked or for overtime, or has failed to properly calculate the employee's wages in any way, the employee must immediately report the error to the Executive Director or their designee. MWVCOG will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination because they have reported any errors or complaints regarding the MWVCOG's pay practices.

J. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping personnel records current can be important to the employee regarding pay, deductions, benefits and other matters. If the employee has changes in any of the following items, please notify Executive Director or their designee or their designee to assure that the proper updates/paperwork are completed as quickly as possible:

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on the employee's employment; and/or
- Tax withholding.

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

Chapter 3: Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for unpaid break periods or when required to leave on authorized MWVCOG business, and to perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time, must inform their supervisor via a telephone call (or other method such as text message as authorized by the supervisor) as soon as practicable, however, no later than 30 minutes before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no-call/no-show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.

B. Vacation

It is the policy of MWVCOG to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of their employment anniversary date. For regular, full-time employees, vacation accrues as follows:

1. 8 hours per month for the first month through the 24th month.
2. 10 hours per month for the 25th month through the 48th month.
3. 12 hours per month for the 49th month through the 108th month.
4. 14 hours per month for the 109th month through the 180th month.
5. 16 hours per month after the 180th month.

Regular, part-time employees shall accrue vacation leave on a prorated basis as out lined below:

- 0-19 hours - 50%
- 20-31 hours - 75%
- 32-40 hours - 100%

MWVCOG provides vacation so employees can enjoy periods of time away from work. Vacation is intended for rest and recreation and accruals are not intended to be paid out during employment. Vacation accrual will be paid out upon the employee's separation from

employment in accordance with applicable laws.

Vacation Accrual During Unpaid Leave

Vacation accruals will be prorated to accommodate unpaid leave.

Maximum Accumulation

Time is not to be banked and never used; therefore, the maximum accumulation of combined earned vacation and administrative leave an employee will be allowed is 320 hours. Vacation benefits will stop accruing when the maximum allowed has been reached. The benefit will begin accruing again when the employee reduces the total to less than the allowed maximum.

Under special circumstances, if MWVCOG is unable to grant vacation leave to an employee because of operational needs, causing the employee to reach the maximum accrual, the Executive Director may allow the employee to exceed the maximum accrual for a specified period or approve a one-time buy-back of up to 80 hours of vacation leave. MWVCOG encourages employees to manage vacation leave to avoid losing this benefit.

Vacation Accrual During Probation

New employees shall accrue vacation leave but shall not be able to use vacation leave until successful completion of their probationary period unless approval is granted by the Executive Director in writing prior to the absence. For probation periods of more than six months, accrued vacation may be used starting after the completion of six months of employment. Employees who have successfully completed the probationary period and have received a regular status appointment will be credited with the vacation leave accrued during probation and are eligible to take vacation leave with pay.

Vacation leave is to be scheduled in advance with the supervisor in order to assure MWVCOG's business is covered.

Vacation Pay at Termination of Employment

An employee who terminates employment during the initial Probationary Period shall not be entitled to compensation for accrued Vacation Leave. Those employees who have successfully completed their initial Probationary Period, have been appointed to Regular Status and then become separated from MWVCOG, shall be entitled to payment for accrued Vacation Leave. In case of death, compensation for accrued Vacation Leave shall be paid in the same manner that salary due to the decedent is paid.

Annual Vacation Cash Out

Employees shall have the option of cashing out up to one-half of the Vacation Leave hours they would normally accrue during a twelve-month period. The purpose of providing this option is to facilitate and enable employees to most effectively utilize Vacation Leave. This option is limited to one-half of the normal annual accrual provided that the amount to be cashed out also does not exceed more than one-half of the Vacation Leave accrued to that date. Employees may exercise this option once annually during the period of time beginning July 1 and ending June 30

subject to the availability of resources.

C. Administrative Leave

Eligible management or exempt employees shall accrue administrative leave. Such leave is intended as a means of compensating management level employees for extra and irregular hours often required of management level employees.

Beginning on July 1, 2020, it is the policy of MWVCOG to provide Department Director level management employees administrative leave that will accrue at the rate of six (6) hours per month of service beginning with their first full month of service after the date of hire.

Division level management employees will accrue administrative leave at a rate of four (4) hours per month beginning with their first full month of service after date of hire or promotion to management status, whichever is later.

Exempt employees hired prior to July 1, 2020 will accrue administrative leave at a rate of four (4) hours per month until date of separation.

The Executive Director may grant additional administrative leave in a lump sum not to exceed more than 40 hours per year to any exempt employee who has performed exceptionally well and/or has logged considerable hours in excess of 40 a week for a prolonged period of time.

Administrative leave and vacation leave will be combined and tracked as annual leave and is subject to the 320-hour maximum accrual and cash out provisions listed under vacation leave.

D. Sick Leave

MWVCOG provides eligible employees with sick time in accordance with Oregon's Paid Sick Time Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the Executive Director for information and refer to the Oregon Sick Leave Law poster that is posted in the MWVCOG break room and is incorporated here by reference.

Eligibility and Accrual of Paid Sick leave

Under Oregon's Paid Sick leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt and non-exempt employees.

Regular status, full-time employees will accrue sick leave at the rate of eight (8) hours per month. Regular status, part-time employees will accrue sick leave on a prorated basis as calculated below:

- 0-19 hours – 3.33 hours per month
- 20-31 – 75% (4 hours per month)
- 32-40 – 100% (8 hours per month)

The cap on sick leave accrual is 1040 hours. Beyond the expiration of sick leave credits, an employee may be entitled to benefits under the short-term disability program offered by the MWVCOG.

Temporary or limited duration employees subject to this policy accrue and may use up to 40 hours of paid sick leave per calendar year. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked or a minimum of 3.33 hours per month until the 40-hour yearly accrual cap is reached. Paid sick leave shall be taken in hourly increments.

Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek. Generally, sick leave pay will be included in the paycheck for the period when sick leave is used provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

Temporary or Limited Duration employees may carry over up to a maximum of 40 hours of accrued and unused sick leave for use in a subsequent calendar year but may use only 40 hours of sick leave each calendar year. Sick leave accrual for temporary or limited duration employees is capped at 80 hours.

Use of Sick Leave

Sick leave is considered earned and available for use after the month in which it is accrued. Under special circumstances, an employee may be allowed to use sick leave during the month in which it is earned with the approval of the Executive Director.

Accrued paid sick leave may be used for the following reasons:

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or their covered family member.
2. "Family member" means the eligible employee's grandparent, grandchild, spouse, registered same-gender domestic partner or opposite sex domestic partner living at the same residence, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee's biological, adoptive or foster parent or child.
3. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.

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

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence. If an employee has depleted their paid sick leave and misses work for a qualifying reason, they will be required to use other accrued leave to cover their absence from work before being placed on an unpaid leave status.

Employee Notice of Need for Sick Leave

Foreseeable Sick Leave. If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as is practical before the leave using the MWVCOG's call-in/notification procedures (see Chapter 3. A.). Generally, an employee must provide at least ten (10) days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of MWVCOG. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practical.

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify their supervisor by telephone (or text if authorized by the supervisor) as soon as is practical and comply generally with MWVCOG's call-in procedures. (See Chapter 3. A.) Generally, an employee should notify their immediate supervisor of unforeseeable sick leave at least 30 minutes prior to the beginning of their shift, unless physically unable to do so, in which case notice should be given as soon as possible.

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

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

Sick Leave Documentation

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

Sick Leave Abuse

If MWVCOG suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, MWVCOG may require documentation from a healthcare provider on a more frequent basis. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

Transfer of Sick Leave

An employee may request, through the Executive Director, that some of the employee's paid sick leave be transferred to another employee who is absent from work for an extended period of time because of an injury, unexpected illness, or other reason for which the use of paid sick leave would normally be allowed. To be approved, the employee receiving a donation of paid sick leave must be a regular, non-probationary employee and must first have used all available paid leave including sick leave, holiday leave and annual leave. The maximum donation to be given by any employee is 40 hours per incident, not to exceed 60 hours in any calendar year. Employees transferring paid sick leave must have accrued a minimum of 200 hours of paid sick leave or for part-time a prorated amount commensurate with the full-time, 40 hour per week position. All donated leave will be used in the order received by the Payroll Department. Any paid sick leave not used by the employee receiving the paid sick leave will be returned to the donor employee.

E. Holidays and Floating Holidays

MWVCOG has a very liberal leave policy that has developed over the years. Consistent with that policy, the MWVCOG recognizes thirteen paid holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees shall receive pay for each designated holiday on a prorated basis (computed as a percentage of a 40-hour work week). The holidays designated as paid days off are:

New Year's Day	Martin Luther King, Jr.'s Birthday
Presidents Day	Memorial Day
Juneteenth	Independence Day
Labor Day	Veterans' Day
Thanksgiving Day	Day after Thanksgiving
Christmas Eve Day	Christmas Day
New Year's Eve Day	

A holiday that falls on a weekend will be taken on either the preceding Friday or the following

Monday to coincide with local custom.

To be eligible for holiday pay, an employee must have worked their regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under MWVCOG policy. If an employee is on vacation when a holiday is scheduled, the employee will be paid for the holiday and will not use vacation for the holiday.

Any hourly, non-exempt employee required to work on a holiday will receive time and one-half payment for the hours worked and will be allowed to use the holiday hours on a future date.

Employees on flexible work schedules shall receive the same number of holiday hours as employees working a regular work week according to their eligibility. In no case shall an employee receive holiday compensation for both the actual holiday and the observed holiday.

Christmas and New Year's Eve Holidays

Typically, the MWVCOG offices will be closed on the workday before Christmas and the workday before New Year's Day. The Executive Director may change the days on which MWVCOG offices will be closed for Christmas Eve and New Year's Eve, with 30 days' notice to staff. These days shall be observed as the Christmas Eve and the New Year's Eve holidays.

Floating Holidays

Each July 1st, all regular status full-time employees shall be granted eight (8) hours of Floating Holiday. Regular part-time employees will be granted floating holiday leave on a prorated basis (computed as a percentage of a 40-hour work week). Employees hired after July 1st shall be granted the appropriate number of Floating Holiday leave hours on their hire date.

After five (5) years of service, regular status, full-time employees will be eligible to receive an additional eight (8) hours of floating holiday leave each year. Regular part-time employees will be granted floating holiday leave on a prorated basis (computed as a percentage of a 40-hour work week).

Use of Accrued Holiday Leave

Employees are required to use Holiday leave on MWVCOG paid holidays for time not worked. All holiday leave, both floating holiday and holiday leave accrued because it was not used on the actual holiday, must be used by June 30th each year or the employee will lose the leave. Employees are encouraged to use holiday leave before using vacation leave in order to avoid the loss of this benefit.

F. Family Medical Leave

MWVCOG employees are not eligible for leaves of absence under the Oregon Family Leave Act (OFLA) or the federal Family Medical Leave Act (FMLA) due to the entity's small size. However, MWVCOG does want to meet the needs of our employees in this area and whenever feasible will

basically follow the OFLA requirements for family medical leave.

Leave Policy

The following is a summary of Family and Medical Leave policy and procedures under the Oregon Family Leave Act (OFLA). Generally, MWVCOG will follow OFLA, even though it is not required by law. Regular employees will be granted up to 12 weeks of family leave for the reasons identified below.

Definitions

Family Member

"Family member" is defined as a spouse (including registered, same-gender domestic partners), parent (biological, adoptive, step, foster, or *in loco parentis*), parent of a registered, same-sex domestic partner or opposite sex domestic partner living at the same residence, parent-in-law, grandparent, grandchild, or "child" (see definition below).

Child

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

Eligible Employee

To qualify for Family Leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave, an employee must have been employed for at least 180 days (no per-week hourly minimum is required). For purposes of Oregon Military Family Leave Act leave, an employee becomes eligible after having worked only 20 hours per week (no minimum length of employment required).

Serious Health Condition

"Serious health condition" is defined under OFLA as an illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home; requires constant or continuing care such as home care administered by a health care professional; or involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

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

as serious health conditions.

Reasons for Taking Leave

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

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

Length of Leave

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

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

One-Year Calculation Period

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

Intermittent Leave

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

Employee Responsibilities – Notice

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

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

If circumstances change during the leave and the leave period differs from the original request, the employee must notify Executive Director or their designee within three (3) business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with MWVCOG’s normal call-in procedures. Employees who fail to comply with MWVCOG’s call-in procedures may be disciplined or may have their period of OFLA leave reduced.

Certification

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

Additionally:

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

Employees must furnish MWVCOG's requested medical certification information within 15 calendar days after such information is requested by MWVCOG. In some cases, except for leave to care for a sick child, MWVCOG may require a second or third opinion, at MWVCOG's expense. Employees also may be required to submit subsequent medical verification. Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a medical certification.

Fitness-for-Duty Certification

If family medical leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from their health care provider stating that the employee is able to resume work.

Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including holidays/floating holidays, annual leave, and sick leave prior to a period of unpaid leave of absence on Family Medical leave. Use of accrued paid leaves will run concurrently with Family Medical leave. If the employee has no accrued paid leave, holidays, vacation or sick leave available to use during a Family Medical leave, the leave will be unpaid.

Holiday Pay While on Leave

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

On-the-Job Injury or Illness

Family Leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

Benefits While on Leave

MWVCOG will continue the employee's health coverage under any group health plan during a period of approved OFLA leave on the same terms as if the employee had continued to work.

The employee must continue to make any regular contributions to the cost of the health insurance premiums during the period of approved OFLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on an OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in MWVCOG benefit plans.

Job Protection

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

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

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

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

G. Bereavement Leave

To be eligible to take bereavement leave, employees must have worked for a period of 180 calendar days immediately preceding the date that the requested leave begins. The employee must have worked an average of 25 hours per week during the 180 day period. Bereavement leave will be in the event of absence necessitated by the death of a qualified family member. In the event of the death of an employee's spouse, child, parent, or sibling, the employee will be granted three days off work with pay. In the event of the death of an employee's grandparent, father- or mother-in-law, or son- or daughter-in-law, the employee will be granted one day off work with pay. For regular part-time employees, bereavement leave will be applied on a prorated basis (computed as a percentage of a 40-hour work week). Holiday, vacation or sick leave may be used if additional time off is needed. Requests for bereavement leave should be made to the employee's immediate supervisor as soon as possible.

In addition to bereavement leave paid for by MWVCOG, consistent with Oregon's sick leave law, employees are entitled to additional paid bereavement leave for a period of up to 40 hours in any one year, however, the additional time off will be deducted from the employee's sick leave bank. If sick leave credits are exhausted, an employee is entitled to use vacation accruals if additional time is needed within the maximum 40 hours allowed in any one year.

H. Jury and Witness Duty

Jury Duty

MWVCOG will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. Jury duty leave is paid, employees are required to decline jury duty pay or turn over any outside compensation received to the MWVCOG.

It is the employee's responsibility to keep their supervisor or manager informed about the amount of time required for jury duty. The MWVCOG may request the employee file a jury duty waiver or extension if the employee's service for jury duty would create an undue hardship for the organization.

Witness Duty

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

Except for employee absences covered under MWVCOG's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

I. Religious Observances Leave and Accommodation Policy

The MWVCOG respects the religious beliefs and practices of all employees. The MWVCOG will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on MWVCOG's business. Employees may use annual leave, accrued holiday leave or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the Executive Director or their designee.

J. Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or their immediate family member (defined below) has suffered financial, social, psychological or physical harm as

a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

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

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused annual/holiday/sick leave during the leave period;
- Provide as much advance notice as is feasible of their intention to take leave (unless giving advance notice is not possible); and
- Submit a request for the leave in writing to the Executive Director or their designee as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

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

K. Domestic Violence Leave and Accommodation Policy

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

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

Leave is generally unpaid, but the employee may use any accrued vacation, sick leave or similar paid time off while on this type of leave.

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

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

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

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

L. Military Leave

Employees who serve in the military and take military leave should contact Executive Director or their designee for information about their rights before and after such leave. Employees are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Chapter 4: Compensation

The Executive Director shall be responsible for maintenance and administration of the established Compensation Plan, for recommending to the Board of Directors any adjustments or amendments made to or regarding such plan, and for establishing the Salary Review Date to apply to all employees. The Compensation Plan shall establish a salary range for each class, which includes a minimum and maximum pay rate and such intermediate pay rates as are necessary and equitable. Flat pay rates may be used instead of salary ranges where appropriate.

A. Cost of Living Increases

Each year the Executive Director shall review the Compensation Plan and the Fringe Benefit Programs offered to employees. The Executive Director shall prepare a recommended Compensation Plan and Fringe Benefit Package (Package) for Board of Directors approval as part of the annual budget process.

B. Partial Month Pay - Exempt Employees

In computing the salary amount for exempt COG employees working less than a full month, the amount shall be prorated to the full-time rate on the basis of actual workdays. Paid time off shall be considered as workdays.

C. Rates of Pay

Exempt employees are paid a rate of pay within an established salary range for their job classification while non-exempt employees are paid a wage rate. Both salary and wage ranges are established and adjusted from time to time within the MWVCOG pay plan.

Each employee shall be paid a rate of pay within the salary or wage range for the class in which they are employed. Rates of pay are those contained in the range for the class or can be between the steps of the salary range. The rate of pay for employees shall not be below the first step of the salary range for the class in which they are employed, except on reclassification of the position to a lower range, or demotion, when the wage could be frozen. The normal rate of pay shall be the monthly rate. Hourly rates of pay may be used for those classes or positions that are non-exempt and where conditions of employment warrant. Hourly rates shall be based on the established monthly salary.

D. Entrance Salary

Normally an employee will be appointed at the entrance rate (first step) for the class they are assigned. If the Executive Director believes it is necessary and appropriate to make an appointment above the entrance rate, he or she may do so after giving consideration to the

qualifications of the candidate, availability of applicants and the resulting salary relationships with other similar positions.

E. Salary and Wage Increases

Eligibility for salary or wage increase occurs when one of the following takes place:

1. upon satisfactory completion of the initial six (6) month probation period, a new employee shall receive a salary increase equal to employee's required contribution to the retirement program on the first of the month following satisfactory completion of the probation period. If the probation period is extended by the supervisor and then successfully completed, the salary increase will be received the first day of the next month.
2. following a promotion, and successful performance of tasks to retain the position as determined by their supervisor, an employee is eligible for a salary increase on the first of the month following satisfactory completion of their probation period as established by their supervisor.
3. on July 1 of each year, an employee who has been employed by the MWVCOG for the entire previous twelve months shall be eligible for additional salary increases, based upon length of service, when there is room within the salary range for a full or partial step increase.

F. Compensation Adjustments Due to Classification Changes

Promotion or Reclassification to a Higher Classification

When an employee is promoted or reclassified to a higher classification they will receive a pay increase to the next step, unless such increase is not sufficient to place the salary within the new salary range, in which case the salary will be advanced to the first step of the new range. The employee may be placed on Probation in the Position. Upon satisfactory completion of the six-month probationary period the employee is eligible to proceed to the next step of the salary range.

Reclassification to Lower Classification

When an employee is in a position reclassified to a lower classification, their salary may be frozen until the new range reaches the employee's salary level. Once the new range reaches the employee's salary level, the employee will be paid at the top step of that range.

Reclassification to Same Salary Level

When an employee's position has been reclassified to a classification at the same salary range as the employee's assigned position, the employee's salary and eligibility for salary increases will remain unchanged.

Transfer

When an employee is transferred from one classification to another classification having the same salary range, the employee's salary and eligibility for salary increases will remain the same.

Demotion

If an employee is demoted to a classification having a lower salary range, for reasons which do not reflect discredit on their employment record, the salary rate shall remain the same as long as the rate is within the salary range of the lower classification. If the employee's salary rate is not within the lower salary range, the employee's salary shall be frozen until the new range reaches their pay level.

Demotion for Cause

Demotion for Cause will result in a reduction in salary, as determined by the Executive Director.

Working Out of Classification (Acting in Capacity)

In cases where an employee is temporarily reassigned to a position in a higher classification for periods in excess of forty (40) work hours, such employee shall receive compensation at one step above their existing salary rate for the duration of the assignment. If such employee's existing salary rate is the maximum step of the assigned salary range, such employee shall receive a pay adjustment to the step in the higher classification, which is nearest to, but exceeds their existing salary.

Chapter 5: Employee Benefits

A. Healthcare Benefits

Employees who meet the definition of “benefit eligible” under both MWVCOG policy and that of its health insurance provider are entitled to the benefit options offered by MWVCOG. Generally speaking, that means MWVCOG offers medical insurance for all of its regular, continuing employees. MWVCOG pays the cost of individual coverage for its regular, full-time employees (employees working 32 hours per week or more). Part-time employees who work at least 20 hours per week are eligible for health-insurance coverage but are required to pay a prorated amount of the employee coverage premium (based on a full-time equivalent to 32 hours per week). Those employees who wish to have their dependents included in the insurance plan are required to pay a portion of the monthly premium for that coverage on a payroll deduction basis. See the MWVCOG Finance Director or their designee for information regarding the percentage of dependent premiums paid by employees. Dependent coverage is prorated, in addition to the percentage covered by full-time employees.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by MWVCOG. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by MWVCOG, employees will be advised and provided with copies of relevant plan documents. Copies are available from the Finance Director.

B. Employee Assistance Program (EAP)

This free, confidential service is provided to all employees covered by our medical insurance benefits, and their covered dependents who may be experiencing life problems. Information regarding this service is posted on the Employee Bulletin Board and can be obtained by contacting the Executive Director or their designee.

C. Workers’ Compensation and Safety On the Job

Employees are protected by Workers' Compensation Insurance under Oregon law. This insurance covers employees in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment as outlined in the MWVCOG Safety Manual.

Steps an Employee Must Take if They Are Injured on the Job

If an employee is injured on the job, MWVCOG wants to know about it and expects to learn about it no later than 24 hours after an employee’s injury (report all work-related injuries to the supervisor).

If an employee seeks treatment for their work-related injury and wants to apply for workers' compensation benefits, they must do all of the following:

1. Immediately report any work-related injury to their supervisor. In all cases, injuries must be reported to the supervisor no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to the Executive Director or their designee.

Failure to timely follow these steps may negatively affect the employee's ability to receive benefits.

Return to Work

If an employee requires workers' compensation leave, the employee will – under most circumstances – be reinstated to the same position that the employee held at the time their leave began, or to an equivalent position, if available. However, the employee must first submit documentation from a health care provider who is familiar with the employee's condition certifying the employee's ability to return to work and perform the essential functions of their position.

When returning from a workers' compensation leave an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee would have been laid off had they not been on leave, or if their position is eliminated, and no equivalent or comparable positions are available, then the employee may not be entitled to reinstatement. These are only examples. MWVCOG does not discriminate against employees who suffer a workplace injury or illness.

Early Return-to-Work Program

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

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

If an employee's doctor determines that they are able to perform modified work, MWVCOG will attempt to provide the employee with a temporary job assignment for a reasonable period of time until the employee can resume their regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, an employee is offered a

modified position that has been medically approved, failure to phone in or report at the designated time and place may affect the employee's compensation and employment with MWVCOG. While an employee is on modified or transitional work, they are still subject to all other MWVCOG rules and procedures.

Overlap with Other Laws

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

D. ICMA Retirement Benefits

MWVCOG participates in a retirement plan through ICMA-RC. The retirement plan is based on a contractual arrangement between MWVCOG and ICMA-RC.

Eligibility

An employee who has successfully completed six months of employment in a regular (not temporary) position is eligible to participate in the Retirement Plan.

Enrollment

The enrollment periods when employees may join the Retirement Plan shall be stipulated in the contract with the Retirement Plan Provider. Normally, eligibility shall be upon successful completion of the Probationary Period or during the Open Enrollment Period established by the Retirement Plan Provider.

Contributions

Until July 1, 2020, Employees will contribute 6% of their salary toward the MWVCOG retirement plan. After July 1, 2020, the Employee contribution will be reduced to 5%. On the first day of the month following the successful completion of six (6) full months of employment, the employee's salary will be increased by the percentage needed to cover the employee's contribution. Employee contributions to the plan are vested immediately. MWVCOG will make additional contributions toward the Retirement Plan in an amount approved by the Board of Directors. MWVCOG contributions will vest in accordance with a vesting schedule approved by the Board of Directors.

Coverage During Leaves of Absence

Employees on Leaves of Absences with or on extended Military Leave (with or without pay) will have their retirement contributions continued. The Employee will continue to be responsible for the Employee portion of the monthly contribution.

Except for extended Military Leave without pay, employees on Leaves of Absence without pay will have their retirement contributions suspended while on leave. They may reinstate contributions upon return from leave.

E. Employee Parking and Bus Passes

Bus Passes

MWVCOG has made arrangements with Salem Area Transit District to purchase monthly bus passes for employees who wish to use them. MWVCOG encourages the utilization of mass transit and hopes this program will enhance the benefit to employees who choose to use Salem Transit busses to commute to work. Arrangements can be made for employees who wish to use bus passes/cards.

Van Pool or Other Commercial Modes of Transportation

MWVCOG will reimburse employee expenses for van pools or other commercial modes of transportation up to the cost of providing a parking space/permit at the Pringle Parkade Parking Structure. Employees must choose either the parking space or the reimbursement of commercial transportation expenses.

Parking Permits

MWVCOG will provide a parking permit for employees at a designated parking structure. This is available to employees working at the MWVCOG offices in downtown Salem, who use their personal vehicle to commute to work.

Bicycle Commuting Reimbursement Benefit

MWVCOG will pay an employee up to \$20 per month, not to exceed \$240 per year, on a reimbursement basis for expenses related to commuting by either non-motorized or electric powered bicycle. Employees are not permitted to receive both this and other car parking/transit benefits in the same month. To receive the reimbursement benefit, receipts must be turned in monthly.

F. Flexible Workplace and Telecommuting

MWVCOG supports a flexible workplace and telecommuting when operationally feasible and the work product and performance of the position are not negatively affected. Telecommuting is the use of technology to enable an employee to work at a location other than the usual work site. The goal of a flexible workplace is to enhance productivity, increase services to members, and accommodate employees' special needs. It is not a universal employee benefit, nor a condition of employment, but rather a voluntary arrangement between the employee and MWVCOG that may be discontinued by the employee, supervisor or the Executive Director at any time with or without reason. Telecommuting may be instituted on a part-time basis with the prior approval of the employee's supervisor and the Executive Director if, based on a full analysis of the employee's position, it is determined that the nature of the duties and the responsibilities of the position qualify for a flexible workplace, the cost to MWVCOG of any required supplies and equipment is justified.

A flexible workplace is not intended to cover temporary work from home due to special conditions such as providing dependent care, recovering from an illness, or caring for a family member. Those instances will be covered by a case-by-case basis and reviewed under applicable leave laws such as FMLA/OFLA/ADA.

Any employee who has successfully completed at least one year of employment with MWVCOG and has moved to regular status, who wishes to be considered for a flexible workplace, must discuss the request with their supervisor. The Executive Director will make the final decision about whether the employee's job is suitable or can be accommodated for telecommuting.

Authorization to telecommute will be based on the suitability of an employee's job duties, an evaluation of the employee's job performance history, and an evaluation of the supervisor's ability to manage employees telecommuting in the position.

If a flexible workplace arrangement is approved, the arrangement may include a combination of work from home and work in the office. The employees' supervisor and the Executive Director will work with the employee to create a schedule. The employee may not alter from the arranged schedule unless prior approval is given.

Flexible Workplace and Telecommuting Guidelines

1. All employees and their supervisors must comply with all MWVCOG policies and procedures including those listed here in MWVCOG's employee handbook.
2. Professionalism in terms of job responsibilities, work products, and customer or public contact will continue to follow the same high standards as are currently being met by MWVCOG employees at their onsite work location.
3. Use of a Flexible Workplace is entirely voluntary. A supervisor may not require an employee to telecommute.
4. No employee has the "right" to have a flexible workplace or telecommute. The employee, their supervisor, or the Executive Director may terminate a Flexible Workplace Agreement at any time without advanced notice.

5. The employee's compensation, benefits, workers' compensation, and other employer insurance coverage shall not change due to telecommuting. The amount of time that an employee is expected to work per day or work period will not change. An employee who is telecommuting is not entitled to reimbursement for travel mileage to regular work meetings at the MWVCOG offices. For other meetings, the lesser of mileage from the employee's home office, or mileage from the MWVCOG offices in Salem will be used for reimbursement.
6. The employee must obtain supervisory approval before taking leave in accordance with MWVCOG policy. Telecommuting is not a substitute for dependent care. Telecommuting employees are required to make arrangements for dependent care during the agreed upon work hours. The employee may be asked by their supervisor to provide information regarding dependent care arrangements.
7. The employee is required to attend meetings related to their job duties, all staff meetings, department meetings and other organizational meetings expected of the position. Travel expenses incurred by the employee for meetings held in Salem are the employee's responsibility.
8. Although the criteria for evaluation of the telecommuting employee's performance shall be the same as for on-site employees, the supervisor and the employee will formulate objectives, expected results, and evaluation procedures for work completed while the employee is telecommuting.
9. Telecommuting employees shall not perform personal business or activities during the agreed upon work hours.
10. While telecommuting, the employee must be reachable via telephone and e-mail during the agreed upon work hours. The employee and supervisor will agree on how to handle work-related telephone messages.
11. Telecommuting employees are advised to contact their insurance agent and tax consultant for information regarding homework sites and coverage of equipment that is damaged, destroyed or stolen.

Work Site

Any work site that is not MWVCOG's main office in Salem is considered an off-site work location. The employee shall maintain a designated off-site work location that is quiet, free of distractions, and kept in a clean, professional and safe condition, with adequate lighting and ventilation. Since the off-site work location is an extension of MWVCOG's workspace, MWVCOG's liability for job-related accidents will continue during the approved work schedule and in the off-site location. If an employee sustains injury while working off-site, then the employee shall immediately report the injury to their supervisor. To ensure the off-site location is maintained in a safe working condition, MWVCOG or an agent of MWVCOG, may make on-site inspections of the workspace, including the employee's home work site, at a time mutually agreed upon by the employee and their supervisor.

MWVCOG will not be responsible for operating costs, home maintenance, property or liability insurance, or other incidental expenses (utilities, cleaning services, etc.) associated with the use

of the employee's residence. A prerequisite to, and continuation of, telecommuting is completion of a Workspace Self-Certification Checklist filled out by the employee and then reviewed, discussed and signed by the employee and their supervisor. A copy of the completed and signed form will be kept in the employee's personnel file.

Telecommuting employees shall not hold business visits or meetings at home work sites. Meetings with other MWVCOG staff at home work sites must be approved in advance by the supervisor and the Executive Director. Teleconferences are acceptable methods for meetings.

Flexible Workplace Agreement

A Flexible Workplace Agreement must be signed by the employee and their supervisor. Signed Telecommuting Agreements will be kept in the employee's personnel file.

G. Employer Paid Life Insurance

MWVCOG provides basic life insurance for employees. For plan details about coverage, please check with the Finance Director.

Chapter 6: Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

Prohibited Conduct

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

1. Possession, sale and/or use of drugs on MWVCOG premises, while on MWVCOG travel, or while on MWVCOG business;
2. Failure to notify MWVCOG of an arrest or conviction under any criminal drug or alcohol statute within one working day of the arrest or conviction (upon release from custody, if applicable);
3. Possession and/or consumption of alcoholic beverages or being under the influence of alcohol during work hours, while on MWVCOG premises, while operating an MWVCOG vehicle (or while operating a personal vehicle in connection with the performance of MWVCOG business), or while performing job functions other than at the employee's home; or
4. Being under the influence of drugs while on duty, on MWVCOG premises, on MWVCOG work time, while on MWVCOG business, or while operating an MWVCOG vehicle (or while operating a personal vehicle in connection with the performance of MWVCOG business).

As used in this policy, "drug" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.

Prescription Medication and Medical Marijuana

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify the Executive Director or thier designee of such use immediately before starting or resuming work. MWVCOG may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide [Company] with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

This policy includes and applies to, without limitation, medical marijuana. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as MWVCOG will not agree to allow

an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

Testing

MWVCOG reserves the right to:

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

The phrase "reasonable suspicion" (or in any variation) used in this policy means a belief that can be articulated and is based on specific facts, and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances that can constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

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

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

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

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on MWVCOG property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, MWVCOG may search the employee's possessions located on MWVCOG property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to MWVCOG property, or in property, equipment or supplies provided by MWVCOG to employee.

Employee Refusal to Test/Search

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

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

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- any criminal arrest or conviction for drug- or alcohol-related activity within one (1) day of the arrest or conviction (or upon release from custody, if applicable);
- entry into a drug court or diversion program; or
- loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

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

Drug and Alcohol Treatment

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

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

MWVCOG will work with the employee to identify all benefits and benefit programs within its insurance coverage that may be available to help deal with the problem. Allocation of the cost of an employee's attendance at any rehabilitation or treatment program will be MWVCOG determined solely by the existing benefits package which may cover some or all of the program costs.

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

Confidentiality

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

B. Cellular Devices Policy

This policy applies to employee use of cell phones, smart phones (including iPhones, Androids, and similar devices), tablets and similar devices, all of which are referred to as "Cellular Devices" in the Cellular Devices Policy.

Cell Phones and Cellular Devices in General (both MWVCOG-provided and personal cell phones/cellular devices)

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

Employees who use personal cell phones/Cellular Devices may not violate MWVCOG's policies against harassment and discrimination. Thus, employees who use a personal or MWVCOG - subsidized cell phone/Cellular Device to send a text or instant message to another employee (or to a citizen or someone not employed by the MWVCOG) that is harassing or otherwise in violation of MWVCOG's no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal cell phone/Cellular Device for work purposes outside of their normal work schedule without written authorization in advance from Executive Director or their designee. This includes, but is not limited to, reviewing, sending and

responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

Cell Phones/Cellular Devices and Public Records

MWVCOG-related business conducted on personal cell phones/Cellular Devices, may be subject to disclosure under Oregon's Public Records laws or in connection with litigation filed against MWVCOG.

Cell Phone/Cellular Device Use While Driving

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

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

C. Use of MWVCOG Email and Electronic Equipment, Facilities and Services

MWVCOG uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, e-mail, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging) the Internet and any new technologies used in the future. This policy governs the use of such MWVCOG property.

Ownership

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

Use of MWVCOG Information Technologies

All of MWVCOG's electronic equipment, facilities and services are provided and intended for MWVCOG business purposes and not for personal matters, communications or entertainment. However, since MWVCOG provides internet access free to any visitor to its office, employees are entitled to share in the access during their personal time as long as they do not engage in the activities prohibited below. Access to the Internet, web sites and other electronic services paid for by MWVCOG is intended to be used primarily for MWVCOG business.

It is the MWVCOG's policy that wherever possible, personal use of its internet should be conducted using a personal device. However, limited personal use of its technology is permitted if:

1. It is not prohibited by law or MWVCOG's specific rules;
2. It is incidental, occasional and of short duration;
3. It is done on the employee's personal time (personal time means during breaks, lunch and/or before and after work as defined by the MWVCOG's rules);
4. It does not interfere with any of the employee's job activities, including activities which might pose a conflict of interest or give the appearance of impropriety with an individual's employment with MWVCOG;
5. It does not result in an expense to the MWVCOG;
6. it does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations;
7. It does not violate any "prohibited uses" sections in this handbook;
8. It does not disrupt the MWVCOG's ability through its contractor to provide information technology services to MWVCOG users;
9. It meets all requirements of this rule. An employee's personal use of MWVCOG information technologies can be denied by their supervisor due to operational or other concerns.

While limited use of MWVCOG's internet and devices is allowed under the policy above, employees may not use the MWVCOG -provided Internet, or MWVCOG electronic equipment, facilities and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate MWVCOG's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or company protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the rights to privacy of protected healthcare information or other MWVCOG -specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video or audio for personal use. This includes, without limitation, YouTube videos, movies and TV shows, streamed radio or audio files. Engage in any activity which could lead to personal financial gain including, but not limited to selling or shopping on web sites such as eBay, participating in online auctions, or day trading.

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

Inspection and Monitoring

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

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

Personal Hardware and Software

Employees may not install personal hardware or software on MWVCOG's computer systems

without approval from the Executive Director or their designee. All software installed on MWVCOG's computer systems must be licensed. Copying or transferring of MWVCOG -owned software may be done only with the written authorization of the Executive Director or their designee.

Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by MWVCOG management. No employee can examine, change or use another person's files, output or username unless they have explicit authorization from the Executive Director or their designee to do so.

Security

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

Inappropriate Web Sites

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

D. Social Media

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

Ultimately, all employees are solely responsible for what they post online. Before creating online content, an employee should consider some of the risks and rewards that are involved. An employee should keep in mind that any conduct that adversely affects personal job performance, the performance of co-workers, or otherwise adversely affects the citizens, members or people who work on behalf of MWVCOG or MWVCOG's legitimate business interests may result in disciplinary action up to and including termination.

Prohibited Postings

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

Employees may not create a link from their personal blog, website or another social networking site to an MWVCOG -owned or -maintained website without identifying themselves as an MWVCOG employee.

Employees must express only their personal opinions. An employee must never represent themselves as a spokesperson for MWVCOG. If MWVCOG is a subject of the content an employee is creating, they must be clear and open about the fact that they are an MWVCOG employee, and make it clear that their views do not represent those of MWVCOG or its employees or elected officials.

Encouraged Conduct

Employees must always be fair and courteous to co-workers, members, the citizens we serve, MWVCOG's employees and elected officials, and suppliers or other third parties who do business with MWVCOG. Employees must also, keep in mind that they are more likely to resolve work-related complaints by speaking directly with co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if an employee decides to

post complaints or criticism, they must avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, MWVCOG employees or elected officials, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or MWVCOG policy.

Employees must maintain the confidentiality of MWVCOG's confidential information. Employees may not post internal reports, policies, procedures or other internal, MWVCOG -related confidential communications or information. (See "Confidential MWVCOG Information" policy, below.)

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

Request for Employee Social Media Passwords

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

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

E. Confidential MWVCOG Information

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with MWVCOG policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

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

F. Ethics

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

We at the MWVCOG are public employees, and as such, are also subject to the State of Oregon's ethics laws including those laws governing conflict of interest, prohibitions on gifts and public purchasing. If an employee is coming to the MWVCOG from work in the private sector, he or she may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If an employee has questions about whether an activity meets the MWVCOG's or Oregon's ethical standards, they are encouraged to talk with their manager. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

G. Open-Door Policy

MWVCOG's Open-Door Policy is based on our belief that employee suggestions for improving MWVCOG are welcome at any time. Under the policy, every manager's door is open to every employee. The purpose of the policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. Employees are requested to first attempt to resolve any issue with their immediate supervisor before raising it to the Executive Director level or with another manager. If an employee has a complaint, suggestion, or question about their job, working conditions, or the treatment they are receiving from anyone in MWVCOG, they are encouraged to raise them first with their immediate supervisor. In fact, under the policy, they have the responsibility to raise the matter. Management wants to hear of any problem, complaint, suggestion or observation so it may take concerns seriously, set clear expectations, and provide clear explanations for management decisions. If an employee is not satisfied with the response from their immediate supervisor, or if the issue involves their immediate supervisor, the employee should request to have the facts/situation reviewed by the Executive Director or their designee. The only exception is that this open-door policy does

not apply to disciplinary matters for which there is an established process. (See Chapter 7 of this Handbook for Employee Conduct and Performance Management.)

H. Outside Employment

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

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

Employees may not accept outside employment that involves:

- The use of MWVCOG time (including the employee's work time), facilities, equipment and supplies, or the prestige or influence of the employee's position with MWVCOG. In other words, the employee may not engage in private business interests or other employment activities on the MWVCOG's time or using the MWVCOG's property;
- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works;
- Receipt of money or other consideration for performance of duties that the employee is required to perform for the MWVCOG; or
- Employment that is in direct competition with MWVCOG services and activities within the MWVCOG Region.

The MWVCOG requires employees to report outside employment to their Executive Director or their designee upon the offer of employment and before the outside employment begins. Thereafter, an employee must provide an update to the Executive Director on an annual basis on July 1, or sooner if any changes in outside employment occur including when an employee discontinues an outside employment arrangement. Employees who accept outside employment in violation of this policy may be subject to discipline up to and including termination.

I. Criminal Arrests and Convictions

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

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct that occurred while on duty, on MWVCOG property, or in an MWVCOG vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or

3. If an employee is arrested, cited or convicted of a violation of any law that will prevent him or her from performing the essential functions of their position.

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

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

J. Political Activity

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

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

K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the MWVCOG (see "Holidays" section, above), MWVCOG is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make our office location inaccessible for all or part of a regularly scheduled workday, the Executive Director or their designee (or their designee) will decide whether, and to what extent the MWVCOG will close. In the event of a closure, employees will be notified by their supervisor in the manner agreed to between the employee and the manager. A decision on opening and maintaining office hours or closure will be made as soon as practicable given the circumstances of the event.

In the event of extreme bad weather, MWVCOG recognizes that each employee's ability to safely reach work may be different. If an employee cannot safely report to work in such circumstances, they should contact their supervisor or the Executive Director. If staff cannot reach a supervisor and are able to serve MWVCOG from home, they should do so subject to approval by their manager or supervisor. Safety and a trustworthy approach are the best guides.

Non-exempt employees who report to work during adverse weather conditions within one hour of their usual starting time will be compensated as if they arrived on time. Non-exempt employees who report more than one hour late will be paid for the actual hours worked.

Available annual and holiday leave balances may be used to cover hours when the employee was not able to report to work.

If the MWVCOG offices are closed due to bad weather or emergency, non-exempt employees may take leave charged to "catastrophic leave." If the MWVCOG offices are closed due to bad weather or emergency, and an exempt employee is not able to perform work, they may use their leave as necessary to ensure at least 40 hours of time is recorded within the work week.

L. Driving While on Business

Employees using a private vehicle to conduct MWVCOG's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized MWVCOG business use should make any necessary arrangements with their insurance carriers.

The MWVCOG may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with MWVCOG, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify MWVCOG when there are transactions on your driving record such as speeding tickets and citations.

While on MWVCOG business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Cell Phone Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a MWVCOG owned vehicle or while on MWVCOG business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.

M. Workplace Violence

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

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with MWVCOG, or that threaten the safety, security or

financial interests of MWVCOG. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer, member, or elected official. Employees should make such reports directly to the Executive Director or their designee.

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

N. Workplace Inspections – No Right to Privacy or Confidentiality

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

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

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

O. Smoke-Free Workplace

MWVCOG provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to MWVCOG property, vehicles or facilities/buildings.

MWVCOG buildings and vehicles are tobacco-free areas. Tobacco use is not permitted on MWVCOG premises or the premises of any member during working hours. Further, MWVCOG prohibits tobacco use in or around MWVCOG vehicles and equipment or machinery.

If you wish to smoke, you must do so outside of MWVCOG's facilities/buildings and out of visitor view. Smoking is not allowed near building entrances, in compliance with Oregon law which prohibits smoking within ten (10) feet of building entrances and other openings, including second-story windows. MWVCOG has established employee smoking areas that a supervisor can point out to an employee.

Chapter 7: Employee Conduct and Performance Management

A. Standard of Conduct

All employees are required to conduct themselves, while representing MWVCOG, in a manner that is in the members' and the public's interest, as opposed to the individual's interest. To render the best possible service to MWVCOG members, the public and to reflect credit on MWVCOG, high standards of conduct are essential. The continued employment of every employee shall be conditioned on acceptable behavior and satisfactory performance of their duties.

Prohibited Conduct

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

- Falsification of employment or other MWVCOG records.
- Recording of work time of another employee or allowing any other employee to record another employee's work time or allowing falsification of any time sheets (an employee's own or another employee's).
- Theft or the deliberate or careless damage or destruction of any MWVCOG property, or the property of any member, other employee, citizen, vendor or third party.
- Unauthorized use of MWVCOG or member equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on MWVCOG or member's property.
- Carrying firearms or any other dangerous weapon on MWVCOG or member's premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on MWVCOG property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another MWVCOG employee, member, customer or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. All employees are expected to be at work on time, remain until their workday ends, and perform the work assigned to or requested of them.

- Sleeping or malingering on the job.
- Excessive personal telephone calls, personal email, text, social media and other forms of personal communication during working hours.
- Unprofessional appearance during normal business hours. For example, sweats and other athletic clothing are not appropriate business attire. (Clean, non-ripped jeans may be worn on Fridays or when the employee is performing field work outside.)
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the MWVCOG.
- Misrepresentation of MWVCOG policies, practices, procedures, or the individual's status or authority to enter into agreements on behalf of the MWVCOG. Employees may not use the MWVCOG's or member's name, logo, likeness, facilities, assets or other resources of the MWVCOG for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or MWVCOG policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by MWVCOG or outside regulatory or legislative bodies.
- Harassment or discrimination that violates MWVCOG policy.

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

B. Performance Appraisal

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

MWVCOG's goal is to provide an employee with their first formal performance evaluation within six months after hire or promotion. Upon completion of the probationary period, the MWVCOG will strive to provide a formal performance review on an annual basis, beginning on the employees one-year anniversary date.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year

Employees who wish to do so may submit a written response to their performance evaluation. The employee's response shall be filed with the performance evaluation in the employee's personnel file. Such response must be filed not later than ten (10) workdays following the date the performance evaluation was received. The Performance Evaluation is not subject to appeal or grievance.

Supervisors and managers are encouraged to provide employees with informal evaluations throughout the year.

C. Corrective Action

Employees are expected to perform to the best of their abilities at all times. To assist employees, Managers are responsible to ensure a positive work environment and to provide mentoring, coaching and training. There may be occasions, however, where employees perform at an unsatisfactory level, violate policy or law, or commit an act that is inappropriate. When performance or conduct does not meet MWVCOG standards, MWVCOG will endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. The principal objective of disciplinary action shall be to address the misconduct and improve the employee's performance and efficiency. MWVCOG will utilize progressive discipline when appropriate.

Progressive discipline does not preclude MWVCOG from eliminating or foregoing steps when appropriate, due to the nature, severity or accumulation of misconduct. The specific disciplinary actions taken and the order in which disciplinary actions are taken will depend on the nature and severity of the performance deficiency or behavior, the employee's work history, the position held, and prior disciplinary actions.

Violations of different rules may be considered the same as repeat violations of the same rule for purposes of progressive discipline. Serious violations, as determined by MWVCOG, may be dealt with by any of the following measures on the first offense or subsequent offenses.

Forms of discipline, short of termination, include verbal warnings, written warnings, performance improvement plans, suspensions without pay and demotions. The corrective action process will not always commence with a verbal warning or include sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offenses.

In lieu of terminating employment of an employee for serious violations of MWVCOG policies, procedures and rules, and for other inappropriate behavior or conduct, MWVCOG may choose to provide the employee a final opportunity to continue employment in the form of a "Last Chance Agreement." The employee may receive discipline in connection with a Last Chance Agreement. MWVCOG will determine the nature and extent of any discipline based upon the circumstances of each individual case.

In all cases, MWVCOG will determine the nature and extent of any discipline based upon the circumstances of each individual case. MWVCOG may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency,

without any prior disciplinary steps, when MWVCOG deems such action appropriate. MWVCOG retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action.

D. Appeals of Disciplinary Action and Dispute Resolution

MWVCOG strives to create and sustain an environment where employees feel respected and safe from reprisal bringing forth issues relating to their employment. To that end, MWVCOG will endeavor to resolve employee concerns informally, at the lowest possible level, and in a manner that is fair and considerate of all those involved. When issues covered by this policy cannot be resolved informally through discussions with the employee's supervisor, a regular status employee may initiate an appeal. Retaliation towards an employee for initiating an appeal is expressly prohibited and may be grounds for termination.

The following types of appeals are covered under this policy:

- Corrective/Disciplinary Action (excluding oral and written reprimands)
- A perceived violation of MWVCOG policy
- A perceived improper administration of MWVCOG policy
- Other work-related disagreements (excluding performance evaluations)

The deadline for initiating an appeal for any of the issues listed above will be seven (7) calendar days from the date the employee first had knowledge of the issue, or when the employee was first informed of the intended corrective action. In cases of intended termination, the deadline for initiating an appeal is seven (7) calendar days from the date of the written notice of intended termination. Only regular status employees may file an appeal.

Appeals that cannot be resolved through discussions with the Department Director must be submitted, in writing, to the Executive Director within seven (7) calendar days of the action.

The written appeal must contain the following:

- A complete description of the employee's concern;
- The nature and extent of the injury or loss the employee feels they have suffered;
- The results of previous discussions of the concern with the Department Director;
- The nature of the employee's dissatisfaction with any decision rendered; and
- The remedy sought.

The Executive Director or their designee will schedule and conduct a hearing within fourteen (14) calendar days of the receipt of the appeal to afford the employee an opportunity to address the issues raised in the appeal and the intended corrective action or termination. The Executive Director or their designee will respond to the employee in writing within seven (7) calendar days of the hearing. The Executive Director or their designee may support the

decision of the Department Director, reverse the decision or modify the decision. The Executive Director's or thier designee's decision is final and binding.

For employees reporting directly to the Executive Director, the above process will be followed, except the appeal will be filed with the Executive Committee of the MWVCOG Board.

Chapter 8: Resignations, Layoffs and Retirement

A. Resignations and Retirements

If an employee chooses to resign or retire, it is anticipated that he or she will give MWVCOG as much notice as possible – preferably a minimum of two weeks. When giving two-weeks' notice, vacation, personal, or sick days should not be used in lieu of work during the notice period. Unless the Executive Director agrees to permit a shorter period of notice due to extenuating circumstances, if an employee does not give at least two-weeks' notice of their intent to leave MWVCOG, they will not be eligible for re-employment at a later date.

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

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

Return of MWVCOG Property and Issuance of Check

Employees must return all MWVCOG property, including phones, computers, identification cards, credit cards, keys, parking or bus pass, and manuals, to their supervisor on or before their last day of work.

Requirements for Issuing the Final Paycheck place responsibility on both the employee and employer in order that a smooth transition will take place. The requirements include, but are not limited to:

Employee requirements

- Submit a final timesheet to the supervisor for approval and payment.
- Complete and submit a Termination Release Form to the supervisor.
- Return all building keys and MWVCOG property to the supervisor.

Supervisor Requirements

- Submit a completed Personnel Action to terminate the employee from the MWVCOG payroll.
- Provide the employee with a final Timesheet.
- Provide the employee with the Termination Release Form.
- Request the employee's final paycheck to be ready by 4:00 p.m. on the employee's date of separation.

References

All requests for references or recommendations must be directed to the Executive Director. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn

“recommendations” or using a website on the internet to discuss a current or former employee’s performance or termination of employment.

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

B. Layoffs

The Executive Director may separate an employee without prejudice due to shortage of funds, curtailment of work, abolition of position or program, or a material change in duties. The conditions of a reduction in force (layoff) shall be as follows:

Notification of Layoff or Pending Layoff

The Executive Director shall notify an employee of a pending layoff in writing as soon as possible but not less than ten (10) working days prior to the effective date of the layoff, or if notice cannot be given to such employee, then ten (10) days’ pay shall be given.

Order of Separation

Each layoff situation shall be considered an independent action. When identifying the individual employees subject to layoff, the classification affected within the organizational section in which layoff is to occur will first be determined prior to identification of impacted employees. Criteria for one layoff may not be the same used for another layoff. The Executive Director, prior to identification of impacted employees, shall review criteria for lay off. Criteria may include, but not be limited to:

- Current and prior performance evaluations.
- Employment status (probationary, temporary, continuing, etc.)
- Length of service
- Program elimination
- Transferable knowledge, skills and abilities

Offer of Reassignment

An impacted regular status employee shall be offered reassignment or transfer to any vacant and available full or part-time position within the organization available prior to termination as a result of reduction in force (layoff), provided the employee is qualified for the position. Such offers of reassignment shall be in writing and shall be signed by the Executive Director. Any employee impacted by a layoff shall be considered for re-employment or reinstatement in the classification in which the layoff took place, within the section from which separation is made, for a period of twelve (12) months.

- Should an impacted regular status employee reject a written offer of reassignment or transfer to another position in the same classification or a classification of the same

salary level, such employee shall be considered to have voluntarily terminated their employment as of the effective date of the original layoff notice.

- If an employee accepts a written offer of reassignment or re-employment, such employee shall be non-competitively reinstated to their former classification with all previous benefits restored.
- Failure of an employee to respond to a written offer of reinstatement to MWVCOG service within ten (10) days of the mailing date of such offer shall be deemed a rejection of the offer.
- All written correspondence shall be sent by certified mail to the last known address of the employee. Mail returned as undeliverable or addressee unknown, etc., shall be considered a failure to respond.
- Any employee serving a Probationary Period with MWVCOG who voluntarily accepts reassignment to any other available position in lieu of layoff shall retain Original Service, which shall count toward completion of the Probationary Period for MWVCOG.

Reduction in Hours

Due to funding fluctuations, it may not be possible to continue to fund an existing position at current levels. In order to avoid layoff, an employee may be offered reduced hours or part-time work in the same position. This may be accomplished by completing a Personnel Action Worksheet or similar form developed by the Executive Director.

Return of MWVCOG Property and Issuance of Check at Time of Layoff

Employees must return all MWVCOG property, including phones, computers, identification cards, credit cards, keys, parking or bus pass, and manuals, to their supervisor on or before their last day of work.

Requirements for Issuing the Final Paycheck place responsibility on both the employee and employer in order that a smooth transition will take place. The requirements include, but are not limited to:

Employee requirements

- Submit a final timesheet to the supervisor for approval and payment.
- Complete and submit a Termination Release Form to the supervisor.
- Return all building keys and MWVCOG property to the supervisor.

Supervisor Requirements

- Submit a completed Personnel Action to terminate the employee from the MWVCOG payroll.
- Provide the employee with a final Timesheet.
- Provide the employee with the Termination Release Form.

- Request the employee's final paycheck to be ready by 4:00 p.m. on the employee's date of separation.

Employee Acknowledgement

Acknowledgment of Receipt of MWVCOG Employee Handbook

I acknowledge that I have received and will read a copy of MWVCOG's September 2021 Employee Handbook. I also understand that a copy of the Handbook is available to me at any time to review on the MWVCOG shared network drive.

I understand that MWVCOG has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in MWVCOG's sole discretion. I acknowledge that the Employee Handbook Policies are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either MWVCOG or I may terminate my employment relationship at any time, for any lawful or no reason, with or without cause, and with or without advance notice. I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review MWVCOG's policies regarding equal employment opportunity and provides a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to my supervisor, the Executive Director or their designee, or any trusted manager or supervisor.

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

I have read this acknowledgement carefully before signing.

Employee Signature

Date

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