



# Port of Toledo Employee Handbook

September 21, 2021

## *Locations*

Port Office

496 NE Hwy 20, Unit 1, Toledo, OR 97391/ Phone: 541-336-5207

Shipyard

1000 Altree Lane, Toledo, OR 97391/ Phone: 541-336-0333

Shop

625 NW Bay Road, Toledo, OR 97391/Phone: 541-336-0222

[www.portoftoledo.org](http://www.portoftoledo.org)

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# **INTRODUCTION**

# WELCOME TO PORT OF TOLEDO

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

This Handbook has been prepared as a guide to give you a better understanding of the organization's policies, procedures, and practices. Please familiarize yourself with its contents and keep it handy for reference.

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

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

**Port of Toledo Management Team**

## **OUR HISTORY**

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The Port of Toledo, Oregon, was incorporated as a Special District of the State of Oregon in 1910. Special districts are a form of local government created by a local community to meet a specific need. The Port of Toledo, originally formed to promote dredging of the Yaquina River for barging of wood products and currently offers a wide variety of services to develop, promote, and sustain the economic base of the area, including the Port of Toledo Shipyard, industrial leases, as well as recreational facilities. The port encompasses 443 square miles, including the cities of Toledo and Siletz, as well as a large area of unincorporated Lincoln County with facilities located along the Yaquina River.

As an independent special district, the Port of Toledo has a board, elected directly by the residents and landowners in the district, making it accountable to the people it serves. The Port of Toledo has a five-member Commission as its the governing body. They set policies that are carried out by the district's employees. The Port of Toledo's Port Manager is charged with overseeing the day-to-day operations of the district and reports directly to the board of directors.

## **OUR MISSION STATEMENT**

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As a steward of the public trust the Port of Toledo:

- Creates economic development and quality jobs by retaining and growing businesses.
- Maintains and adds waterborne and land transportation infrastructure that attracts new businesses.
- Builds our Port's financial strength, increasing and diversifying operating revenue sources.
- Protects and enhances the special quality of place and the quality of life for our port district's citizens,
- Makes the highest and best use of our financial tools, people, and property assets.

## **ABOUT THIS HANDBOOK**

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

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

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

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

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

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

You are encouraged to offer suggestions for improvement to these policies, employment practices, or working conditions. Please read through the Handbook carefully. If you have additional questions or need further details, please talk with your supervisor, who can advise you or refer you to the appropriate resource.



# **EMPLOYMENT POLICIES**

## **EMPLOYMENT RELATIONSHIP**

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

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

# **EQUAL EMPLOYMENT OPPORTUNITY**

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

Our organization recognizes same-gender domestic partners, consistent with the law. If you have any questions regarding this matter, please direct them to the Human Resources Specialist.

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

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

All employees in the organization are responsible for following and carrying out this policy according to the spirit and intent of our equal employment commitment. Management provides and supports a dispute resolution procedure for complaints alleging discrimination. Employees are expected to bring any questions, issues, or complaints to Management’s attention. If you believe you have been harassed (see page 9-10) or if you witness or suspect any violation of this policy, you should report the matter immediately to the Human Resources Specialist. We also encourage that you document your concerns. We will not retaliate against you for filing a complaint or cooperating in an investigation and we will not tolerate or permit retaliation by Management or co-workers.

# AMERICANS WITH DISABILITIES ACT

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

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

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

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

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

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

# HARASSMENT

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The Port of Toledo will not tolerate conduct by any employee that harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile work environment. All forms of harassment are prohibited. We want to maintain a working environment free from all forms of harassment, whether based upon race, age, religion, color, sex, national origin, physical or mental disability, marital or veteran status, sexual orientation, gender identity, on-the-job injury, genetic information, or any other legally protected characteristic or status. Retaliation associated with a complaint of harassment is also prohibited.

Behavior such as telling ethnic jokes; making religious slurs; using offensive slang or other derogatory terms regarding a person's race, sexual orientation, age, sex, national origin, or disability; or mimicking one's speech, accent, or disability are examples of prohibited conduct and will not be tolerated. Harassing individuals by making derogatory comments regarding protected status or characteristics is strictly prohibited, as well as using any other words or conduct that might create a hostile or offensive work environment.

Sexual harassment is a form of harassment we have chosen to address in additional detail. Conduct is considered to be sexual harassment if:

- Submission to the conduct is in any way deemed to be a term or condition of employment.
- Submission to or rejection of the conduct is used as a basis for employment-related decisions; or,
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Conduct such as sexual or sexist language, jokes, or innuendoes; nude, profane, or obscene cartoons, drawings, or photographs; whistling; staring; and inappropriate touching are not tolerated at the Port of Toledo. Cell phone use, including text messages and other similar electronic communications, can also be considered harassing behavior. Sexual Assault is defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled using physical force, manipulation, threat, or intimidation.

Each manager/supervisor has a responsibility to maintain a workplace free of any form of sexual harassment. No manager/supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, The Port of Toledo assigned duties, shifts, or any other condition of employment or career development. Sexual harassment in the workplace, whether by managers/supervisors, non-managerial employees, or outside individuals (vendors, customers, etc.) is prohibited.

This policy explicitly applies to conduct in the workplace, at social functions sponsored by the organization (holiday dinners, picnics, sporting events, etc.), and at business functions (conventions, trade shows, etc.). This policy applies to any conduct, however, as described above, which impacts the organization or work environment, regardless of where it occurs.

Management provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations. As an employee of the Port of Toledo, you have the responsibility to immediately report any actions or words from a

supervisor, co-worker, vendor, or other individual, which you find to be harassing. The organization will not retaliate against you for filing a complaint or cooperating in an investigation and will not tolerate or permit retaliation by management, co-workers, or non-employees such as clients, vendors, or contractors.

### ***Reporting Incidents of Harassment***

If you believe that you have been harassed, have witnessed harassment, or suspect any violation of our harassment policy, you must immediately report the matter to the Human Resources Specialist, your manager, or any other management representative with whom you feel comfortable speaking. The Human Resource Specialist is responsible for ensuring that all complaints are promptly and thoroughly investigated without prejudice or retaliation. The investigation will be conducted promptly, but no specific timeframe can be guaranteed because each situation is likely to be different, and individuals may have varying schedules. Every effort will be made to complete the investigation within two weeks. In all cases, you will be notified of the outcome of the investigation. We will also check in with you quarterly following receipt of the information to ensure the matter has been resolved and continues to meet the organizations standards. (See the section in this Handbook on Dispute Resolution for information on the appeal process).

All complaints of harassment will be investigated promptly and impartially. Discretion will be used during the investigation in order to maintain as much confidentiality as possible while effectively completing the investigation. If you are not satisfied with the handling of a complaint or the action taken by management, you should bring the complaint to the next higher level of authority. In all cases, you will generally be advised of the outcome.

Any employee or manager who is found, after appropriate investigation, to have engaged in harassment or to have retaliated against an individual for reporting harassment will be subject to appropriate corrective action, depending on the circumstances, up to and including termination.

### ***External Complaint Procedure***

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

- Oregon Bureau of Labor and Industries at the following web address:  
[https://www.oregon.gov/boli/CRD/Pages/C\\_Crcompl.aspx](https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx)
- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275.

### ***Employment Agreements***

No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits. An employee may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

### ***Additional Employee Support Services***

- Legal services- Oregon State Bar  
<https://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html>
- Counseling and Support Services (a benefit provided by Special Districts Insurance Services PH: 800-433-2320 WEB: [www.cascadecenters.com](http://www.cascadecenters.com) EMAIL: [info@cascadecenters.com](mailto:info@cascadecenters.com))

# WORKPLACE PROFESSIONALISM

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While harassment due to a person's protected class is prohibited, so too is unprofessionalism, such as incivility, due to personality clashes or issues. We want our focus to be on customer service, productivity, and the ability for each employee to flourish here. This makes it essential that our employees treat each other and those with whom we serve with courtesy, respect, and consideration. Further, we require that employees work cooperatively and constructively in resolving issues or problems on-the-job to foster satisfactory working relationships.

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

Where an allegation of unprofessionalism is made, consideration of the intention will be given. The purpose of this policy is to communicate to all employees, including supervisors, managers, and executives, that the Port of Toledo will not, in any instance, tolerate unprofessional behavior. Employees found to be in violation of this policy will be subject to corrective action, up to and including termination.

We will consider the following examples as unprofessional; however, this is not considered a comprehensive list. Any actions that create the same or similar result will also be considered.

Additional examples include:

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

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

# DISPUTE RESOLUTION

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

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

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

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

## ***Appeal Process***

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

If you feel a policy has been inappropriately applied, or you have been unfairly treated or unjustly disciplined by your manager/supervisor, you may present the matter to the Port Manager. The Port Manager will review the issue and make a decision. If you are not satisfied with this decision, you may present the matter to the Port Commission for review and settlement. The decision of the Port Commission will be final.

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



## **EMPLOYMENT**

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

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

Former employees and relatives of current employees will be considered for employment in the same manner as other applicants. We may refuse to place a spouse, domestic partner, or immediate family member under the direct supervision of a spouse, domestic partner, or family member, if such placement adversely affects supervision, safety, security, or morale.

If a job can't be filled from within its department, it will be posted for the entire organization. In order to be eligible to transfer to a different job, you must meet the minimum qualifications for the position.

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

# NEW EMPLOYEES, PROMOTIONS, AND TRANSFERS

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## *New Employee Orientation*

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

## *Introductory Period*

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

Your performance will be evaluated the end of your introductory period, and a decision about your employment status will be made. If you have successfully completed the introductory period, you will be moved to regular status. If your skills border on satisfactory, but fall a little short, the introductory period may be extended if there is reason to believe that your skills will improve within 30 days. This period may be extended only by approval of the **Port Manager**. The request for an extension won't be approved if it is submitted after the normal conclusion of your introductory period. If expectations are not met or if your skills are not satisfactory, it is unlikely that your employment will continue. Your supervisor may determine after 90 days that you have satisfied the introductory period and with Port Manager approval, you can be eligible to have the introductory period concluded at that time.

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

## *Promotions and Transfer Training Period*

If you are promoted or transferred to a new position, you must also complete an introductory period of **60** days to determine the suitability of the placement and your ability to satisfactorily perform the required work. If it is determined that the job change is not working during this period, you will be returned to your original job if a vacancy exists. Otherwise, you will be assigned to any other vacant job we deem suitable. If no such job is vacant, your employment may be terminated. If you are placed in a job other than your original job, the pay and benefits may be adjusted.

## *Re-employment*

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

obligated to rehire former employees. If an employee returns within 12 calendar months their previous Sick Leave balance and benefit accrual rate will be restored in full.

### ***Credit for Prior Seniority***

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

- Employees who were separated because of a reduction in workforce will receive credit for prior time worked for the purposes of benefit eligibility if they are re-employed within one (1) year after the separation date.
- Employees who voluntarily resigned from their employment with the Port of Toledo will receive credit for prior time worked for the purposes of benefit eligibility, subject to management approval, if re-employed within **six (6) months** after the resignation date. However, a new anniversary date will be established based on the date of rehire.
- All other rehires shall be considered new employees, except where the Employee Retirement Income Security Act may rule otherwise for pension purposes.

### ***Employment Classifications***

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

Introductory\*: Newly hired or promoted employees within the introductory period. New hires will accrue vacation and sick time. Sick time is available for immediate use, vacation time is available to use after introductory period is complete.

Regular Full-time: An employee who is regularly scheduled to work 40 hours or more per week. Classification normally is eligible for benefits. (For health insurance coverage, 40 hours per week is considered full-time.) Eligible to use accrued vacation time.

Regular Part-time: An employee who is regularly scheduled to work at least 20 but less than 40 hours per week. This classification is normally not eligible for health benefits but will receive vacation and sick time on a pro-rata basis.

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

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

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

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

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

# EMPLOYMENT RECORD KEEPING

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## *Access to Personnel Files*

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

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

## *Change in Personal Data*

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

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

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

# **EMPLOYMENT RELATIONS AND CONDUCT**

# ETHICS

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

## ***Conflict of Interest***

Employees may not solicit, obtain, accept, or retain any personal benefit from any supplier, vendor, customer/client, or any individual or organization doing or seeking business with the Port of Toledo. This means you may not maintain an outside business or financial interest or engage in any outside business or financial activity that conflicts with the interests of the organization or interferes with your ability to fully perform job responsibilities. For example, if job responsibilities include purchasing, or being in a position to influence purchasing, the individual responsible must have no proprietary or financial interest in any business that furnishes products, materials, or services to the organization or in any related transaction. An employee may not benefit directly or indirectly from a third party who furnishes products, materials, or services to the organization either.

## ***Misrepresentation***

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

## ***Gratuities/Gifts***

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

The following exceptions to this policy may be permitted, but you must have supervisor approval in advance:

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

## ***Outside Employment***

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

## ***Off-Duty Conduct***

Generally, we regard off-duty activities of employees to be their own personal matters. However, certain types of off-duty activities concern us because of the potentially negative impact on the

organization's reputation within the communities we serve. Therefore, employees who engage in or are associated with illegal or otherwise harmful conduct (*i.e.*, that which adversely affects the organization, its public image, or their own ability or credibility to carry out employment responsibilities) may be subject to corrective action, up to and including termination.

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### ***Public Officials***

A public official includes anyone serving the State of Oregon or any of its political subdivisions or any other public body in any of the listed capacities, including as an "agent." An "agent" means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances.

Upon employment with our organization, you became a Public Official.

### ***Gifts***

During a calendar year, a public official, a candidate or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest.

During a calendar year, a person who has a legislative or administrative interest may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

During a calendar year, a person who has a legislative or administrative interest may not offer to the candidate or a relative or member of the household of the candidate any gift or gifts with an aggregate value in excess of \$50.

### ***Use of Official Position or Office***

A public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

Except:

- Any part of an official compensation package as determined by the public body that the public official serves.
- The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under ORS 244.042 (Honoraria).
- Reimbursement of expenses.
- An unsolicited reward for personal achievement.



# CONFIDENTIALITY

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## *Organization and Customers*

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

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

## *Employee Records*

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

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

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

If an employee becomes aware of a breach in maintaining the confidentiality of any personal information, the employee should report the incident to Human Resources Specialist. The H.R. Specialist has the responsibility to investigate the incident and take corrective action. Please understand that the reasonableness of actions taken in these circumstances will be taken into consideration. Examples of the release of personal employee information that will not be considered a breach include the following:

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

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

# WORKPLACE RULES

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

1. You are expected to be at work on time, to stay until your workday ends, and to do the work assigned or requested of you. If you are unable to be at work on time, you are expected to contact your immediate supervisor promptly.
2. You are expected to regard your workplace with respect and attention. The Port of Toledo's records, equipment, and property are to be treated carefully and appropriately. You are responsible for those items in your custody and will be held accountable for their maintenance, appropriate use, and accuracy.
3. You are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the Port of Toledo or by outside regulatory bodies.
4. You are expected to conduct yourself in a professional manner, exhibiting a high regard for our customers, vendors, business associates, and for co-workers. No breach of professional behavior (abusive language, harassment, personal business during work time, *etc.*) will be condoned.
5. You are expected to maintain the confidentiality of organization information or customer information in your possession (*i.e.*, personnel information, trade secrets, *etc.*).
6. You are expected to wear clothing that is neat in appearance and consistent with your specific work duties, keeping in mind the impression it has on customers, visitors, and other employees as well as the need to promote organization and employee safety. Good individual judgment is the best guideline, but management retains the right to decide what dress is appropriate.

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

We also believe that all our employees should have an opportunity to be heard in matters involving discipline; therefore, we have adopted a formal Dispute Resolution Procedure, which can be found on page 12 of this Handbook.

## **WHISTLEBLOWER PROTECTIONS**

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

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

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

All reports of illegal and dishonest activities will be promptly submitted to the Port Manager who is responsible for investigating and coordinating corrective action.

## **DRESS CODE**

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

Managers have the discretion to determine appropriateness in appearance. Employees who do not meet the standard for their position may be sent home to change and may not be paid for that time off. People who need to leave work to change clothes for meetings must utilize personal time or vacation time.

Inappropriate: Shirts with inappropriate slogans, tank tops, halter tops, muscle shirts, crop tops, shorts, sandals, flip-flops, and any overly revealing clothing. Additionally, clothing, jewelry, and hair should not be loose or dangle in such a way that creates any kind of safety hazard.

# COMMUNICATION AND SOFTWARE SYSTEMS

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## *Electronic Communications Systems*

Port of Toledo provides electronic communication systems to maintain communications both within the organization and with outside clients and vendors. Any employee using the Port's email system is encouraged to learn about these tools and how to use them. This policy provides directions regarding access and disclosure of information when using these communication systems. All employees and others outside the organization who may use the systems are expected to be aware of and support this policy.

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

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

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

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

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

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

## *Electronic Mail System*

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

You should know that even when a message is erased through e-mail, it is still possible to retrieve and read that message. Even though the organization reserves the right to retrieve and read any e-

mail messages, those messages are to be treated as confidential by other employees and accessed only by the intended recipient. We expect employees to respect others' privacy and not retrieve or read electronic messages for which they are not the intended recipient unless authorized. The use of passwords for security does not guarantee confidentiality; all passwords to the Port's systems must be disclosed to the organization's IT Coordinator.

### ***Organization-owned Personal Computers***

To protect the integrity of our systems, all software used on our computers must be registered with the IT Coordinator. Personal or downloaded software may only be installed after written authorization from that individual. A virus check of all such software must be made immediately before it is installed on any organization computer. A virus check must also be conducted on any electronic devices originating from or used on any computer outside of the organization prior to its use with an organization-owned computer. The copy or transfer of organization-owned software may occur only with the written authorization of IT Coordinator.

### ***Laptop Security***

All staff that are issued laptops and other computer-related equipment are expected to use the equipment only for the Port business it was intended. Every reasonable precaution should be taken to protect the Port's equipment from spills, drops, and theft.

### ***Mobile Devices***

#### **Allowing Remote Wipe Provisions/Data Liability**

If you are connected to the organization's email server, understand that making this connection via a mobile device may compromise the privacy of certain sensitive information. Confidential electronic information, including personally identifiable information, must be protected to prevent it from being exposed if the device on which the information was accessed is lost or stolen. In order to protect this information, only Exchange access is to be used on personal devices, which will retain the original message and response on the Port's server. The organization retains the right to delete data and applications from any device that contains the organization's information.

**This right to delete such information may be exercised remotely or on-site if the organization determines such action is necessary to protect confidential, sensitive, or proprietary information. Please understand that in downloading any such information to a personal mobile device, you are consenting to the organization's ability to delete this information at any time.** This policy covers mobile devices such as smart phones, tablets, laptops, and any similar devices.—Please ensure that you regularly sync any personal data (e.g., applications, information, photos) to another device/computer for safekeeping, as the wipe command does not differentiate between business and personal information.

Obviously, it is critical that any loss or theft of a mobile device, including laptops, be immediately reported to the IT Coordinator. Security of these devices should always include two (2) levels (i.e., locked in a trunk if kept in a car; locked in a hotel safe, not left out in a hotel room; etc.) of safeguarding. Failure to ensure this minimum level of protection may leave an employee responsible for the cost of the device or loss of Port-related information addressed in this policy, and further corrective action, up to and including termination.

### ***Use of Internet,***

The Port of Toledo recognizes that the Internet may have useful applications to our business, you may engage in Internet to complete tasks assigned to your position.

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

prior to approval. For newly generated material, an employee should obtain copyright and trademark designations, as appropriate, prior to posting any content; the posted content should include copyright and trademark notices. Absent prior approval to act as our official representative from **Port of Toledo**, you must include the following disclaimer with any information you post: “Views expressed by the author do not necessarily represent those of **Port of Toledo**.”

### *Social Media and Networking*

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

### *Posting*

#### Business Use

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

### *Ownership of Social Media Accounts*

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

### *Monitoring*

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

### *Protection*

Social networking sites collect profile information for advertising opportunities and criminal reasons. Phishing (e-mail messages asking for username and passwords, etc.) and spamming are two downsides. Never click on links asking for personal or confidential information. Heed security warnings and pop-ups. Use of these sites may mean more SPAM sent to your e-mail account. If possible, disable the ability of others to post HTML comments to your home page.



When accessing these sites, use caution when you see a posting or link that looks suspicious; when in doubt, delete it. Viruses and spyware may damage the organization's operating system, compromise data, or expose your privacy and that of others you communicate with via e-mail and social media sites.

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

### Prohibited Conduct

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

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

### *Telephone Usage*

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

### *Voice Mail System*

The voice mail system at **The Port of Toledo** is the property of the organization and is provided for use in conducting organization business. All communications and information transmitted by, received from, or stored in this system are organization records and property of **The Port of Toledo**. The voice mail system is to be used for business only; use of the system for personal purposes is prohibited. You have no right to personal privacy in any matter stored in, created, received, or sent over the voice mail system. **The Port of Toledo**, in its discretion as owner of the voice mail system, reserves the right to monitor, access, retrieve, and delete any messages stored in, created with, received by, or sent over the system for any reason and without employee permission. You are not authorized to retrieve or listen to any voice mail messages that are not sent to you. Any exception to this policy must receive prior approval from **the Port Manager**.

### *Cell Phones*

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

Personal calls during the workday using personal cell phones can be distracting to others and can interfere with employee productivity. Use of a personal phone for any reason should therefore be limited to breaks and lunches.

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

# PERFORMANCE MANAGEMENT AND REVIEW

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

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

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

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

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

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

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

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

## CORRECTIVE ACTION

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

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

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

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

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

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

Counseling, verbal warning and written warnings may be undertaken by a supervisor without prior approval from the Port Manager. However, the Port Manager must be informed by the HR Specialist of any such actions taken. Suspension with or without pay, demotion and discharge require prior approval from the Port Manager before the action is taken.

# **COMPENSATION**

## **PAY ADMINISTRATION**

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

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

### ***Pay Increases***

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

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

# PAY PRACTICES

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## *Paydays*

You will be paid **every two (2) weeks**. Paydays are **on every other Wednesday**. If a payday falls on an organizational or banking holiday, you will receive your check on the last workday prior to the holiday.

## *Payroll Deductions*

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

## *Pay Advances*

Pay advances are not provided by the organization. Employees are encouraged to find other appropriate resources for any financial difficulties.

## *Delivery of Paychecks*

Your paycheck will be hand-delivered to you each payday; paychecks will not be delivered to anyone else without your written request.

## *Method of Payment*

A statement showing gross earnings, deductions, and net salary will accompany each paycheck or notice of direct deposit.

Direct Deposit is offered to employees as an option to receiving a physical paycheck

## *Employee Withholding Allowance Certificates (Form W-4)*

You are required to furnish the organization with an Employee Withholding Exemption Certificate (W-4) at the time of hire. You may file a new W-4 form any time. When you submit an updated Form W-4, the organization will implement the desired changes by the start of the first payroll period ending on the next pay period following the submission date. We encourage employees to seek tax advice if they have questions about withholding amounts.

## *Time Records for Non-Exempt Employees*

The timecard is a record of time worked and must be filled out **daily**. It provides a permanent record of time spent on the job, indicating the exact time you worked. Each non-exempt employee will be issued a timecard at the start of the pay period. You should never allow someone else to make entries on your timecard. Willfully falsifying a timecard will be grounds for corrective action, up to and including termination.

Daily timesheets recording daily tasks as billable and non-billable hours for each day are to be turned into the Shipyard Office daily in order to record time in The Port of Toledo's time management system.

Biweekly timesheets will be prepared by HR based on data entered from daily timesheets. These timesheets should be reviewed carefully for completeness and accuracy at the end of each pay period as they will be used to calculate pay. Supervisors will review and initial timesheets each pay period. Timesheets must be completed **in ink**. If an error needs to be corrected, the timesheet should be taken to the manager/supervisor for appropriate action. All manual entries or corrections must be made, reviewed, and initialed by the supervisor or other appropriate management member.

Timesheets should be reviewed, signed, and turned in at the end of the pay period. Your signature on the time sheet each pay period verifies that the times and dates are true and accurate to the best of your knowledge.

### ***Time Records for Exempt Employees***

Employees classified as exempt will fill out timecards and no deduction of pay will be made for hours worked fewer than eight (8) hours per day, unless authorized by law. However, because The Port of Toledo does have **paid time off, vacation, and sick pay** benefits programs, if you have earned time in these bank(s), you must use this time first to cover any time off that is less than your normal work week.

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

If you have any questions regarding your pay or feel a manager or supervisor has made a change to your pay that you do not believe is accurate, please contact the Human Resources Specialist.

### ***Final Paycheck***

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

## **HOURS OF WORK AND WORK SCHEDULES**

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### ***Organization Hours***

The general office hours at **Port of Toledo** are **8:30 a.m. to 5:00 p.m. at the Port Office and 8:00 am to 4:30 pm at the Shipyard and Maintenance shop, Monday through Friday.**

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

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

### ***Overtime***

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



Comp time may be taken in lieu of paid overtime with Supervisor's approval. Comp time is banked at 1.5 time the number of overtime hours worked. Upon separation employees are paid for any comp time hours they have on the books at the time of separation

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

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

### ***Lactation (Oregon Employers with 25 or More Employees)***

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

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

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

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

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

***NOTE: Since breast milk is a bodily fluid, and as such, could harbor certain communicable diseases, it is important it be labeled with the employee's name.***

### ***Social and Recreational Activities***

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

### ***Inclement Weather and Emergency Closures***

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

In the event that The Port of Toledo makes the decision to close the office prior to the start of the business day, the closure will be announced via an organization-wide email from the Port Manager or Human Resources Specialist. It is the responsibility of each employee to check e-mail. message

line or call their supervisor, the Human Resources Specialist or the Port Manager if they have questions.

If a decision is made to close the office after the business day has already begun, the closure message will also be announced by your supervisor. You will be notified in person by your supervisor.

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

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

## **TELEWORK OR TELECOMMUTE**

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Both telework and telecommute are a flexibility that may be available to some positions within the organization. These are two different arrangements. Telework is the planned practice of regularly working from a non-organization address. This is most typically the employee's residence. Telecommute is the planned practice of occasional or intermittent work from a non-organization address. This is most typically the employee's residence.

All telework and telecommute arrangement require the prior approval of the Port Manager and may be changed at the discretion of the Port Manager. Telework and telecommute may be permissible for some jobs and not all jobs.

Employees are responsible for ensuring a safe work environment when telecommuting or teleworking. Employees are also responsible to meet the expectation of their job regardless of where the job is done. Supervisors are responsible for monitoring compliance with these types of agreements, relevant policies, performance standards, expectations for work product and productivity, and time accountability.

Any employee who is teleworking or telecommuting must be available during established work hours and provide timely response to email, phone calls etc. Absences, including unavailability during work hours, must be pre-approved. Employees must account for all time worked. Supervisors may consider an employee's request to alter regular work hours in the same way they would evaluate these requests for a person working at an organization address.

An employees' salary, benefits and insurance coverage does not change as a result of teleworking or telecommute.

Employees are responsible for the utilization of Port of Toledo networks while working remotely in a safe and secure manner as directed by the Port Manager

As mentioned above these are planned arrangements. Employees and supervisors must work together to determine if an arrangement can be made and the details of the arrangement.

## **Information Technology**

Teleworking or telecommuting employees are expected to be able to set up a remote office and use both organization and their own equipment without direct physical help from organization. While any equipment supplied by the organization will be maintained by or at the direction of organization, employees are responsible for the safe and secure transportation of equipment to and from the office.

Employees are expected to have sufficient telephone arrangements to perform their work and to participate in telephone conferences during agreed-upon work hours.

Employees are expected to have sufficient Internet access if work assignments require use of Web resources in the performance of their duties while working at a remote worksite.

The organization will determine, with information supplied by the employee and the supervisor, what equipment will be supplied for each telecommuting situation. The employee must sign an inventory of organization property and agree in writing to take appropriate action to protect the inventoried items from damage or theft.

All equipment supplied by the organization will be maintained by or at the direction of organization. Equipment supplied by the employee, will be maintained by the employee. The organization accepts no responsibility for damage or repairs to employee-owned equipment.

All equipment and software supplied by the organization are only for organization business and must comply with the organization's security and maintenance policies and practices. Portable equipment must, at all times, have organization authorized security measures installed and running

If the teleworking employee provides equipment, the employee provided equipment must comply with organization's security and maintenance policies and practices, and any additional safeguards required by the organization.

Employees will notify the organization immediately in the event of a breakdown or other issue with supplied equipment, software or other materials. Employees will follow the organization's direction regarding any necessary repair, update, replacement, etc.

Upon separation of employment, or discontinuation of a planned arrangement, whichever comes first, all organization property issued to the teleworking employee must be returned.

Organization stored on any employee's personal electronic equipment is subject to public records requests and discovery, and to review by the organization at any time.

## **Security**

Employees are expected to ensure the protection of organization and district information accessible from their home office.

Steps include making sure that:

- All devices have anti-virus software set up by the Port's IT specialists
- All Wi-Fi, cellular or similar access points are protected with strong passwords or passphrases.
- All Wi-Fi, cellular or similar access point passwords or passphrases are changed on a regular and scheduled basis.
- Login and password information is secure and protected, even from family members.

- Basic network practices are being applied.
- Web-based systems are secure.
- Two factor authentication is enabled and being used **if available**.
- All data is saved to organization authorized shared network drives or cloud locations. Similarly, no data is saved or stored on portable machines.
- VPN access if available, is only via organization issued devices. No personal devices are connected via VPN.

### **Physical Security**

Employees are expected to ensure physical office security by taking steps like keeping proprietary material in locked file cabinets and desks, securing doors, windows, hiding devices when not in use, and any other measures appropriate for the job and the environment.

Employees will follow all organization policies related to information and data security. Complying with these policies mitigates risk and ensures an appropriate level of security for confidential information, paper and electronic, in transit or at the alternate worksite.

When accessing the organization's network from a personal computer, employees are responsible for preventing access to any computer resources or data by non-authorized users. In addition, employees are expected to ensure the remote host is not connected to any other network at the same time, except for personal networks that are under their complete control or under the complete control of the employee.

Performance of illegal activities through the organization network or on organization time by any user is prohibited. The employee bears responsibility for and consequences of misuse of their access.

The IT Department will confirm that the user's device does not contain any traces of protected, sensitive, organization, or proprietary information and delete any protected, sensitive, organization and/or proprietary data, licensing, and information remaining on the device.

### **Technology Support**

The IT Department will only provide device support that relates to organization devices and connection.

# **EMPLOYEE-INCURRED EXPENSES AND REIMBURSEMENT**

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The Port of Toledo will pay all actual and reasonable business-related expenses you incur while performing your job responsibilities. All such expenses must be pre-approved by your supervisor before payment will be made.

Expense reports must be supported with proofs of purchase, *e.g.*, receipts. Expense reports are due to the Accounting Department within **two (2)** days following the end of the month.

## ***Mileage Reimbursement***

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

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

While driving on behalf of the Port of Toledo and in the course and scope of duties assigned, liability would accrue to the Port of Toledo for negligent actions. As such, employees are encouraged to follow all rules of the road and drive courteously. Coverage provided by the Port of Toledo for damages to the employee's own vehicle is secondary to any other collectible coverage. Employees are encouraged to have comprehensive and collision coverage on vehicles used for the Port of Toledo business.

## **Overnight Travel and Meal Expense Reimbursement**

If an employee is traveling overnight on a work-related activity, the employee may expense lodging, food, beverage, and any incidental expenses that are necessary and business related.

## **Credit Card Payment**

If a credit card is provided to you, the employee, all receipts must be provided monthly to the HR Specialist for the credit card reconciliation process. You must follow the protocol for reconciliation of your statement and submission of documentation as required by the HR Specialist. This may include the utilization of an electronic system provide by the financial institution that the credit card is tied to.

Employees may expense and/or use a company provided credit card, for business related activities or incidental supplies following IRS guidelines.

## **Alcoholic Beverages**

The Port of Toledo will not pay for alcoholic beverages and such costs should not be submitted for reimbursement.

## **Transportation Expense Reimbursement**

Transportation costs may only be expensed upon prior approval. Transportation costs include such items as airfare, airport parking, hotel shuttles, automobile rental and fuel for such rental.

The Port of Toledo will not pay for meals or entertainment of spouses/guest/significant others.

The Port of Toledo expects its employees to use good judgment and reserves the right to deny an expense if, in management's belief, it is unreasonable.

## **PAY EQUITY STATEMENT**

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

# **BENEFITS**

## PURPOSE AND POLICY

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

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

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

Full-time employees receive the following benefits based on working a 40 hour week. **Employees are required to use available paid time off accruals when less than 40 hours are worked.** If employee regularly does not work or have paid time off for 40 hours a week, full-time employment and benefit eligibility could be affected.

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

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

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

### ***Benefit Design and Modification***

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

### ***Benefit Plan Documents***

You'll receive summary plan descriptions upon eligibility and enrollment. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents govern. These official documents are available from Human Resources for your review. We ask that you refer any questions about this information to the Human Resources Specialist.

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



# HEALTH INSURANCE BENEFIT

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The Port of Toledo currently provides health insurance coverage for all full-time employees. Dependents are eligible to be added to the plan at the employee's expense. You will be provided with information about the plan at the time you become eligible to participate. You are asked to review the summary plan description for answers to questions you may have. Any need for further information should be referred to the Human Resources Specialist.

## ***Eligibility***

This benefit is provided for all regular full-time employees. If otherwise eligible, you may begin to participate in the plan after you have completed 60 days of continuous employment. Insurance plan coverage begins on the first day of the month following completion of 60 days of employment. Part-time, temporary, and on-call employees are generally not eligible to participate in the health insurance plan.

## ***Plan Enrollment***

Once you are eligible, you may complete enrollment forms available through the Human Resource Specialist. If you don't want to enroll at the time of eligibility and later decide to request enrollment, you will only be allowed to enroll if you can demonstrate that a qualifying event has occurred which qualifies you for a special enrollment period.

The organization pays the full monthly premium for enrolled employees.

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

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

## ***Premium Cost***

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

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

## ***Termination of Coverage***

If you or your dependents lose eligibility to participate in the health plan, you may have the health plan coverage extended for a period of time. Eligibility can be lost due to a prolonged absence from work or if certain "qualifying events" occur that would otherwise cause your or a dependent's group health coverage to terminate. Examples of qualifying events are termination of employment, a reduction in hours, divorce or legal separation, entitlement to benefits under Medicare, a dependent child reaching the age of 26, or a leave of absence. You must notify us or the plan when a dependent child loses eligibility or in the event of divorce or legal separation.

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

### ***Portability/Conversion of Health Plan***

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

## **DENTAL INSURANCE BENEFIT**

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

### ***Eligibility***

Employees regularly scheduled to work 40 hours or more per week are eligible for dental insurance coverage on the **first day of the month after 60 days of continuous employment**. **Part-time, temporary, and on-call** employees are not eligible to participate in dental insurance.

### ***Cost***

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

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

## **OTHER INSURANCE BENEFITS**

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### ***Group Life Insurance***

We provide group life insurance coverage for eligible employees. Employees who are regularly scheduled to work 40 hours per week or more become eligible for this coverage the first of the month following hire date. The amount of insurance coverage is \$10,000. Port of Toledo pays the full premium.

### ***Premium Only 125 Plan***

The Port of Toledo provides a Premium Only 125 Plan that allows employees to have any group medical, dental, or vision premium contributions deducted from their checks on a pre-tax basis. Details will be provided to employees at the time of eligibility, commences the 1<sup>st</sup> day after 60 days of employment.

### ***Health Reimbursement Arrangement***

The Port of Toledo provides a Health Reimbursement Arrangement (HRA) to reimburse employees covered by the Port's insurance up to \$1,750 for out-of-pocket expenses not covered by the medical, vision dental insurance each fiscal year. There is no carry-over or pay out on any unused HRA amount from the previous fiscal year. The benefit renews each July 1<sup>st</sup>.

### ***Aflac***

Aflac supplemental policies are available at the employee's expense. Ask the Human Resource Specialist for more information.

## **VACATION BENEFIT**

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All full-time and regularly scheduled part-time employees are eligible for vacation based on the schedule below. All accruals begin after the completion of the introductory period, or 90 days of employment. At the end of the specified initial employment period, credit is given from the first day of employment. No vacation time may be taken or paid during the introductory period unless specific arrangements have been made at the time of hire.

You will earn vacation benefits according to the following schedule:

<u>Number of continuous years of service</u>	<u>Benefit per year</u>
Earned during 1 <sup>st</sup> through 5 <sup>th</sup> years	10 days
6 <sup>th</sup> through 10 years	15 days
11 years or more	20 days

Accrual for part-time employees is on a pro-rated basis calculated on the established work schedule. Continuous service will be calculated from the first of the month nearest your date of hire.

We provide vacation and personal time so you can enjoy periods of time away from work. Vacation is intended for rest and recreation and vacation pay may not be taken instead of time off. Vacation accrual will be paid out at separation in accordance with this policy and any applicable law.

Time is not to be banked and never used; therefore, accrual cannot exceed 240 hours. Vacation benefits will stop accruing when the maximum allowed has been reached. The benefit will begin accruing again when you reduce the total to less than the allowed maximum.

Employees who want to use vacation time should request time off as early as possible so that arrangements for coverage can be made. Requests for vacation time are to be made in writing and submitted to your supervisor. Generally, employees won't be allowed more than **two (2) weeks** off at a time. We'll try to grant each request, but we cannot guarantee your request will be approved. In the event of competing requests for times submitted concurrently, approval will be given to the employee with the longest tenure.

## **SICK LEAVE**

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The Port of Toledo provides paid sick leave to all employees in accordance with state law. For any questions about sick leave, please contact the Human Resources Specialist.

The accrual of sick time begins on the first day of employment at the rate of 8 (eight) hours per month, up to a maximum of 96 hours in one year. Employees may use accrued sick time beginning on the 30th calendar day of employment. Sick time may be used as it is accrued moving forward.

Employees may carry over up to 240 hours of unused sick time from one leave year to the next, but sick leave balances may never exceed 240 hours at a time.

Sick time may be used for an employee's own serious or non-serious illness, for preventative care appointments, or to care for an immediate family member with an illness. The Port of Toledo does allow employees to donate sick time to other employees in need. Unused sick time is not paid out upon separation from employment.

## **COMP TIME**

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Comp time is offered in lieu of being paid overtime. Employees have the option, with supervisor approval, to bank comp time at one and one-half times the overtime hours worked. Employees should schedule with their supervisor in advance of using comp time off to minimize impacts to duties. Requests for comp time are to be made in writing and submitted to your supervisor. We'll try to grant each request, but we cannot guarantee your request will be approved. In the event of competing requests for times submitted concurrently, approval will be given to the employee with the longest tenure. The comp time bank cannot exceed 100 hours. Comp time may be rolled over from year to year. Unused comp time is earned time and is paid out upon separation from employment at the employee's regular hourly rate.

## **PAID HOLIDAY BENEFIT**

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

- New Year's Day
- Martin Luther King Jr.'s Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

1 Personal Floating Holiday (must be preapproved by supervisor)

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

### ***Eligibility***

Employees regularly scheduled to work full-time will be paid for the above holidays. Part-time employees between 20 and 40 hours will receive a prorated amount of paid time based on their regularly scheduled time. For instance, a part-time employee working 20 hours per week would receive four (4) hours of holiday pay because 50% of a full-time schedule is worked.

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

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

## **457B DEFERRED COMPENSATION RETIREMENT PLAN**

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### ***457(b) Deferred Compensation Retirement Plan***

Full-time benefit-eligible employees may participate in the 457(b) Deferred Compensation Retirement Plan after completing the introductory period and obtaining regular full-time status. Contributions are made through voluntary pre-tax salary deduction. In order to be eligible for any employer contribution to the plan, you must have been employed with us for **six (6) months** and have worked more than **1,000** hours. Employees may elect and adjust their contribution amounts as desired, not to exceed the maximums allowed by applicable law.

The Port of Toledo will contribute 3% of your base salary (not including overtime) and will additionally match the employee's contribution up to 3% of base salary (not including overtime) All contributions to the plan are 100% vested. You will be provided more detailed information upon eligibility.

# **LEAVES OF ABSENCE**

# LEAVE OF ABSENCE POLICY

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

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

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

## BEREAVEMENT LEAVE

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

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

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

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

### Length of Leave

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

### Request Procedure

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

### Pay While on Leave

You will continue to receive regular pay based on straight-time work hours missed up to eight (8) hours a day for up to three (3), days, which is the maximum Port-paid absence allowed. Employees may choose to cover an additional period of absence with any available sick time, vacation or comp time.

### Status of Benefits

Port-paid bereavement leave won't affect your eligibility for benefits or the continuation of benefit accruals. If you are granted additional time off, the effect of the additional leave on your benefits will be determined by our Sick Time, OFLA policy.



# CIVIC DUTY LEAVE

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## *Jury or Witness Duty Leave*

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

## Length of Leave

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

## Request Procedure

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

## Pay While on Leave

You will be compensated for your rate of pay minus payment you receive for serving, for the duration of your time **served on a trial** should you be selected to serve on a jury.

Employees are expected to report for work when not selected for a jury on any day, or when jury duty requires only part of a day.

## Status of Benefits

Benefits are not affected by jury or witness duty leaves.

## CRIME VICTIMS' LEAVE

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

### Safety Measures

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

### Eligibility

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

### Length of Leave

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

### Request Procedure

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

### Pay While on Leave

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

### Status of Benefits

Benefits are not affected by crime victims' leave.

## DOMESTIC VIOLENCE LEAVE

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

### Eligibility

All **Port of Toledo** employees are eligible to take domestic violence leave.

### Types of Services/Treatment

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

### Length of Leave

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

### Request Procedure

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

### Safety Measures

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

### Pay While on Leave

Domestic violence leave is unpaid; however, eligible employees who take this type of leave are required to use any accrued paid (vacation/sick/comp) time available to them. Exempt employees working partial days, or a partial week will be paid in full for the entire week, although accrued time **must be** used first.

### Status of Benefits

Benefits are not affected by domestic violence leave

## **FAMILY AND MEDICAL LEAVE**

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

### Eligibility

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

- You have been employed for at least 180 consecutive days (26 weeks) or more before the first day of the family and medical leave.
- You have worked an average of 25 or more hours per week as of the day before the request for family and medical leave is made. This average is calculated based upon the 180 days immediately preceding the request for leave. Some exceptions exist, including leave taken for the birth, adoption, or placement of a child (parental leave).

### Reasons for Family and Medical Leave

The following situations qualify for family and medical leave:

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

- To care for a family member with a serious health condition or your own serious health condition (serious health condition leave).
- For a pregnancy-related disability or prenatal care (pregnancy disability leave) [Note: employees who have used up their original 12 weeks for a serious health condition related to pregnancy are entitled to an additional 12 weeks of parental leave].
- To care for a sick child who does not have a serious health condition but requires home care (sick child leave). Medical certification of sick child leave will be required after the third leave occurrence in each leave year. [Note: Employees who use up their original 12 weeks for parental leave are entitled to an additional 12 weeks of sick child leave. If only part of the 12 weeks is used for parental leave, the employee will only be eligible for the balance remaining on the 12 weeks for sick child leave or any other OFLA qualifying leave].
- To attend the funeral (or alternative) of a family member; make arrangements necessitated by the death of a family member; or to grieve the death of a family member; up to two (2) weeks of leave is available in each such case (not to exceed 12 weeks per leave year). The leave must be completed within 60 days after the date on which you receive notice of the death of your family member.

#### Length of Leave

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

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

#### Request and Certification Procedure

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

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

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

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

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

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

- Circumstances change significantly from the current certification, for example, the pattern of necessary absences changes.
- Information is received casting doubt on the employee's stated reason for the leave or the continuing validity of the certification.

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

#### General Provisions

You are required to use any accrued vacation, sick leave, or other paid leave available to you during the family and medical leave. When this is exhausted, the balance of the leave will be unpaid. You may be required to provide periodic status reports to the organization while on a family and medical leave. The organization will continue to pay our share of your medical benefits during family and medical leave. You are responsible for paying your share of medical insurance premiums (for instance any part of your premium not covered by the Port for dependents, etc.) prior to the due date of the premium payment. Premium payments must be received by the due date or coverage will be discontinued.

#### Reinstatement

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

Other details regarding family and medical leave are available from Human Resources Specialist.

# **LEAVE TO DONATE BONE MARROW**

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## Eligibility

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

## Length of Leave

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

## Request Procedure

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

## Status of Benefits

Benefits are not affected by this leave.

# PERSONAL LEAVE OF ABSENCE

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

## Eligibility

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

## Length of Leave

The leave may be requested for any time over **10** consecutive days. A personal leave of absence starts on the first regular workday following the last day worked. The maximum leave allowed under this policy is **90 days**.

## Request Procedure

A written request, using the Leave of Absence Request Form, should be submitted at least one-week (five (5) working days) before time off that will exceed **10** days, except in emergencies. Leave requests must include an expected date of return. If you do not return after three (3) days of that date and no extension has been requested, we'll assume you have resigned.

## Pay While on Leave

Personal leaves of absence are without pay, any available accrued time (vacation, comp, or sick) must be used for a personal leave of absence.

## Status of Benefits

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

## Reinstatement

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

# UNIFORMED SERVICES LEAVE AND RE-EMPLOYMENT

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

## Eligibility

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

## Length of Leave

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

## Request Procedure

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

## Pay While on Leave

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

## Status of Benefits

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

## Reinstatement

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

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

31 to 180 days: You should apply for reemployment no later than 14 days after an honorable release from service unless it is impossible or unreasonable through no fault of your own. You will generally be reinstated to the position you would have attained if continuously employed, so long as you



are qualified for the job or can become qualified after reasonable efforts by Port of Toledo, or to the same position you held prior to leave. In some cases, reinstatement may be made to a position of like seniority, status, and pay to either of the aforementioned positions or to their nearest approximation.

181 days or  
longer:

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

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

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

# **OREGON MILITARY FAMILY LEAVE**

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

## Eligibility

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

## Length of Leave

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

## Leave Interaction with the Oregon Family Leave Act (OFLA)

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

## Request Procedure

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

## Pay While on Leave

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

## Status of Benefits

Benefits are not affected by Oregon military family leave.

# **HEALTH AND SAFETY**

# DRUGS AND ALCOHOL

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

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

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

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

If you have a problem with drugs or alcohol and wish to undertake rehabilitation, you may be granted an unpaid leave of absence for this purpose, as long as your work performance warrants and there have been no violations of this policy. It is your responsibility to seek help before the problem adversely affects your work performance or results in a violation of this policy. If you need assistance in seeking this help, you may talk to the Human Resource Specialist. No one will be discriminated against for undertaking rehabilitation. The request for assistance will not jeopardize your employment as long as this assistance is sought before work performance has deteriorated or disciplinary problems have begun. Other treatment programs for drug and alcohol problems may be available through our health insurance coverage.

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

The following definitions apply:

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

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

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

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

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

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

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

### Testing

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

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

When being tested, you may request that any sample be split into two parts, with one part tested and the other retained by the testing laboratory for future re-testing in the event of a positive test

result. If you request a re-test, it will be at your expense and must be conducted by a laboratory that is acceptable to us. A list of approved laboratories will be provided upon request.

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

## **WORKPLACE VIOLENCE**

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

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

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

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

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

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

# EMPLOYEE HEALTH AND SAFETY

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**The Port of Toledo** is committed to providing our employees with a safe and healthful work environment. To accomplish this goal, both management and employees must make diligent efforts to promote safety within applicable laws and standards.

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

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

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

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

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

If an injury occurs, you are required to:

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

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

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

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

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

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

### ***Smoking in the Workplace***

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

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

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

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

#### Container Labeling

The **Port of Toledo** will verify that all containers received for use will:

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

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

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

#### Safety Data Sheets (SDS)

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



## **EMERGENCY PREPAREDNESS**

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

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

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

Should a threat to the Port's property or an employee be received, it should be reported immediately to the Port Manager.

# **EMPLOYMENT SEPARATION**

# SEPARATION FROM EMPLOYMENT

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

## ***Resignation***

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

## ***Job Abandonment***

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

## ***Job Elimination, Reduction in Work Hours***

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

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

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

If practicable at the time of layoff or upon an employee being placed in an inactive status, we may provide limited re-employment rights for a period of **eight (8) weeks**. The order of recall will be determined using the above factors. An offer of re-employment may be made orally or in writing to the last address reflected in your personnel records. It is your obligation to keep us informed of any changes to your telephone number, email address, and physical address. The offer will identify the available job and the date you are to report to work. If you are not rehired during the period

specified, your re-employment rights end; if you decline re-employment or fail to report on the date specified in an offer, you generally waive any re-employment privileges.

### ***Discharge***

Our philosophy and general practice is to provide employees who have completed the initial introductory period of employment with an opportunity to correct minor performance and conduct problems before discharge is implemented.

The organization has a corrective action policy (appeal process) found on page 12 of this Handbook that describes action management may take, at its discretion, to correct performance infractions prior to discharging employees. The decision to discharge employees is based not only on the seriousness of the current performance infraction, but also on the individual's overall performance record and length of service.

We also believe that our employees should be given an opportunity to be heard in matters involving corrective action, including discharge, and we have provided a formal dispute resolution procedure (appeal process) found on page 12 of this Handbook for that purpose. You are encouraged to use this procedure to resolve any issues you may have that cannot be resolved by consulting with your supervisor.

### ***Exit Interview***

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

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

### ***Return of Organization Property***

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

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## Employee's Notes

**Port of Toledo**  
**HANDBOOK RECEIPT ACKNOWLEDGMENT FORM**

*NOTE: This signed form should be inserted into each employee's personnel file.*

As an employee of The Port of Toledo, I acknowledge the following:

I have been **provided a copy of** the Employee Handbook. I understand that the Handbook contains important information about **The Port of Toledo's** policies, work rules, and my benefits. I have both read and understood the information in the Handbook and have asked the **Human Resources Specialist** for the clarification of any information I did not understand.

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

The **Port Manager** is the only persons authorized to make changes to the Handbook and all such changes must be in writing to be valid. Any changes to the content will be communicated to employees via official notices.

**I understand that, unless stated otherwise in an employment contract, my employment relationship with the organization is "at-will" and either the organization or I can end the relationship at any time, with or without reason or notice.** Only the **Commission of the Port of Toledo** has the authority to enter into an employment contract, which must be in writing and signed by both parties to be valid.

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

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

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Employee's Name