

RESOLUTION NO. 2016-16

A RESOLUTION OF THE PORT OF CHELAN COUNTY ADOPTING AN EMPLOYEE HANDBOOK INCLUDING COMPREHENSIVE PERSONNEL POLICIES FOR PORT EMPLOYEES.

WHEREAS, the Port has previously adopted various resolutions and policies related to the personnel standards or requirements and maintenance of benefits for Port employees; and

WHEREAS, the Port staff recommended consolidating the policies and resolutions, as well as adopting new or updated policies, to create a comprehensive personnel policy manual or handbook for Port employees; and

WHEREAS, the Board of Commissioners now desires to adopt this resolution adopting a comprehensive personnel manual or handbook for Port employees;

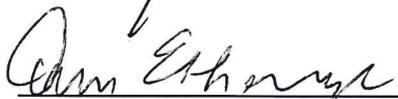
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Port of Chelan County as follows:

1. The Board of Commissioners hereby adopts the Port of Chelan County Employee Handbook (Personnel Guidelines) attached to this Resolution as Exhibit "A" and incorporated herein by this reference as if set forth in full.
2. Any prior inconsistent resolutions or policies regarding personnel guidelines or requirements are hereby repealed.
3. This Resolution shall be effective upon passage by the Board.

ADOPTED by the Board of Commissioners of the Port of Chelan County at a regular meeting thereof held this 15 day of December, 2016.



JC Baldwin, President

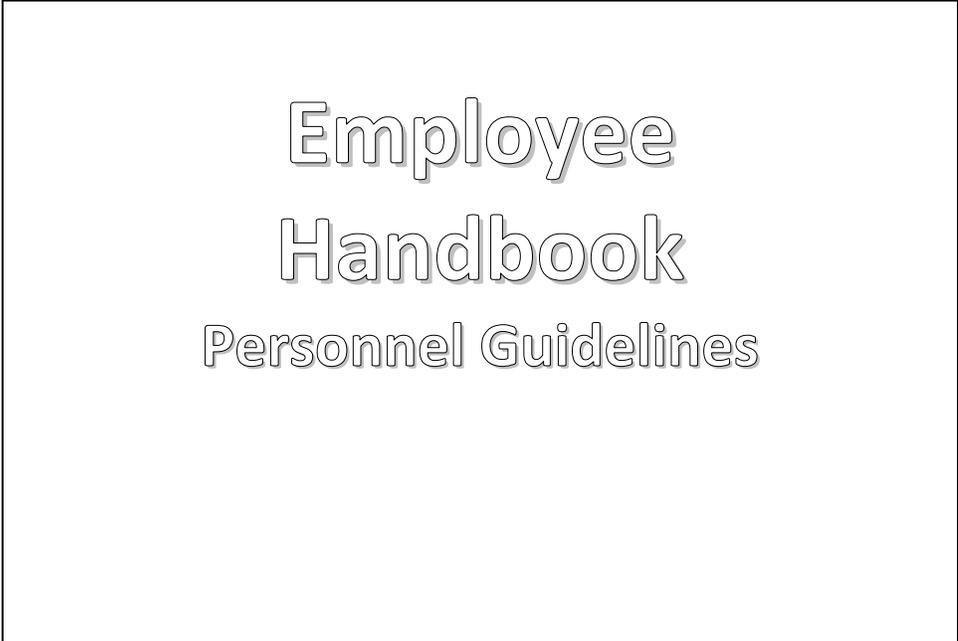


Donn Etherington, Vice President



Rory Turner, Secretary

PORT OF CHELAN COUNTY



Employee
Handbook
Personnel Guidelines

Table of Contents

1. INTRODUCTION.....	1
2. ATTENDANCE AND WORKING HOURS.....	2
2.1 Working Hours	2
2.2 Overtime	2
2.3 Compensatory Time.....	3
2.4 Attendance.....	3
2.5 Breaks and Meal Periods	4
3. EMPLOYEE BENEFITS	4
3.1 Annual Vacation Leave:.....	4
3.2 Paid Holidays:.....	5
3.3 Retirement:	5
3.4 Health & Life Insurance:.....	5
3.5 Voluntary Employee Benefit Association (VEBA)	5
3.6 Employee Paid Benefit Options:	5
4. LEAVE POLICIES	6
4.1 Sick Leave:.....	6
4.2 Religious Leave:.....	12
4.3 Jury Duty:	13
4.4 Family and Medical Leave:.....	13
4.5 Military Leave:.....	17
5. WORKPLACE DISCRIMINATION & HARASSMENT POLICY	17
5.1 Equal Opportunity.....	17
5.2 Discrimination and Harassment Prohibited.....	18
5.3 Reporting Procedures and Guidelines	20
5.4 Disability and Accommodation	21
6. DRUG FREE WORKPLACE REQUIREMENT	21
6.1 Purpose and Goal.....	21
6.2 Applicability.....	21
6.3 Prohibited Behavior	22
6.4 Notification of Convictions	22
6.5 Searches	22
6.6 Consequences	22
6.7 Assistance.....	23
6.8 Shared Responsibility.....	23
7. COMPUTER AND INTERNET USE POLICY.....	23
7.1 Purpose:	23
7.2 Systems Administrator:.....	24
7.3 Access to Records and Employee Privacy:.....	24
7.4 Use of Computer Network:.....	25
7.5 Prohibited Uses:.....	27
7.6 Personal Use of Computer Network and Internet:.....	29
7.7 Policy Violations:.....	30

8. SOCIAL MEDIA POLICY..... 30

8.1 Purpose: 30

8.2 Port Use of Social Media..... 31

8.3 Private Use of Social Media. 31

8.4 Prohibited Uses..... 32

8.5 Monitoring Compliance; Discipline..... 34

9. CELL PHONE USAGE POLICY..... 34

10. PUBLIC RECORDS ACT COMPLIANCE 36

10.1 Application of Public Records Act..... 36

10.2 Record Retention 36

11. EMPLOYEE EVALUATIONS..... 37

12. DISCIPLINE 37

13. COMPLAINTS..... 38

14. TERMINATION..... 39

1. INTRODUCTION

Welcome to the Port of Chelan County (“Port”). We believe the Port’s most important asset is our employees. Thus, the Port has a goal of providing all employees with a positive, productive work environment and opportunities for personal satisfaction and professional growth. It is our hope that you will become a contributing member of a work force that takes pride in its work.

The Port Employee Handbook (the “Handbook”) is designed to assist you with information relevant to your employment with the Port and to provide you with general information about the Port’s goals, your benefits, and the Port’s expectations of you.¹ This Handbook represents a general statement of company policy and procedures only; it is not a contract or promise of specific treatment under specific circumstances. Please read it carefully and keep it in a convenient place so that you can easily refer to it as questions arise.

This Handbook is designed so that updates can be provided with simple page substitutions. Please be sure to keep your Handbook current. You may be asked to sign an acknowledgement of future updates indicating your familiarity with any new content provided.

Unless you are subject to an individual and separate written employment agreement or other contract approved by the Port’s Board of Commissioners (“Board”) that clearly and expressly waives your at-will employment status, your employment with the Port is at-will. This means that either you or the Port can end your employment with the Port at any time, with or without notice, and with or without cause.

Nothing in this Handbook or in any other documents referred to in this Handbook, is intended to, nor shall be construed as altering the at-will nature of your employment. The Handbook does not guarantee that your employment will continue for a specific period of time or end only under certain circumstances. Nor does the Handbook constitute an express or implied contract of employment, a provision of continued employment, a guarantee of benefits, or any promise of specific treatment in particular circumstances. If you have a signed offer letter or employment agreement with the Port, the signed offer letter or employment agreement controls if it conflicts with this Handbook.

The Port reserves the right to revise this Handbook, in whole or in part, by revocation, modification, or amendment, with or without prior notice. The Port also reserves the right, in its sole discretion, to act apart from, and to make exceptions to the general policies, procedures and guidelines constituting this Handbook. This Handbook supersedes and replaces in all respects any policies promulgated or previously distributed to employees. Any questions about this Handbook should be directed to the Port’s Executive Director.

Any references within this Handbook to the Port’s Executive Director or Port Director shall mean and include any authorized designee of the Port Director.

¹ These policies do not apply to the employees of Pangborn Memorial Airport.

2. ATTENDANCE AND WORKING HOURS

2.1 Working Hours

The standard working schedule for Port employees is from 8:00 A.M. to 5:00 P.M., Monday through Friday, with a one hour unpaid lunch period. The Port may establish other work schedules or vary from these schedules as deemed necessary by the Port Director or an applicable collective bargaining agreement.

A normal working schedule for Regular Full Time Employees consists of forty (40) hours each work week or period. Each employee's supervisor is responsible for advising employees of each employee's specific working hours. The Port shall provide five days advance written notice to employees and their union (if applicable) of any and all changes to the standard working schedule, inclusive of any changes in the employee's start or end times. Notwithstanding the foregoing, an employee's supervisor may temporarily change schedules hours and provide for special schedules for emergency operations as determined in the sole discretion of the Port.

Regular Part Time Employees and Temporary Employees will work hours as specified by the employee's supervisor.

All hours worked or in the service of the Port, inclusive of travel time to and from approved or required trainings and actual training hours, shall be included as time worked for the Port and shall be compensated at the appropriate regular or overtime rate of pay as applicable.

2.2 Overtime

All Port positions are designated as either "exempt" or "non-exempt" according to state and federal law. Non-exempt employees are entitled to additional compensation, either in the form of cash or compensatory time off, when the employee works in excess of forty (40) hours in one week.

All overtime must be authorized in advance by the employee's supervisor. To the extent possible, opportunities to work overtime should be distributed reasonably and equally between eligible employees.

The overtime rate of pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period (i.e. for all hours actually worked in excess of 40 hours per week). When computing overtime or eligibility for overtime, vacation, compensatory time, and sick leave will not be counted as hours worked. Overtime eligibility is based upon actual hours worked in a week, not hours paid.

Exempt employees are not eligible to receive overtime pay or compensatory time off in lieu of such pay.

2.3 Compensatory Time

Non-exempt employees entitled to overtime pay may elect to receive compensatory time off in lieu of cash payment. Requests to use or accrue compensatory time off in lieu of overtime must be approved on a case-by-case basis by the employee's supervisor. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to forty (40) hours for Regular Full Time and Regular Part Time Employees. After maximum accrual, overtime compensation shall be paid.

Employees may use compensatory time within a reasonable time period after making a request to the employee's supervisor, unless doing so would unduly disrupt Port operations. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and his/her supervisor. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted. Use of compensatory time for extended vacation requires approval of the Port Director.

In the event an employee is unable to use accrued compensatory time within a reasonable period, usually ninety (90) days, the employee will be paid his/her original overtime wage. Employees will be paid for unused compensatory time upon termination or separation of employment from the Port.

2.4 Attendance

Punctual and consistent attendance is a condition of employment.

Employees unable to work or unable to report to work on time must notify the employee's supervisor as soon as possible, preferably before the work day begins, but no later than thirty (30) minutes prior to the employee's scheduled start time. If the absence continues in excess of one day, the employee is responsible for reporting to the employee's supervisor each day. If the supervisor is not available, the employee may leave a message with the Port Director or his/her designated representative, which message must state the reason for being late or unable to report for work.

Employees are expected to be at work on time, even during inclement weather. Supervisors may, in each supervisor's sole discretion, allow employees to be late or leave early during severe weather conditions; however, any absence from work due to inclement weather will be charged to accrued vacation time.

Any employee who is absent without authorization or notification, consistent with this policy, may be subject to disciplinary action up to and including possible termination.

2.5 Breaks and Meal Periods

Employees must take one (1) fifteen minute break for every four hours worked. All breaks should be arranged so that they do not interfere with Port business or service to the public. Breaks may not be added to the lunch hour nor subtracted from quitting time. Meal periods are scheduled by an employee’s supervisor. The scheduling of meal periods may vary depending on workload. Meal periods are unpaid.

3. EMPLOYEE BENEFITS

3.1 Annual Vacation Leave:

10 days per year accrued 6.67 hrs/mo	1-5 years employment
15 days per year accrued 10.00 hrs/mo	5-10 years employment
20 days per year accrued 13.33 hrs/mo	10 or more years employment

An employee must be continuously employed for six months in order to be eligible to use accumulated vacation days. Accrual of vacation time for regular Part Time Employees will be prorated based upon the hours worked per week. These accruals may, at the sole discretion of the Port Director, be adjusted in order to recruit experienced personnel.

Unless otherwise approved by the Port Director, at the end of the calendar year, employees may carry over into the next year a maximum of 240 hours (i.e. 30 days) of accrued leave.

In the event an employee fails to complete one full year of employment with the Port, then any accrued vacation is forfeited upon separation or termination and the employee shall not be entitled to receive a lump sum payment of accrued but unused vacation upon such termination or separation. Employees that have completed at least one full year of employment with the Port shall be eligible to receive a lump sum payout of their accrued but unused vacation upon termination of employment (including resignation or retirement), unless such termination is due to misconduct as determined by the Port in its sole discretion, up to the maximum amount of 240 hours (30 days). Employees terminated for

misconduct shall not be entitled to receive a lump sum payment of accrued but unused vacation.

3.2 Paid Holidays:

Eleven (11) paid holidays per year per annual Board Resolution. This includes one Floating Holiday that is lost if not taken during the calendar year. Unless otherwise agreed by the Port Director, in order to be eligible to use Floating Holiday, an employee must be continuously employed by Port for more than four months. The Floating Holiday is not subject to cash out on termination.

3.3 Retirement:

Washington State Retirement System – PERS I, II or III; PERS I for those employees bringing the PERS I eligibility with them to their employment at the Port. The Port and the employee contribute at a rate mandated by the PERS plan in which the employee is eligible to participate.

3.4 Health & Life Insurance:

3.4.1 Health Insurance.

The Port provides health insurance benefits to its Full Time employees. Unless an employee elects not to receive coverage, the Port will pay 100% of the medical insurance premium for each Full Time employee. The Port will also pay 50% of the premium associated with the medical insurance for the Full Time employee's spouse (including registered domestic partner) and family, with the employee paying the remaining 50%. The Port will select the health insurance provider at its discretion. The Port may also elect to change or modify benefit eligibility requirements and contribution levels at its discretion.

3.4.2 Port Group Policy - #287762

Life Insurance and Accidental Death and Dismemberment Insurance (ADD) coverage is provided at the Port's discretion.

3.5 Voluntary Employee Benefit Association (VEBA) — See Sick Leave Policy Section 4.1.1.

3.6 Employee Paid Benefit Options:

Deferred Compensation
Additional Long Term Disability
Additional Life Insurance

Long Term Care Insurance
Section 125 Plan
AFLAC Insurance
Costco Membership
Northwest Medstar - Lifeflight

4. LEAVE POLICIES

4.1 Sick Leave:

All full-time employees of the Port, after completing a six month eligibility period, shall accrue sick leave at the rate of eight (8) working hours per month of completed employment with the Port, up to ninety-six (96) hours per calendar year. Accruals are limited to a maximum of four hundred eighty (480) hours of total unused sick leave at the start of any calendar year.

4.1.1 VEBA. The Port makes the following contributions to a Health Reimbursement Arrangement – Voluntary Employee’s Beneficiary Association (VEBA), account on behalf of its employees: (i) if an employee retires under the Public Employees Retirement System (PERS) at the time of termination of employment from the Port, then the Port will contribute to the Trust identified by Resolution adopted by the Board of Commissioners from time to time, 25% of the value of the employee’s then existing accrued, unused sick leave at the average hourly rate of pay of such employee during the last full calendar year of employment with the Port; and (ii) if an employee starts the calendar year with the maximum accrual of 480 hours of sick leave, and during the ensuing year uses less sick leave than the amount of sick leave that accrued during the same year to that employee, then 25% of the hours in excess of 480 hours of sick leave at the end of the same year (computed at the average hourly rate of pay for that employee during the same year) shall be contributed to the Trust identified in said Resolution. The employee will then start the next year with 480 hours of accrued sick leave available for use.

4.1.2 Sick Leave. Except as provided in Section 4.1.3, below, all full-time employees of the Port shall accrue sick leave at the rate of eight (8) working hours per month of completed employment with the Port, up to ninety-six (96) hours per calendar year, to a maximum of four hundred eighty (480) hours of total unused sick leave at any time.

4.1.3 Eligibility.

4.1.3.1 For any employee hired after November 1, 2005, said employee shall not accrue or be entitled to use sick leave until one of the following eligibility periods expire:

(a) If the employee is placed on the payroll on or before the 15th of the month and remains employed through the following six month period (including the first month of employment), then sick leave may be used in the seventh month of employment (e.g. if an employee is hired on January 10th, sick leave use begins to accrue in the following July).

(b) If an employee is placed on the payroll after the 15th day of the month and remains employed through the following six month period, the employee may use four (4) hours of sick leave during the balance of the month, if working continuously through said month, after the expiration of the six month period, sick leave may be used in the following month (e.g. if an employee is hired on January 20th, then the employee would accrue four (4) hours of sick leave for the balance of the following July, and sick leave would begin to accrue, as set forth in this Policy, in the following August).

4.1.3.2 Part-Time Eligible Employees: Employees working between twenty (20) and forty (40) hours per week accrue sick leave on the same pro-rata basis as their employment schedule bears to a full-time forty (40) hour per week schedule.

4.1.3.3 Ineligible Employees: Unless otherwise required by law, employees working less than twenty (20) hours per week and temporary employees shall not accrue sick-leave.

4.1.3.4 Non-Accrual Times: Employees do not accrue sick-leave during a leave without pay.

4.1.4 Conditions for Use. An employee may use sick leave up to the amount of the employee's accrued and unused sick leave under the following conditions:

4.1.4.1 Because of and during illness or injury which has incapacitated the employee from performing his/her duties.

4.1.4.2 By reason of exposure of the employee to contagious disease during the period as employee's attendance on duty would jeopardize the health of fellow employees or the public.

4.1.4.3 To care for a child with a health condition requiring treatment or supervision. A "child" is defined as the employee's biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability.

4.1.4.4 To care for the employee's spouse, domestic partner, parent, parent-in-law, or grandparent with a serious health condition or emergency condition. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility, or involves continuing treatment by a, or under the supervision of, a health care provider. "Emergency condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate attention.

4.1.4.5 In accordance with the Port's Family & Medical Leave Policy. See Section 4.4.

4.1.4.6 With prior approval of the Port Director, or in the Director's absence, the Director of Business Operations, in such Director's sole discretion, because of emergencies caused by serious illness or death in the immediate family of the employee requiring the assistance of the employee in the care of the patient or the arrangements for the deceased (an "Emergency Leave"). Emergency Leave shall be limited to three (3) days in any one instance unless it can be demonstrated to the satisfaction of the Director, or Director of Business Operations, that additional time is necessary because of travel distance, in which case up to five (5) days leave may be authorized. Any "one instance" means each condition or period of illness or one death.

4.1.4.7 With prior approval of the Port Director, or in the Director's absence, the Director of Business Operations, in such Director's sole discretion, for the purpose of medical, dental, or optical appointment.

4.1.4.8 For the period of time a female employee is sick or temporarily disabled because of pregnancy or childbirth (“Maternity Leave”). An employee taking Maternity Leave may elect to use her accrued sick leave during the actual period of sickness or disability due to pregnancy until such accrued sick leave is exhausted or the employee returns to work, whichever occurs first. [See Family and Medical Leave Policy, Section 4.4]

(a) In order to qualify for Maternity Leave, the employee must give the Port at least sixty (60) days notice of the projected birth date, and if Maternity Leave is to be taken prior to such date, the projected date for the start of the Maternity Leave. The Port may request physician verification of the reasonable need to commence Maternity Leave if it is anticipated to commence more than three (3) weeks prior to the projected due date. An employee taking Maternity Leave may return to the same job, or a similar job of at least the same pay, if Maternity Leave is taken for only the actual period of disability relating to pregnancy or childbirth.

(b) Male employees may use sick leave to care for a newborn or adopted child under the Port’s Family Medical Leave policy. See Section 4.4.

4.1.4.9 Employees suffering illness or injury compensated under industrial insurance provisions shall be entitled to use sick leave to supplement industrial insurance to the level of pay to which they would be entitled if on duty. An employee who uses sick leave is required to and hereby assigns such employee’s right to receive industrial insurance compensation to the Port, to the extent of any sick leave payments received by such employee related to illness or injury for which such industrial insurance is paid.

4.1.5 A physician’s certificate of illness or injury satisfactory to the Port Director or Director of Business Operations is required to be submitted by the employee at the time the employee returns to work, when he/she is absent because of illness or injury more than five (5) consecutive working days. In addition, the Port Director or Director of Business Operations may request such certificate at any time prior to or after any sick leave is approved, and upon request the employee shall cooperate in obtaining such certificate. The Director may also require an employee to undergo a fit for duty analysis if a reasonable suspicion exists that he or she is unable to perform their duties.

4.1.6 Sick leave shall be taken or used in increments of thirty (30) minutes.

4.1.7 Full Compensation. While an employee is utilizing sick leave, the employee is entitled to full compensation, including regular benefits.

4.1.8 Donation of Sick Leave. The Port permits employees to donate accrued but unused sick leave to a fellow employee who has less than 20 hours of accumulated sick leave, or who has exhausted or who is, within a relatively short period of time, reasonably expected to exhaust his/her sick leave and who is suffering from, or has an immediate family member suffering from, a serious health condition (as defined in Section 4.1.4.4 of this policy) (the employee proposed to receive such sick leave or who does receive such sick leave is referred to in this policy as a "Recipient Employee").

4.1.8.1 An employee wishing to transfer accrued sick leave (the "Donating Employee") to another employee may do so, so long as the Donating Employee maintains a minimum of two hundred forty (240) hours of accrued sick leave (after the donated hours approved for transfer are deducted).

4.1.8.2 Transfer of sick leave by an employee is strictly voluntary.

4.1.8.3 The request to transfer sick leave must be made in writing, using a form provided by the Port, and signed by the Donating Employee and the Recipient Employee. The Recipient Employee must provide to the Port documentation satisfactory to the Port of the necessity for use of the shared sick leave and of the time he/she expects to be absent from work. The Director, or his/her designee, may require additional relevant information from the Recipient Employee prior to responding to the request. Such additional information may include, but is not limited to, medical evaluations or certifications.

4.1.8.4 Upon receipt of the information set forth in Section 4.1.8.3, above, the Director, or his/her designee may, but is not required to, allow the transfer if the following conditions are met:

(a) The Recipient Employee, or a member of such employee's immediate family, has a serious health condition which has caused or is likely to cause the

Recipient Employee to go on leave or terminate employment with the Port; and

(b) The Recipient Employee's sick leave balance is inadequate to cover the expected period of absence from work; and

(c) The Recipient Employee is ineligible for coverage under state industrial insurance for the illness, injury, or impairment.

4.1.8.5 The donation must be made in whole-hour increments.

4.1.8.6 If a time loss (workers' compensation) claim is approved at a later time, all sick leave received by the Recipient Employee is returned to the Donating Employee(s), as set out in Section 4.1.8.11 below, and the Recipient Employee repays the Port for any sick leave compensation received during the period covered by the time loss compensation.

4.1.8.7 In making the transfer, the Donating Employee acknowledges that the transferred sick leave is non-refundable (except when workers' compensation benefits are subsequently granted or the Recipient Employee returns to work before the donated time is fully used) and certifies that he/she has received no compensation or other consideration for the transferred sick leave.

4.1.8.8 An employee may not receive more than a total of one hundred sixty (160) hours of donated shared sick leave for a single serious health condition or within any twelve (12) month period.

4.1.8.9 Compensation for shared sick leave that is donated from one employee to another is paid out at the Recipient Employee's then-current regular rate of pay. Sick leave is donated on a dollar for dollar basis, regardless of any difference of the current regular rate of pay for the Recipient and Donating Employees. Donated hours calculated based on the donating employee's wage are returned at the current regular rate of pay for the Donating Employee.

4.1.8.10 While a Recipient Employee is utilizing leave donated by another employee, the Recipient Employee continues

to receive the pay and benefits as the employee would if using his/her own sick leave.

4.1.8.11 Any leave transferred which remains unused or is otherwise to be returned shall be returned to the Donating Employee(s), on a pro-rata basis (based on the dollar value of the hours donated), in one or both of the following situations: (i) according to the relative amounts donated (measured in the dollar value of the hours) during the prior twelve (12) month period (measured from the date the Donating Employee returns to work with unused donated sick leave); or (ii) according to the relative amounts donated (measured in dollar value of the hours) for a specific situation for which a worker's compensation time loss claim is later approved.

4.1.9 Unused Sick Leave at Termination. Except as provided in this Policy, no compensation or other benefit shall be paid to a Port employee for any unused sick leave which an employee may have accrued at the time of termination of such employee's employment.

4.1.10 Worker's Compensation. The Port considers leave taken as a result of an on-the-job injury covered by State industrial insurance and resulting in a "serious health condition" as leave under this policy.

4.2 Religious Leave:

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

4.2.1 The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would impose an undue hardship on Port operations, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management, as such rule currently exists or is hereafter amended.

4.2.2 If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of fourteen (14) days prior to the requested day. The unpaid holiday leave shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's

supervisor shall evaluate requests by considering the meaning of “undue hardship” developed by rule of the Office of Financial Management, as such rule exists or is hereafter amended.

4.2.3 The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

4.3 Jury Duty:

The Port acknowledges that as citizens of local counties, Port employees have a civic obligation and duty to serve on juries when called and selected.

4.3.1 The Port of Chelan County will continue to pay regular wages to any full-time employee who is called to jury duty during regular working hours (8:00 a.m. to 5:00 p.m.) up to forty (40) hours per year.

4.3.2 Any county, state or federal compensation paid to a Port employee for time served on a jury shall be reimbursed to the Port toward wages already paid by the Port to the employee during jury service.

4.3.3 Travel reimbursement received for jury service may be retained by the employee. No additional travel allowance will be paid by the Port.

4.3.4 A Port employee who is called for jury duty shall receive his/her pay for the actual time he/she is required to be absent from work because of such duty, less all sums received as a juror, exclusive of mileage. Any such absence shall not be counted as sick leave or vacation up to a maximum of 40 hours per year. If an employee is called for jury duty within Chelan County and is dismissed from such duty or appearance prior to noon, the employee is required to return to work.

4.4 Family and Medical Leave:

The Family and Medical Leave Act (“FMLA”) provides up to 12 weeks of unpaid leave every 12 months to eligible employees for certain family and medical reasons. To be eligible an employee must have worked for the Port for at least one year, and for 1,250 hours over the previous 12 months.

4.4.1 Reasons for Taking Leave. Unpaid FMLA leave may be granted for any of the following reasons:

4.4.1.1 To care for a child after birth or placement for adoption or foster care.

4.4.1.2 To care for an employee's spouse, son, daughter or parent who has a serious health condition.

4.4.1.3 For a serious health condition that makes an employee unable to perform the essential functions of his/her job.

4.4.1.4 For a qualifying exigency while the employee's spouse, child or parent who is a military member is on covered active duty or call.

4.4.2 Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.

4.4.3 An eligible employee is entitled to up to 26 weeks of leave to care for a covered military servicemember with a serious injury or illness during a single 12-month period.

4.4.4 Under some circumstances, FMLA leave may be taken intermittently -- which means taking leave in blocks of time, or by reducing an employee's normal weekly or daily work schedule -- if medically necessary because of a serious health condition. If an employee is granted intermittent leave or works a reduced schedule, he/she may be required to provide a written certification from his/her health care provider that includes the projected dates and duration of treatment and a statement of the medical necessity for taking intermittent leave or working a reduced schedule.

4.4.5 The Port may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced work schedule.

4.4.6 If FMLA leave is taken for the birth or placement for adoption or foster care, use of intermittent leave is subject to the Port's prior approval.

4.4.7 Substitution of Paid Leave.

4.4.7.1 At the employee's request or at the Port's discretion, certain kinds of paid leave may be substituted for unpaid FMLA leave.

4.4.7.2 The Port may require an employee to use accrued sick leave or vacation as part of the employee's FMLA entitlement.

For example, if an employee wishes to take 12 weeks of FMLA leave due to his/her own serious illness and he/she has accrued two weeks of sick leave and two weeks of vacation, the employee would first take two weeks of sick, then two weeks of vacation, in that order, and would then have eight weeks of unpaid FMLA leave available.

4.4.8 Advance Notice and Medical Certifications. The Port requires that an employee provide the Port with advance leave notice, with medical certification of the need for a leave related to a serious health condition, and with medical certification of the employee's fitness to return to duty after medical leave. Taking leave, or reinstatement after leave, may be denied if the following requirements are not met:

4.4.8.1 An employee must give the Port at least 30 days' advance notice of his/her request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If 30 days' notice is not practicable, then the employee must give the Port notice as soon as practicable, usually within one or two business days of when the need for leave becomes known to the employee. If the employee does not give the Port 30 days' advance notice, and if the employee is able to foresee the need for the leave and the approximate date of the leave, the Port may deny the employee's request for leave until at least 30 days after the date the employee gives the Port such notice.

4.4.8.2 The Port requires that employees provide a medical certification to support a request for leave because of a serious health condition (the employee's, employee's child's, spouse's or parent's) whenever the leave is expected to extend beyond 5 consecutive working days or will involve intermittent or part-time leave. The Port may require second or third opinions, at the Port's option and expense.

4.4.8.3 The Port requires employees provide a medical certification of their fitness for duty to return to work after a medical leave that extends beyond 10 consecutive working days, or that involves a mental disability or substance abuse, or where the medical condition and the employee's job are such that the Port believes the employee may present a serious risk of injury to the employee or others if the employee is not fit to return to work.

4.4.9 Periodic Reporting. If an employee takes FMLA leave for more than 10 consecutive days, the Port requires that the employee report in, to the Port Director or authorized designee, at least every two weeks regarding the employee's status and intent to return to work.

4.4.10 Insurance.

4.4.10.1 If the employee is covered by the Port's group health plan (medical, dental, or vision), the Port will continue to pay its pro-rata share of the employee's health insurance during the employee's FMLA leave on the same basis as during the employee's regular employment. However, if the employee does not return to work after the leave, the employee may be required to pay the Port back for the Port's portion of the insurance premiums, unless the employee's failure to return to work was beyond his/her control.

4.4.10.2 If the employee is covered by other insurance plans through the Port, such as life or disability insurance, those coverages will continue during the employee's paid leave on the same basis as during his/her regular employment. If the employee takes unpaid FMLA leave, he/she will be responsible during the period of such unpaid leave to pay for the portion of the premiums the employee normally pays for, plus the portion of the premiums the Port normally pays for the employee. If the employee does not pay these premiums, the Port may choose to pay them for the employee, to keep his/her coverage from lapsing, but the employee will be responsible for repaying the Port whether or not he/she returns to work.

4.4.11 Couples Employed by the Port. If both the employee and the employee's spouse work for the Port and the employee requests leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to both individuals for those purposes is 12 weeks.

4.4.12 Determining Leave Availability. FMLA leave is available for up to 12 weeks during a 12 month period. For purposes of calculating leave availability, the "12-month period" is a rolling 12-month period measured backwards from the date the employee uses any FMLA leave.

4.4.13 Leave Related to Pregnancy. Leave related to pregnancy will be provided according to state and federal parenting leave requirements. For example, if an employee takes eight weeks leave for childbirth or to recover from childbirth, as authorized by the WLAD, the employee may

still be entitled to 12 weeks of FMLA leave to care for the employee's new child (provided however, in no case shall the FMLA leave extend more than 12 months after the child's birth or adoption).

4.4.14 Reinstatement Rights. If an employee takes leave under this policy, he/she will be able to return to the same or similar job with equivalent status, pay, and benefits, and one which entails substantially equivalent skill, effort, responsibility and authority. However, the Port may choose to exempt certain highly paid employees from the right to return to the same or similar position.

4.5 Military Leave:

The Port provides military leave for employees while performing military service in accordance with federal and state law. Military service includes active military duty and reserve or National Guard training. An employee must provide his/her supervisor with copies of his/her military orders as soon as possible after he/she receives those orders. Reinstatement upon return from military service is determined in accordance with applicable federal and state law.

5. WORKPLACE DISCRIMINATION & HARASSMENT POLICY

5.1 Equal Opportunity

The Port is committed to a diverse workforce where employees are hired, paid, assigned, or promoted based on qualifications, experience, contribution, and performance. It is the policy of the Port to provide equal opportunity to all qualified employees and applicants without regard to race, religion, creed, color, sex (including pregnancy or maternity), age (being over the age of 40), sexual orientation, gender identity, political ideology, ancestry, marital status, families with children (housing only), national origin, ethnicity, veteran and/or military status, genetic information, HIV/AIDS or Hepatitis C status, disability (if the person with the disability can perform the essential functions of the position, with or without reasonable accommodation), use of guide dog or service animal due to disability, or other class of employee or applicant protected by applicable law ("Protected Status"). This commitment to provide equal opportunity encompasses all phases of employment, including but not limited to recruitment, selection, assignment, classification, promotion, demotion, transfer, layoff and recall, and selection for training. Similarly, all salaries, wages, other compensation, insurance programs, pension and other retirement programs, social and recreation programs, and all other benefits or privileges of employment will be administered in conformity with this policy.

It is the objective of the Port to comply with the requirements and objectives of

equal employment as set forth in applicable federal, state, and local laws and regulations. It is also our objective to hire individuals who are qualified for positions of employment by virtue of job-related standards of education, training, and experience, and to avoid all unlawful employment and promotion practices.

5.2 Discrimination and Harassment Prohibited

The Port is committed to providing a work environment that is free of discrimination and harassment based on an employee's Protected Status. Unwelcome actions, words, jokes, or comments based on an individual's race, religion, creed, color, sex, age (being over the age of 40), sexual orientation, gender identity, political ideology, ancestry, marital status, national origin, ethnicity, veteran status, genetic information, disability or that of his/her relatives, friends, or associates, or any other legally protected characteristic will not be tolerated under any circumstances. Individuals who experience or observe harassment or discrimination in violation of this policy are encouraged to report their concerns without fear of reprisal. Every reasonable effort will be made to ensure that complaints of harassment or discrimination are resolved promptly, confidentially, and effectively.

Employees who have questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Port Director. If it is inappropriate or uncomfortable to bring such concerns to the attention of the employee's immediate supervisor or if the concern has not been addressed to the employee's satisfaction, the employee may contact the Port Director.

Anyone found to be engaging in any type of discrimination or harassment in violation of this policy will be subject to disciplinary action, up to and including termination.

5.2.1 Discrimination. Discrimination is defined as treating one employee or applicant for employment differently from another in connection with the terms or conditions of employment such as hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training or other work conditions due to the employee's or applicant's Protected Status. Discrimination can also involve failure to make a reasonable accommodation to an employee with a disability. Discrimination can also arise from policies or practices that have a disparate impact on members of a protected class if there is no business necessity for the policy or practice.

5.2.2 Sexual Harassment. Sexual harassment is a form of discrimination. In general, it is defined as unwelcome conduct that is of a sexual nature or based on gender. It can be by someone of the same sex or of a different sex.

5.2.2.1 Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different genders. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical or verbal conduct or visual material of a sexual nature. Employees have the right to be free from such harassment on the job, either from co-workers, supervisors, management, vendors, or clients of the company. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, on tour, business meetings, and business-related social events.

5.2.2.2 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

5.2.2.3 The Port strongly discourages romantic or sexual situations involving Port customers, suppliers, distributors, vendors, or between employees because such a relationship may lead to conflicts of interest, favoritism, sexual harassment, unprofessional behavior, and inattention to work. If such situations or relationships do occur, the Port requires that such relationships be disclosed to the Port Director. If such behavior has a negative impact on the Port's business interests, the work environment, or employee performance, the Port will take appropriate action to protect the Port's interests. This action may include disciplinary action up to and including termination.

5.2.3 Other Harassment. Like sexual harassment, harassment on the basis of any other Protected Status is also a form of discrimination. Harassing conduct may include, but is not limited to, inappropriate jokes and innuendo, epithets, slurs, or negative stereotyping, display in the workplace of offensive materials, use of email, instant messages, texts, blogs and other social media, and other physical or verbal conduct or visual material.

5.2.4 Retaliation. Retaliation for making a complaint of discrimination or harassment in good faith or for participating as a witness in an investigation is prohibited.

5.3 Reporting Procedures and Guidelines

The Port encourages reporting of any perceived incident of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Anyone who believes that he or she is a victim of or has observed such conduct by any manager, employee, vendor, distributor, supplier, or customer of the Port should do the following:

5.3.1 If comfortable and practical, identify the offensive behavior to the harasser and request that it stop. If it is not comfortable or practical to confront the harasser directly, or if you have done so and the harassment is continuing, notify the Port Director.

5.3.2 Concerns or complaints will be promptly investigated. Retaliation for reporting such concerns in good faith or cooperating as a witness with any investigation is prohibited. Thus, employees can raise concerns, make reports and participate in investigations without fear of reprisal.

5.3.3 Whenever possible, the confidentiality of the complaint will be maintained. However, there may be instances when the details of the complaint or identity of the complaining party must be disclosed in order to effectively investigate or address the complaint. In all circumstances, however, the Port will take all reasonable steps to assure that the complaining party does not suffer any reprisals or retaliation.

5.3.4 If an investigation shows that any employee has engaged in unlawful harassment, discrimination, or retaliation, the Port will take appropriate disciplinary action or corrective measures, including, but not limited to, mandatory counseling, training, additional supervision, transfer, change of job duties, demotion, suspension or termination of employment as more fully described below. This list is illustrative only. The level of disciplinary action or corrective measures deemed appropriate in any specific situation will be determined by the Port

Director. This policy does not create a mandatory step or progressive disciplinary policy and does not in any way alter the Port's status as an "at will" employer or create a contract between an employee and the Port with respect to the level of disciplinary action appropriate in any situation.

5.4 Disability and Accommodation

In accordance with state and federal law, the Port will make reasonable accommodations of qualified applicants and employees with disabilities unless making the accommodation imposes an undue hardship on the Port or the individual poses a direct threat to the health or safety of others. Although all employees must be able to properly perform their essential job duties, the Port may be able to adjust work schedules, transfer the employee to a vacant position for which he or she is qualified, or make other modifications or accommodations so that the employee can perform the essential functions of his or her job and continue working.

If you have a disability that affects your ability to work and you need an accommodation, you are strongly encouraged to discuss your circumstances with the Port Director. Any information you provide will be treated as confidential, except to the extent that other employees may need to know to evaluate your request for an accommodation or to accommodate your disability.

The Port may request medical opinions to verify your disability, identify potential reasonable accommodations, or to determine whether your continued work would pose a direct threat to the health or safety of others.

6. DRUG FREE WORKPLACE REQUIREMENT

6.1 Purpose and Goal

The Port is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The Port encourages employees to voluntarily seek help with drug and alcohol problems.

6.2 Applicability

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours and whenever conducting business or

representing the Port.

6.3 Prohibited Behavior

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants, other than as required in the performance of your job duties. This policy applies to drugs that are illegal at any level (state, federal or local). For example, cannabis is considered an illegal drug under this policy because it is illegal under federal law.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

The illegal or unauthorized use, sale, or distribution of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deteriorates and/or other accidents occur.

6.4 Notification of Convictions

Any employee who is convicted of a criminal drug violation must notify the Port Director in writing within five calendar days of the conviction.

6.5 Searches

Employees have no expectation of privacy in the Port's facilities or in any property used while in the Port's employment. For example, searches can be conducted of lockers, offices, desks, work stations, containers, computers, vehicles, equipment, knapsacks, purses, briefcases, computers and other electronic devices used for work purposes, and packages brought onto Port property at any time. Such searches could be for any work-related purpose as determined by the Port in its sole discretion.

6.6 Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious. If an employee

violates the policy, he or she will be subject to disciplinary action up to and including termination if allowed under applicable law and/or may be offered a last chance agreement that includes rehabilitation. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

6.7 Assistance

To support our employees, our drug-free workplace policy encourages employees to seek help if they are concerned that they may have a drug and/or alcohol problem; encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help; and allows the use of any accrued paid time off while seeking treatment for alcohol and other drug problems. Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

6.8 Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

6.8.1 All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. In addition, employees are encouraged to be concerned about working in a safe environment and report dangerous behavior to their supervisor.

6.8.2 It is the supervisor's responsibility to observe employee performance, document negative changes and problems in performance, and counsel employees as to expected performance improvement.

7. COMPUTER AND INTERNET USE POLICY

7.1 Purpose:

The Port of Chelan County has installed a local area network of personal computers to support Port business and administrative functions. Port employees will be assigned a work station, including personal desktop computer

and email address, to conduct authorized Port-related business. Each Commissioner may also be furnished with an email address and work station and/or tablet connected to the Port computer network.

As part of the Port's computer network, the Port maintains internet access and email accounts for use by Port employees and Commissioners. Internet and email access is available on all Port computers and devices, and is provided for Port business-related electronic communication (i.e. email, blogs, social networking, website maintenance), research, and informational purposes. Port employees and Commissioners may access the Port's computer network, including internet and email, from personal devices as authorized by this and other policies established by the Port.

This policy, governing access to and use of the Port's computer network, including internet and email, may be subject to frequent revision as technology changes. The Port has adopted separate policies governing the use of cellular phones, including smart phones, and social media, which policies supplement the requirements set forth in this policy.

7.2 Systems Administrator:

The Port contracts with a third party contractor to provide computer network services to the Port. The Port's contract service provider is the system administrator ("SA") for purposes of this policy. In the event the Port ceases to contract with a third party contractor for computer network services, the Port Director shall designate a Port employee to serve as the SA. The Port Director may also delegate or authorize a Port employee to provide local or onsite service to the Port in absence of the SA. The SA is responsible for the operation and maintenance of the Port's computer network, including computer work stations, personal electronic devices, servers, email accounts, and internet. The SA's responsibilities include, but are not limited to: troubleshooting computer or technology issues, training, making recommendations and performing installation/removal/enhancement of software and applications on computers, servers and devices, vendor liaison, procuring hardware (including computers, servers, and devices), and other responsibilities requested by the Port from time to time. Port employees or Commissioners shall not install, upload, or download any program or application on any Port computer or device without the approval of the SA.

7.3 Access to Records and Employee Privacy:

The Port owns the computer network, including computers (desktop and lap top), devices, servers, routers, switches, internet, and email accounts. All software, electronic communications, data, files, or other electronic or

computer-generated documents and information prepared, sent, received, used, maintained, or stored on the Port's computer network are the Port's property, and are subject to review, retention and disclosure by the Port pursuant to the Washington State Public Records Act, as existing or hereafter amended ("Act"), and other applicable policies and regulations. The Port has the capability and reserves the right to access, review, copy, modify, produce, and delete any document or information transmitted through or stored in its computer network, including internet and email accounts.

Employees and Commissioners (sometimes collectively referred to herein as "individuals") do not have a right to privacy when using the Port's computer network, including internet and email, and should not consider any software, electronic communication, data, file, or other electronic or computer-generated document or information that is prepared, accessed, sent, received, used, maintained, or stored on the Port's computer network to be private or otherwise exempt from potential review and disclosure. Any such document or information may be accessed and otherwise made available for review, inspection, and disclosure by authorized Port employees, Commissioners or consultants, including the SA. Accordingly, individuals should not use the Port's computer network to send, receive or store any information they wish to keep private. Even after a document or electronic communication has been "deleted," it may still be possible to retrieve it.

The Port reserves the express right to monitor and inspect the activities of Port employees and Commissioners while using the Port's network, including internet and email, at any time. The Port further reserves the right to read, review, use and disclose any software, electronic communication, data, file, or electronic or computer-generated document or information prepared, accessed, sent, received, used, maintained, or stored on the Port's computer network for any lawful purpose, including to respond to a request under the Act, to comply with a request for discovery, to conduct an investigation, and/or to ensure compliance with this Policy.

7.4 Use of Computer Network:

The Port's computer network, including internet and email, may be used by Port employees and Commissioners for the conduct of Port-related business. Use of the Port's computer network, including internet and email, is subject to the following requirements:

7.4.1 The SA is solely responsible for installing software and hardware on Port computers and devices, creating and managing email accounts, establishing internet access, troubleshooting and repairing network servers and devices, and installing or connecting computers and devices

to the Port's computer network. Individuals must not connect computers or devices (including personal devices) to the Port's network, or install or upload/download additional software, applications, or hardware on any Port computer or device, without prior approval of the SA or Port Director.

7.4.2 The safety and security of the Port's computer network and resources must be considered at all times when using the Internet. Any programs from a non-current source (i.e., software that is not purchased in original diskette or CD ROM format) or which involve executable or binary files must not be downloaded or installed without prior permission from the SA or Port Director, and without being properly scanned for viruses.

7.4.3 Individuals must use a reliable and current virus detection/cleaning program on all disks or files from outside sources to ensure that no viruses enter the Port network. All Port desktop computers are linked together and, as such, are vulnerable to malfunctions brought on by external sources including viruses, programs not designed to run on the Port's operating systems, and changes made to hardware and operating systems.

7.4.4 Individuals must not share or reveal individual passwords to anyone other than as authorized by the SA or Port Director.

7.4.5 Individuals must contact the SA to resolve problems with Port computers, devices, and programs. No outside computer technicians or "gurus" may "troubleshoot" or modify any Port computer or device on the Port network except when directed by the SA.

7.4.6 Caution should be taken in transmitting confidential information using the computer network. Individuals should use due care in addressing email messages to assure messages are not inadvertently sent to an unintended or unauthorized recipient inside or outside the Port. Email creates a written record subject to retention and disclosure under the Act, and court rules of discovery. Once sent, email cannot be retracted. Even after deletion at a workstation or on a device, email can be retrieved and read.

7.4.7 Good judgment should always be employed in using the Port's email and internet systems. All electronic communications and website postings must be in compliance with Port policies, and must not involve the prohibited conduct or uses set forth below or in other policies of the Port. Individuals should create and send only courteous, professional and

businesslike messages that do not contain objectionable, offensive or potentially discriminatory material.

7.4.8 Individuals may connect personal devices, including personal computers, tablets and cell phones, to the Port's computer network with prior approval of the Port Director and SA. Any records pertaining to business of the Port that are created, sent, received, accessed or used on such devices are owned by the Port and are subject to retention and disclosure by the Port in compliance with law (including this Policy and the Act). Individuals must transfer any public records sent, received, created, accessed or used on any personal computer or device to the individual's Port issued email account if such records are not automatically saved in the Port's computer network. Individuals may be required to allow inspection of their personal computers and devices by Port management, the SA, and/or other consultants, to ensure that all public records pertaining to Port business have been transferred to and are stored on the Port's computer network.

7.5 Prohibited Uses:

Employees and Commissioners are prohibited from using the Port's computer network, including internet and email accounts, in a manner that is inconsistent with or contrary to the Port's policies. The content of any electronic communication sent by a Port employee or Commissioner, whether in a personal capacity or on behalf of the Port, must not contain anything that could reasonably be construed as unacceptable and contrary to the Port's policies, or otherwise offensive, disparaging, or disruptive to the Port or about any Port employee, Commissioner, contractor, consultant or citizen.

The following is a non-exclusive list of unacceptable or prohibited uses of the Port's computer network, including internet and email accounts:

7.5.1 Use of personal email and social media accounts to conduct Port-related business;

7.5.2 Preparing or sending electronic communications or documents including sexual comments or images, racial slurs, gender specific comments, or any comments that would offend someone on the basis of a characteristic protected by local, state, and/or federal laws or regulations;

7.5.3 Preparing or sending communications intended to harass or bully any person;

7.5.4 Engaging in instant messaging;

- 7.5.5 Preparing or sending spam or junk email;
- 7.5.6 Attributing personal statements, opinions or beliefs to the Port;
- 7.5.7 Preparing or sending communications, documents, and other information that may harm or tarnish the image, reputation and/or goodwill of the Port and/or any of its Commissioners, employees, contractors or consultants;
- 7.5.8 Engaging in any activity that is illegal under local, state, federal or international law;
- 7.5.9 Violating laws pertaining to the handling, use, and/or disclosure of copyrighted or export controlled documents, materials or information;
- 7.5.10 Intentionally performing an act that will interfere with the normal operation of Port computers, terminals, peripherals, or networks;
- 7.5.11 Intentionally running or installing a program intended to damage or to place excessive load on the Port computer network. This includes but is not limited to programs known as computer viruses, Trojan horses, and worms;
- 7.5.12 Violating the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations;
- 7.5.13 Using the Port's trademarks, logos and any other Port intellectual property in connection with any personal email or internet activity;
- 7.5.14 Making fraudulent offers of products, items, or services originating from any Port account;
- 7.5.15 15. Making statements about warranty, expressly or implied, unless it is a part of normal job duties, from any Port account;
- 7.5.16 Effecting security breaches, including but not limited to sharing data of which the public is not an intended recipient;
- 7.5.17 Disclosing any confidential or other proprietary information of the Port or its contractors and/or citizens without prior consent;
- 7.5.18 Commercial use of the Port's internet or email for private purposes or gains;
- 7.5.19 Soliciting personal items or non-business items through advertising on the Port's network or accounts;

7.5.20 Using the Port's computers, devices, email, and/or internet for political purposes;

7.5.21 Using aliases, transmitting anonymous messages, or misrepresenting an employee's job title, job description, or position with the Port;

7.5.22 Intentionally releasing untrue, distorted, or confidential information regarding Port business (without prior authorization); and

7.5.23 Viewing or Downloading photos and information from pornographic sites, sexually explicit sites, chat rooms and bulletin boards.

The foregoing list is not exhaustive. The Port reserves the right, in its sole discretion, to determine whether any individual's use of the Port's computer network, including email or internet, is in violation of this Policy.

7.6 Personal Use of Computer Network and Internet:

The Port does not prohibit personal use of the Port's computer network, including internet and email. However, the Port expects individuals to limit personal use of the Port's computer network, including internet and email, and to use the network in a manner that is tactful, legal, consistent with Port rules and regulations, and not disruptive of work performance for the Port. Limited personal use of the Port's network, including internet and email, is permitted to occur during breaks, lunch, or after hours, and only so long as such use does not disrupt or interfere with an employee's work or other Port business. Whether an employee's personal use of Port's computer network is interfering with the employee's work or other Port business, or is otherwise in violation of this Policy, will be solely determined by Port management.

Personal use of the Port's computer network, including internet and email, is subject to the following:

7.6.1 Individuals must comply with the acceptable use policies set forth above, and shall not engage in any of the prohibited or unauthorized uses set forth in this and other policies of the Port.

7.6.2 The use of the Port's computers, devices, and internet for personal reasons should be kept to a reasonable minimum level; any personal use that results in additional expense to the Port will be charged to or reimbursed by the employee or Commissioner.

7.6.3 Personal data, files and information of Port employees and commissioners may be stored on the hard drive of a Port computer

(subject to being accessed by the Port, its employees, contractors, SA, and representatives), assigned for use primarily by the employee or Commissioner for whom the data is stored, provided that there is sufficient room to store such data on the hard drive without displacing any Port data or without causing a need to increase the storage capacity of the hard drive. The SA shall determine whether sufficient storage space is available in their sole and absolute discretion. The Port may delete stored personal data within a reasonable time as determined by the Port, after notice to remove is provided by general notice to all users.

7.6.4 The Port, its employees, or its consultants are not responsible for the loss of any personal data or the cost of recovering any personal data that may be lost or removed for any reason.

7.6.5 Personal use of the computer network or internet must not interfere with the employee's performance of work or disrupt the work of others.

7.6.6 Employees and Commissioners should be aware that certain types of software generate a record of the history of the use of the computer.

7.6.7 There is no expectation of privacy in personal use of Port computer network, including computers, devices, servers and internet. Personal information located on or accessed through the Port computer network may be subject to review and disclosure by the Port, the SA, consultants and/or third parties.

Ultimately, the use of the Port's computer network, including internet and email, for purposes other than those that are directly related to Port business operations should be limited and guided by common sense. This use is a privilege, and its abuse will cause it to be cancelled.

7.7 Policy Violations:

The Port reserves the right to monitor compliance with this Policy. The Port Director and or his/her designee has the right to restrict or prohibit any Port employee or Commissioner from accessing or using the Port computer network, including email and internet, for violations of this Policy. Violations of this Policy by Port employees may result in discipline up to and including termination.

8. SOCIAL MEDIA POLICY

8.1 Purpose:

The Port recognizes the popularity of using social networking tools and services, including but not limited to Facebook, Twitter, Instagram, LinkedIn, Snapchat, Flickr, and Blogs (“Social Media”), among the general population. Social Media tools allow the Port to engage with citizens, customers and the general public in electronic forums where conversations and interactions already exist. As a result, there is a legitimate need for Port employees to have an understanding and ability to use Social Media for purposes of operating or maintaining Port sanctioned social networking services.

The Port further recognizes that its employees and officials may subscribe to and/or utilize Social Media in their personal capacities. It is important for Port employees and officials to understand their ability to use Social Media in a personal capacity due to their affiliation or status with the Port.

8.2 Port Use of Social Media.

Social Media may be used for authorized business purposes of the Port, which purposes include promotion and public outreach. Use of Social Media for a Port business purpose requires:

8.2.1 Approval by the Port Director or Director of Business Operations,

8.2.2 Publication using the approved Port platform and tools, and

8.2.3 Administration by approved authors. (Approval is to be granted by an employee’s supervisor and the Port Director or Director of Business Operations.)

8.2.4 Employees and officials authorized to use Social Media for Port business shall comply with reasonable guidelines established by the Port from time to time. Any Port sanctioned use of Social Media must comply with the use restrictions set forth in Section 8.4 of this Policy.

8.2.5 All Social Media postings and exchanges by or on behalf of the Port are subject to the Washington State public records retention and disclosure laws.

8.3 Private Use of Social Media.

The Port does not prohibit personal use of Social Media. However, the Port expects its employees to limit personal use of Social Media while working at or for the Port, and to use Social Media in a manner that is tactful, legal, consistent with Port rules and regulations, and not disruptive of their work performance for the Port. Limited personal use of Social Media is permitted to occur during breaks, lunch, or after hours, and only so long as such use does not disrupt the employee’s work or other Port business. Whether an employee’s personal use

of Social Media is interfering with the employee's work or other Port business, or is otherwise in violation of this policy, will be solely determined by Port management.

8.3.1 Port employees and officials are personally responsible for the content they publish on any Social Media site or network. Employees and officials should be mindful that, as an employee or official of the Port (i.e. representative of a government agency) what is published in Social Media may be a public record subject to Washington State public disclosure laws. In addition, employees and officials should be mindful that, what is published in Social Media may remain public for a long time. Thus, employees and officials are encouraged to take measures to protect their privacy while using Social Media and not to use Social Media to discuss Port business or activities, unless for an authorized Port-sanctioned purpose.

8.3.2 In the event an employee or official creates or receives a public record while engaging in private use of Social Media, the individual must promptly forward the public record to the individual's Port-issued email account for further retention and disclosure as required by state law.

8.3.3 The Port discourages employees from identifying their employer (the Port) on their personal Social Media sites. In the event an employee elects to identify the Port as their employer, the employee must refrain from engaging in political or religious activities on their Social Media sites or in other Social Media postings. In addition, the employee must post a disclaimer that makes it clear that they are speaking for themselves, and not on behalf of the Port. For example, the employee may post the following disclaimer: ""The postings on this site are my own and do not represent the Port's positions, strategies, or opinions."

8.3.4 Employees are discouraged from joining or becoming "friends" on Social Media with other Port employees of a higher rank or position level (i.e. in a supervisory role to employee).

8.3.5 Port employees and officials must not engage in prohibited uses of Social Media, as further set forth in Section 8.4 of this Policy.

8.4 Prohibited Uses.

The content of any posting or update on Social Media by a Port employee or official, whether in a personal capacity or on behalf of the Port, may not contain anything that could reasonably be considered as unacceptable and contrary to the Port's policies, or otherwise offensive, disparaging, or disruptive to the Port or about any Port employee, contractor, or citizen. Offensive or unacceptable

Social Media content or behavior may include, but is not limited to, the following:

- 8.4.1 Sexual comments or images, racial slurs, gender specific comments or any comments that would offend someone on the basis of a characteristic protected by local, state, and/or federal laws or regulations;
- 8.4.2 Actions or comments that may harm or tarnish the image, reputation and/or goodwill of the Port and/or any of its employees;
- 8.4.3 Personal statements, opinions or beliefs attributed to the Port;
- 8.4.4 Engaging in any activity that is illegal under local, state, federal or international law;
- 8.4.5 Violating laws pertaining to the handling and disclosure of copyrighted or export controlled materials;
- 8.4.6 Violating the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations;
- 8.4.7 Using the Port's trademarks, logos and any other Port intellectual property in connection with any personal Social Media activity;
- 8.4.8 Using a Port Social Media account to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction;
- 8.4.9 Making fraudulent offers of products, items, or services originating from any Port account;
- 8.4.10 Making statements about warranty, expressly or implied, unless it is a part of normal job duties, from any Port account;
- 8.4.11 Effecting security breaches, including but not limited to sharing data of which the public is not an intended recipient; and
- 8.4.12 Disclosing any confidential or other proprietary information of the Port or its contractors and/or citizens without prior consent.

The foregoing list of prohibited uses is not exhaustive. The Port reserves the right, in its sole discretion, to determine whether any individual's use of Social Media is in violation of this Policy. Port employees should at all times adhere to

the rules, policies, and regulations of the Port. To that effect, this policy should be read in conjunction with other Port policies.

8.5 Monitoring Compliance; Discipline.

The Port reserves the right to monitor any and all Social Media sites maintained by employees to ensure compliance with this policy. Any violation of this policy may be grounds for discipline, up to and including termination.

9. CELL PHONE USAGE POLICY.

- 9.1 Cell phones or smart phones (collectively referred to herein as “cell phone”) may be needed by certain Port officials and employees in order to increase the efficiency of the individual’s workload or to provide a tool to be used in cases of emergencies.
- 9.2 The Port will provide a payroll stipend to Commissioners and designated Port employees in exchange for those individuals providing and utilizing a cell phone during normal business activities conducted for the Port. The payroll stipend will be provided to all Commissioners, but will only be authorized for Port employees when there is a demonstrated need for employee communication via a cell phone, such as improving safety, increasing productivity and/or efficiency, responding to tenants and the public at large, responding to business emergency, or where it is the less costly form of communication available. Commissioners and employees that are deemed eligible and elect to receive a cell phone stipend will be required to complete the Cell Phone Stipend Agreement, a copy of which is attached to this policy as Exhibit I.
- 9.3 The Port is a public entity subject to the requirements of the Washington State Public Records Act, Chapter 42.56 RCW (“Act”). Any voice or text messages sent or received by **any** Port Commissioner or Port employee on **any** cell phone pertaining to business of the Port are subject to retention, review, and disclosure under the Act. As a result, each Port Commissioner and Port employee is responsible for complying with the Act.
- 9.4 Unless authorized in advance by the Port Director, individuals (i.e. Commissioners or Port employees) that do not receive a cell phone stipend are prohibited from using a personal cell phone to conduct Port related business. In the event an individual that does not receive a stipend receives messages on a personal cell phone related to Port business, the individual should direct the contacting party to use a Port business telephone number or email to contact the individual. In addition, the individual must forward any messages to the individual’s Port-issued email account and comply with all processes and requirements of the Port applicable to individuals that use personal cell phones

for Port related business, including the process and requirements set forth below.

- 9.5 Unless the individual is subscribed to or receives the capture service described below, any individual that uses a personal cell phone to conduct Port related business must promptly forward any Port business related voice or text messages sent or received on the personal cell phone to the individual's Port-issued email account for review and retention by the Port. Individuals may be required to submit affidavits or declarations to facilitate the Port's response to requests for public records related to the individual's use of a personal cell phone for Port business. Individuals shall not delete Port business related voice or text messages sent or received on a personal cell phone unless those messages have been transferred to the Port for retention. In the event an individual improperly deletes, withholds or destroys, or is reasonably suspected of deleting, withholding or destroying, a text or voice message on the individual's personal cell phone pertaining to Port business, the individual may be required by the Port Director, or authorized designee, to submit their cell phone to the Port, or the Port's contractor, for forensic retrieval of any such messages.
- 9.6 The Port may elect to subscribe to a service or program capable of capturing, searching, and retaining all voice and/or text messages sent or received on any personal cell phone ("capture service"). The primary purpose for such service is to facilitate the Port's retention and production of public records as required by the Act. If the Port elects to subscribe to a capture service, individuals that are provided with a cell phone stipend will be required to have the capture service installed on the individual's personal cell phone. Once the capture service has been installed, all voice and/or text messages (as applicable depending on the scope of the capture service) sent or received on or from the individual's cell phone, including personal messages, will be captured and retained by the capture service until destroyed as authorized by the Port Director or authorized designee. Any messages received and retained by the capture service may be accessed, searched, reviewed, and produced by authorized Port employee, or the Port's authorized contractors, for any authorized purpose, including but not limited to in response to a request for records under the Act. Individuals required to subscribe to the capture service shall not tamper with, disable, or circumvent use of the capture service by any means. The Port may add to, change, or modify the scope of the capture service (i.e. text only, voicemail only, text and voicemail, email, etc) at any time without notice to the subscribing individual. A refusal to subscribe to the capture service will result in termination or forfeiture of the stipend.
- 9.7 The Port does not prohibit employees from using personal cell phones for personal (non-Port related calls). However, all personal cell phone use should occur in private (i.e. not in front of Port customers), and should not interfere with the employee's work for the Port. Whether an employee's personal use of

a cell phone is interfering with the employee's work will be solely determined by Port management.

- 9.8 Commissioners and employees shall refrain from using cell phones while operating vehicles in the performance of Port related business or during applicable work hours, except with the use of a hands-free device and in accordance with applicable laws. Every effort should be made to pull to the side of the road or other safe location prior to answering or initiating cell phone calls. Individuals shall not review, type, send, or otherwise engage in text messaging while operating a vehicle during the performance of Port related business or during applicable work hours.
- 9.9 Any Commissioner or Port employee who is charged with traffic violations resulting from the use of their cell phone while operating a vehicle will be solely responsible for all liabilities that result from such actions
- 9.10 Port employees that use a cell phone in violation of this policy, or that otherwise fail to comply with this policy, may be subject to discipline up to and including termination.
- 9.11 Employees will be required to sign the Agreement attached as Exhibit A in order to receive the stipend.

10. PUBLIC RECORDS ACT COMPLIANCE

10.1 Application of Public Records Act

The Port is a public entity subject to the requirements of the Washington State Public Records Act. All records created, owned, used, maintained, reviewed, or stored by Port employees regarding business of the Port are public records of the Port. Port employees shall ensure compliance with the Public Records Act and any policies of the Port related to compliance with the Public Records Act. Employees shall make public records within the employee's control, including public records retained on private computers and devices, available to the Port upon request by the Public Records Officer for the Port or as otherwise directed in Port policies.

10.2 Record Retention

Port employees shall retain, store, and dispose of all public records as required by the Local Government Common Record Retention Schedules and Local Government Record Retention Schedules for Port Districts, promulgated by the Washington State Secretary of State Archives Division, and in compliance with Port Policies.

11. EMPLOYEE EVALUATIONS

- 11.1 Supervisors are encouraged to schedule and prepare performance evaluations of each employee within their department on a regular basis. The Port Director or authorized designee will perform evaluations of each Supervisor using the same schedule or at the same time as the Supervisors are conducting their reviews. Evaluations may be used to determine eligibility for compensation increases, promotions, and other incentives.
- 11.2 Unless an applicable employment agreement provides otherwise, on or before December 1st of each year, the Port Director shall submit a written statement and self-evaluation to the Port of Chelan County Board of Commissioners summarizing the prior year's successes, struggles, projects completed and ongoing, and all other matters the Port Director elects to include, along with measurable goals for the next calendar year. This statement will be considered as part of the annual review of the Port Director.

12. DISCIPLINE

- 12.1 The Port is committed to establish and maintain standards of conduct and supervisory practices which will support effective business operation and an environment which promotes reciprocal respect and dignity. Port employees are **at-will employees** and may be discharged at any time and for any reason that does not violate State or Federal law. The Port recognizes, however, that it has a significant investment in the training and retention of employees and therefore will attempt, as circumstances allow, to follow disciplinary practices which best recognize this investment.
- 12.2 The Port may take appropriate disciplinary action based on the seriousness of the situation and the relevant circumstances, up to and including immediate termination. Discipline less than termination may take the form of counseling, a performance improvement plan, a verbal warning, a written warning, a final warning, and/or suspension without pay alone or in any combination of other disciplinary actions depending on the supervisor's assessment, on a case-by-case basis, the facts and circumstances surrounding each individual situation. The use of disciplinary action less than termination in a given case does not change the at-will nature of employment with the Port.
- 12.3 Because Port employees do not have a property interest in their employment as at-will employees, pre-disciplinary meetings are not constitutionally required. However, the Port will attempt, when circumstances allow, to schedule a pre-disciplinary meeting to permit the employee to respond to a notice of discipline

which could reasonably result in a loss of pay and/or termination. Prior to or at the beginning of the pre-disciplinary meeting, the Port will describe the disciplinary action which is being considered and the general reasons for taking the proposed action. The primary purpose of the pre-disciplinary meeting however, is to listen to the employee prior to making a final disciplinary decision.

- 12.4 It is the responsibility of Port employees to comply with applicable policies, rules of conduct, and performance expectations for conducting business and to assure that standards of quality and safety are met.
- 12.5 It is the supervisor's responsibility to address disciplinary problems in a timely manner; to contact Port management for assistance as needed; to properly document all actions; and to ensure fairness and consistency in handling disciplinary situations.

13. COMPLAINTS

- 13.1 The Port recognizes that sometimes situations arise in which an employee may feel that the employee has not been treated fairly or in accordance with Port Policies. For this reason, unless an applicable collective bargaining agreement provides otherwise, the Port provides procedures for resolving complaints.

13.1.1 The employee should first try to resolve any problem or complaint with the employee's supervisor. The employee must notify the employee's supervisor of the basis of the complaint, either orally or in writing, within ten (10) days of the action or event giving rise to the complaint. The supervisor will respond to the employee, in writing, within five (5) days following the meeting with the employee.

13.1.2 When communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of Port policies and procedures, the employee should attempt to resolve the problem with the employee's Supervisor. The employee shall make an oral or written complaint with the Supervisor within ten days of either (i) the final communication by the employee's supervisor regarding the complaint, or (ii) the action or event giving rise to the disagreement regarding policy application. The Supervisor will respond to the employee in writing within five (5) days after meeting with the employee, if possible.

13.1.3 If the employee is not satisfied with the response from the employee's Supervisor, the employee may submit the problem, in writing, to the Port Director. The written complaint must contain, at a minimum:

13.1.3.1 A description of the problem;

13.1.3.2 A specific policy or procedure which the employee believes has been violated or misapplied;

13.1.3.3 The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;

13.1.3.4 The date the complaint was initially filed with the employee's supervisor and the outcome of that complaint (also attached documents from the initial complaint and response); and

13.1.3.5 The remedy sought by the employee to resolve the complaint.

13.2 The written complaint must be filed within ten (10) days of either (i) the final communication by the employee's Supervisor regarding the complaint, or (ii) the action or event giving rise to the complaint.

13.3 The Port Director may meet with the parties, either individually or together, and will usually respond in writing to the employee within ten (10) working days of the meeting. The Port Director's response and decision shall be final and binding.

13.4 Certain employees may have more than one source of dispute resolution rights, i.e., a collective bargaining agreement, if any, and the complaint process set forth in these Policies. Employees represented by a bargaining unit or other employment agreement should follow grievance procedures set out in their respective labor contracts or agreements, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

14. TERMINATION.

All employees are employed on an at-will basis and may be terminated at any time by the Port with or without cause and with or without notice. The Port is not required to impose any level of discipline or warning prior to termination.

The Port of Chelan County

Employee Handbook

ACKNOWLEDGEMENT

I acknowledge that I have read the Port (“the Port”) Employee Handbook (the “Handbook”) and I understand everything in it. I understand that the statements in the Handbook are general statements of the Port policies and that the Handbook is not a promise of specific treatment under specific circumstances, nor is it a contract or promise of continuing employment. I also understand that the Port can rescind, revoke, add to, modify, amend, and/or deviate from the policies in this Handbook at its sole discretion without prior notice. I understand that if I have a signed offer letter or employment agreement with the Port, the signed offer letter or employment agreement controls if it conflicts with this Handbook.

I further understand and agree that unless I am subject to an individual and separate written employment agreement or other contract signed by a Port officer or director that clearly and expressly waives my at-will employment status, my employment is at-will, for an indefinite period of time, and that my employment may be terminated by the Port or by me at any time, with or without cause, and with or without notice.

Print or Type Name of Employee

Date Signed

Signature of Employee

EXHIBIT I

By signing this Cell Phone Use Policy, Commissioner and/or employee acknowledges that they have read and understand the terms and conditions of this Policy. Commissioner and/or employee further understands that any messages regarding Port business that are sent or received on a personal cell phone may be subject to inspection, retrieval, storage, and/or disclosure by the Port.

CELL PHONE STIPEND AGREEMENT

The Port will provide a payroll stipend to Commissioners and eligible Port employees (collectively referred to herein as "Employee") in exchange for Employee providing and utilizing a cell phone or smart phone (collectively referred to as "cell phone") during normal business activities conducted for the Port. Prior to stipend commencement, the Employee must read and acknowledge the terms as outlined below:

- ❑ Employee has read, understands, and agrees to be bound by the Port's Cell Phone Use Policy.
- ❑ Employee will be responsible for entering into a contract for cellular service with a provider of Employee's choice. Cellular Service must reasonably cover the greater Wenatchee area. Except as specifically provided for herein, the Port will **not** be responsible in any way for Employee's personal cell phone and/or associated service, regardless of the type of use, including inappropriate charges, a lost/stolen phone or delinquent payments. The Port may accept responsibility for a cell phone that is damaged during the normal course of work for the Port, with appropriate supporting documentation.
- ❑ Employee will immediately report the Employee's cell phone number to the Auditor and understands that failure to maintain a cell phone contract will result in stipend termination. Employee will immediately notify the Auditor if the Employee's cell phone service is cancelled for any reason.
- ❑ Unless or until Employee's personal cell phone is installed with or subscribed to the "capture service," defined below, Employee shall promptly forward all Port related business voice and text messages to the Employee's Port-issued email account. Employee shall comply with all requests of the Port for access to Port business related messages on Employee's personal cell phone, which may include requests to submit an affidavit regarding Employee's use of personal cell phones to conduct Port business and transfer of business related messages and/or to submit the cell phone to the Port, or the Port's contractor, for further review (including forensic) and retrieval of any business related messages. Failure to transfer Port business related messages or comply with the Port's requests to prepare an affidavit, allow inspection, or otherwise ensure transfer of Port

related business messages from the Employee's personal cell phone will result in termination of the stipend.

- ❑ Upon request by the Port, Employee will subscribe to, install, and/or participate in any "capture service," as defined in the Cell Phone Use Policy, purchased or contracted by the Port to retain text or other recorded messages sent or received by personal cell phone to ensure that any such messages pertaining to business of the Port are retained and made available as required by state law. Employee shall allow access by the Port and/or its contracted service provider to any and all voice, text and other recorded messages sent or received by Employee on the Employee's cell phone for purposes of storage, retention, review and production by the Port of any messages pertaining to business of the Port. Employee acknowledges that personal text and recorded messages of the Employee will be included in the messages that are retained by the capture service. Employee shall not intentionally cancel, disable, re-program, tamper with, or otherwise circumvent use of the capture service. Failure to use or subscribe to the capture service will result in termination of the stipend.
- ❑ Employee expressly acknowledges and agrees that Employee's personal cell phone may be subject to review by Port staff or authorized contractors for purposes of locating and retrieving Port business related messages. Employee acknowledges that, due to Employee's use of a personal cell phone for Port related business, Employee has a reduced expectation of privacy in Employee's personal cell phone.
- ❑ Employee shall password protect any cell phone with email access to the Port's network and/or servers.
- ❑ While operating a motor vehicle in the performance of Port business, Employee will either refrain from cell phone use altogether, use hands-free equipment that allows both hands to stay on the wheel, or pull over to the side of the road before making or accepting a call. Employees shall not review, type, send, or otherwise engage in text messaging while operating a motor vehicle during the performance of Port related assignments.
- ❑ The Port retains the right to periodically review the stipend need and allocation levels for appropriateness. The Port may change or cancel such allocation as deemed reasonable due to business usage and/or Employee work-related responsibilities. Any stipend allocation adjustment/cancellation will be by approval of the Executive Director and Auditor.
- ❑ Stipend amounts are subject to FICA and Medicare deductions, and are considered income for federal tax purposes.

Stipend Level Requested: \$30 \$50 \$75

Stipend Justification: _____

By signing this Agreement, Employee acknowledges that they have read and understand the terms and conditions of this agreement. Employee further understands that entering into this Agreement is voluntary and may have tax implications. This Agreement, in whole or in part, is not a condition of employment and can be terminated by either side upon written notice.

THE CATEGORIES AN EMPLOYEE MAY BE APPROVED FOR ARE AS FOLLOWS:

Category I Allocation \$30:

Responsible for a wide range of departmental resources and periodically attends off-site agency commitments. Provides Port interface with the public and other community agencies.

Category II Allocation \$50:

Responsible for agency resources for a major function of the Port and attends off-site agency commitments. Will be needed to provide control of these resources when circumstances dictate.

Category III Allocation \$75:

Commissioners, Executive Director, and senior management staff as authorized by the Executive Director.
