



## League of Oregon Cities Board of Directors Meeting

September 25, 2019 | 9:00 am – 2:00 pm

Riverhouse on the Deschutes | Cascade C-D | 3075 N Hwy 97, Bend, OR 97703

or via Conference Call: Dial 1-800-504-8071 and Enter Access Code 2196588#

### AGENDA

<b>A. Welcome &amp; Pledge of Allegiance</b> ( <i>Vice President Jake Boone</i> ) .....	-
<b>B. Consent Calendar*</b> ( <i>Vice President Jake Boone</i> ) .....	-
1. Minutes of the June 14, 2019 LOC Board of Directors Meeting .....	2
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<b>E. 97<sup>th</sup> (2022) and 98<sup>th</sup> (2023) Annual LOC Conference RFP*</b> ( <i>Megan George</i> ) .....	65
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<b>H. Legislative Advocacy Committee*</b> ( <i>Jim McCauley</i> ) .....	154
<b>I. Update on Housing Agreement with OHCS</b> ( <i>Jim McCauley</i> ) .....	-
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<b>K. LOC Bylaws Committee Update</b> ( <i>Patty Mulvihill</i> ) .....	171
<b>L. Update from National League of Cities (NLC)</b> ( <i>Mike Nelson</i> ) .....	-
<b>M. Other Business</b> ( <i>President Greg Evans</i> ) .....	-
<b>N. Adjournment</b> ( <i>President Greg Evans</i> ) .....	-

\* Agenda items denoted with an asterisk indicate a motion is recommended. The sample motion will appear in the agenda item's associated materials.

## LOC Board of Directors

June 14, 2019 | 9:31 am – 3:10 pm  
Springfield Justice Center | 230 4<sup>th</sup> St. Springfield, OR 97477

### MINUTES

#### **Present:**

**Voting Board Members:** Jake Boone, Tanea Browning, Steve Callaway, Paul Chalmers (departed at 2:05pm), Dave Drotzmann (via conference phone, arrived at 12:00pm, departed 1:40pm), Greg Evans, Drew Farmer, Amanda Fritz (via conference phone, departed at 11:55am), Christine Lundberg, Keith Mays, Timm Slater, Steve Uffelman, and Christy Wurster.

**Non-Voting Board Members:** Scott Derickson.

**Ex-Officio Past Presidents:** Denny Doyle.

**Staff:** Mike Cully, Erin Doyle, Megan George, Jayme Hafner, Wendy Johnson, Jamie Johnson-Davis, Jim McCauley, Patty Mulvihill, Kevin Toon, and Lisa Trevino.

**Other:** Megan Banks, Brian Dalton, Katie Fields, Katie Kammer, CIS, and Catherine Veraghen.

**Absent:** Paul Aziz and Michael Sykes.

#### **A. Welcome and Pledge of Allegiance**

**9:31 am**

President Greg Evans called the meeting to order at 9:31 am and asked everyone to stand for the pledge of allegiance.

#### **B. Consent Calendar**

**9:33 am**

Mike Cully clarified that his memos included in the board packet on page thirty-nine and page forty-three were mis-dated and should both have read 2019 instead of 2018. The board expressed the need for everyone to educate and encourage their community members to participate in the 2020 Census.

*It was moved by Councilor Jake Boone and seconded by Councilor Tanea Browning to approve the consent agenda. The motion passed unanimously (12 Yes [Boone, Browning, Callaway, Chalmers, Evans, Farmer, Fritz, Lundberg, Mays, Slater, Uffelman and Wurster], 0 No, 0 Abstain, 3 Absent [Aziz, Drotzmann and Sykes]).*

Item B included review of the minutes associated with the April 5, 2019 Board Meeting, Member and Administrative Services Division Report, Legal Research Division Report and

Litigation Update, Communications Division Report, Intergovernmental Relations Division Report, LOC Bylaws Committee Update, LOC Personnel Manual Update, LOC Strategic Plan Update and Update on 2020 Census. Copies of this item can be viewed by accessing the board packet associated with this June 14, 2019 meeting.

### **C. Executive Director Report**

**9:43 am**

Mike Cully referred board members to his memo included as an addendum with the board packet and highlighted a few items. He shared that he and Jaimie Johnson-Davis have been working hard on the budget and expressed how eye-opening his quarterly meetings with the Governor's have been for him.

Item C included a review of a memo from Mike Cully to the LOC Board of Directors dated June 2019. Copies of this item can be viewed by accessing the board packet associated with this June 14, 2019 meeting.

### **D. Website Demonstration**

**9:46 am**

Kevin Toon shared that the new LOC website would be launching in two weeks and has been over a year long process from start to finish. The Board would be getting a sneak peak of the new look as well as the functionalities of the new website. He introduced Catherine Veraghen from Happy Inc. to give the Board a tour of the new website.

Catherine shared that Happy took inspiration from the support that LOC provides to member cities and identified connecting, informing and advocating as the important brand pillars that needed to be reflected in the website look, feel and tone. In addition, they identified several functional directives that came out of the research conducted via surveys and interviews. What Happy learned from their research was that there was some high priority content that members wanted to access the most. That content included training, city news and legislative information which was closely followed by conference information, A to Z topics and job postings. Those topics became the content priorities when building the website. Happy also learned that people were having a hard time finding the information on the old website which gave members the sense of "missing out." She shared that the old website was not adequately indexed to allow search engines to access the information on the website, therefore LOC was not coming up in web searches nor was the LOC website mobile friendly, both things which are important to the "contemporary users." Finally, she shared that LOC staff needed an environment that was more user friendly and that allowed staff to gain better insight to the content that was on the website. Catherine then gave the LOC Board Members a tour of the new LOC website.

### **E. LOC Equity & Inclusion Committee Update**

**10:33 am**

President Greg Evans referred board members to page forty-eight of the board packet. President Evans gave an update on the Equity & Inclusion Committee and shared that the

purpose of the committee is to help both the board and the LOC move forward around issues related to equity and inclusion as well as how we provide and deliver services across the state to all members. He explained that the committee has a much broader focus than a traditional equity profile and would be touching on issues such as race and gender but also looking at what can be done in other areas on inclusion including disability, geography and population. He shared the goal would be not to treat everyone equally but equitably and that this would be done by meeting cities where their needs are. President Evans shared the committee has not yet met but would be doing so in the coming weeks and months. He also shared that they had spoke with a consultant, John Lenson to talk about developing a contact with the LOC to begin the work. President Evans asked the board to consider a fund allocation not to exceed \$25,000 to be included in the upcoming fiscal year budget.

*It was moved by Councilor Jake Boone and seconded by Councilor Tanea Browning to direct staff to develop an RFQ and the results of which to be evaluated and determined by the Equity & Inclusion Committee. The motion passed unanimously (12 Yes [Boone, Browning, Callaway, Chalmers, Evans, Farmer, Fritz, Lundberg, Mays, Slater, Uffelman and Wurster], 0 No, 0 Abstain, 3 Absent [Aziz, Drotzmann and Sykes]).*

Item E included a review of a memo from Greg Evans to the LOC Board of Directors dated June 5, 2019. Copies of this item can be viewed by accessing the board packet associated with this June 14, 2019 meeting.

#### **F. Fiscal Year 2019/2020 Accepted Budget**

**1:41 pm**

Mike Cully referred board members to his memo in the agenda packet on page fifty and summarized the memo. He shared that the budget committee met on May 30<sup>th</sup> to discuss two distinct and separate budget presentations. One of the options presented was more fiscally conservative than the other. He pointed out some new variables on the expense side of the budget which included the equal pay act, a one-time deferred maintenance to the building, expenditures for website and technology updates, and special projects contact services. Mike explained that if things stayed as they were and a fiscally conservative budget was adopted, it would not leave room for growth and some existing programs would have to be eliminated due to staff capacity. Those programs would likely include the Spring Conference and the Pilot Legal Program. The proposed budget which was accepted by the Budget Committee would allow for the hiring of an additional Project Manager in the Member and Administrative Services Department and an additional Attorney for the Legal Research Department.

*It was moved by Mayor Keith Mays and seconded by Mayor Steve Callaway to adopt the budget as presented. The motion passed unanimously (11 Yes [Boone, Browning, Callaway, Drotzmann, Evans, Farmer, Lundberg, Mays, Slater, Uffelman, and Wurster], 0 No, 0 Abstain, 4 Absent [Aziz, Chalmers, Fritz, and Sykes]).*

Item F included a review of a memo from Mike Cully to the LOC Board of Directors dated May 9, 2019 and a copy of the proposed budget for fiscal year 2019/2020. Copies of this item can be viewed by accessing the board packet associated with this June 14, 2019 meeting.

### **G. University of Oregon's Sustainable City Year Program**

**11:14 am**

Megan George introduced Katie Fields and Megan Banks from the University of Oregon's Sustainable City Year Program. Megan Banks shared she manages the program and that they are a part of the sustainable City Institute at the university and their focus is on research, policy and a variety of other things to support change in communities. Katie shared she is a student and the university and has been with the program since 2017. Megan Banks shared that the goal of the program is to make connection between cities and the university. There are 30 classes focused on city projects each year, these projects are identified by the cities and agencies themselves, so they have more meaning. There are fees involved from the government side so that cities are invested in the projects and have "skin in the game." The program is limited geographically by a 3-hour driving range. The benefits of using this program are the expedition and adoption of innovative thinking into local government, increases capacity to move projects forward, and accelerates practices of new policies. Students often bring excitement to communities which can rejuvenate staff and trains the next generation workforce. They also partner with other Oregon institutions to be able to cover a variety of disciplines to provide additional resources to partners. Partners pay between \$250-\$350 thousand dollars. Smaller cities have often been able to do one-to-one matches to get additional funding support.

### **H. Harassment Training**

**12:30 pm**

Katie Kammer from CIS gave a harassment training to the LOC Board.

Item H included a review of a memo from Patty Mulvihill to the LOC Board of Directors dated March 22, 2019. Copies of this item can be viewed by accessing the board packet associated with this April 14, 2019 meeting.

### **I. Portland State University's Center for Public Service**

This item was removed from the agenda.

### **J. LOC 2020 Board of Directors Recruitment**

**2:26 pm**

President Evans asked board members to help spread the word about the recruitment for new LOC Board members to ensure increased participation, engagement and ensure all groups were represented on the LOC board. The Board agreed this was important and suggested sending a personal invitation to each city asking them to share with their councils.

Item J included a review of a memo from Megan George to the LOC Board of Directors dated May 31, 2019. Copies of this item can be viewed by accessing the supplemental materials associated with this June 14, 2019 meeting.

#### **K. LOC Foundation Board of Directors Vacancy**

**2:39 pm**

Megan George shared that the LOC Foundation Board currently has 7 positions and the bylaws allow for an infinite number of positions and those positions are to be established by the LOC Board for a set term of 3 years. There is currently a vacancy therefore the LOC Board needs to choose an option from the potential motions as stated in the memo on page one hundred and eight of the board packet.

*It was moved by Councilor Jake Boone and seconded by Mayor Keith Mays to appoint Mayor Cathy Clark to fill the vacant position on the LOC Foundation Board of Directors for the remainder of the term which expires 12/2020. The motion passed unanimously (11 Yes [Boone, Browning, Callaway, Chalmers, Evans, Farmer, Lundberg, Mays, Slater, Uffelman, and Wurster], 0 No, 0 Abstain, 4 Absent [Aziz, Drotzmann, Fritz, and Sykes]).*

Item K included a review of a memo from Megan George to the LOC Board of Directors dated May 31, 2019. Copies of this item can be viewed by accessing the supplemental materials associated with this June 14, 2019 meeting.

#### **L. Future of LOC Conferences**

**2:43 pm**

Megan George referred board members to her memo on page one hundred and nine of the board packet and shared that it has been a struggle to get RFP's from venues for the LOC Conference because of the limited number of venues who can accommodate the large number of attendees. Megan asked the board to consider the options as outlined on page one hundred and twelve of the board packet in regard to choosing locations for the annual conference as well as the options in regard to the timing of the conference as outlined on page one hundred and thirteen of the board packet.

*It was moved by Councilor Drew Farmer and seconded by Mayor Steve Uffelman to direct staff to peruse contacts pre-election (late-September through late-October). The motion passed unanimously (11 Yes [Boone, Browning, Callaway, Chalmers, Evans, Farmer, Lundberg, Mays, Slater, Uffelman, and Wurster], 0 No, 0 Abstain, 4 Absent [Aziz, Drotzmann, Fritz, and Sykes]).*

*It was moved by Councilor Jake Boone and seconded by Councilor Drew Farmer to empower staff to contact with venues within certain parameters (location, cost, etc.) and bring to the board for approval. The motion passed unanimously (12 Yes [Boone, Browning, Callaway, Chalmers, Drotzmann, Evans, Farmer, Lundberg, Mays, Slater, Uffelman, and Wurster], 0 No, 0 Abstain, 3 Absent [Aziz, Fritz, and Sykes]).*

Item L included a review of a memo from Megan George and Jenni Kistler to the LOC Board of Directors dated May 31, 2019. Copies of this item can be viewed by accessing the supplemental materials associated with this June 14, 2019 meeting.

### **M. Damascus Discussion**

**11:38 am**

Patty Mulvihill referred the board to her memo on page one hundred and fourteen in the agenda packet and summarized her memo. She shared that the Damascus Mayor had reached out to LOC to inquire about their membership and how much their dues would be, Patty and asked the Board to give staff direction on how to proceed. She explained that according to the LOC's governing document Damascus is a LOC member. Dues are based on population and LOC uses the populations from PSU population forecast, PSU did not give a population forecast for Damascus. The board needs to decide if LOC will assess dues for the current fiscal year and if so, which rate should be used. Going forward into the next fiscal year how would dues be calculated without the PSU population forecast. Patty gave a few options which included using the last population forecast from PSU, coming up with a reasonable number, not assessing dues for this fiscal year to give them a one-year grace period.

Erin Doyle shared an update in the legislature that could affect the outcome of Damascus being incorporated. Senate Bill 226 has been stuffed with a bill that attempts two ways to ratify the dis-incorporation and provides a litigation path forward for anyone that disagrees with the passage of the bill. It establishes that the procedure that was followed and the dis-incorporation that occurred that is dependent upon the surrendering of the charter, so it does not impact current cities and does not make this process available to other citizens to come after cities for incorporation purposes are considered valid and the disincorporation occurred upon the charter surrender. It also states that it is the policy of the state to have allowed for this disincorporation notwithstanding whatever errors were made in the original drafting and provides a petitioning process that goes directly to the supreme court which must be filed within 30 days. Erin shared that if the bill passes, it will be unclear if Damascus remains a city under this legislation likely until next year.

*It was moved by Councilor Paul Chalmers and seconded by Councilor Tanea Browning to collect this year's fiscal dues based off the last known population estimate by PSU any surplus would be applied to rears. A full analysis of a rears will be discussed by the LOC Board when the matter of Damascus's relevance as city has been fully determined legally. The motion passed unanimously (11 Yes [Boone, Browning, Callaway, Chalmers, Evans, Farmer, Lundberg, Mays, Slater, Uffelman and Wurster], 0 No, 0 Abstain, 4 Absent [Aziz, Drotzmann, Fritz and Sykes]).*

Item M included a review of a memo from Patty Mulvihill and Jayme Hafner to the LOC Board of Directors dated May 30, 2019. Copies of this item can be viewed by accessing the supplemental materials associated with this June 14, 2019 meeting.

**N. Pilot Legal Program****2:56 pm**

Patty Mulvihill referred board members to her memo on page one hundred and twenty-one of the board packet and gave a brief summary. She explained that the legal pilot program was a one-year program that would end June 30, 2019 unless reauthorized by the board. She shared that her recommendation based on the adopted budget is that the program continues for two more years and still be limited to regions 11 and 12, include small cities with a population of 7,500 or less and follow the same general parameters of the original program.

*It was moved by Councilor Jake Boone and seconded by Councilor Tanea Browning to move to extend the Pilot Legal Program for an additional two fiscal years in accordance with the conditions recommended in the Staff Report on page one hundred twenty-one through one hundred twenty-four of the board packet. The motion passed unanimously (11 Yes [Boone, Browning, Callaway, Chalmers, Evans, Farmer, Lundberg, Mays, Slater, Uffelman and Wurster], 0 No, 0 Abstain, 4 Absent [Aziz, Drotzmann, Fritz and Sykes]).*

Item N included a review of a memo from Patty Mulvihill to the LOC Board of Directors dated June 3, 2019. Copies of this item can be viewed by accessing the supplemental materials associated with this June 14, 2019 meeting.

**O. LGPI Dues Increase****11:08 pm**

This item was moved up on the agenda. Mike shared that the integration of LGPI and LOC has been smooth both culturally and operationally. Mike explained that LGPI has not had a dues increase or any adjustments to their consultant rates since fiscal year 2011-12. He recommended to the board that dues be increased by 5% as well as more uniform billing to the consultant side. The dues increase would bring in an additional \$7,000 per year in revenue.

*It was moved by Mayor Keith Mays and seconded by Councilor Jake Boone to approve both the proposed increases in dues and the stabilization of consultant rates pursuant to market rates and adjustments. The motion passed unanimously (12 Yes [Boone, Browning, Callaway, Chalmers, Evans, Farmer, Fritz, Lundberg, Mays, Slater, Uffelman and Wurster], 0 No, 0 Abstain, 3 Absent [Aziz, Drotzmann and Sykes]).*

Item O included a review of a memo from Mike Cully to the LOC Board of Directors dated May 28, 2019. Copies of this item can be viewed by accessing the supplemental materials associated with this June 14, 2019 meeting.

**P. Other Business****3:01 pm**

Megan George shared that CIS Executive Director, Patrick Priest had reached out to inform staff that the motion made by the LOC Board to appoint the LOC appointment to the CIS Board of Directors was for a term that they were not actually offering. However, the individual the LOC Board appointed is interested in being reappointed which would begin July 1, 2019.



*It was moved by Councilor Jake Boone and seconded by Councilor Tanea Browning to extend the appointment of Sueling Gandee to the CIS Board of Directors for another year with the term of July 1, 2019 through June 30, 2023. The motion passed unanimously (12 Yes [Boone, Browning, Callaway, Chalmers, Evans, Farmer, Fritz, Lundberg, Mays, Slater, Uffelman and Wurster], 0 No, 0 Abstain, 3 Absent [Aziz, Drotzmann and Sykes]).*

**Q. Adjournment**

**3:10 pm**

President Greg Evans adjourned the meeting at 3:10 pm.

**APPROVED** by the League of Oregon Cities Board of Directors on September 25, 2019.

ATTEST:

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Mike Cully, Executive Director

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Greg Evans, President

## LOC Board of Directors

August 30, 2019 | 1:42 pm – 1:49 pm | Conference Call

### MINUTES

**Present:**

**Voting Board Members:** Jake Boone, Tanea Browning, Steve Callaway, Paul Chalmers, Dave Drotzmann, Greg Evans, Amanda Fritz, Christine Lundberg, Timm Slater and Steve Uffelman.

**Non-Voting Board Members:**

**Ex-Officio Past Presidents:** Pete Truax.

**Staff:** Mike Cully, Megan George, Jayme Hafner, Jim McCauley, Patty Mulvihill and Scott Winkles.

**Other:**

**Absent:** Paul Aziz, Keith Mays, Drew Farmer, Michael Sykes and Christy Wurster.

**A. Welcome and Roll Call**

**1:42 pm**

President Greg Evans called the meeting to order at 1:42 pm.

**B. PERS Litigation**

**1:46 pm**

The following individuals declared a potential conflict of interest:

- **Tanea Browning** – Future PERS recipient;
- **Steve Callaway** – Current PERS recipient and wife is a future PERS recipient;
- **Paul Chalmers** – Future PERS recipient and wife is a current PERS recipient;
- **Greg Evans** – Future PERS recipient;
- **Amanda Fritz** – Current and future PERS recipient. Also serves as a board member on the Oregon Nurses Association which may also choose to participate in the suit;
- **Christine Lundberg** – Current PERS recipient;
- **Pete Truax** – Current PERS recipient; and
- **Steve Uffelman** – Wife is a PERS recipient.

*It was moved by Paul Chalmers and seconded by Timm Slater to participate as an amicus curia in the SB 1049 litigation in an amount not to exceed \$12,000. The motion passed unanimously (10 Yes [Boone, Browning, Callaway, Chalmers, Drotzmann, Evans, Fritz, Lundberg, Slater and Uffelman], 0 No, 0 Abstain, 5 Absent [Aziz, Mays, Farmer, Sykes and Wurster]).*

This agenda item included review of Senate Bill 1049 and the petition for judicial review in the case of *Jennifer James, et al. v. State of Oregon, et al.* S066933. Copies of these items can be viewed by accessing the agenda packet associated with this meeting.

**C. Other Business**

**1:49 pm**

There was no other business.

**D. Adjournment**

**1:49 pm**

President Greg Evans adjourned the meeting at 1:49 pm.

**APPROVED** by the League of Oregon Cities Board of Directors on September 25, 2019.

ATTEST:

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Mike Cully, Executive Director

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Greg Evans, President

**League of Oregon Cities**  
**Budget vs. Actuals: FY20 - FY20 P&L**  
 July 2019

	Actual	Total Budget	over Budget
<b>Income</b>			
<b>22 4000 Revenue</b>			0.00
22 4050 Dues from Member Cities	989,874.80	1,853,382.00	-863,507.20
22 4053 Dues/ Asso Subs Supporters		28,000.00	-28,000.00
22 4054 Dues/ Asso Business Partners	1,450.00	37,500.00	-36,050.00
22 4102 Affiliates OCCMA		30,000.00	-30,000.00
22 4105 Affiliates OMA		20,000.00	-20,000.00
22 4108 Affiliates OCAA		6,000.00	-6,000.00
22 4111 Affiliates OCPDA		1,600.00	-1,600.00
22 4114 Affiliates OMEU		3,500.00	-3,500.00
22 4117 EBS Administration	25,360.80	26,500.00	-1,139.20
22 4120 CIS Administration	1,083,036.21	1,085,000.00	-1,963.79
22 4255 Rent/Lease Space		9,000.00	-9,000.00
22 4258 Miscellaneous Income	68.71	1,000.00	-931.29
22 4261 Web/NL Ads/Subscriptions	3,400.00	18,000.00	-14,600.00
22 4264 Publications		150.00	-150.00
22 4267 American Legal Reviews	63.63	2,500.00	-2,436.37
22 4290 Interest Income	9,640.01	65,000.00	-55,359.99
<b>Total 22 4000 Revenue</b>	<b>\$ 2,112,894.16</b>	<b>\$ 3,187,132.00</b>	<b>-\$ 1,074,237.84</b>
<b>30 4400 Member Services</b>			0.00
30 4411 Purchasing Partners		15,000.00	-15,000.00
30 4416 CIS City Asst/Training	93,129.75	92,949.00	180.75
30 4419 Web Services Program		3,000.00	-3,000.00
30 4510 Classes	3,072.78	12,000.00	-8,927.22
<b>Total 30 4400 Member Services</b>	<b>\$ 96,202.53</b>	<b>\$ 122,949.00</b>	<b>-\$ 26,746.47</b>
<b>31 4900 Uniform Traffic Citations</b>			0.00
31 4901 Uniform Traffic Citations Revenue		40,000.00	-40,000.00
<b>Total 31 4900 Uniform Traffic Citations</b>	<b>\$ 0.00</b>	<b>\$ 40,000.00</b>	<b>-\$ 40,000.00</b>
<b>33 4700 Conferences</b>			0.00
33 4701 Registration Income	164,250.00	165,000.00	-750.00
33 4702 Training Workshops	10,925.00	20,500.00	-9,575.00
33 4705 Exhibitors	21,350.00	42,000.00	-20,650.00
33 4708 Affiliate Workshop	9,895.00	13,500.00	-3,605.00
33 4711 Conference Sponsors	84,000.00	85,000.00	-1,000.00
33 4714 Pop up Conference Rev		35,000.00	-35,000.00
<b>Total 33 4700 Conferences</b>	<b>\$ 290,420.00</b>	<b>\$ 361,000.00</b>	<b>-\$ 70,580.00</b>
<b>50 4700 Transportation Income</b>			0.00
50 4714 STP Apportionment		168,000.00	-168,000.00
<b>Total 50 4700 Transportation Income</b>	<b>\$ 0.00</b>	<b>\$ 168,000.00</b>	<b>-\$ 168,000.00</b>
<b>70 4800 Programs</b>			0.00
70 4823 LGPI Dues	34,081.00	143,500.00	-109,419.00
70 4830 LGPI Arbitration Hearing		2,000.00	-2,000.00

70 4832 LGPI HR/Classes & Comp	6,024.24	165,000.00	-158,975.76
70 4834 LGPI Investigations	1,903.70	4,000.00	-2,096.30
70 4836 LGPI Recruitmenet	1,605.60	4,000.00	-2,394.40
70 4838 LGPI Labor Relations	13,377.64	185,000.00	-171,622.36
70 4840 LGPI Travel Consulting		6,000.00	-6,000.00
<b>Total 70 4800 Programs</b>	<b>\$ 56,992.18</b>	<b>\$ 509,500.00</b>	<b>-\$ 452,507.82</b>
<b>Total Income</b>	<b>\$ 2,556,508.87</b>	<b>\$ 4,388,581.00</b>	<b>-\$ 1,832,072.13</b>
<b>Gross Profit</b>	<b>\$ 2,556,508.87</b>	<b>\$ 4,388,581.00</b>	<b>-\$ 1,832,072.13</b>
<b>Expenses</b>			
24 5000 Administration			0.00
24 5001 Administration Payroll 24			0.00
24 5002 Full Time Employees 24	44,206.59	640,000.00	-595,793.41
24 5003 Equal Pay - Salary		290,000.00	-290,000.00
24 5004 Part-Time Employees 24		10,000.00	-10,000.00
24 5007 Payroll Tax Federal 24	3,566.95	48,500.00	-44,933.05
24 5008 Payroll Tax State 24	165.18	600.00	-434.82
24 5009 Equal Pay - PR		24,000.00	-24,000.00
24 5010 Overtime 24	1,807.58	15,000.00	-13,192.42
24 5011 PERS Contribution 24	13,658.70	142,000.00	-128,341.30
24 5013 Equal Pay - PERS		64,500.00	-64,500.00
24 5020 Workers Compensation 24		3,000.00	-3,000.00
24 5030 Employee Benefits 24	7,028.20	120,000.00	-112,971.80
<b>Total 24 5001 Administration Payroll 24</b>	<b>\$ 70,433.20</b>	<b>\$ 1,357,600.00</b>	<b>-\$ 1,287,166.80</b>
24 5510 Payroll Expense 24	584.55	7,000.00	-6,415.45
24 5512 Staff Training 24	25.00	15,000.00	-14,975.00
24 5515 Membership/Dues 24	184.00	3,000.00	-2,816.00
24 5519 Internal Recruiting		1,000.00	-1,000.00
24 5626 Small City Program		7,500.00	-7,500.00
24 6106 Contract Services 24	1,642.80	12,500.00	-10,857.20
24 6150 Bank Fees 24	92.33	2,000.00	-1,907.67
24 6211 Postage 24		8,500.00	-8,500.00
24 6216 Supplies 24		10,000.00	-10,000.00
24 6219 Books/Publications 24		1,000.00	-1,000.00
24 6225 Printing 24		16,000.00	-16,000.00
24 6301 Conferences & Workshops 24	3,068.53	40,000.00	-36,931.47
24 6304 Staff Travel/ In-State	466.32	25,000.00	-24,533.68
24 6405 Telephone 24	1,859.93	12,000.00	-10,140.07
24 6406 NLC Membership		25,000.00	-25,000.00
24 6408 Cell Phones 24	300.00	6,000.00	-5,700.00
24 6409 Membership/Sponsor	1,250.00	22,500.00	-21,250.00
24 6411 Conference Calls 24		2,000.00	-2,000.00
24 6516 Maintenance - Local Gov Center		125,000.00	-125,000.00
24 6519 Repair & Maintenance - Auto		2,000.00	-2,000.00
24 6632 Audit		26,000.00	-26,000.00
24 6635 Insurance 24		5,750.00	-5,750.00
24 6700 Miscellaneous 24		3,300.00	-3,300.00
<b>Total 24 5000 Administration</b>	<b>\$ 79,906.66</b>	<b>\$ 1,735,650.00</b>	<b>-\$ 1,655,743.34</b>
25 5000 Board			0.00
25 5620 Travel 25		12,000.00	-12,000.00

25 5623 Board Meetings		28,000.00		-28,000.00
25 5910 Conferences/Workshops 25		15,000.00		-15,000.00
25 6700 Miscellaneous 25		1,000.00		-1,000.00
<b>Total 25 5000 Board</b>	<b>\$</b>	<b>0.00</b>	<b>\$ 56,000.00</b>	<b>-\$ 56,000.00</b>
26 5000 Technology				0.00
26 6106 Contract Services 26		100,000.00		-100,000.00
26 6808 Technology Services		7,600.00		-7,600.00
26 8105 Computer Hardware		25,000.00		-25,000.00
26 8108 Furniture Outlay		10,000.00		-10,000.00
26 8115 Computer Software		4,053.10	35,000.00	-30,946.90
<b>Total 26 5000 Technology</b>	<b>\$</b>	<b>4,053.10</b>	<b>\$ 177,600.00</b>	<b>-\$ 173,546.90</b>
31 6900 Uniform Traffic Citation				0.00
31 6901 Uniform Traffic Citation Expense			40,000.00	-40,000.00
<b>Total 31 6900 Uniform Traffic Citation</b>	<b>\$</b>	<b>0.00</b>	<b>\$ 40,000.00</b>	<b>-\$ 40,000.00</b>
32 5600 Training				0.00
32 5623 Meeting 32		3,000.00		-3,000.00
32 5626 Training Contracts		15,000.00		-15,000.00
32 5632 Elected Essentials/Regional		15,000.00		-15,000.00
32 6211 Postage 32		200.00		-200.00
32 6222 Printing 32		200.00		-200.00
32 6408 Cell Phones 32		1,100.00		-1,100.00
32 6410 Training		500.00		-500.00
<b>Total 32 5600 Training</b>	<b>\$</b>	<b>0.00</b>	<b>\$ 35,000.00</b>	<b>-\$ 35,000.00</b>
33 5000 Conference				0.00
33 5620 Travel 33		8,000.00		-8,000.00
33 5629 Affiliate Workshop		13,500.00		-13,500.00
33 5920 Hotel-Banquet		190,000.00		-190,000.00
33 5923 Hotel-Lodging		20,000.00		-20,000.00
33 5926 Speakers	8,266.48	20,000.00		-11,733.52
33 5929 Decorator-Pipe & Drape		8,000.00		-8,000.00
33 5932 Design/Special Printing	636.08	11,500.00		-10,863.92
33 5935 Signage		3,000.00		-3,000.00
33 5938 Awards		750.00		-750.00
33 5946 AV Equipment		31,000.00		-31,000.00
33 5948 AV Equipment-Hotel		10,000.00		-10,000.00
33 6106 Contract Services 33	5,850.00	10,000.00		-4,150.00
33 6150 Bank Fees 33	-90.00	3,000.00		-3,090.00
33 6211 Postage 33	920.56	1,000.00		-79.44
33 6216 Supplies 33		5,000.00		-5,000.00
33 6222 Printing 33		1,000.00		-1,000.00
33 6700 Miscellaneous 33		1,500.00		-1,500.00
33 6714 Spring Conference 33		30,000.00		-30,000.00
<b>Total 33 5000 Conference</b>	<b>\$</b>	<b>15,583.12</b>	<b>\$ 367,250.00</b>	<b>-\$ 351,666.88</b>
34 5000 Communication & Marketing				0.00
34 5001 Communication Marketing Payroll				0.00
34 5002 Full-Time Employees 34	25,742.77	231,700.00		-205,957.23
34 5007 Payroll Tax Federal 34	1,155.74	18,750.00		-17,594.26
34 5008 Payroll Tax State 34	40.71	400.00		-359.29
34 5010 Overtime 34	538.88	10,000.00		-9,461.12

34 5011 PERS Contribution 34	4,239.49	55,250.00	-51,010.51
34 5020 Workers Compensation 34		1,000.00	-1,000.00
34 5030 Employee Benefits 34	2,988.67	42,000.00	-39,011.33
<b>Total 34 5001 Communication Marketing Payroll</b>	<b>\$ 34,706.26</b>	<b>\$ 359,100.00</b>	<b>-\$ 324,393.74</b>
34 5515 Membership/Dues 34		1,000.00	-1,000.00
34 5910 Conferences/Workshops 34	657.96	14,500.00	-13,842.04
34 6106 Contract Services 34		13,500.00	-13,500.00
34 6211 Postage 34		7,500.00	-7,500.00
34 6219 Books/Publications 34		2,800.00	-2,800.00
34 6222 Printing 34		20,000.00	-20,000.00
34 6408 Cell Phones 34	200.00	3,600.00	-3,400.00
34 6412 Marketing 34		15,000.00	-15,000.00
34 6700 Miscellaneous 34		1,000.00	-1,000.00
<b>Total 34 5000 Communication &amp; Marketing</b>	<b>\$ 35,564.22</b>	<b>\$ 438,000.00</b>	<b>-\$ 402,435.78</b>
37 5000 Intergovernmental			0.00
37 5001 Intergovernmental Payroll			0.00
37 5002 Full-Time Employees 37	55,713.55	691,500.00	-635,786.45
37 5007 Payroll Tax Federal 37	4,220.55	53,450.00	-49,229.45
37 5008 Payroll Tax State 37	43.29	700.00	-656.71
37 5010 Overtime 37	194.18		194.18
37 5011 PERS Contribution 37	15,732.20	153,500.00	-137,767.80
37 5020 Workers Compensation 37		3,125.00	-3,125.00
37 5030 Employee Benefits 37	6,822.85	85,000.00	-78,177.15
<b>Total 37 5001 Intergovernmental Payroll</b>	<b>\$ 82,726.62</b>	<b>\$ 987,275.00</b>	<b>-\$ 904,548.38</b>
37 5515 Membership/Dues 37		8,900.00	-8,900.00
37 5623 Meeting 37	1,456.87	10,300.00	-8,843.13
37 5910 Conferences/Workshops 37	852.30	35,400.00	-34,547.70
37 6106 Contract Services 37		9,500.00	-9,500.00
37 6166 Grass Roots Program		13,000.00	-13,000.00
37 6219 Books/Publications 37		1,500.00	-1,500.00
37 6222 Printing 37		3,500.00	-3,500.00
37 6408 Cell Phones 37	500.00	7,200.00	-6,700.00
37 6700 Miscellaneous		1,500.00	-1,500.00
<b>Total 37 5000 Intergovernmental</b>	<b>\$ 85,535.79</b>	<b>\$ 1,078,075.00</b>	<b>-\$ 992,539.21</b>
38 5000 Legal & Research			0.00
38 5001 Legal & Research Payroll			0.00
38 5002 Full Time Employees 38	20,295.33	323,550.00	-303,254.67
38 5007 Payroll Tax Federal 38	1,457.02	25,000.00	-23,542.98
38 5008 Payroll Tax State 38	24.84	325.00	-300.16
38 5011 PERS Contribution 38	5,545.81	71,800.00	-66,254.19
38 5020 Workers Compensation 38		1,500.00	-1,500.00
38 5030 Employee Benefits 38	1,952.50	35,500.00	-33,547.50
<b>Total 38 5001 Legal &amp; Research Payroll</b>	<b>\$ 29,275.50</b>	<b>\$ 457,675.00</b>	<b>-\$ 428,399.50</b>
38 5515 Membership/Dues 38		2,725.00	-2,725.00
38 5910 Conferences/Workshops 38	1,823.08	18,800.00	-16,976.92
38 6218 Subscription Services	115.00	9,940.00	-9,825.00
38 6219 Books/Publications 38		500.00	-500.00
38 6408 Cell Phones 38	200.00	3,600.00	-3,400.00
<b>Total 38 5000 Legal &amp; Research</b>	<b>\$ 31,413.58</b>	<b>\$ 493,240.00</b>	<b>-\$ 461,826.42</b>

<b>39 5000 Special Project</b>				0.00
<b>39 5001 LGPI Payroll</b>				0.00
39 5002 Full-Time Employee 39	19,416.84	238,500.00		-219,083.16
39 5007 Payroll Tax Federal 39	1,723.81	18,500.00		-16,776.19
39 5008 Payroll Tax State 39	36.00	1,500.00		-1,464.00
39 5011 PERS Contribution 39	6,399.87	52,900.00		-46,500.13
39 5020 Workers Compensation 39		1,050.00		-1,050.00
39 5030 Employee Benefits 39	3,181.57	35,200.00		-32,018.43
<b>Total 39 5001 LGPI Payroll</b>	<b>\$ 30,758.09</b>	<b>\$ 347,650.00</b>	<b>-\$</b>	<b>316,891.91</b>
<b>39 5100 LGPI Expenses</b>				0.00
39 6103 Membership Dues LGPI 39		2,000.00		-2,000.00
39 6108 Conference/Workshop LGPI 39		9,000.00		-9,000.00
39 6113 Contract Service LGPI 39		60,000.00		-60,000.00
39 6126 Subscription Service LGPI 39		5,000.00		-5,000.00
39 6127 Cell Phone LGPI 39	200.00	2,400.00		-2,200.00
39 6230 Books/Publications LGPI 39		500.00		-500.00
<b>Total 39 5100 LGPI Expenses</b>	<b>\$ 200.00</b>	<b>\$ 78,900.00</b>	<b>-\$</b>	<b>78,700.00</b>
39 6806 Contract Services 39	799.90	284,500.00		-283,700.10
<b>Total 39 5000 Special Project</b>	<b>\$ 31,757.99</b>	<b>\$ 711,050.00</b>	<b>-\$</b>	<b>679,292.01</b>
39 6304 LGPI expense reimbursement	251.65			251.65
<b>60 7000 Building &amp; Equipment</b>				0.00
60 7001 Remodel & Improvements		85,000.00		-85,000.00
60 7003 Technology/Information		155,000.00		-155,000.00
<b>Total 60 7000 Building &amp; Equipment</b>	<b>\$ 0.00</b>	<b>\$ 240,000.00</b>	<b>-\$</b>	<b>240,000.00</b>
<b>Total Expenses</b>	<b>\$ 284,066.11</b>	<b>\$ 5,371,865.00</b>	<b>-\$</b>	<b>5,087,798.89</b>
<b>Net Operating Income</b>	<b>\$ 2,272,442.76</b>	<b>-\$</b>	<b>983,284.00</b>	<b>\$ 3,255,726.76</b>
<b>Other Income</b>				
99 4000 Beg Fund Balance		3,946,450.00		-3,946,450.00
<b>Total Other Income</b>	<b>\$ 0.00</b>	<b>\$ 3,946,450.00</b>	<b>-\$</b>	<b>3,946,450.00</b>
<b>Other Expenses</b>				
99 8000 Designated Fund Balance				0.00
99 8100 Designated Building Trust Capital		300,000.00		-300,000.00
99 8106 Designated Equipment		50,000.00		-50,000.00
99 8111 Designated Information/Technology		100,000.00		-100,000.00
99 8219 Designated Remodel/Improv		300,000.00		-300,000.00
<b>Total 99 8000 Designated Fund Balance</b>	<b>\$ 0.00</b>	<b>\$ 750,000.00</b>	<b>-\$</b>	<b>750,000.00</b>
99 9900 Contingency		2,213,166.00		-2,213,166.00
<b>Total Other Expenses</b>	<b>\$ 0.00</b>	<b>\$ 2,963,166.00</b>	<b>-\$</b>	<b>2,963,166.00</b>
<b>Net Other Income</b>	<b>\$ 0.00</b>	<b>\$ 983,284.00</b>	<b>-\$</b>	<b>983,284.00</b>
<b>Net Income</b>	<b>\$ 2,272,442.76</b>	<b>\$ 0.00</b>	<b>\$</b>	<b>2,272,442.76</b>

Sunday, Sep 08, 2019 10:27:11 PM GMT-7 - Accrual Basis



## Memorandum

**To:** LOC Board of Directors  
**From:** Megan George, Operations Director  
**Date:** September 18, 2019  
**Subject:** Member and Administrative Services Division Report

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This memo provides a brief update on significant projects taken on by the Member and Administrative Services Division since the last update on June 14, 2019.

### Personnel

Long-time LOC employee, Jenni Kistler, accepted a position with Strategic Economic Development Corporation (SEDCOR) as their Director of Operations. Her last day with LOC was July 19<sup>th</sup>. As a result of this resignation and the results of the class and comp study, several structural changes have been made to the division.

First, Lisa Trevino was promoted to Project Coordinator II where she will manage LOC's conferences and large events as well as provide oversight to the membership database. Lisa has been with LOC for the past three years and during that time has played an integral role in the organization.

Second, we have announced three position openings within the division:

- Project Coordinator I – Training;
- Project Coordinator I – Affiliates; and
- Administrative Specialist.

Applications for these positions are due Monday, September 30<sup>th</sup> by 8:00 am. Following an initial screening and core competency assessment, the plan is to interview potential candidates during the week of October 7<sup>th</sup>.

### Spring Conference

As the board will recall, the inaugural Spring Conference was held on April 12<sup>th</sup> at the Ashland Hills Hotel and Suites in southern Oregon.

With direction from Executive Director Mike Cully, staff released an RFP to three venues in eastern Oregon: Geiser Grand Hotel in Baker City, Eastern Oregon Trade & Event Center (EOTEC) in Hermiston and the Pendleton Convention Center to host the 2<sup>nd</sup> Annual Local Government Spring Conference. All three venues submitted proposals to host the conference for dates in April 2020. A staff working group met to review and discuss all proposals and, with Mike's direction, awarded the contract to the EOTEC in Hermiston. Plans are underway to engage both Hermiston and Pendleton in the event.

Please save-the-date for the 2<sup>nd</sup> Annual Local Government Spring Conference scheduled for April 24, 2020 at the EOTEC in Hermiston.

### 94<sup>th</sup> Annual LOC Conference

At the writing of this memo, plans are proceeding as expected for the 94<sup>th</sup> Annual LOC Conference. Staff plans to meet several times following the conference to debrief and will also plan to survey the membership. Results and a summary of these efforts will be shared with the board at their December 6<sup>th</sup> meeting.

### Training

Staff is preparing to provide our “Fundamentals Training” during the month of December in the following locations:

- Forest Grove;
- Coos Bay;
- Central Point;
- Pendleton;
- Nyssa; and
- Prineville.

These trainings will cover council responsibilities, public records, public meetings and ethics and are intended to supplement the Elected Essentials Program in the off years. All trainings will be taught by the LOC’s attorneys.

Staff plans to provide additional Budget Committee Trainings this year between February and March.

### Small Cities Program

Upcoming meetings include:

- October 16<sup>th</sup> in Boardman;
- October 17<sup>th</sup> in Nyssa;
- November 1<sup>st</sup> in Warrenton; and
- November 8<sup>th</sup> in Scio.

### Operations

The LOC’s Fiscal Year 2018-2019 audit is scheduled to occur during the week of October 7<sup>th</sup>. Assuming successful completion of the Local Government Center Trust’s audit (scheduled to occur during the week of September 23<sup>rd</sup>) and no other complications, board members should receive a copy of the audit prior to the December 6<sup>th</sup> meeting. Representatives from Boldt, Carlisle & Smith will be present at that meeting to answer questions and present a summary of their findings.

Over the summer, significant construction has occurred on the rental properties adjacent to the Local Government Center of which LOC has partial ownership. Repairs were primarily conducted on the roofs and siding of the properties, but in some cases other issues needed to be addressed.

Other upcoming expenses to the Trust include the installation of an electric vehicle charging station in the parking lot and upgrades to the two elevators in the building.

We are continuing to work at upgrading internal IT infrastructure and processes. About four months into the new relationship with the Oregon School Boards Association (OSBA), staff has been very happy with the progress made and the attention paid to day-to-day staff IT needs.

### Affiliate Organizations

The LOC supports several affiliate organizations in varying capacities. Two are staffed by the Member and Administrative Services Division: Oregon City/County Management Association (OCCMA) and the Oregon Mayors Association (OMA).

#### **OCCMA**

The OCCMA is also in the process of electing new board members who will begin serving in January of 2020. The membership will vote on three candidates (see below) at their Annual Membership Meeting scheduled for Thursday, September 26<sup>th</sup> at 11:30 am.

- **President-Elect** – Steve Powers, City Manager, Salem;
- **Director** – Susie Marston, City Manager, Gervais; and
- **Director** – Dan Huff, City Manager, Molalla.

In addition, the OCCMA is soliciting applications to serve on their committees beginning in January of 2020. The OCCMA operates 10 – 12 standing and ad hoc committees which are each tasked with moving forward different parts of the strategic plan.

#### **OMA**

The OMA is also in the process of electing new board members who will begin serving in January of 2020, with one exception. The membership will vote on four candidates (see below) at their Annual Membership Meeting scheduled for Thursday, September 26<sup>th</sup> at 8:30 am.

- **President-Elect** – Mayor Beth Wytoski, Dayton;
- **Director** – Mayor Allan Duffy, Elgin;
- **Director** – Mayor W. John Moore, Yachats; and
- **Director** – Mayor Jeff Gowing, Cottage Grove.

In addition, the OMA is soliciting applications to serve on their committees beginning in January of 2020. This is the first time the OMA has implemented a formal recruitment process for committee membership.

Finally, the OMA announced the implementation of their long-awaited email listserv this past quarter. Thus far, the tool has been widely used for a variety of discussion topics.



**To: LOC Board of Directors**  
**From: Patty Mulvihill, General Counsel**  
**Date: September 9, 2019**  
**Re: Legal Research Division Report – Litigation Update Attached**

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This Memo provides a brief overview of what has transpired in the Legal Research Division (LRD) since the Board's June meeting. The Memo is not meant to be an exhaustive analysis of the Division's activities, but rather a highlight of major accomplishments and/or projects.

### Litigation

Since the June Board meeting, there have been five developments in LOC's litigation efforts.

- First, the Oregon Supreme Court reversed the decision of the Court of Appeals in the case of *EWEB v. PERB*. The issue in this case was whether a worker performing services for a public employer through a temp agency can be “in the service” of the public employer for the purpose of establishing PERS eligibility. PERS and the Court of Appeals had said “yes.” The Supreme Court disagreed and said: “We conclude that the legislature likely intended a person “in the service of a public employer” to mean an employee of the public employer on that employer’s payroll – not someone who, in hindsight, was determined to have a common-law employment relationship with the employer.”
- Second, the Court’s decision on the FCC’s motion to abate the litigation is still pending. All parties have filed their initial and reply briefs. LOC’s attorneys fully expect the Court to provide an opportunity for oral argument.
- Third, LOC joined with the Special Districts Association and the Association of Oregon Counties to file an amicus brief in support of Linn, Douglas and Yamhill Counties’ Petition for Review to the Oregon Supreme Court regarding the Court of Appeal’s interpretation of the unfunded mandate provision of the Oregon Constitution. The three counties challenged the validity of the 2015 Oregon law requiring employers of 10 or more employees to implement a sick time policy that allows employees to earn and use up to 40 hours of paid sick leave per year. In the lawsuit, the counties assert that requiring governmental entities to provide 40 hours of paid sick leave per year constitutes an unfunded mandate in violation of Article XI, section 15, of the Oregon Constitution. LOC did **not** take a position on the sick time policy law itself, rather, LOC supported review of the decision by the Oregon Supreme Court because this case squarely presents the Supreme Court with its first opportunity to define the term “program” under the Constitution’s unfunded mandate provision. Given the extreme way in which the Court of Appeals interpreted the word “program,” it’s unlikely that any state law could reasonably be foreseen to be an unfunded mandate. The Supreme Court has granted review of the case – the petitioners have been advised that if they want amicus support from LOC for their brief on the merits, the request will have to be considered by LOC’s Legal Advocacy Committee.

- Fourth, on September 25<sup>th</sup>, LOC is filing an amicus brief in support of the city of Boise in its petition for U.S. Supreme Court review of a decision rendered by the 9<sup>th</sup> Circuit Court of Appeals. A year ago, the 9<sup>th</sup> Circuit Court of Appeals ruled that the Eighth Amendment to the U.S. Constitution prohibits the enforcement of ordinances or statutes that prohibit sleeping outside against homeless individuals who have no access to alternative shelter. Since the decision has been issued, cities across Oregon, from the coast to eastern Oregon have had their ordinances or policies challenged – a recent class action lawsuit has even been filed against the city of Grants Pass. The Ninth Circuit’s decision elicited multiple dissents from the denial of rehearing en banc, including a six-judge dissent emphasizing that other courts, including the Fourth, Seventh, and Eleventh Circuits, as well as the California Supreme Court, “have routinely upheld state laws regulating acts that were allegedly compelled or involuntary,” and warning that the decision will “prevent local governments from enforcing a host of other public health and safety laws, such as those prohibiting public defecation and urination.” LOC’s amicus petition will support Boise in asking the U.S. Supreme Court to reconsider and/or clarify the 9<sup>th</sup> Circuit’s decision.
- Fifth, with the Board’s support, LOC will be filing an amicus brief in support of the cities of Portland and Salem, both of whom have been named in a lawsuit which challenges the recently enacted SB 1049 (PERS bill). The lawsuit alleges that SB 1049 breaches the contract between PERS recipients and their employers, and also violates both the State and U.S. Constitutions.

A full update of all litigation activities is provided in the attached Litigation Update.

### Comments Before the FCC

LOC will be joining a coalition of local governments and state leagues to file comments before the FCC on a recently filed industry petition that proposes to further erode local authority over modifications to existing wireless facilities. In the petition, the industry proposes rules that will undo concealment measures to existing facilities and make it more difficult and expensive to ensure future expansions occur in a controlled or thoughtful manner. Three Oregon localities were named in the industry’s petition as alleged bad actors: Washington County, the city of Beaverton and the city of Portland (the legal department of each governmental entity was notified of the petition and their names being mentioned).

Opening comments are due on October 15 and reply comments are due on October 30. Standing to challenge the outcome may require participating in the administrative comment phase. LOC is able to participate in the comments for the very reasonable cost of \$3,500.00.

### Trainings

Since the last Board meeting, Assistant General Counsel Jayme Hafner, in partnership with Operations Director Megan George, provided a full-day facilitation to the city of Gaston. General Counsel Patty Mulvihill provided a second and final full-day facilitation to the city of Oakridge.

LRD attorneys have provided four additional trainings since the June Board meeting;

- 3-hour training on public records, public meetings and ethics in Drain;
- 3-hour training on public meetings and ethics in Astoria;
- 4-hour training on public records, public meetings, ethics and council responsibilities in Hines; and

- 4-hour training on public contracting in Redmond.

The General Counsel also presented two sessions at the Oregon Mayors Association’s Annual Conference in Medford. Also, the Assistant General Counsel has been asked to be a guest lecturer at a University of Oregon Local Government Law class, which is a law school level class, on October 17<sup>th</sup>. She will be presenting “The Business of Government & Public Meetings, Public Records, and Sunshine Laws.”

Six Municipal Fundamentals courses will be taught across Oregon during the month of December. Each class will be taught by a LOC attorney and will last approximately four hours, covering the following topics: council responsibilities; public records; public meetings; and ethics. Classes will be taught in the following locations:

- Forest Grove;
- Coos Bay;
- Central Point;
- Pendleton;
- Nyssa; and
- Prineville.

### Internal Governing Policies

Staff played a primary role in developing the updated draft of the Personnel Manual before the Board today. Additionally, both attorneys have been actively working to assist the Bylaws Committee on reviewing and recommending updates to the Board’s Bylaws (a separate memo provides additional details on this item).

### Requests for Proposals

With the Member Services division being understaffed, LRD attorneys were asked and agreed to take over primary responsibility for developing, releasing and processing requests for proposals (and negotiating associated contracts) for several upcoming LOC and affiliate conferences. Attorneys are working on conferences and events associated with LOC’s spring conference, LOC’s annual conferences in 2021 and 2022, OCAA’s fall and spring conferences for the next three calendar years, and the OMA’s upcoming annual conferences.

### Member Inquiries

Between January 1<sup>st</sup> and August 31<sup>st</sup>, LRD attorneys fielded 280 member inquiries which required 103 hours of staff time. The number of member inquiries fielded by LRD attorneys, and the amount of time they have spent responding to these inquiries, has significantly increased from 2018.

	<b>2018</b>	<b>2019</b>
<b>Number of Inquiries Received</b>	103	280
<b>Length of Time Spent Responding to Inquiries</b>	41 Hours	103 Hours

There has been a 172% increase in the number of inquiries LRD has received from 2018 to 2019. Additionally, there has been a 154% increase in the amount of time LRD attorneys have devoted to responding to member inquiries between last year and this year.

### Pilot Legal Program

Thus far, 20 cities have signed up to participate in the extended Pilot Legal Program in Eastern Oregon. Ten of those 20 cities have already utilized the program. Work being done by LRD attorneys thus far has ranged from providing assistance in responding to a request for public records to developing a lease agreement.



**To: LOC Board of Directors**  
**From: Patty Mulvihill, General Counsel**  
**Date: September 9, 2019**  
**Re: Litigation Update**

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This is an informational staff report to inform the Board of the status of the League's legal advocacy efforts. The last report provided to the Board was June 14, 2019.

City of Boise v. Martin

**League's Status:** Amicus  
**Current Venue:** U.S. Supreme Court  
**Attorney:** Markowitz Herbold (Portland)  
**General Topic:** The 9<sup>th</sup> Circuit Court of Appeals ruled that the Eighth Amendment to the U.S. Constitution prohibits the enforcement of ordinances or statutes that prohibit sleeping outside against homeless individuals who have no access to alternative shelter. The Ninth Circuit's decision elicited multiple dissents from the denial of rehearing en banc, including a six-judge dissent emphasizing that other courts, including the Fourth, Seventh, and Eleventh Circuits, as well as the California Supreme Court, "have routinely upheld state laws regulating acts that were allegedly compelled or involuntary," and warning that the decision will "prevent local governments from enforcing a host of other public health and safety laws, such as those prohibiting public defecation and urination." LOC's amicus petition will support Boise in asking the U.S. Supreme Court to reconsider and/or clarify the 9<sup>th</sup> Circuit's decision.  
**Current Status:** The city of Boise filed their Petition for Review on August 26, 2019. LOC's amicus brief is due September 25, 2019.

Boise, Idaho enacted what it referred to as a camping ordinance which prohibits "any of the streets, sidewalks, parks or public places as a camping place at any time." Camping is broadly defined in the ordinance to mean "the use of public property as a temporary or permanent place of dwelling, lodging, or residence, or as a living accommodation at any time between sunset and sunrise, or as a sojourn." Several homeless individuals cited for violating the city's ordinance challenged its constitutionality in 2009. Once the litigation began, the city's police department issued an administrative rule prohibiting the enforcement of the ordinance against homeless persons on public property at night if every shelter in the city was at capacity. The petitioners argued that even if the shelters had available beds, the restrictions for admission to the shelters (some had time limits on how many days a person could stay, and others had religious requirements for guests) prohibited some homeless persons from utilizing the shelters.

The Eighth Amendment limits the types of behavior the government may criminalize. One such limit, identified by the U.S. Supreme Court in *Powell v. Texas*, is a prohibition against punishing someone for "an involuntary act or conditions if it is the unavoidable consequence of one's status or being." The 9<sup>th</sup> Circuit found that the government can criminalize neither being homeless nor



“conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping on the streets.”

There were several strong dissents issued by the 9<sup>th</sup> Circuit’s Court when this opinion was released. The opinion stands in contrast to decisions rendered by other federal appellate courts and state supreme courts.

Since the decision was issued, several Oregon cities have been faced with litigation. The city of Grants Pass is now the subject of a class action lawsuit as a result of its policies and ordinance, the basis of which is the 9<sup>th</sup> Circuit’s decision in Boise. While LOC is filing an amicus brief by itself, several other state leagues (including NLC) will be filing supporting briefs as well.

Once the amicus briefs are filed, the Court will weigh whether to accept review of the matter.

City of Seattle, City of Tacoma, King County, League of Oregon Cities, League of California Cities and League of Arizona Cities & Towns v. U.S. Government and the Federal Communications Commission

<b>League’s Status:</b>	Plaintiff
<b>Current Venue:</b>	U.S. 9 <sup>th</sup> Circuit Court of Appeals
<b>Attorney:</b>	The Telecomm Law Firm (California)
<b>General Topic:</b>	The lawsuit asks the court to review the FCC’s order captioned <i>In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment</i> , Declaratory Ruling and Third Report and Order released September 27, 2018. While the FCC’s order purports to further the FCC’s goal of accelerating the deployment of 5G small cell technology, it will limit or eliminate municipalities’ traditional local regulatory authority over zoning and right-of-way management and municipalities’ proprietary rights over whether and on what terms they may allow communications providers rights to access, occupy and use government-owned real and personal property.
<b>Current Status:</b>	All cases filed regarding the FCC Order have been consolidated into one case being heard by the 9 <sup>th</sup> Circuit Court of Appeals. The Court did not grant the FCC’s request to abate the proceedings but temporarily stayed the proceedings pending the outcome of the Case Management Conference. All parties have filed their initial and response briefs. Oral argument is expected to be scheduled.

On September 27, 2018, the Federal Communications Commission (FCC) released its Third report and Order which: clarified the scope and meaning of the effective prohibition standard set forth in Sections 253 and 332(c)(7) of the Communications Act as they apply to state and local regulation of wireless infrastructure deployment; limited state and local governments to charging fees that are no greater than a reasonable approximation of their costs for processing applications and for managing deployments in the rights-of-way; identified specific fee levels for small wireless facility deployments that presumably comply with the relevant standard; provided guidance on certain state and local non-fee requirements, including aesthetic and undergrounding requirements; established two new shot clocks for small wireless facilities (60 days for collocation on preexisting structures and 90 days for new builds) and codified the existing 90 and 150 day shot clocks for non-small wireless facility deployments that were established in the 2009 Declaratory

Ruling; made clear that all state and local government authorizations necessary for the deployment of personal wireless service infrastructure are subject to those shot clocks; and concluded that a failure to act within the new small wireless facility shot clock constitutes a presumptive prohibition on the provision of services. This Order was published in the Federal Register on October 15, 2018.

During the September 26, 2018, Board meeting, the Board directed LOC staff to participate in any joint actions being taken against the FCC and the implementation of this Order, up to and including initiating suit against the FCC.

On October 25, 2018, LOC joined the city of Seattle, city of Tacoma, King County, Washington, the League of California Cities and the League of Arizona Cities and Towns in filing suit against the FCC in the U.S. 9<sup>th</sup> Circuit Court of Appeals, challenging the legality of the FCC's Order. In challenging the FCC's order, LOC and its partners assert that the order: is arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; violates federal law, including, but not limited to, the Constitution of the United States, the Communications Act of 1934, as amended, and the Commission's regulations promulgated thereunder; and is otherwise contrary to law.

All cases filed regarding the FCC Order have been consolidated into once case being heard by the 9<sup>th</sup> Circuit Court of Appeals. The Court ordered its special master to schedule a case management conference wherein the briefing schedule and oral argument were set.

All briefs have been filed. We now await a decision by the court on whether it will hold oral argument.

### James v. State of Oregon

**League's Status:** Amicus  
**Current Venue:** Oregon Supreme Court  
**Attorney:** Beery, Elsner & Hammond (Portland)  
**General Topic:** During this past legislative session, SB 1049 was passed. SB 1049 makes several changes to PERS. Nine governmental employees have filed suit against the State, several counties, some school districts, the city of Portland and the city of Salem claiming that SB 1049 violates the State and Federal Constitutions, while also breaching the contract PERS recipients have with their employers.  
**Current Status:** The petition before the Supreme Court has been assigned a special master to set a briefing/hearing schedule. LOC's amicus petition will most likely be due towards the end of 2019 or the beginning of 2020.

SB 1049 makes various changes to PERS. The portions specifically being challenged include those where employee contributions are being reallocated and the one which caps the amount of salary to be used to calculate a retiree's final average salary (the cap is set at \$195,000). The lawsuit claims that the PERS statutes create contracts between the employees and their employers – the public employers, acting through PERB, agree to provide certain pension benefits upon retirement. SB 1049, according to the lawsuit, alters, amends, or repeals these PERS contracts.

The employees have raised eight claims for relief:

- Claims 1 & 2: Unconstitutional Impairment of contract under the Oregon and Federal Constitutions regarding the redistribution of employee contributions.
- Claim 3: Unconstitutional Takings without Compensation of the employee protected property interests of their full 6% IAP contribution under the Oregon Constitution.
- Claim 4: Breach of Contract for IAP benefits/wages due and owing.
- Claims 5 & 6: Unconstitutional Impairment of Contract under the Oregon and Federal Constitutions regarding the salary cap.
- Claim 7: Unconstitutional Taking without Compensation under the Oregon Constitution regarding the salary cap because it is a taking of the employee's protected property interests.
- Claim 8: Breach of Contract regarding the salary cap for benefits based on the prior definition of salary/wages due and owing.

LOC was approached by the cities of Portland and Salem asking if LOC would either intervene in the case or participate as amicus. A special meeting of the LOC Board was called to discuss which option, if either, the Board preferred to take. After careful discussion and analysis, the Board voted not to intervene in the case, and instead authorized LOC staff to participate as amicus. LOC has retained the services of Beery, Elsner & Hammond (Portland law firm) who will work with the cities directly impacted by this litigation to file a supporting amicus brief.

As this case is complicated with several parties and many moving parts, the court has appointed a special master who will work with the parties to develop a briefing/hearing schedule. LOC expects that any amicus brief it writes will not be due until the end of 2019 or the first of 2020.

### Linn County v. State of Oregon

<b>League's Status:</b>	Amicus
<b>Current Venue:</b>	Oregon Supreme Court
<b>Attorney:</b>	Local Government Law Group (Eugene)
<b>General Topic:</b>	While the case is seemingly about whether the Paid Sick Leave Law is a "program" for purposes of Article XI, section 15 (commonly referred to as the unfunded mandate provision), the real underlying and fundamental question for the court to answer is what constitutes a "program" for the unfunded mandate clause to be triggered.
<b>Current Status:</b>	Supreme Court granted review. Briefs are due in October and November, with oral argument scheduled for January 16, 2020.

Nine Oregon counties filed an action in Linn County Circuit Court seeking a declaration that Article XI, section 15, (otherwise known as the unfunded mandate provision) of the Oregon Constitution excused them from complying with Oregon's Paid Sick Leave Law. The trial court granted summary judgment in favor of Petitioners Linn, Yamhill and Douglas Counties. The trial court found that the Paid Sick Leave Law was a "program" whose implementation had the threshold budgetary impact on those counties and violated the unfunded mandate provisions of the State Constitution. The state appealed. The Court of Appeals reversed, concluding that the Paid Sick Leave Law "is not an unfunded program of services to others within the meaning of Article XI, section 15." The three counties are seeking review of the Court of Appeals decision, which presents the Oregon Supreme Court with its first opportunity to interpret Article XI, section 15, of the Oregon Constitution.

When the counties approached LOC, AOC and SDAO to participate as amicus, all three entities made it clear that the amicus brief would **not** take a position as to the particular leave law at issue in this case, but instead would use the brief to urge the Supreme Court to grant review to provide local governments with a clear understanding of the scope of the Constitution’s unfunded mandate provision. The amicus brief argues that local governments want the option granted by Article XI, section 15 to opt-in or opt-out with regard to state mandates that impact local government budgets. The crucial question the amici are asking the court to answer is: “when can the state direct a local government to allocate limited budgetary resources for a state-imposed purpose.”

Supreme Court granted review. Briefs are due in October and November, with oral argument scheduled for January 16, 2020.

Ortega v. Martin; McCormick v. State of Oregon

**League’s Status:** Amicus  
**Current Venue:** Oregon Supreme Court  
**Attorney:** Washington County Counsel  
**General Topic:** Whether recreational immunity under ORS 105.682 is available to a public body that owns land but lacks the authority to make a volitional decision whether or not to allow recreational use on the land.  
**Current Status:** All briefs have been filed. Awaiting further action from the Court.

*Ortega* and *McCormick* each raise an identical issue regarding the scope of the recreational immunity statute, ORS 105.682. Under that statute, an owner of land (whether public or private) is entitled to immunity from liability for injuries arising out of the recreational use of the land “when the owner of land either directly or indirectly *permits* any person to use the land for recreational purposes, woodcutting or the harvest of special forest products.” ORS 105.682(1) (emphasis added). The question in *Ortega* and *McCormick* is what the legislature meant when it used the word “permits.” In each case, the plaintiff argued that the owner of land (in each case, the state) was *not* entitled to recreational immunity because the land on which the plaintiff was injured was held in trust for the public, meaning that the state lacked the authority to restrict the public from using the land for recreation. Thus, lacking the authority to restrict recreational use of the land, the state did not “permit” recreational uses of the land and is not entitled to recreational immunity.

In each case, the Court of Appeals agreed with the plaintiff and held that “to be entitled to recreational immunity, an owner of an interest in land must have made a volitional decision to open the land to the public for recreational use. That means, necessarily, that, to be entitled to recreational immunity, an owner must have the authority to make a volitional decision whether or not to allow recreational use on the land in question.” *Ortega*, 293 Or App at 193.

The state sought review of the *McCormick* decision in the Oregon Supreme Court and asked a number of other public entities to file an amicus brief in support of the state’s petition for review. The Washington County Counsel’s Office took the lead on drafting the brief for LOC, the Association of Oregon Counties, and the Special Districts Association of Oregon. The city of Portland and the Bend Parks and Recreation District also filed amicus briefs. All parties await action from the court.

Eugene Water & Electric Board (EWEB) v. PERB

**League’s Status:** Amicus  
**Current Venue:** Oregon Supreme Court  
**Attorney:** LOC’s Legal Research Division  
**General Topic:** Does a person qualify for PERS membership if they are an employee of a public employer, but do not receive a salary from that employer because they were employed via a temporary employment agency?  
**Current Status:** Supreme Court reversed Court of Appeals.

In the early 1980s, EWEB employed a person through a temporary employment agency. He was subsequently hired by EWEB as a regular full-time employee and at that time EWEB began paying his salary. All parties to this case agree that the person was always an employee of EWEB, but since his salary was paid via the employment agency during his first few years, EWEB argued that he was not a PERS eligible employee until he became a full-time regular EWEB employee.

The PERS Board (PERB) and the Oregon Court of Appeals both determined that membership in PERS only requires an “employment” relationship with a public employer, regardless of who actually pays the person’s salary. In other words, a person can become a member of PERS without ever having been on the payroll of a public employer. EWEB disagrees with the PERS Board and the Court of Appeals and is seeking review from the Oregon Supreme Court.

EWEB asked a number of public employers to support its petition for review. The LOC’s Legal Research Division submitted an *amicus* brief in support of EWEB’s petition—also on the brief were the Association of Oregon Counties; the Oregon School Boards Association; the Special Districts Association of Oregon; Metro; and Lane County.

The Supreme Court reversed the Court of Appeals, saying “We conclude that the legislature likely intended a person “in the service of a public employer” to mean an employee of the public employer on that employer’s payroll – not someone who, in hindsight, was determined to have a common-law employment relationship with the employer.” This is a victory for local governments. This case is now closed.

City of Portland v. Bartlett

**League’s Status:** Amicus  
**Current Venue:** Oregon Court of Appeals  
**Attorney:** LOC’s Legal Research Division  
**General Topic:** Are documents protected by the attorney-client privilege permanently exempt from public disclosure or are they subject to disclosure under Oregon law after the expiration of 25 years?  
**Current Status:** Awaiting court’s decision.

This case involves a declaratory judgment action filed by the city of Portland in response to a request for production of documents covered by the attorney-client privilege under ORS 192.502(9) and ORS 40.225. The requested documents are more than 25 years old. The individual seeking the documents asserted that because the documents at issue are more than 25 years old, ORS 192.495 requires their disclosure notwithstanding any exemption that may have previously applied.

The city argued that legal opinions from the city attorney are protected by the attorney-client privilege, and the Legislature could not unilaterally remove that legal protection. LOC further argued that because home rule cities are not created by the Legislature, the Legislature cannot waive privilege for home rule entities, and any attempt to do so is invalid under Article XI, section 2, of the Oregon Constitution. The trial court issued a ruling in favor of Portland, ultimately concluding that the Legislature did not intend to remove the city's attorney-client privilege, and thus did not decide whether the city's attorney-client privilege was protected by the city's home rule authority.

All briefs have been filed, and oral argument has concluded. All parties await a decision from the court.

### Galina Burley v. Clackamas County

**League's Status:** Amicus  
**Current Venue:** Oregon Court of Appeals  
**Attorney:** LOC's Legal Research Department  
**General Topic:** Applicability of damages limits under ORS 30.272 to certain types of claims.  
**Current Status:** Awaiting court decision.

The plaintiff brought claims for damages against defendant Clackamas County under whistleblower and anti-retaliation statutes. The case went to a trial and the jury found that defendant was liable to plaintiff for approximately \$390,000 in damages. Plaintiff moved for attorney fees and the trial court found that plaintiff incurred approximately \$700,000 in attorney fees. Defendant then moved to reduce the amount of plaintiff's total award (damages, attorney fees, and statutory interest) to the cap set out in ORS 30.272.<sup>1</sup> That statute limits the liability of

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<sup>1</sup> ORS 30.272(2) The liability of a local public body, and the liability of the public body's officers, employees and agents acting within the scope of their employment or duties, to any single claimant for claims described in subsection (1) of this section may not exceed:

- \$500,000, for causes of action arising on or after July 1, 2009, and before July 1, 2010.
- \$533,300, for causes of action arising on or after July 1, 2010, and before July 1, 2011.
- \$566,700, for causes of action arising on or after July 1, 2011, and before July 1, 2012.
- \$600,000, for causes of action arising on or after July 1, 2012, and before July 1, 2013.
- \$633,300, for causes of action arising on or after July 1, 2013, and before July 1, 2014.
- \$666,700, for causes of action arising on or after July 1, 2014, and before July 1, 2015.
- The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015. Subsection 4 requires that beginning "in 2015, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor ... The adjustment may not exceed three percent for any year. The State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount shall be used to calculate the adjustments to the limitations in subsequent calendar years. The adjusted limitation becomes effective on July 1 of the year in which the adjustment is

public bodies when, among other things, the claim for damages “[a]rise[s] out of a single accident or occurrence.” ORS 30.272(1)(c). The trial court agreed with the county that the limit on liability (commonly called the “tort cap”) applied and thus reduced the award of plaintiff’s attorney fees.

Plaintiff now appeals the trial court’s decision to reduce her award of attorney fees to the difference between the damages found by the jury and the statutory limit on liability. She argues that because her claims involved whistleblowing and retaliation that took place at distinct and successive times, the trial court erred in applying the damages cap at all. In other words, plaintiff argues that her claims against the county involved distinct factual events that happened at different times, and thus her claims did not arise out of a single accident or occurrence, meaning that the limit on liability should not apply at all. Plaintiff is arguing that only some causes of action are subject to the tort limit, while others are not.

All parties have filed briefs and are awaiting a decision from the court.

### City of Corvallis v. State of Oregon

**League’s Status:** Originally an intervenor in the circuit court, now participating as an amicus  
**Current Venue:** Oregon Court of Appeals  
**Attorney:** LOC’s Legal Research Division  
**General Topic:** Can the state preempt voter approved annexations required by a city’s charter?  
**Current Status:** Awaiting court’s decision.

This case involves a challenge to Senate Bill 1573 (2016), originally filed by the city of Corvallis. SB 1573 attempts to preempt city charters that require a vote on annexations when a petition to annex meets specific requirements. Pursuant to Board direction, LOC intervened at the circuit court level in this case as a plaintiff-intervenor to challenge SB 1573 on the basis that the legislation is contrary to the people’s initiative power under Article IV, Section 1(2)(a) of the Oregon Constitution and the home rule authority of cities as guaranteed by Article XI, Section 2 of the Oregon Constitution. The city of Philomath also intervened as plaintiff.

On February 24, 2017, the circuit court judge issued his opinion, and disagreed with both cities and LOC, basing his decision on two rationales. The court first determined that the Philomath and Corvallis city charters provide that annexations are not subject to a vote when the annexation is “mandated by state law.” Second, even though not all cities in Oregon with voter-approved annexations have charter provisions like Corvallis and Philomath, the judge reasoned that the state could still force annexation on a city because state law requires cities to establish an urban growth boundary, thereby giving both the property owners within that boundary and the city a legal expectation of future annexation.

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made and applies to all causes of action arising on or after July 1 of that year and before July 1 of the subsequent year.

The trial court reasoned that because annexations under SB 1573 would only involve territory that is already within a city's UGB, the city had already made the decision to act in an extramural fashion by designating land within a UGB and anticipating future growth in that territory.

LOC staff mistakenly believed it did not have to file its own Notice of Appeal to continue as an intervenor at the appellate level. By not filing its own Notice of Appeal, LOC is prohibited from participating as an intervenor before the Oregon Court of Appeals. The mistake is unfortunate and one that LOC staff regrets as it prohibits the arguments related to those cities with charter provisions that do not include the language "mandated by state law" from being raised and further discussed at the appellate level. After consulting with respected appellate attorneys and the appellate clerks, LOC staff determined that it can still be of use to its member cities by seeking the Court's permission to file an amicus brief in support of Corvallis and Philomath, focusing exclusively on the constitutional home-rule issue.

All briefing has been completed, and oral arguments occurred. All parties await a decision from the court.



To: LOC Board of Directors  
 Fr: LOC Communications Department  
 Dt: September 10, 2019  
 Re: Update for September Board Meeting

The following is an overview of the current work projects for the Communications Team:



**LOC Annual Conference Sponsorships**

For the third consecutive year, the LOC has achieved its highest-ever revenue total for conference sponsorship. This year’s total of \$165,500 surpasses the previous high mark of \$128,000 from last year, representing revenue growth of 29%. In 2018, sponsorship revenue grew by 70%. In the last two years, sponsorship revenue has more than doubled from a then-record high of \$75,000 achieved in 2017. See the next page for a list of this year’s sponsors.

Overall, the number of participating sponsors was consistent with previous years. However, there was a significant increase in sponsorship at the highest levels, including four “Premier” sponsors at \$10,000 each, and 12 at the “Signature” level of \$6,000. A total of 22 sponsors are participating at the top two levels this year compared to 10 last year.

Once again, the availability of more robust sponsorship opportunities has attracted interest and made a significant impact on the bottom line. Achieving this new high mark for sponsorship validates the LOC’s strategic goal of taking a more entrepreneurial approach to securing non-dues revenue.

**LOC Non-Dues Revenue for 2019**

In addition to the 26.5% growth in conference sponsorship revenue described above, the LOC also saw continued revenue growth in the Business Partner program (see table below), with 2019’s revenue total setting a new high. In addition, the first-ever Spring Conference generated an additional \$17,350. Overall, total non-dues revenue from these four sources for 2019 will be \$251,950, an increase of 21% over last year’s record high of \$206,700.

**Non-Dues Revenue 2015-2019**

Year	Total Revenue	% growth	Business Partners	% growth	Annual Conference			Spring Conference		
					Location	Sponsors	% growth	Trade Show	Location	Sponsors
2019	\$250,300	21.09%	\$40,150	3.61%	Bend	\$165,500	29.30%	\$32,450	Ashland	\$12,200
2018	\$206,700	43.92%	\$38,750	11.59%	Eugene	\$128,000	70.10%	\$39,950		
2017	\$153,650	6.98%	\$36,950	6.41%	Portland	\$75,250	16.22%	\$41,450		
2016	\$143,625	4.34%	\$34,725	-0.79%	Salem	\$64,750	-4.78%	\$44,150		
2015	\$137,650	7.30%	\$35,000	21.11%	Bend	\$68,000	10.57%	\$34,650		
<b>2015-2019 4-year average</b>	<b>\$178,385</b>	<b>16.73%</b>	<b>\$37,115</b>	<b>8.39%</b>		<b>\$100,300</b>	<b>24.28%</b>	<b>\$38,530</b>		<b>\$12,200</b>

## 2019 LOC Conference Sponsors

### Premier



### Signature



### Snack Break



### Telecom Seminar



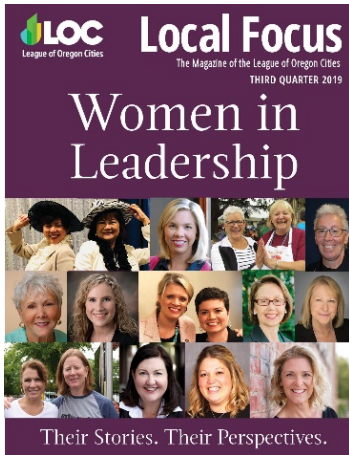
### Silver



### Bronze

AssetWorks, LLC  
 Beery, Elsner and Hammond, LLP  
 CenturyLink  
 Davis Wright Tremaine LLP

Hawkins Delafield & Wood LLP  
 Miller Nash Graham & Dunn LLP  
 Oregon State University Extension Service  
 Spectrum/Charter Communications



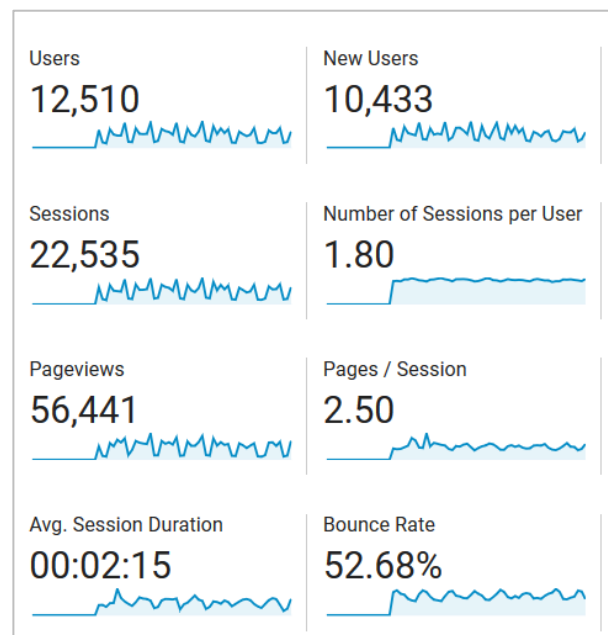
### **Third Quarter Local Focus Magazine – “Women in Leadership: Their Stories, Their Perspectives”**

The cover feature in the new 3<sup>rd</sup> Quarter edition of the LOC magazine spotlights “Women in Leadership: Their Stories, Their Perspectives.” We interviewed leaders at the state and city level, and they share their personal stories as well as their insights on leadership and advice for future leaders. The feedback on social media has been overwhelmingly positive – it’s easily one of the most impactful editions of the magazine we have produced. The LOC would like to thank Councilor Browning and Mayor Lundberg from the LOC Board, along with elected city officials and city staff from across the state who agreed to participate.

### **New LOC Web Site**

The newly redesigned LOC website launched on June 27. See box at right for user analytics since launch, as of September 10. Feedback has been exceedingly positive, with members and other users commenting on the modern look and ease of use. Some critical feedback has included the search function pulling up broken links and not knowing where to find information since the navigation has changed and some documents have not been moved over yet from the old site.

The website continues to be a work-in-progress, and additional resources and archives will continue to be added and updated in the coming months. We are continuing to work with Happy, Inc. on maintenance (including the search functionality), enhancements and additional features. Based on user and staff feedback, they have already made adjustments to the Government Jobs page to make it more user-friendly and efficient.

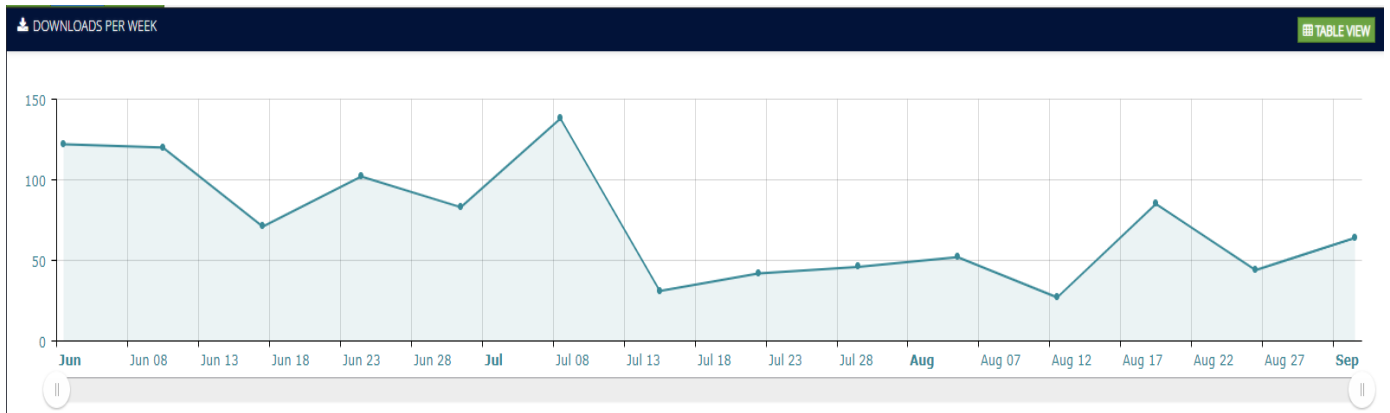
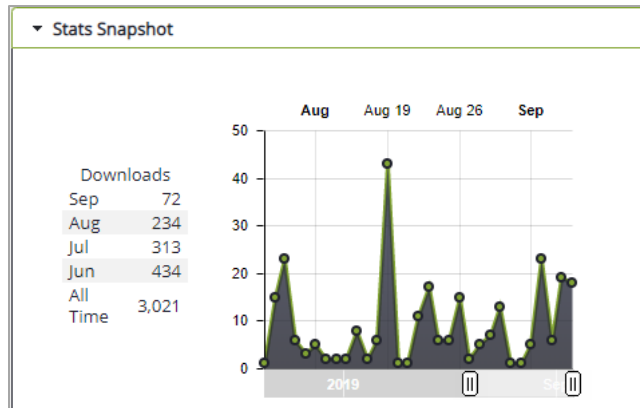


The Topics A-Z section is also a work-in-progress. A PSU fellow assisted us this summer with researching and updating the information in this section, which includes more than 100 pages of topics and links. LOC staff is uploading the content and linking up documents, with the anticipated go-live date of September 25. A computer will be set up at the Ask LOC booth for conference attendees to demo the website and Topics A-Z.

### **City Focus Podcast**

One year ago, the LOC successfully launched the *City Focus* podcast, and to date, we have produced 27 episodes. The podcast continues to be well received and our downloads remain steady.

## Podcast Statistics (as of 09/06/19):



*City Focus* podcasts provide timely, relevant information to cities, legislators, media and the public by emphasizing and focusing on specific topics quick-paced episodes. We discuss policy, legal issues and advocacy matters in a relaxed, conversational style, designed to inform and educate while doing so in an interesting and entertaining way.

Earlier this summer, [Episode 21](#) showcased the work of *The Prediction Lab* and the *City of Salem* partnering to predict harmful algal blooms in the city's drinking water. Other popular episodes have highlighted [LOC survey results](#), [tourism in Oregon](#), [CERT](#), and a [conversation with incoming LOC board president, Jake Boone](#). The most recent [episode](#) tackles political polarization and highlights the LOC 94<sup>th</sup> Annual Conference Saturday Keynote Luncheon, featuring the national organization *Better Angels*.

Released every other Thursday, the *City Focus* podcast serves as a conduit for members to communicate their stories to a broader, state-wide audience and share their experiences and concerns across the state.

In addition to our regular podcast, during the 2019 legislative session, we produced 20 micro-podcasts called *Inside the Capitol* that highlighted the work of the IGR team and provided 5-10-minute quick hits on what was happening at the Capitol every week. These micro-casts are recorded and published every Monday during the legislative session and provide up-to-the-minute information on legislation that is pertinent to cities as well as calls to action to assure city concerns are heard at the Capitol.

Both podcasts can be downloaded free of charge on our [podcast page](#) as well as at [iTunes](#), [Google Play Music](#), [Spotify](#), [YouTube](#), and [Stitcher](#). We want to encourage our members to subscribe to the podcast and to share ideas for topics by emailing the show at [CityFocus@orcities.org](mailto:CityFocus@orcities.org) or calling host and producer, Denise Nanke at 503-540-6594.

## Social Media Update

**f** Facebook (June 1 – September 9)

1,392

Page Followers

216

New Page Followers

18K

Post Reach<sup>1</sup>

1,853

Post Engagements<sup>2</sup>

8.5%

Average Post Engagement Rate<sup>3</sup>

### Top Posts:

1,882 PEOPLE REACHED | 269 POST CLICKS | 205 REACTIONS, COMMENTS & SHARES



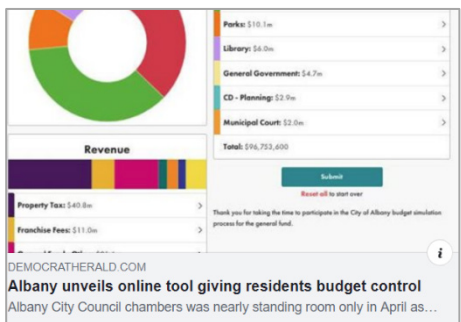
Congratulations to this year's recipients of the Mayors Leadership Award! The Oregon Mayors Association honored four mayors last week at their Summer Conference in the [City of Medford, Local Government](#) - Elgin Mayor Allan Duffy, [City of King City, Oregon](#) Mayor Ken Gibson, [City of Cottage Grove, Oregon](#) Mayor Jeff Gowing and [City of Scappoose - Government](#) Mayor Scott Burge. Well deserved! Read more about the winners: <https://bit.ly/2YRC0pb>

912 PEOPLE REACHED | 12 POST CLICKS | 52 REACTIONS, COMMENTS & SHARES



ICYMI: LOC has a new website! Modern, mobile-friendly and intuitive, we've made it easier for city officials to find the information they need to be successful leaders. Check it out! [www.orcities.org](http://www.orcities.org)

685 PEOPLE REACHED | 40 POST CLICKS | 52 REACTIONS, COMMENTS & SHARES



The [City Government of Albany, Oregon](#) unveiled new online tools last week that show residents where their tax money goes and gives them the chance to create the city's biennial budget — subtracting from certain programs and dumping more money into departments they deem most important. [https://democratherald.com/albany/albany-unveils-online-tool-giving-residents-budget-control/article\\_b8641314-4c51-5841-oregon](https://democratherald.com/albany/albany-unveils-online-tool-giving-residents-budget-control/article_b8641314-4c51-5841-oregon) and around the world, and will be honored at [PSU Center for Public Service's](#) Celebration of Public Service Gala on April 25.

<sup>1</sup> The number of people who had any posts from your Page enter their screen, broken down by total, organic and promotions.

<sup>2</sup> The number of times people have engaged with your posts through likes, comments and shares and more.

<sup>3</sup> The number of people your post reached who then liked, commented, shared or clicked on your post.

## Twitter (June 1 - September 9)



1,031  
Followers

32  
New Followers

40K  
Tweet Impressions

807  
Profile Visits

255  
Mentions

### Top Tweets:

3,077 IMPRESSIONS | 83 CLICKS, LIKES AND RETWEETS



Congrats to [@CityofCornelius](#) - winner of the 2019 All-America City award! A deserving honor for a great community. Great job and keep it up! [https://myemail.constantcontact.com/2019-All-America-City-Award-Winners-.html?soid=1114995572316&aid=Dugao4oGh8M ...](https://myemail.constantcontact.com/2019-All-America-City-Award-Winners-.html?soid=1114995572316&aid=Dugao4oGh8M...)  
<pic.twitter.com/yilfENTtBt>

1,584 IMPRESSIONS | 9 CLICKS, LIKES AND RETWEETS



Jim McCauley  
@JMacLOC

HB 2449 passes Senate floor with 22-5-2-1. Additional revenue will be on its way in 2020 to help with increased investment in 9-1-1 call centers across Oregon. Props to Rep. Findley for his leadership. [#orleg](#) [#orleg](#)

Retweet - A priority bill for the LOC, HB 2449, passed the Senate this morning. HB 2449 will increase the 9-1-1 tax revenues and benefit local government 9-1-1 call centers. [#orleg](#) [#orpol](#)

1,293 IMPRESSIONS | 285 VIDEO VIEWS | 25 CLICKS, LIKES AND RETWEETS



Post session means the LOC lobby staff is taking a couple of days to relax. Stay tuned for a comprehensive post-session update soon. Here is our Legislative Director "relaxing" by climbing Mt. Adams.  
<pic.twitter.com/fd6F9E32wr>

## Memorandum

**To:** LOC Board of Directors  
**From:** Megan George, Operations Director  
**Date:** September 18, 2019  
**Subject:** Board Schedule and Locations for 2020

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The following dates, times and locations have been identified for the LOC Board of Directors meetings in 2020. All meetings will be made accessible to some form of remote participation.

Friday, February 21 <sup>st</sup>	9:00 am – 4:00 pm	Local Government Center, Salem
Thursday, April 23 <sup>rd</sup>	9:00 am – 4:00 pm	Pendleton <sup>1</sup>
Friday, June 12 <sup>th</sup>	9:00 am – 4:00 pm	Hines/Burns <sup>2</sup>
Wednesday, October 14 <sup>th</sup>	9:00 am – 2:00 pm	Salem Convention Center
Friday, December 4 <sup>th</sup>	9:00 am – 4:00 pm	Local Government Center, Salem

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<sup>1</sup> The exact location is being confirmed. This meeting will precede the Spring Conference in Hermiston.

<sup>2</sup> This location is contingent upon adequate meeting space and lodging accommodations being identified.



## Memorandum

**To:** LOC Board of Directors  
**From:** Jayme Hafner, Assistant General Counsel  
**Date:** September 9, 2019  
**Subject:** Equity and Inclusion Committee Update

---

Since the June Board of Directors meeting, LOC staff issued a Request for Quote (RFQ) for equity and inclusion consultant services. The RFQ sought quotes for two primary services:

- Meet with LOC's Equity and Inclusion Committee to create an equity policy lens; and
- Assist LOC with the implementation and application of said equity policy lens.

The RFQs were directed to five entities.<sup>1</sup> Of the five entities approached, only one – John Lenssen and Associates – provided a response. In addition, while LOC did not specifically request a quote, the Multi Cultural Collaborative (MCC) also provided a response. Executive Director Mike Cully reviewed responses and ultimately selected John Lenssen and Associates to provide equity and inclusion consultant services.

The Equity and Inclusion Committee is scheduled for the following meetings:

- October 11, 2019 at 1:00 p.m.
- November 14, 2019 at 8:30 a.m.

Additional meeting dates are being scheduled as of the writing of this memo. The goal is for the committee to meet with the consultant and present the recommended equity policy lens at a future board retreat to be scheduled the day before the February LOC Board meeting.

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<sup>1</sup> Specifically, RFQs were directed to: (1) John Lenssen and Associates; (2) Resolutions Northwest; (3) Shoreline Consulting; (4) Center for Equity and Inclusion; and (5) Kathy Kniep Consulting.



## Memo

To: LOC Board of Directors  
From: Ruth S. Mattox, Senior HR Consultant/HR Director  
Date: September 9, 2019  
Re: Executive Director Performance Evaluation – Calendar Year 2019

---

In January 2019, the LOC Board approved a process for evaluating the performance of the LOC Executive Director in 2019. The Board approved process and documents are attached to this memo.

Below is the suggested timeline for facilitating completion of the Executive Director review process.

<b><u>Completion Date</u></b>	<b><u>Task</u></b>
October 21 <sup>st</sup>	Begin collection of electronic responses
November 8 <sup>th</sup>	Conclude collection of electronic responses
November 22 <sup>nd</sup>	Compile and format responses
December 6 <sup>th</sup>	Present responses to LOC Board of Directors for review

This item is included for discussion purposes. No formal action is required.

# Management Performance and Development Appraisal

## EXECUTIVE DIRECTOR League of Oregon Cities

### Board & Executive Director Feedback INSTRUCTIONS

Attached is the evaluation form for the League of Oregon Cities' Executive Director.

The first section is for narrative responses regarding the Executive Director's overall strengths and areas for improvement. The second section calls for comments on specific job duties and related skills in key performance areas.

The scale for the second section is a rated scale, scored in terms of *exceptional*, *meets expectations*, *needs improvement*, and *no observation*.

**3. Exceptional** means that the Executive Director consistently exceeds all performance expectations and the performance is consistently superior.

**2. Meets Expectations** means that the Executive Director performs the expectations of the job at a competent and dependable level on a consistent basis. Consistently meets performance expectations.

**1. Needs Improvement** means the Executive Director is deficient in some key performance areas and requires improvement in order to meet requirements and expectations of the job.

**No Observation** means the rater has not observed/experienced the Executive Director's performance in this area.

A space to the right of each performance area has been included for individual comments. It is encouraged that each person completing the form cite a specific example or two of why, overall, they have chosen a particular rating. The comments included will give the Executive Director enough information to correct problem areas and place a specific item on his work plan for the next year.

Upon completion of the form, please sign or type your name and return it to **Ruth Mattox, human resources administrator**, at the LOC Office for tabulation ([rmattox@orcities.org](mailto:rmattox@orcities.org)); PO Box 928, Salem, OR 97308; fax 503-399-4863).

# Management Performance and Development Appraisal

## EXECUTIVE DIRECTOR League of Oregon Cities

### ***Purpose –***

In order to establish and maintain an effective relationship between the Board and Executive Director, it is essential that the Board establish an ongoing evaluation process that offers an opportunity for each party to review the performance of the Executive Director. This evaluation should focus on how effectively the Executive Director is accomplishing the goals of the organization and how he is carrying out his responsibilities in the key performance areas.

Specifically, the evaluation process serves the following needs:

- 1) It allows the Executive Director and the Board to test, identify and refine their respective roles, relationships, expectations of and responsibilities to each other.
- 2) It allows the discussion of the Executive Director's strengths and weaknesses as demonstrated by past performance in managing the organization with the objective of increasing the Executive Director's effectiveness.

### ***Process –***

- 1) Evaluation forms are distributed.
- 2) Forms are completed and returned to a designated person in the LOC office.
- 3) The designated person at LOC tabulates the results and composite evaluation form is distributed to the Board at the evaluation meeting.
- 4) The Board meets with the Executive Director in executive session to review the evaluation.
- 5) The evaluation process shall occur annually at the Board's last meeting of the calendar year. The evaluation process shall include the Executive Director completing a self-evaluation.
- 6) The evaluation process shall include the Board receiving input from LOC staff on the Executive Director's performance during the calendar year.
- 7) The evaluation process may include the Board receiving input from LOC members on the Executive Director's performance during the calendar year.
- 8) The President may request other materials, reports and data from the Executive Director.

***Please complete the following:***

**Overall Organizational Achievements**

During the past year, has the Executive Director been effective in accomplishing the overall mission of the League of Oregon Cities, to be “the effective and collective voice of Oregon’s cities and their authoritative and best source of information and training”? Why or why not? Please cite specific examples if possible.

**Strengths**

Based upon your overall evaluation of the Executive Director, what areas would you list as his strong points as a leader?

**Improvements Suggested**

Based upon your overall evaluation, what areas would you suggest the Executive Director work on to improve his skills and to be even more effective? Please be as specific as possible.

On-Going Key Performance Areas	3. Exceptional	2. Meets Expectations	1. Needs Improvement	No Observation	Comments
<b>I. Communication with Board</b>					
A) Communicates appropriately, timely and effectively with Board.					
B) Maintains close communication with President and Executive Committee.					
<b>II. Development and Implementation of Board Policy</b>					
A) Administers LOC operations consistent with Board policy.					
B) Anticipates issues which require Board involvement.					
C) Provides clear, concise staff reports with alternatives and recommendations.					
D) Interacts effectively with Board President and Board Members					

On-Going Key Performance Areas	3. Exceptional	2. Meets Expectations	1. Needs Improvement	No Observation	Comments
<b>III. Staff Development/Internal Management</b>					
A) Motivates staff to achieve their individual and organizational goals and provides an environment where taking risks to achieve higher goals is encouraged.					
B) Promotes cooperation and builds bonds within the team to reach common goals.					
C) Empowers and helps to develop staff to complete their job-related duties, providing input as needed.					
D) Asks questions to guide staff to discover appropriate strategies to resolve work-related issues.					
E) Respects the role(s) and contributions of all staff members.					
F) Coaches and guides staff in strategic implementation.					
G) Fosters a work environment that is attractive to today's workforce.					

On-Going Key Performance Areas	3. Exceptional	2. Meets Expectations	1. Needs Improvement	No Observation	Comments
<b>IV. Financial Planning and Administration</b>					
A) Ensures annual budget prepared in timely manner.					
B) Maintains a budget that is well-documented and organized to assist Board with policy decisions.					
C) Manages within budget parameters; maintains effective administrative budget controls.					
<b>V. Legislative Presence</b>					
A) Establishes sound, professional and personal relationships with key legislators, the Governor and administration and agency staff.					
B) Grasps complex and changing interests of cities and other stakeholders and uses the information effectively in the interests of cities.					
C) Understands and effectively brokers diverse membership interests to create policies and programs that benefit the greatest number of cities.					
D) Actively leads LOC advocacy efforts on significant municipal issues based on the memberships adopted policies, maintaining the scrupulous non-partisan role of LOC.					

On-Going Key Performance Areas	3. Exceptional	2. Meets Expectations	1. Needs Improvement	No Observation	Comments
E) Exercises sound professional judgment, initiative, tact and discretion in assisting the membership in developing policies, in presenting recommendations to resolve challenging issues, and bringing the membership's goals to fruition.					
F) Understands city operations and local government at a level that allows a quick and accurate assessment of policies that will be in the best interest of the cities.					
<b>VI. Management of LOC Products and Services</b>					
A) Ensures member services that meet the changing needs of cities; introduces or expands services as needed.					
B) Maintains high quality standards for publications, member communications and training programs.					
C) Ensures league events, including the annual conference, are well-planned, organized and deliver valuable information to city officials.					



2019 Performance Goals	Met	Did not meet	Did not Observe	Comments
<b>To Be Defined</b>				
A)				
B)				
C)				
D)				
E)				
<b>To Be Defined</b>				
A)				
B)				

Evaluator's Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Next Year's Goals –**

Please list one key performance area and up to two measurable goals within the performance area.

Once compiled, the Board will identify the top Performance Areas, as well as the specific goals for the Executive Director's focus within each area.

To be successful in the upcoming year, the Executive director will:

- **Key Performance Area:** \_\_\_\_\_

Goal(s):

1. \_\_\_\_\_
2. \_\_\_\_\_

# Management Performance and Development Appraisal

## EXECUTIVE DIRECTOR League of Oregon Cities

### Staff Member Feedback INSTRUCTIONS

Attached is the evaluation form for the League of Oregon Cities' Executive Director.

The first section is for staff members to provide a narrative response regarding the employee's observations and perceptions related to the Executive Director's overall strengths and areas for improvement. The second section calls for comments on specific job duties and related skills related to the employee's experiences with the Executive Director in the key performance area of Staff Development/Internal Management.

The scale for the second section is a rated scale, scored in terms of *exceptional*, *exceeds expectations*, *meets expectations*, *below expectations*, *needs improvement*, and *no observation*.

**5. Exceptional** means that the Executive Director consistently exceeds all performance expectations and the performance is consistently superior.

**3. Meets Expectations** means that the Executive Director performs the expectations of the job at a competent and dependable level on a consistent basis. Consistently meets performance expectations.

**2. Needs Improvement** means the Executive Director is deficient in some key performance areas and requires improvement in order to meet requirements and expectations of the job.

**No Observation or Not Applicable** means the rater has not observed/experienced the Executive Director's performance in this area or the factor is not applicable to the individual rater.

A space to the right of each performance area has been included for individual comments. It is encouraged that each person completing the form cite a specific example or two of why, overall, they have chosen a particular rating. The comments included will give the Executive Director enough information to correct problem areas and place a specific item on his work plan for the next year.

Upon completion of the form, please return it to **Ruth Mattox, human resources administrator**, at the LOC Office for tabulation ([rmattox@orcities.org](mailto:rmattox@orcities.org)); PO Box 928, Salem, OR 97308; fax 503-399-4863).

***Please complete the following:***

**Overall Organizational Achievements**

During the past year, has the Executive Director been effective in accomplishing the overall mission of the League of Oregon Cities, to be “the effective and collective voice of Oregon’s cities and their authoritative and best source of information and training”? Why or why not? Please cite specific examples if possible.

**Strengths**

Based upon your overall interactions with the Executive Director, what areas would you list as his strong points?

**Improvements Suggested**

Based upon your overall interactions with the Executive Director, what areas would you suggest he work on to improve his skills and to be even more effective? Please be as specific as possible.

Key Performance Area	3. Exceptional	2. Meets Expectations	1. Needs Improvement	No Observation or Not Applicable	Comments
<b>I. Staff Development/Internal Management</b>					
A) The Executive Director motivates me to achieve individual and organizational goals and provides an environment where taking risks to achieve higher goals is encouraged.					
B) The Executive Director promotes cooperation and builds bonds within the team to reach common goals.					
C) The Executive Director empowers and helps to develop me to complete my job-related duties, and provides input as needed.					
D) The Executive Director asks questions to guide me to discover appropriate strategies to resolve work-related issues.					
E) The Executive Director respects my role(s) and contributions within the organization.					
F) The Executive Director coaches and guides me in strategic implementation.					
G) The Executive Director fosters a work environment that is attractive to me.					



September 25, 2019

League of Oregon Cities  
Executive Director Report  
1<sup>st</sup> Quarter Update 2019-2020

## Contents”

1. Executive Summary
2. Internal Operations overview
  - a. Personnel: staffing update
  - b. Pay equity/comp-and-class implementation
  - c. Audit preparations and finance update
  - d. LGPI
3. External Operations overview
  - a. Equity, Diversity and Inclusion
  - b. NLC update
  - c. NPPgov opportunity
  - d. Spring Conference update
  - e. Japan delegation visit

## Executive Summary

While staffing challenges and changes have taken the forefront of our many priorities, they have not been the sole focus in the first quarter of our new fiscal year. Immediate priorities have been:

- Completing the pay equity and comp-and-class studies – which were the basis of developing job descriptions and pay ranges for vacant positions
- Focus on completion of the personnel manual
- Concentration on developing and executing an outstanding annual conference
- Preparing for our, (and our affiliates) annual audit in October
- Continuing to build our advocacy team and presence statewide and nationally
- Planning for Spring Conference

While the board approved the addition of new staff - as well as the replacement of vacant positions - to support expanded operations prior to the new fiscal year, moving this process along has been contingent on several processes.

The LOC recently completed an overarching pay equity study which yielded the expected results related to a number of necessary adjustments for existing staff. In order to assure that we were thorough in this process, we coupled that study with a comprehensive comp-and-class study using comparators agreed upon by the board. I am pleased to report that given this information we were able to make appropriate decisions that both brought the LOC in to compliance with the law, and continue to build the organization as an, “employer of choice.”

The personnel manual is complete and ready for board consideration in this packet. This is an important part of LOC operations as management is finding a significant shortcoming related to processes, procedures and protocols. As we apply the equity lens to our operations, this effort levels the playing field for staff and is putting in to place clarity and equality with how decisions are made across the board. The personnel manual is the cornerstone of this effort, and a great deal of effort went in to its composition by staff. Most of this work fell to General Counsel Patty Mulvihill, Operations Director Megan George and HR Director Ruth Mattox, and the resultant document is thorough and practical.

With regards to the 94<sup>th</sup> annual conference: we have once again outperformed expectations related to (a) financial performance forecasts, (b) attendance, and (c) diversity and attention to programming. Two highlights I will pull-out immediately:

1. Marketing and Communications Director Kevin Toon raised in excess of \$165,000 in sponsorships for this event alone. For perspective: in 2018 we exceeded goals set in 2017 by 72%. This year we exceeded last year by 29%. In short, we have seen nearly a 100% increase in sponsorship dollars in just the past two conferences. That’s stunning.
2. As of this writing, our registered attendees exceeded 493. This is a full 30+ more than just last year, which also registered as our best-attended. With vendors, staff and attendees, we will have close to one thousand participants in the 2019 conference.

We have already begun the conversation of being a “victim of our own success.” We are continuing to grow this conference and its programming and vendor participation, and now we appear to be outgrowing venues that can handle an event of our size. This makes our Spring Conference an especially attractive opportunity for development as well.

While all-staff contributed significantly to this event, it is important to recognize Lisa Trevino, who for the second year in a row has stepped-up to lead this effort – and did so with amazing poise and expertise. Julie Oke in our marketing department did an amazing job supporting her efforts, as did Debi Higgins and newcomer Jerry Schneider. Just great work and effort all around.

Legislative Director Jim McCauley wrapped-up a very tumultuous session in the building and I have had the opportunity to work with him on several small city meetings on the coast and in



Eastern Oregon – and I can tell you membership appreciates our efforts. Staff has executed some of our best attended meetings to date, and we continue to be responsive to what our members are telling us they want and need from the League and from these regional meetings.

On the Legislative front, we are staying true to our word on building both our stature and our presence both here in Oregon and on a federal level. Just last week Jim McCauley and President Greg Evans traveled to Washington DC for some critical meetings which further positioned this organization as a leader and force in this arena. We are also planning another trip to DC with a small Oregon contingent in late October (20<sup>th</sup> – 23<sup>rd</sup>) for meetings on the Hill and with our partner advocates at the National League of Cities (NLC).

To recap: we are moving at a very fast pace here, continuing to keep our strategic plan front-and-center throughout. It is not lost on me that staff here – while exceptionally high-performing – is extremely stretched due to staffing shortages. It has been trying, for sure, but we are addressing this now and there is light at the end of the tunnel. Our business plan is aggressive, but I am pleased with how everyone here is responding. Culture change and building a solid organization never comes easily, but from my perspective, we are making great progress.

## **Internal Operations**

### Personnel

As mentioned previously, we needed the results of the pay equity and the comp-and-class available before we could put together job descriptions and post for open positions.

Several job postings for our Member and Administrative Services department (MASD) went live on several websites. We will close those positions at the end of the month and our plan is to conduct interviews for three positions the week of October 7<sup>th</sup>. These positions are critical for supporting our affiliates, the training program and some finance functions.

We are still working on job descriptions and postings for an honors attorney in our Legal Research Department to support the Eastern Oregon Legal advice program as well as a support employee for LGPI and procurement for an expanded business relationship with an external vendor (NPPgov) which I will address within this report.

On the advocacy team, our Legislative Director has posted, gone through the interview process and made job offers to two outstanding individuals, both of whom have accepted. On October 1<sup>st</sup> we are excited to be welcoming Mark Gharst – formerly a lobbyist with the Department of Revenue to the fold. He is an ideal fit for our team and is widely respected for his tax and

finance background. He will seamlessly fill the role vacated by Wendy Johnson who was our resident expert before moving to the Department of Justice. On October 28<sup>th</sup>, we will be welcoming Ariel Nelson who has been advocating with Oregon Housing and Community Services making her an exceptional fit for the position vacated by Erin Doyle. In short – we will be back up to full-speed with a hard-hitting and motivated team. Also notable is the increased level of responsibility being assumed by Jenna Jones in the IGR department who has been capably handling all things telecommunications. She will be taking more lobbying assignments in the next (short) session with the goal of moving towards more of a full-time lobbying role with the League.

Our plan is to have all positions filled and be fully staffed by the end of October/beginning of November.

#### Pay equity and comp-and-class

We had projected this being a significant hit to LOC finances and the board had approved expenditures and increases amounting to \$240,000 additional from the previous years' budget. Once all was said and done, our increase in this fiscal year sits around \$187,000 in aggregate, with a portion of that being allocated for retroactive compensation adjustments, (the Pay Equity law went in to effect in January of this year). Ongoing impact to our budget appears to be somewhere just north of \$150,000.

Impact to the overall budget for 2019-2020 will be curtailed due to the delay in filling new positions and refilling vacant positions. While this is not part of my business plan to run a zero-based budget, the projection of running a significant loss as approved by the board is unlikely.

It is important to note that I did have a decision to make based on how I would apply the compensation adjustments to affected staff and I did choose to err on the higher end. It is important to note that the majority of staff is now being paid at or slightly above market and that we are in full compliance with BOLI expectations and the law. My decision was grounded – again – in the effort to position the League as a preferred employer. Going forward we will be looking at the salary structure in general while assuring there are standards and metrics in place for merit increases.

#### Audit preparations and finance

Jamie Johnson-Davis has been working diligently to assure that the LOC and its seven affiliates we manage sail through another audit the week of October 7 – 11. Quite a bit of effort has gone in to assuring that our books are clean and transparent, and I have no reason to believe there

will anything other than a solid audit and management letter. We have implemented all suggestions from our last audit and continue to get stronger internally by using automation and technology to our advantage.

Some priorities we have on the finance front:

- Reform of credit card reconciliation. It is our plan to move to a system that utilizes technology to take images of receipts, upload them and streamline the accounting process. We are still married to paper far too much and we need to leverage available technology.
- iMIS: looking at our CRM/event management system and considering something subscription/cloud-based that might fit our organization better. We made a significant investment in this in 2015, but this is legacy software and may not be the best option for our needs. It is my desire that we begin to research options going forward.
- Bill pay: US Bank offers bill pay just as any other financial institution, and rather than cutting physical checks, we should consider moving to an online bill-pay system with checks-and-balances.

The whole idea behind this is to streamline and automate as much as possible and to create efficiencies in the finance department.

### LGPI

This department continues to perform impressively, despite full-blown support from the LOC, (contingent on the board's decision in December). We are still running this department as a "special project," but there are some important pieces to this:

1. LGPI is a profit center for the LOC. It has tremendous potential to scale, if that is the will of the board, but members see obvious value in the service.
2. Membership is holding at 117 with the majority of those being cities. 114 were renewals and there are three new members. We still service counties and special districts.
3. We are demanding a LOT of our part-time HR pro, Ruth Mattox. The LOC has a lot of needs and we have demanded a great deal of her time. This has detracted from the amount of time she is able to devote to LGPI projects.
4. Because of point 3, we are looking to hire another individual who can continue generating revenue for LGPI and take on another special project (procurement/contracts analyst) for the League.

We will continue to grow this line of the LOC business as it has great potential to both support our operations and fill a need voiced by our members. There are a lot of logistics that need to be worked through, but we will address that at our board meeting in December. In the meantime,

Ruth, Denise Nanke and Pierre Robert continue to do a spectacular job of running this department and taking care of the membership.

## **External Operations**

### Equity, Diversity and Inclusion

It is important to note that while the committee works to build an overarching approach to this organization-wide, we are taking steps internally to address equity in the workplace. This is more than just demographic equity but extends to equal and fair treatment of all employees in the workplace. It is our desire to be a model organization, and that requires an internal focus and staff buy-in as well.

### NLC Update

We are still moving in the direction of exposing our members to the benefit of a combined LOC-NLC slate of offerings. Most of you are familiar with Mike Nelson of the NLC who is specifically assigned to our region to foster this relationship, and the NLC's approach is that of extended exposure and individual contacts to build relationships with our members. On the marketing front, we are shooting for something more formal in 2020-2021 in terms of a formal rollout to membership.

The NLC is supporting our efforts strongly as we build our federal program and have been the primary point of contact on our missions to the Hill. In October we will be briefed by their entire advocacy team as part of our visit.

Finally – related to NLC – I have been asked to be a part of that organization's nominating committee for its officers and new board members. I will be participating in a number of additional meeting while at the 2019 City Summit in San Antonio as part of the selection committee for those applying for leadership roles with the organization. This is a great honor and I am pleased that the LOC is being recognized as being significant enough to weigh-in at this level.

### NPPGov

The LOC has had a long-standing relationship with this organization that provides procurement opportunities for governmental organizations. As a private entity, it requires a government agency to be the lead for its program, and for that role, the lead entity is compensated for receiving RFP's, evaluating in conjunction with NPP and making awards.

For years, the LOC has played an ancillary role in this process with the lead agency for Oregon being an entity based in Wilsonville. For our part in this process the LOC received roughly \$5000/quarter for very little effort.

Recently the lead agency in Wilsonville changed direction and changed their business plan which opened the lead agency position. Since we have had a long-standing relationship with NPPGov, we were approached to gauge our interest in taking this role. I looked in to this and learned that on a quarterly basis, the lead agency in Wilsonville appeared to be receiving checks from NPPGov in the amount of \$100,000 – quarterly – with the last payment being \$107,000. This intrigued me and with Patty Mulvihill's help, we are working to review our existing MOU and explore the possibility of assuming the lead agency role.

As mentioned before, staffing and workload is a real concern here, and there is no way with current staffing that I can manage this program without dropping another. For that reason, we are exploring a hybrid position mentioned for LGPI that would also run this program for us and NPPGov. If the returns are similar to that of PPA in Wilsonville, this could be a significant contributor to our reoccurring revenue.

We are working the process now but wanted to put this on your radar as this develops.

### Spring Conference Update

In the spirit of multitasking, the LOC Spring Conference planning committee has determined that we would move our event to Eastern Oregon for the Spring of 2020, and as such, Assistant General Counsel Jayme Hafner asked the cities of Pendleton, Baker City and Hermiston to submit indications of interest for hosting. It was akin to choosing between your favorite child. All three potential locations were great, but in the end the conference planning committee landed on Hermiston as the host of our Spring Conference.

Preceding the day-long event at the Tech Center, however, will be a reception and potentially more in the City of Pendleton. Thank you to both Directors Paul Chalmers and Mayor Dave Drotzman for your amazing support of this effort. We are all very much looking forward to showing-off both your communities in 2020.

### Japan Delegation Visit

I will close with a reminder that on Friday, October 25 from 2:30 – 4:00 p.m. here at LOC headquarters we will be hosting a contingent of about 22 guests from Japan who are coming to learn about our cities and learn how to maintain their communities with innovative ideas. The

visit is meant to be an idea exchange and relationship-builder between the US and Japan. I will be looking to use part of this time for a roundtable with local leaders, and I will also be working on a quick tour of the capitol.

I would very much like to solicit any board member participation in this. You will be acting as an ambassador of sorts, and you are their desired audience. If you have any interest in participating, please let me know. I want to make this a worthwhile visit.

###

## Memorandum

**To:** LOC Board of Directors  
**From:** Megan George, Operations Director  
**Date:** September 18, 2019  
**Subject:** City Dues Report

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All cities must pay dues to the LOC to be considered members in “good standing”. Dues rates are set by the LOC Board of Directors in December, with notices being sent to each city in the early spring. Invoices are not sent out to cities until July 1<sup>st</sup>. The attached list (compiled as of September 18<sup>th</sup>) shows which cities have not yet submitted payment. Approximately 65% of dues revenue has been collected from approximately 81% of cities. In general, most dues revenue is collected before the end of the calendar year.

For all other receivables, LOC internal process dictates that 30 and 60-day notices are distributed by our financial staff before collections is transferred over to our legal team.

Staff is looking for direction from the board on how proactive to be with cities in the collection of dues and at what point in the year to provide notice to the board that a city has failed to submit payment of dues.

Outstanding Membership Dues  
League of Oregon Cities

Wednesday, September 18, 2019

Page 1

Item/Description	Name	Member Type	Invoice Date	Amount Due
LOC	League of Oregon Cities Membership Dues			
200174	Adair Village	CITY	7/15/2019	743.19
200175	Adams	CITY	7/15/2019	324.06
200180	Arlington	CITY	7/15/2019	527.14
200190	Bay City	CITY	7/15/2019	1,166.63
200193	Boardman	CITY	7/15/2019	3,188.79
200206	Central Point	CITY	7/15/2019	13,211.14
200207	Chiloquin	CITY	7/15/2019	639.49
200215	Corvallis	CITY	7/15/2019	43,177.61
200221	Damascus	CITY	7/15/2019	7,946.50
200225	Detroit	CITY	7/15/2019	233.00
200229	Dundee	CITY	7/15/2019	2,791.27
200233	Echo	CITY	7/15/2019	613.56
200239	Fairview	CITY	7/15/2019	6,763.12
200253	Granite	CITY	7/15/2019	118.00
200254	Grants Pass	CITY	7/15/2019	27,251.25
200257	Gresham	CITY	7/15/2019	74,666.79
200263	Helix	CITY	7/15/2019	233.00
200266	Hillsboro	CITY	7/15/2019	70,723.01
200273	Independence	CITY	7/15/2019	7,038.27
200282	Joseph	CITY	7/15/2019	967.87
200295	Lincoln City	CITY	7/15/2019	6,574.86
200296	Lonerock	CITY	7/15/2019	118.00
200297	Long Creek	CITY	7/15/2019	233.00
200310	Metolius	CITY	7/15/2019	639.49
200312	Millersburg	CITY	7/15/2019	2,000.55
200334	Oakridge	CITY	7/15/2019	2,834.48
200338	Pendleton	CITY	7/15/2019	12,425.50
200341	Pilot Rock	CITY	7/15/2019	1,300.58
200343	Portland	CITY	7/15/2019	234,593.44
200349	Redmond	CITY	7/15/2019	21,389.74
200352	Riddle	CITY	7/15/2019	1,028.36
200353	Rivergrove	CITY	7/15/2019	436.41
200371	Sisters	CITY	7/15/2019	2,354.86
200374	Springfield	CITY	7/15/2019	44,325.29
200380	Summerville	CITY	7/15/2019	233.00
200381	Sumpter	CITY	7/15/2019	233.00
200383	Sweet Home	CITY	7/15/2019	6,933.28
200384	Talent	CITY	7/15/2019	4,873.24
200388	Tillamook	CITY	7/15/2019	4,251.72
200391	Tualatin	CITY	7/15/2019	19,843.80
200396	Unity	CITY	7/15/2019	118.00
200401	Wallowa	CITY	7/15/2019	695.66
200403	Wasco	CITY	7/15/2019	367.27
200408	Wheeler	CITY	7/15/2019	345.67
200413	Woodburn	CITY	7/15/2019	18,182.02
				648,654.91
Grand Total				648,654.91



## **MEMORANDUM**

**To: LOC Board of Directors**

**From: Patty Mulvihill, General Counsel**  
**Megan George, Operations Director**

**Date: September 17, 2019**

**Re: RFP Responses to 2020 & 2023 Annual Conferences**

---

Over the last several years, the LOC Annual Conference has rotated between four cities: Salem, Portland, Eugene and Bend. Over the course of the last year, the Board has discussed the location of upcoming annual conferences several times. A decision was made by the Board to reevaluate the automatic four-city rotation and consider other options. This change resulted in two decisions being made by the Board. First, to save costs and continue some form of a rotation, it was decided that the 2020 conference would be in Salem and the 2021 conference would be in Bend. Second, staff was directed to issue an RFP to any venue that could possibly accommodate the Annual Conference for the years 2022 and 2023.

In preparing the RFPs, staff identified both a preferred date and a backup date for each year. The dates were identified as being far enough removed from both the International City/County Management Association's annual conference and the Oregon Association of Municipal Recorder's annual conference.

Staff, with the assistance of Travel Oregon, identified 15 potential locations to host the 2022 and 2023 Annual Conferences. The venues receiving and responding to the RFP included:

- Salem Convention Center;
- Graduate Hotel, Eugene;
- Red Lion, Jentzen Beach (Portland);
- Seaside Convention Center;
- Washington County Convention Center (Hillsboro);
- Riverhouse on the Deschutes (Bend);
- Portland Double Tree;
- Hilton Portland Downtown;
- Portland Marriott Downtown;
- Hyatt Regency Portland Downtown;
- Portland Convention Center;
- Wildhorse Casino & Resort (Pendleton);
- Linn County Fairgrounds (Albany);
- Jackson County Fairgrounds (Medford); and
- Deschutes County Fairgrounds (Redmond).

On August 13, staff released an RFP to each of the 15 potential locations. The RFP was emailed to the relevant venues. Three days before the deadline to submit, the General Counsel contacted any venue that had not yet submitted a response to remind them of the upcoming deadline. The deadline for submission was Friday, September 13.

Six venues submitted proposals; although the Riverhouse noted it had no available in 2022 and was only submitting a response for the 2023 conference. The remaining nine venues did not respond to the RFP; did not have date availability; or, did not have enough space to accommodate the conference. The six venues that did provide a proposal include:

- Red Lion Jentzen Beach (Portland);
- Riverhouse on the Deschutes (Bend);
- Salem Convention Center;
- Seaside Convention Center;
- The Graduate Hotel (Eugene); and
- Washington County Convention Center (Hillsboro).

A general summary of the key points from responses is below for review:

Venue	Preferred Dated	Meeting Space	On-Site Hotel	Comped Rooms	Satellite Hotels
Red Lion	Yes	43,000	Yes 275 max	1 Suite 1 Regular Room 1 per 40 sold 17 Suite Upgrade	4 Identified
Riverhouse	Yes	41,000	Yes 202 max	1 Suite 1 per 50 sold	Will Assist
Salem	Yes	30,000	Yes 140 max	1 Suite	No Mention
Seaside	Yes	22,000	No	N/A	Will Assist
The Graduate	Yes	30,000	Yes 220 max	1 Suite 1 Regular Room 1 per 50 sold	Will Assist
Washington County	Yes	49,475	No	N/A	Will Assist

After reviewing each proposal and considering all relevant factors, staff formed the following conclusions:

- Seaside, while exuberant and excited to host the conference, most likely does not meet the meeting space requirements to host the annual conference (please note that it is being considered for the 2021 Spring Conference);
- Salem provided an incomplete response to the RFP, failing to provide responses to specific items identified in the RFP;

- Washington County has a very unique space, and their response clearly indicated a strong desire to host the event, but there is concern about the accessibility of hotel rooms to the venue and how many different hotels would need to be utilized to house attendees;
- Riverhouse meets spacing needs, although their tradeshow space is less than ideal, but given that the conference is being hosted there in 2019 and 2021, staff is more inclined to try a different location in 2022 and 2023;
- Red Lion fulfills the meeting space requirements and is the best venue in terms of onsite hotel rooms and easily accessible satellite hotel rooms; and
- Eugene fulfills the meeting space requirements, has adequate onsite hotel rooms and relatively accessible satellite hotel rooms.

With the above considerations in mind, staff recommends the following:

- 2022 Annual Conference – Red Lion Jentzen Beach (Portland); and
- 2023 Annual Conference – The Graduate Hotel (Eugene).

Given that several venues indicated they did not have available dates in 2022 or 2023, staff recommends that it release RFPs for the 2024 and 2025 annual conferences in October or November, allowing the Board of Directors to review responses at its December meeting. Staff plans to release RFPs to five of the six venues who responded to this current process (Seaside will be excluded) and the two or three other venues who indicated a willingness to participate, but simply did not have available dates.

If you would like to see the full responses from each venue, they are included as a Handout and not incorporated as part of the Board Packet. Please note that the venues provided the same quotes for both 2022 and 2023, the handout only includes one of the responses to avoid duplication.

Recommended Motion (There are Two):

1. I move that staff negotiate a contract for the 2022 Annual Conference with \_\_\_\_\_ {Insert Preferred Venue}.
2. I move that staff negotiate a contract for the 2023 Annual Conference with \_\_\_\_\_ {Insert Preferred Venue}.

## MEMORANDUM

**To:** LOC Board of Directors

**From:** Megan George, Operations Director  
Patty Mulvihill, General Counsel

**Date:** September 9, 2019

**Re:** Proposed Amendment to LOC Public Contracting Policy – Re: Surplus Property

---

With LOC contracting with the Oregon School Boards Association (OSBA) for its IT services, one of the items for improvement that has been discovered is the need to update LOC's Public Contracting Policy as it relates to how computing devices are disposed of once they are considered surplus. After reviewing several policies from other governmental organizations and discussing the recommended best practices with OSBA's IT professionals, LOC staff proposes some modest amendments to the Surplus Property Section of LOC's Public Contracting Policy.

Specifically, LOC staff proposes inserting a new subsection into the provisions related to Surplus Property that specifically governs the disposal of computing devices. The below language is proposed for insertion into LOC's Public Contracting Policy.

\*\*\*\*\*

**Disposal of Computing Devices.** Computing devices (computers, laptops, tablets, surfaces, and other similar devices) that were purchased with LOC funds or grant funds, donated to LOC, or acquired for LOC through other means are the property of LOC and do not belong to specific individuals. LOC must manage surplus computing devices in an environmentally responsible and fiscally responsible manner that ensures safeguarding of sensitive data and licensed software.

- A. Lifespan. In general, computing devices have an average life of approximately four years which should be an important factor in determining whether a computing device is dispositioned for surplus.
- B. Risk of Access to Data and/or Licensed Software. Used computing devices contain stored data and licensed software that are at risk of unauthorized use. These risks are related to potential violations of software license agreements; unauthorized release of information; and inadvertent release of password combinations, financial information, and other personal or sensitive information.
  - 1. All information must be rendered unreadable and unrecoverable through secure erasure or destruction before any form of disposal, recycling or reuse occurs.
  - 2. The Operations Director is required to work in conjunction with LOC's

designated IT contractors to erase data and licensed software stored on LOC computing devices before their relocation, disposal, or transfer.

- C. Toxic Elements. Computing devices, including monitors, CRTs, CPUs, and related components, contain toxic elements such as cobalt, lead, cadmium, and other heavy metals that are harmful to the environment when improperly disposed. Computing devices are prohibited from disposal as solid waste in landfills and as scrap metal in conventional recycling programs.
- D. Disposal Method. Computing devices shall be disposed of by first posting the device on eBay for a period of 30 days. LOC will accept and transfer ownership to the highest bidder at the conclusion of the 30-day period. If no bid is received within the 30-day period, LOC will either donate or responsibly recycle the property.

\*\*\*\*\*

Proposed Motion:     Move to amend the Surplus Property section of LOC’s Public Contracting Policy to include staff’s proposed language regarding the disposal of computing devices.

## MEMORANDUM

To: LOC Board of Directors  
From: Patty Mulvihill, General Counsel  
Date: September 16, 2019  
Re: Proposed Revisions to LOC Personnel Manual

---

Since September of 2018, the management team has been comprehensively reviewing and making recommended updates to the LOC Personnel Manual. The goal of the review and update was twofold: (1) to ensure that LOC remains compliant with various state and federal laws; and (2) to follow the Board's direction at becoming an employer of choice.

Before you begin your review of the proposed revision to the Personnel Manual, I need to outline the significant changes being proposed.

1. Structure. As presented, the updated Personnel Manual has been put together in a logical, easy-to-follow format that contains specific sections and chapters – which the current Personnel Manual lacks. The revised version attempts to provide structure so people reading the document can better locate the provisions they are particularly interested in at any given time. As a result of the significant changes to the Personnel Manual's structure, providing a track changes version from the current version to the proposed version proved impossible.
2. CIS Model. The framework for the proposed revisions is the Model CIS Personnel Manual put out in 2018. As that Model is prepared by recognized employment law attorneys, staff utilized it as a base for moving forward with its proposed revisions.
3. Compensation & Classification Analysis. As part of the pay equity analysis performed this year, a market compensation and classification analysis was also performed. The analysis results in some suggested changes – which will be highlighted when the relevant sections are discussed.
4. Welcome. The Welcome chapter has been modified by combining three sections of the current Manual: welcome; at will statement; and conditions of employment. The updated Manual, recognizing that LOC now has a human resources administrator, makes it clear that concerns regarding any employment issues may be brought to both the Executive Director and the Human Resources Administrator.

5. Section II, Equal Employment Opportunities (EEO) Policies. While the current LOC Personnel Manual has an EEO policy, the one being proposed in this draft is more exhaustive.
  - a. The proposed policy mirrors what is recommended by CIS.
  - b. The proposed policy has specific language relating to bullying.
  - c. The proposed policy has language about how employees can report allegations of misconduct wherein the alleged perpetrator is the Executive Director.
  - d. The proposed policy incorporates the Board of Directors into the policy. Title VII of the US Code and ORS Chapter 659 require employers to protect employees from harassment perpetrated by non-employees. Federal courts across the country are beginning to hold local governmental units financially liable for failing to protect their employees from harassment by elected officials. One of the ways to avoid or reduce the liability exposure to the organization, is to include elected officials in EEO policies and to provide training on what is prohibited behavior.
6. Section III, Employee Dating Policy. This is a new policy that was suggested by a former Board member. It is also a policy that is recommended by those in the human resources field. This policy is modeled off a policy recommended by the Society for Human Resources Managers.
7. Section IV, Recruiting and Hiring. This policy is modeled significantly off the CIS Model Personnel Manual and contains significantly more provisions than in the current Personnel Manual.
  - a. The policy identifies four types of recruitments: open recruitment; internal recruitment; promotional recruitment; and continuous recruitment.
  - b. The policy lists the reasons why an application for employment may be rejected by the LOC.
  - c. The policy eliminates the ability of the Executive Director to make a direct appointment without utilizing a recruitment process.
8. Section V, Employment Status. Multiple changes to this chapter were made. Significant changes are identified herein.
  - a. In Subsection (D), a provision allowing for rest breaks for expression of milk was added to the Personnel Manual. This provision is required by OFLA.<sup>1</sup>
  - b. In Subsection (F), a provision notes that LOC will comply with the Pay Equity Law.

---

<sup>1</sup> OFLA is only applicable to employers with 25 or more employees. LOC has less than 25 employees. However, at least five or six years ago, the LOC Board affirmatively committed to following and adhering to the requirements of OFLA for two reasons: (1) given the fluctuating number of LOC employees, it was safer to comply given how close LOC is to threshold requiring compliance; and (2) to be a model for other cities and organizations.

- c. In Subsection (G), we have added a provision that at the end of each fiscal year, any compensatory hours in excess of 20 hours will be paid out to the employee. This should allow for better budgeting practices.
  - d. In Subsection (H), based on recommendations from both CIS and BOLI, the new Personnel Manual requires all employees (both exempt and nonexempt) to accurately record time worked on a time sheet for payroll purposes. In addition to this provision mirroring best practices, it also included so that more flexibility in the use of vacation and sick leave can be utilized. The vacation and sick leave sections (Chapter VI, Sections B and D) have been modified to make it clear that if an employee works 40 hours during a work week, the employee does not have to still use sick or vacation leave if they miss a day of work during that week. For example, if an employee is scheduled to take Thursday and Friday off work (seemingly needing to use 16 hours of vacation leave), but works 35 hours between Monday and Wednesday, the employee need only use five hours of vacation leave for the work week.
  - e. In Subsection (L), major modifications to the Off-Site Work and Telecommuting policy have been made. Essentially, the current requirements were deemed overly paternalistic and unnecessary. Given the modernity of today's workforce, changes to the policy were made to recognize the need and ability of LOC employees to work remotely when needed.
  - f. In Subsection (M), the annual performance review for all employees has been switched from occurring during December and January of each year, to around the time of their hire date anniversary each year. This will hopefully do two things. First, it should reduce the need to do two performance reviews in one year if an employee is hired within the last six months of a calendar year (if an employee is hired in November they have to undergo an annual performance evaluation in January and then a six-month review in May). Second, it should allow for those supervisors with multiple employees to spread the performance reviews throughout the course of a year.
9. Section VI, Time Off and Leaves of Absence. Multiple changes to this chapter were made. Significant changes are identified herein.
- a. In Subsection (B) and (D), a new policy making it clear that employees are not required to use vacation or sick leave when they miss a day or partial day of work if they actually work 40 hours in the given work week.
  - b. In Subsection (B), it is proposed that each level of vacation accrual denoted in the two charts be increased by 2 days. The compensation and classification analysis shows that on average, LOC vacation accruals are about 2 days behind other comparable organizations.
  - c. In Subsection (B), it is proposed that the maximum accrual for vacation hours be changed from the current 200 maximum, to two times the annual accrual allotted for a given employee. The compensation and classification analysis shows that on average, this is a more standard maximum accrual for comparable organizations.



The range for maximum accrual would be 240 hours to 384 hours. The max payout upon departure from the organization would be 240 hours.

- d. In Subsection (C), a new policy allowing exempt employees to have 40 hours of administrative leave per year has been proposed. The compensation and classification analysis determined that several comparable organizations provide exempt employees with a week of administrative leave recognizing these employees regularly work more than 40 hours per week and do not receive overtime.
- e. In Subsection (D), language has been added to ensure compliance with the Oregon Sick Leave law – as well as OFLA.
- f. In Subsection (E), a new (and additional) holiday has been proposed. We recommend making Veterans Day a paid holiday. Oregon law requires LOC to provide unpaid time off for Veterans Day if an employee shows that they are a veteran – with some other requirements being met. As a policy, several employees may be impacted by veterans day, either as a veteran or a family member of a veteran – it was decided that it makes more sense to allow all employees to utilize this day as a day of celebration.
- g. In Subsection (E), a new requirement has been established that if employees wish to work on a holiday, they will only be permitted to do so if they have been ordered to do so by their supervisor (this order must be supplied in writing). This is to limit the financial exposure to LOC as employees who work on holidays receive double time (non-exempt employees).
- h. In Section (H), a significant change has been proposed to the Bereavement Policy. LOC's current policy allows employees the ability to use three days of earned leave in the event of a familial death. This in and of itself is outside the norm as several standard policies provide three *additional* days of bereavement leave. As a policy, the management team believes that even three days of bereavement leave is not enough leave to adequately grieve, much less plan a funeral. To that end, in recognition of the impact the death of certain family members may truly have on a person, the updated recommends providing five days of bereavement leave (this is in addition to vacation or sick leave) for the death of any employee's spouse, domestic partner, child, parent, brother, sister, grandchild, grandparent, great-grandparent or great-grandchild (applicable to in-laws as well).
- i. In Subsection (I), a provision regarding Witness Duty has been added. While the LOC Personnel Manual provides for jury duty leave, it does not consider what occurs if a LOC employee is required to be a witness during a legal proceeding. This proposed policy mirrors what is recommended by CIS.
- j. In Subsection (J), we have added a policy to provide for leaves and accommodations related to religious observances. This is required under Oregon law for any employer that employs six or more employees. Language is taken from the CIS model.
- k. In Subsection (K), we have added the Board's recently adopted Paid Parental Leave policy (effective July 1, 2019).

- l. In Subsection (L), we have added a Crime Victim Leave policy. This is required under Oregon law for an employer that employs more than six employees. Language is taken from the CIS model.
  - m. In Subsection (M), we have added a Domestic Violence Leave and Accommodation policy. This is required under Oregon law for an employer that employs more than six employees. Language is taken from the CIS model.
10. Section VIII, Alcohol/Drug Use, Abuse and Testing. LOC's current Personnel Manual does not contain a section related to alcohol or drug use, abuse or testing. The entirety of this section mirrors the policies that are recommended by CIS.
11. Section X, Driving While on Business. This is a new provision, it is modeled off a policy CIS uses for its own employees. The provision requires employees to report any driving-related convictions that may impact their ability to drive for LOC business and to drive vehicles in the performance of their duties in a safe manner.

A significant change to current practice is proposed and can be found in Subsection (D), "LOC Vehicle, Rental Car, and/or Mileage Reimbursement." As you each know, this upcoming fiscal year's budget is one in which we will spend unrestricted reserve funds. The Executive Director has been vocal in his desire to find ways to reduce expenditures and increase revenue so that we can continue to provide quality services to our members without having to continue dipping into LOC reserve funds. The changes proposed with this section are done to reduce LOC expenditures in a reasonable manner. Changes include:

- a. If the LOC vehicle is available for use, and an employee does not have to drive more than 30 miles out of their way to obtain the LOC vehicle, the LOC vehicle must be used for LOC business.
  - b. If the LOC vehicle is not available, personal vehicles may be used except in those instances when an employee is going to drive more than 150 miles, or the employee is driving out of state. If more than 150 miles will be driven, or out-of-state travel occurs, employees are required to use a rental car. Rental car rates are consistently cheaper than mileage reimbursement.
  - c. Given the amount of money management assumes LOC will save with this new policy, the update proposes increasing the mileage reimbursement to the IRS rate.
12. Section XI, Travel Expense Policy. Several changes have been made to the travel expense policy, highlights of major changes are noted herein.
- a. Subsection (B) provides for greater equity amongst employees. Currently, employees are not compensated for all of their travel if they are a passive passenger while in transit. Recognizing that this current policy is compliant with state and federal law, management believes it unfair to not pay an employee when they are traveling for work, simply because they are a passenger. The proposed changes recommend paying an employee while in transit for work-related activities.

- b. Subsection (C) makes it clear that reimbursements for lodging will be at full cost, provided the employee used (or attempted to use) the LOC cooperative purchasing program (or similar program with reduced rates), received a government discount, or is utilizing a lodging rate procured by a conference/event/meeting host. This intended to provide greater financial oversight over lodging expenses.
  - c. Subsection (C) makes it clear that reimbursement for meals will be at the actual cost incurred, but in no instance will the reimbursement exceed the per diem rate established by the U.S. GSA. This is intended to provide greater financial oversight over meal expenses.
  - d. Subsection (C) seeks to recognize what the management believes is a reasonable accommodation for nursing mothers. Nursing mothers, during the first year after giving birth, who must travel for LOC work, may be reimbursed up to \$75.00 to ship expressed milk home. The \$75.00 is an aggregate maximum for the one-year applicable period.
13. Section XII, Bad Weather Policy. The policy has been amended to identify which order of leave an employee must use if they cannot safely make it into work, due to weather, when the LOC office has not been closed.
14. Section XIII, Miscellaneous LOC Policies. Several new policies have been added, all of which are highlighted herein.
- a. LOC does not currently have a social media policy in its Personnel Manual – the policy recommended by CIS has been incorporated herein.
  - b. LOC does not currently have a policy on how to handle confidential information – the policy recommended by CIS has been incorporated herein.
  - c. LOC does not currently have a policy on how to handle criminal arrests and convictions – the policy recommended by CIS has been incorporated.
  - d. LOC does not currently have an Open-Door policy expressly outlined in its Personnel Manual – the policy recommended by CIS has been incorporated.

To ensure full transparency with staff, the last working draft from the management team was circulated for their review and comment. While not all staff provided comments, those that did had their comments carefully considered, reviewed and debated by the management team.

We are asking for the new Personnel Manual to go into effect on October 20<sup>th</sup> as that coincides with the first day of the next payroll. This will also allow time for accounting to make any necessary changes to its timekeeping and payroll processes.

The management team respectfully requests the Board of Directors repeal the existing Personnel Manual and replace it with the proposed draft attached to this Memorandum.

**Proposed Motion: I move to repeal the existing Personnel Manual, last updated on September 26, 2018, and replace it with the Personnel Manual attached to this Memorandum with an effective date of October 20, 2019.**





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# **PERSONNEL MANUAL**

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**Revised  
October 20, 2019**

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## **WELCOME TO THE LEAGUE OF OREGON CITIES**

Welcome to the League of Oregon Cities (LOC), we're glad to have you on our team. At the LOC, we believe that our employees are our most valuable asset. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the LOC, you will become a productive and successful member of the LOC's team.

The LOC was formed on January 24, 1925, when 32 city officials representing 25 Oregon cities met to create this voluntary organization. Currently, all the state's home rule charter cities are members of the LOC. The LOC's activities are directed by a Board of Directors composed of elected and appointed officials. Board members are elected at the LOC's annual business meeting. The LOC is administered by an Executive Director, who has ultimate responsibility for personnel matters and who reports directly to the Board of Directors.

This employee personnel manual describes, in summary, the personnel policies and procedures that govern the employment relationship between the LOC and its employees. The policies stated in this personnel manual are subject to change at any time at the sole discretion of the LOC with or without prior notice. This personnel manual supersedes any prior personnel manuals or written policies of the LOC that are inconsistent with its provisions.

This personnel manual does not create a contract of employment between the LOC and its employees. All employment at the LOC is "at will." That means that either you or the LOC may terminate this relationship at any time, for any reason, with or without cause or notice. No supervisor, manager, or representative of the LOC, other than the Executive Director, has the authority to enter into any agreement with you regarding the terms of your employment that changes the at-will relationship or deviates from the provisions in this personnel manual, unless the change or deviation is put in writing and is signed by the Executive Director. If the General Counsel enters into an agreement contrary to this at-will relationship, it cannot be altered except when in writing, signed by the Executive Director and approved by the Board.

The purpose of this personnel manual is to provide employees with an understanding of the policies, procedures and benefits of LOC employment. It is not intended to include every situation that may arise but is to be used as a guide for operating and making decisions.

Some subjects described in this personnel manual, such as benefit plan information, are covered in detail in official insurance policy documents. Because this personnel manual provides summaries only, please refer to those documents for specific information. When discrepancies occur between benefit language in this personnel manual and in the official policy documents, the terms of the written insurance policies are controlling.

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the personnel manual. If you have any questions about any of the provisions in the personnel manual, or any policies that are issued after the personnel manual, please ask the human resources administrator or Executive Director.

## I. Definitions.

The following words, terms and phrases, when used in this personnel manual, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Board.** Board means the Board of Directors of the LOC.
- B. **Executive Director.** Executive Director means the Executive Director of the LOC, who has ultimate responsibility for personnel matters.
- C. **Executive Committee.** Executive Committee means the officers of the Board of Directors, as identified in the LOC's Bylaws.
- D. **Employee.** Employee means, generally, a person employed by the LOC.
  - 1. Regular Full-Time. A regular full-time employee means an employee who is hired for ongoing employment and has successfully completed the initial period of employment and who regularly and consistently works 40 hours per week, excluding authorized overtime.
  - 2. Regular Part-Time. A regular part-time employee means an employee who is hired for ongoing employment and has successfully completed the initial period of employment and who regularly and consistently works less than 40 hours per week, excluding authorized overtime.
  - 3. Temporary. A temporary employee means an employee who is hired for a fixed or limited term of employment or to fill in for regular employees during extended absences, to complete special projects, on a seasonal basis, or to assist during times of excessive workload. Temporary employees may be full or part-time.
  - 4. Non-Exempt. A non-exempt employee means an employee who is covered by the overtime provisions of the Federal Fair Labor Standards Act (FLSA) or applicable state laws.
  - 5. Exempt. An exempt employee means an employee who is not covered by the overtime provisions of the Federal Fair Labor Standards Act (FLSA) or applicable state laws.
- E. **LOC.** LOC means the League of Oregon Cities.

## II. Equal Employment Opportunity (EEO) Policies

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

All employees are encouraged to discuss these EEO Policies with the human resources administrator or their supervisor at any time if they have questions relating to the issues of harassment, discrimination or bullying.

- A. No-Discrimination Policy.** The LOC provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status, marital status, familial status or any other status protected by applicable federal, Oregon, or local law. This EEO policy applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.
- B. No-Harassment Policy.** The LOC prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace. Specifically, the LOC prohibits harassment or conduct related to an individual's race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status, marital status, familial status, or any other protected status or activity recognized under federal, Oregon or local law.

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

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

1. Sexual Harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:
  - a. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

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

2. Other Forms of Prohibited Harassment. The policy also prohibits harassment against an individual based on the individual’s race, color, religion, national origin, age, sexual orientation, marital status, familial status, disability, protected activity, and any other status protected by applicable law.

Such harassment may include verbal, written or physical conduct that denigrates or shows hostility towards an individual because of any protected status, and can include: jokes, pictures (including drawings), epithets, or slurs; negative stereotyping; displaying racist symbols anywhere on the LOC’s property; “teasing” or mimicking the characteristics of someone with a physical or mental disability; criticizing or making fun of another person’s religious beliefs, or “pushing” your religious beliefs on someone who doesn’t have them; threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status. This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

3. Bullying. The LOC strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind.

- The LOC, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:
- a. *Verbal Bullying.* Slandering, ridiculing or maligning a person or their family; persistent name calling which is hurtful, insulting or humiliating; using a person as brunt of jokes; abusive and offensive remarks.
  - b. *Physical Bullying.* Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
  - c. *Gesture Bullying.* Non-verbal threatening gestures, glances that can convey threatening messages.
  - d. *Exclusion Bullying.* Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
  - e. *Cyber Bullying.* Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on web sites for co-workers, managers or supervisors or elected officials.
4. Complaint and Investigation Procedure. The LOC encourages a safe environment for mutual discussion of problems. Communication between an employee, co-workers, and managers is important to maintain a harmonious, productive working relationship. This is especially true as it applies to employee problems.
- a. *Complaint Procedure.* Employees are encouraged to tell the alleged harasser that the behavior is offensive and unwanted, and that they want it to stop. Employees who have experienced any harassment, discrimination, or bullying, are expected and should bring the matter to the attention of the human resources administrator or a supervisor or member of management as soon as possible. In addition, any employee who observes any conduct that they believe constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to the human resources administrator, a supervisor or a member of management.
  - b. *Investigation Procedure.* All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible,

consistent with the LOC's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the LOC will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

- c. *Allegations Against Executive Director.* If the alleged harasser is the Executive Director, employees are expected and should bring the matter to the attention of either the human resources administrator, the General Counsel or the Board President. When the human resources administrator, General Counsel or the Board President receive a complaint of harassment against the Executive Director, they shall immediately confer with each another to determine the most responsible approach to take in determining if an investigation is needed, and if one is needed, who should be assigned or hired to conduct the investigation.
5. Duty to Report. Any employee who observes any conduct that they believe constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to a supervisor, the human resources administrator, or the Executive Director.
  6. Protection against Retaliation. The LOC prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

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

1. Accommodations. The LOC will make reasonable efforts to accommodate a qualified applicant or employee with a known disability, unless such accommodation creates an undue hardship on the operation of the LOC.
2. Requesting an Accommodation. A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department (or, in some cases, the LOC) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials, providing

readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

- a. Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position.
- b. All requests for accommodation should be made to the human resources administrator or their supervisor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation.
- c. In most cases, an employee will need to secure medical verification of their need for a reasonable accommodation.

**D. Reporting Improper or Unlawful Conduct — No Retaliation.** Employees may report reasonable concerns about the LOC's compliance with any law, regulation or policy, using one of the methods identified in this policy. The LOC will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

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

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

1. Employee Reporting Options. In addition to the LOC's Open-Door Policy (see section XIII(H)), employees who wish to report improper or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the human resources administrator or the Executive Director.
  - a. Supervisors and managers are required to inform both the human resources administrator and the Executive Director about reports of improper or unlawful conduct they receive from employees.

- b. If an employee’s supervisor is the Executive Director, for purposes of this section, the employee is encouraged to speak with the human resources administrator, General Counsel or the Board President. When the human resources administrator, General Counsel or the Board President receive a complaint pursuant to this section against the Executive Director, they shall immediately confer with each another to determine the most responsible approach to take in determining if an investigation is needed, and if one is needed, who should be assigned or hired to conduct the investigation.
  - c. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.
  - d. If the LOC were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.
2. Additional Protection for Reporting Employees. Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the LOC’s violation of law will have an “affirmative defense” to any civil or criminal charges related to the disclosure. For this defense to apply, the employee’s disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to:
- a. A state or federal regulatory agency;
  - b. A law enforcement agency;
  - c. A manager with the LOC; or
  - d. An Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.
3. Policy Against Retaliation. The LOC will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by LOC policy).

In addition, the LOC prohibits retaliation against an employee because they participate in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no LOC employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon,



federal or other applicable laws and regulations. The LOC may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

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

### III. Employee Dating Policy

The LOC strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

Individuals in supervisory or managerial roles and those with authority over others' terms and conditions of employment are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

While the LOC Board of Directors is not typically subject to the provisions of this Personnel Manual, the Employee Dating Policy is, in relevant part, applicable to Board members and their relationships with LOC employees – regardless of whether a Board member, or the full Board, has authority over an employee's terms and conditions of employment.

- A. **No Preclusion.** This policy does not preclude or interfere with the rights of employees protected by any applicable statute concerning the employment relationship.
- B. **Rules and Procedures – Generally.** The following rules and procedures are generally applicable to all employees.
  1. During working time and in working areas, employees and LOC Board members are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
  2. During nonworking time, such as lunches, breaks, and before and after work periods, employees and LOC Board members engaging in personal exchanges in nonwork areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.
  3. Employees and LOC Board members are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on company premises, whether during working hours or not.
  4. Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to the LOC's disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.

5. Employee and LOC Board member off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates and/or Board members and employees.

**C. Requirements for Supervisors, Managers, Executive Director and Board Members.**

Any supervisor, manager, executive or other LOC official in a sensitive or influential position must disclose the existence of a romantic or sexual relationship with another co-worker. Any Board member must disclose the existence of a romantic or sexual relationship with a LOC employee. Disclosure may be made to the individual's immediate supervisor or the Executive Director. If the person making the disclosure is the Executive Director, they shall disclose the relationship to the Board President. The LOC will review the circumstances to determine whether any conflict of interest exists.

1. Conflict of Interest. When a conflict-of-interest or potential risk is identified due to a LOC official's relationship with a co-worker, the LOC will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of situations that may require reassignment of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer of one or both parties to other positions or departments. If one or both parties refuse to accept a reasonable solution, such refusal will be deemed a voluntary resignation.
2. Cooperation. Failure to cooperate with the LOC to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among managers, supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action up to and including termination.

## IV. Recruiting and Hiring

**A. Recruitment and Selection.** Recruitment processes are developed and used to attract, evaluate and select the most qualified candidates to fill vacancies for all regular and limited duration positions. The criteria used in these processes shall be based upon knowledge, skills, abilities, experience and other characteristics needed for the effective performance of duties assigned to position(s) being recruited. Recruitment processes shall be job related and shall be developed and administered in accordance with federal, state, local and LOC governing laws and administrative rules.

1. Types of Recruitment Processes. A recruitment processes may be Open, Internal, Promotional or Continuous.
  - a. *Open Recruitment.* Recruitment open to all applicants (including applicants that are not currently LOC employees).
  - b. *Internal Recruitment.* A recruitment process open to applicants who are or have been temporary, limited duration, seasonal or regular LOC employees within the timeframe specific on the announcement.
  - c. *Promotional Recruitment.* A recruitment open only to regularly appointed LOC employees who meet the announced requirements. Applicants for promotional recruitments may be restricted to all regularly appointed employees, employees within certain designated classes or to employees with designated time in service, as determined by the human resources administrator.
  - d. *Continuous Recruitment.* A recruitment without a closing date.
2. Recruitment Announcements. The announcements for each recruitment shall contain, but are not limited to information about the position, salary and form(s) of competition which comprise the recruitment, qualifications, application procedures including the process for requesting disability accommodation or veterans preference, the application filing location(s) and application deadline.
3. Applications. The number of applications accepted for a recruitment process may be limited by specifying the time period during which applications will be accepted and/or any other limiting criteria the human resources administrator or designee determine to be appropriate.
4. Rejected Application. The human resources administrator may reject the application of any person who:
  - a. Lacks the qualifications for the position;
  - b. Has made false statements of any material fact on the application;

- c. Has been dismissed for cause from the LOC;
- d. Has resigned in lieu of discipline or termination (including resigning during the disciplinary investigative process); or
- e. Has provided unclear or incomplete information.

Prior to rejecting an application under (c) or (d) above, the human resources administrator will determine whether there are any special circumstances or accommodations that should be considered.

5. Unsolicited Resumes. LOC does not accept unsolicited resumes and letters of inquiry from persons seeking employment with LOC in lieu of a current recruitment process for that classification. When unsolicited applications are received, the human resources administrator will return the original resume to the sender. LOC does NOT maintain any copies of the resume.
6. Disability Accommodations. Recruitment procedures may be modified to reasonably accommodate disabled individuals. Requests for a modification in procedure should be submitted to the human resources administrator at the time an application is submitted.
7. Vacancy in General Counsel Position. If a vacancy in the position of General Counsel exists, the Executive Director may appoint a person to fill the vacancy, but the appointment is subject to approval by the Board.
8. Recruitment and Employment Incentives. The Executive Director has the authority to determine which regular or limited duration positions are key, or in need of special recruitment efforts and therefore merit recruitment and/or employment incentives. These positions must be identified as “key” before recruitment and examination efforts commence and may only be permitted to occur if it is determined that providing said incentives is compliant with the Oregon Equal Pay Act. The following recruitment and employment expenses are authorized under these conditions:
  - a. LOC may pay for reasonable travel expenses for those candidates asked to attend one or more interviews. Travel expenses may include: economy class round-trip airfare or its equivalent; appropriate ground transportation; and/or necessary lodging and meals.
  - b. LOC may pay relocation expenses for new employees who incur relocation costs following their appointment to a budgeted position. Recipients of relocation expenses must repay LOC a pro-rate amount for those expenses if employment with LOC is terminated, for any reason, within one year of date of hire.

- B. Veterans' Preference.** In accordance with ORS 408.230, the LOC grants a preference to qualifying veterans and disabled veterans who request the preference and submit proof of veteran status at the time an employment application is submitted.
- C. Hiring of Relatives.** Relatives of LOC employees or members of the employee's household are eligible for employment at the LOC, provided such employment does not result in an employee having supervisory authority over a relative or otherwise create a conflict of interest. A relative is defined as a spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, step-parent, parent-in-law, parent of same-gender domestic partner, grandparent, grandchild, a person whom the employee is or was a relationship of in loco parentis, biological/adopted/foster/step child of the employee or the child of an employee's same-gender domestic partner.
- D. Reassignments.** Regular employees may request through either their immediate supervisor or the Executive Director a reassignment of duties. Employee-requested reassignments are at the sole discretion of the Executive Director, who may consider such factors as availability, cause and documentation of need.
- E. Verification of Status.** To retain employment with the LOC, all employees must complete an employment eligibility (I-9) form as required by federal law

## V. Employment Status

**A. Initial Period of Employment.** All new employees, including current employees who are promoted or transferred within the LOC, are hired into an initial period of employment that generally lasts no less than 120 days. The initial period of employment is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the initial period of employment. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the LOC meets your expectations of an employer.

1. Decision. At or before the end of the initial period of employment, a decision about your employment status will be made. The LOC will decide whether to:
  - a. Extend your initial period of employment;
  - b. Move you to regular, full-time or regular, part-time status; or
  - c. Terminate your employment.

The initial period of employment of the General Counsel may only be extended by the Executive Director with the approval of the Board. The General Counsel may only be terminated by the Executive Director with the approval of the Board.

2. No Guarantee. Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and the LOC may terminate the employment relationship during the initial period of employment for any lawful reason. Further, completion of the initial employment period or continuation of employment after the initial employment period does not entitle you to remain employed by the LOC for any definite period of time. Both you and the LOC are free to terminate the employment relationship, at any time, with or without notice, and for any reason not prohibited by law.

**B. The Workweek.** The workweek is a seven-day work period beginning Sunday at 12:00 a.m. through Saturday at 11:59 p.m. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m. During times of peak workload, it may be necessary to work more than eight hours per day or 40 hours per week.

**C. Meal Periods and Rest Breaks.** Nonexempt employees are required to take certain paid uninterrupted breaks.

1. Four-Hour Segment Breaks. Nonexempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.
2. Six-Hour Segment Break. Nonexempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform their supervisor before the end of the shift so that the LOC may pay the employee for that work.
3. Mandatory. Meal periods and rest breaks are mandatory and are not optional.
4. Combining and/or Skipping Breaks. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" to come in late or leave early.
5. Violations of Policy. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.
6. Sample Break Schedules. Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available to them should contact the human resources administrator or Executive Director.

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

**D. Rest Breaks for Expression of Breast Milk.** The LOC will provide reasonable rest periods to accommodate an employee who needs to express milk for their child. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, the employee is entitled to take reasonable time as needed to express breast milk.

1. Paid Rest Breaks. The LOC will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the LOC is required to provide as paid rest breaks and/or meal periods under applicable personnel rules.



- a. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.
  - b. If an employee takes unpaid rest breaks, the LOC may, at the discretion of the employee's supervisor, allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid rest periods.
  - c. The LOC will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this rule.
2. **Location.** The LOC will make a reasonable effort to provide the employee with a private location within proximity to the employee's work area to express milk. For purposes of this policy, "proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, near the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public. If a private location is not within proximity to the employee's work area, the LOC will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.
  3. **Notice.** An employee who intends to express milk during work hours must give their supervisor, human resources administrator or Executive Director reasonable oral or written notice of their intention to do so to allow the LOC time to make any preparations necessary for compliance with this rule.
  4. **Storage.** Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.
- E. Social Activities.** Participation in off-duty social or recreational activities such as a holiday party is entirely voluntary. Participation or nonparticipation will not affect employees' wages, hours, working condition, or present or future employment opportunities.
- F. Compensation.** Employees, except for the Executive Director, are compensated in accordance with this policy. The Executive Director's compensation package is determined by the Board and is outlined in an employment contract between the Board and the Executive Director.
1. **Step and Grade Schedule.** Compensation is determined by a step and grade schedule, which includes grade assignments and minimum and maximum salary ranges for each classification. Employees do not move to a higher grade on the pay scale unless they assume higher level duties.

2. Salaries. Salaries are determined by the Executive Director based on the current step and grade wage schedule for the classification of the position. Adjustments are based on the current step and grade schedule.
3. Equal Pay. The LOC is committed to ensuring pay equity for all employees. To ensure pay equity, the LOC will take all steps necessary to comply with Oregon's Pay Equity Act and any other similarly situated state or federal law.
4. Longevity. A regular full-time employee hired before July 1, 2013 shall be eligible for longevity pay.
  - a. The following conditions must be met for longevity pay to be provided:
    - They have been employed continuously with the LOC in a full-time capacity for at least 10 years at the start of the current fiscal year (July 1<sup>st</sup>); and
    - Their most recent performance evaluation was satisfactory.
  - b. Longevity pay will be paid each pay period.
  - c. Longevity pay will be based on the employee's years of continuous service as of the start of the fiscal year.
  - d. For purposes of this policy, years of continuous service will be measured from July 1 following the first date of employment. For example, if an employee begins work on May 1, the measuring period for determining years of continuous service will begin on the following July 1.
  - e. Longevity Schedule:

<u>Years of Continuous Service</u>	<u>Longevity Pay Per Pay Period</u>
10-14	\$50.00
15-19	\$70.00
20-24	\$90.00
25-29	\$110.00
30 or more	\$130.00.

**G. Overtime.** Overtime will be paid according to this section, unless required otherwise by state or federal law.

1. Time-and-a-Half. The LOC pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek.

2. Limitation on Overtime Pay. Paid hours not actually worked (for example, sick, vacation, holidays, and family leave) will not be counted toward the 40 per workweek required to receive overtime pay.
3. Assignment of Overtime Work. You may be required to work overtime.
4. Supervisor Authorization. No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or management. Employees who work unauthorized overtime may be subject to discipline up to and including termination.
5. Compensatory (Comp) Time. Non-exempt employees may request to receive overtime either in pay or compensatory time off. Compensatory time is computed at the rate of 1.5 hours of compensation time for each hour of overtime worked.
  - a. The maximum number of compensatory hours that may be accrued are 120 (80 hours of overtime work equals 120 hours of compensatory time).
  - b. Overtime must be paid in cash when the 120-hour cap is reached.
  - c. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued.
  - d. Any hours not taken in the fiscal year in which they were earned will be paid to the employee with the last payroll check in June of each year; except that an employee is permitted to carry over a maximum of 20 hours of compensatory time from one fiscal year to the next.
  - e. When an employee is separated from employment with the LOC, any remaining comp time will be paid to the employee at their current rate of pay or at the rate averaged over the last three years of LOC employment, whichever is higher.

**H. Timekeeping Requirements.** Time sheets show time worked for the various LOC programs and affiliates.

1. All Employees. All employees must accurately record time worked on a time sheet for payroll purposes.
2. Prohibited Actions. Filling out another employee's time sheet, allowing another employee to fill out your time sheet, or altering any time sheet will be grounds for discipline up to and including termination (supervisors and the payroll clerk may make changes to an employee's timesheet to ensure compliance with LOC policies, state law and federal law – employees will be required to acknowledge these changes). An employee who fails to record their time may be subjected to discipline as well.

**I. Payroll Policies.** You will be paid monthly.

1. Pay Period. The pay period begins on the 21<sup>st</sup> of each month and ends on the 20<sup>th</sup> of the following month. Employees will be paid no later than the fifth business day following the end of each pay period.
2. Automatic Payroll Deductions. Automatic payroll deductions include state and federal income tax, social security taxes (FICA), workers' compensation, PERS, the Oregon Transit Tax, and any other deductions required by federal, state or local law.
3. Voluntary Payroll Deductions. Voluntary deductions may include premiums for health, dental and life insurance or other approved purposes or benefits, these deductions are made only upon written authorization from the employee.
4. Statement. A statement showing gross earnings, deductions, net salary and time off accruals (to include: vacation time, holiday time, compensatory time and sick time) will accompany each paycheck or direct deposit.
5. Direct Deposit. Net pay will be directly deposited into the employee's bank account, unless the employee requests otherwise. If an employee requests to pick up their check from the LOC, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to the LOC for someone else to receive the check.
6. Advances. The LOC does not provide advance payments of salary or loans from salary to be earned.
7. Compliance with Laws. The LOC makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the LOC has made any improper deductions, has failed to pay you for all hours worked or for overtime, or has failed to properly calculate your wages or leave in any way, you must immediately report the error to either the human resources administrator, the LOC accountant, or your supervisor. The LOC will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination because they have reported any errors or complaints regarding the LOC's pay practices.

**J. Personnel Records.** Personnel records of all employees are confidential to the extent provided by law. The employee, employee's supervisor, human resources administrator and Executive Director may examine personnel files. Except as required/provided by law, personnel records will not be released to any other individual without the written consent of the employee. Although all medical information is confidential, the LOC complies with the Health Insurance Portability Act (HIPAA) when allowing access to employee medical records.

- K. Reporting Changes to an Employee's Personal Data.** Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current can be important to you regarding pay, deductions, benefits and other matters. Employees may not intentionally withhold information from the LOC about the items listed above to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the LOC may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.
- L. Off-Site Work and Telecommuting Policy.** The LOC supports allowing its employees to work off site and/or telecommute when there is operational opportunity. Working off site and/or telecommuting is not a universal employee benefit, nor a condition of employment, but rather a voluntary arrangement between the employee and the LOC, the allowance of which may be discontinued by the employee, a supervisor or the Executive Director at any time with or without reason.
1. Occasional Basis. Working off site and/or telecommuting on an occasional basis requires the approval of the employee's supervisor.
  2. Consistent or Regular Basis. Working off site and/or telecommuting on a consistent or regular basis requires approval from both the employee's supervisor and the Executive Director.
  3. ADA. The application of this policy will be undertaken in a manner which complies with the American with Disabilities Act.
  4. Continued Compliance with Policies & Procedures. All employees working off site and/or telecommuting, and their supervisors, must comply with all the LOC's policies and procedures.
  5. Compensation Package Unchanged. The employee's compensation, benefits, workers' compensation, and other employer insurance coverage shall not change due to their ability to work off site or telecommute. The amount of time that an employee is expected to work per day or work period will not change. An employee who is working off site or telecommuting is not entitled to reimbursement for travel mileage to regular work meetings.
  6. Availability. While working off site or telecommuting, the employee must be reachable via telephone and e-mail during agreed upon work hours.
  7. Accident or Injury. Since the off-site work location is an extension of the LOC's workspace, the LOC's liability for job-related accidents will continue during the approved work schedule and in the off-site work location. If an employee sustains an injury while working off-site, then the employee shall immediately report the injury to their supervisor.

8. Personal Insurance. Employees who work off site and/or telecommute are advised to contact their insurance agent and tax consultant for information regarding home work sites and coverage of equipment that is damaged, destroyed, or stolen.
9. LOC Not Responsible for Operating Costs. The LOC will not be responsible for operating costs, home maintenance, property or liability insurance, or other incidental expenses (utilities, cleaning services, etc.) associated with the use of the employee's residence as an offsite work space.
10. Supplies. Supply needs to work off site or telecommute must be preauthorized by the employee's supervisor. Out-of-pocket expenses for supplies will be reimbursed only if authorized prior to purchase. The LOC will not provide worksite furniture for employees who work off site or telecommute. The employee will provide and be responsible for their own equipment, telephone service (local and long distance), and internet access.
11. LOC – Owned Property. A computer used for LOC business must be used in a manner that complies with an IT policy put in place by LOC. The LOC may pursue recovery from the employee for LOC property that is damaged, destroyed, or stolen if the damage, destruction or theft is the result of negligence by the employee.
12. Employee – Owned Property. Unless otherwise agreed in writing and prior to any loss, damage, or wear, the LOC does not assume liability for loss, damage, or wear of employee-owned equipment.

**M. Performance Reviews.** All LOC employees will receive periodic performance reviews.

1. Purpose. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and discipline/termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action (including termination).
2. Review After Initial Period of Employment. The LOC's goal is to provide an employee with their first formal performance evaluation within six months after hire or promotion.
3. Annual Review. After the initial evaluation, the LOC will strive to provide a formal performance review on an annual basis to occur on the employees hiring anniversary date.

4. Content of Review. Reviews will generally include the following:
  - a. An evaluation of the employee's quality and quantity of work;
  - b. A review of exceptional employee accomplishments;
  - c. Establishment of goals for career development and job enrichment;
  - d. A review of areas needing improvement; and
  - e. Setting of performance goals for the employee for the following year.
5. Employee Response. Employees who disagree with a performance evaluation may submit a written response with reasons for their disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.
6. Informal Reviews. The performance review process is intended to be participatory and equally involves the input of both the employees and the supervisor.
  - a. Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.
  - b. Employees are encouraged to inquire about their performance periodically, accept additional responsibilities and show initiative, review opportunities for advancement within the LOC, ask for assistance in developing a goal-oriented path for advancement within a department or the LOC, and learn about training available to assist you in improving your skills or qualifying for a promotion or lateral transfer.

## VI. Time Off and Leaves of Absence

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

1. Notification of Absence. Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via a telephone call, text or email as far in advance as possible, but no later than when they are regularly scheduled to begin working.
2. Failure to Report. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter.
  - a. The first instance of a no call/no show will result in a final written warning.
  - b. The second separate offense may result in termination of employment with no additional disciplinary steps.
  - c. A no call/no show lasting three or more day may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.

**B. Vacation.** It is the policy of the LOC to provide each full-time employee with vacation time on a periodic basis. The amount of vacation time to which an employee becomes entitled is determined by the employee's length of service as of their employment anniversary date.

1. Regular Full-Time Employees. Regular full-time employees shall accrue vacation credit based on their length of continuous and active service with the LOC, as measured from the first July 1 following the date of employment.
  - a. Regular full-time employees will begin to accrue vacation credit during the first full pay period following employment. If an employee begins working during an existing pay period, they shall have their vacation accrual prorated.
  - b. For purposes of measuring the length of continuous and active service with the LOC, the measurement will begin on the following July 1.
  - c. Vacation leave may not be used in the pay period in which it is accrued.



- d. Vacation accrual for regular full-time employees hired prior to May 2005 is:

<b>Length of Service</b> (measured from July 1 following date of hire)	<b>Vacation Accrual</b> (per full pay period during employment)	<b>Days per Year</b>
0-23 months (0-2 years)	8 hours	14 days
24-59 months (3-5 years)	10 hours	17 days
60-119 months (6-9 years)	12 hours	20 days
120+ months (10+ years)	14 hours	23 days

- e. Vacation accrual for regular full-time employees hired on or after May 1, 2005 is:

<b>Length of Service</b> (measured from July 1 following date of hire)	<b>Vacation Accrual</b> (per full pay period during employment)	<b>Days per Year</b>
0-59 months (0-5 years)	8 hours	14 days
60-119 months (5-10 years)	10 hours	17 days
120 - 179 months (10-15 years)	12 hours	20 days
180+ months (15+ years)	14 hours	23 days

2. Regular Part-Time Employees. Regular part-time employees may accrue vacation leave on a pro-rata basis if approved by the Executive Director or may receive a pay differential as approved by the Executive Director.
3. Maximum Accrual. Vacation leave may be accrued up to an amount that does not exceed two times the annual accrual allotted to the employee.
  - a. Vacation time that is not used or carried over by December 31 will be forfeited without payment.
  - b. Under no circumstances will the LOC pay off more than 240 hours of vacation leave upon an employee's separation from employment.
4. Requests for Vacation Leave. Requests to use vacation leave must be approved by the employee's supervisor in advance. No vacation leave requests will be granted during the week of the LOC's annual conference – this rule does not apply to use of vacation leave during leave protected by either state or federal law.
5. Use of Vacation Leave. If an employee has been approved to use vacation leave in a given work week, the employee is only required to use the number of vacation hours needed to achieve a forty-hour work week. For example, if an employee is scheduled to take Thursday and Friday off work (seemingly needing

to use 16 hours of vacation leave), but works 35 hours between Monday and Wednesday, the employee need only use five hours of vacation leave for the work week.

6. Payment for Accrued Vacation Leave. Employees will be paid for accrued unused vacation upon retirement or termination at their currently hourly rate. If an employee's last day of work is during an existing pay period, they shall have their vacation accrual prorated and be entitled to payment for the prorated accrual.
7. Unpaid Leave Status. Employees who are in an unpaid leave status do not accrue vacation leave.

**C. Administrative Leave.** In order to recognize individual efforts, performance, and achievements, and to compensate for times when exempt employees spend more hours at work than normal due to special projects or increased workloads, LOC provides 40 hours of administrative leave to all exempt employees. Administrative leave shall be deposited in exempt employees' banks of time on July 1<sup>st</sup> of each year and shall not carry over to any subsequent fiscal year. Employees will not be paid for any accrued administrative leave when their employment with LOC terminates.

**D. Sick Leave.** The LOC provides eligible employees with sick leave in accordance with, and in addition to, Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law. Employees with questions about this policy may contact the human resources administrator. Please also refer to the Oregon Sick Leave Law poster that is posted in the main copy room and is incorporated here by reference.

1. Eligibility of Paid Sick Leave. Under Oregon's Paid Sick Leave Law and this policy, "employee" includes regular full-time, regular part-time, temporary, exempt and non-exempt employees.
2. Concurrence. Sick leave runs concurrently with the Oregon Family Medical Leave, federal Family and Medical Leave and other leave where allowed by law.
3. Accrual of Sick Leave. Employees begin to accrue paid sick leave on the first day of employment; employees are eligible to use sick time benefit during the first full pay period following employment with the LOC.
  - a. Regular full-time employees accrue sick time at the rate of eight hours per pay period. If an employee begins working during an existing pay period, they shall have their sick accrual prorated.
    - Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek.

- Sick leave accrual is capped at 640 hours.
- b. Regular part-time and temporary full or part-time employees accrue sick time at the rate of .033333 per hour worked up to a maximum of 40 hours per calendar year. The Executive Director retains the discretion to allow sick time to accrue for certain designated temporary full-time employees at the rate of eight hours per pay period. Any temporary full-time employee who will receive the accrual rate of eight hours per pay period will be notified in writing by the Executive Director.
4. Use of Sick Time. Paid sick leave may be taken in increments of .25 hour. Accrued paid sick leave may be used for the following reasons:
- a. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or their covered family member. “Family member” means the eligible employee’s grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner’s child or parent; the employee’s stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee’s biological, adoptive or foster parent or child.
  - b. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
  - c. If the employee, or the employee’s minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon’s domestic violence leave law (ORS 659A.272).
  - d. In the event of certain public health emergencies or other reasons specified under Oregon’s sick leave law.
  - e. Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

If an employee has been approved to use sick leave in a given work week, the employee is only required to use the number of sick leave hours needed to achieve a forty-hour work week. For example, if an employee is sick on Thursday and Friday (seemingly needing to use 16 hours of sick leave), but works 35 hours between Monday and Wednesday, the employee need only use five hours of sick leave for the work week.

5. Employee Notice of Need for Sick Leave.
  - a. *Foreseeable Sick Leave.* If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable via email. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the LOC. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practicable.
  - b. *Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable via a phone call, text message or email. Generally, an employee should notify their immediate supervisor of unforeseeable sick leave at least 30 minutes prior to the beginning of their shift, unless physically unable to do so, at which time notice should be given as soon as possible.
  - c. An employee must contact their supervisor daily while on sick leave, unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave. The employee shall inform their supervisor of any change in the duration of sick leave as soon as practicable.
  - d. If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, the LOC may deny the use and legal protections of sick leave.
6. Sick Leave Documentation. If an employee takes more than three consecutive scheduled workdays as sick leave, the LOC may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.
7. Pay Rate and Carryover. Paid sick leave will be paid at the employee's regular rate of pay.
  - a. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section above.
  - b. Sick leave is meant to be used or carried over. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

c. Unused sick leave is not paid at termination.

8. Sick Leave Abuse. If the LOC suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, the LOC may require documentation from a healthcare provider on a more frequent basis. Employees found to have abused sick leave as described here may be subject to discipline, up to and including termination.
9. Unpaid Leave Status. Employees who are in an unpaid leave status do not accrue sick leave.

**E. Holidays.** The LOC recognizes 11 holidays each year. All regular full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week.

1. Celebrated Holidays. The holidays celebrated are:

New Year's Day	Thanksgiving Day
Martin Luther King Day	The day after Thanksgiving
President's Day	The work day before Christmas holiday observed
Memorial Day	Christmas Day
Independence Day	Labor Day
Veterans Day	

2. Weekend Holiday. If a holiday occurs on Sunday, the following Monday is observed. If the holiday falls on Saturday, it is observed the preceding Friday.
3. Holiday Pay Eligibility. To be eligible for holiday pay, an employee must have worked their regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under the LOC's policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.
4. Non-Exempt Employee Working Holiday. Any hourly, non-exempt employee required by their supervisor to work on a holiday will receive double-time payment for the hours worked. If a supervisor requires an employee to work on a holiday, the employee must be notified in writing, with a copy of the written notice being provided to the human resources administrator.
5. Exempt Employees Working Holiday. Exempt employees required to work a holiday, for example if an employee is required to work on a holiday due to the legislature being in session, will receive a floating holiday to be used at another time.

6. Maximum Accrual. Holiday leave may be accrued to a maximum of 100 hours. Any unused holidays are paid upon termination at the current hourly rate.
7. Temporary Employees. Temporary employees are not eligible to receive holidays off with pay.
8. Closure by Executive Director. In the event the Executive Director uses their discretion to close the LOC offices early or open the office late, any employee who must work during the “closed hours” will accrue holiday leave.

**F. Floating Holidays.** Employees may select one additional day off with pay (known as a “floating holiday”) during a calendar year. Floating holidays may only be used in full-day increments; partial days are not allowed. Employees must coordinate requests for use of their floating holiday with their manager. Floating holidays not used by December 31 of any year shall be paid out to the employee on the first paycheck issued during the next calendar year.

**G. OFLA Leave Policy.** The LOC, even if it does not employ 25 or more employees, submits itself to and agrees to comply with the laws and regulations of and associated with the Oregon Family Leave Act (OFLA). The following is a summary of Family and Medical Leave policy and procedures under the OFLA. Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave of absence for the reasons identified below. Oregon law prohibits retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used OFLA Leave. In all cases, applicable Oregon laws, rules and policies govern the employee’s and the LOC’s rights and obligations, not this policy. Employees seeking further information should contact the human resources administrator or the Executive Director. Please also refer to the “Oregon Family Leave Act” notice posted in the main copy room, which is incorporated here by reference.

1. Definitions. The following words, terms and phrases, when used in this personnel manual, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - a. *Family Member*. Family member means a spouse (including registered, same-sex domestic partners), parent (biological, adoptive, step, foster, or in loco parentis), parent of a registered, same-sex domestic partner, parent-in-law, grandparent, grandchild, or “child” (see definition below).
  - b. *Child*. Child means a biological, adopted, foster or stepchild, the child of a registered, same-sex domestic partner, or a child with whom the employee is in a relationship of in loco parentis. For purposes of Serious Health Condition Leave, the “child” can be any age; for all other types of leave under OFLA, the “child” must be under the age of 18 or over 18 if incapable of self-care because of a mental or physical disability.

- c. *Eligible Employee.* Eligible Employee means an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave, an employee must have been employed for at least 180 days (no per-week hourly minimum is required). For purposes of Oregon Military Family Leave Act leave, an employee becomes eligible after having worked only 20 hours per week (no minimum length of employment required).
  - d. *Serious Health Condition.* Serious Health Condition means an illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home; requires constant or continuing care such as home care administered by a health care professional; or involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Other conditions may qualify as "serious health conditions"; please see the human resources administrator or Executive Director for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.
2. Reasons for Taking Leave. Family Medical Leave is defined to include and may be taken under any of the following circumstances:
- a. *Employee's Serious Health Condition Leave.* To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
  - b. *Family Member's Serious Health Condition Leave.* To care for a Family Member with a serious health condition.
  - c. *Oregon Military Family Leave Act Leave ("OMFLA").* During a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment.
  - d. *Parental Leave.* For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.

- e. *Pregnancy Disability Leave*. For incapacity due to pregnancy, prenatal medical care or birth.
  - f. *Sick Child Leave*. To care for a child who suffers from an illness or injury that does not qualify as a Serious Health Condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick Child Leave is not available if another family member is able and willing to care for the child.
  - g. Bereavement Leave. See the Bereavement Leave Policy.
3. Length of Leave. In any One-Year Calculation Period, eligible employees may take:
    - a. Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), or Sick Child Leave;
    - b. In some cases, an additional 12 weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee ("Pregnancy Disability Leave"); and
    - c. In some cases, employees who take the entire 12 weeks of Parental Leave will be entitled to an additional 12 weeks of Sick Child Leave.
  4. One-Year Calculation Period. The "twelve-month period" during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by a rolling 12-month period measured backward from the date of the employee's first OFLA leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.
  5. Intermittent Leave. Intermittent or reduced schedule leave may be taken when medically necessary due to the serious health condition of a covered family member or the employee. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of the LOC's operations, including consulting management prior to the scheduling of treatment to work out a treatment schedule which best suits the needs of both the LOC and the employee.



6. Employee Responsibilities — Notice. Employees must provide at least 30 days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, or for planned medical treatment for a serious health condition of the employee or of a family member. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to the LOC within 24 hours of commencement of the leave.
  - a. Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the human resources administrator or the Executive Director as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.
  - b. If circumstances change during the leave and the leave period differs from the original request, the employee must notify the human resources administrator or their supervisor within three business days, or as soon as possible.
  - c. Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with the LOC's normal call-in procedures. Employees who fail to comply with the LOC's call-in procedures may be disciplined or may have their period of OFLA leave reduced.
7. Certification. Employees must provide sufficient information for the LOC to determine if the leave may qualify for OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider.
  - a. Employees requesting Serious Health Condition leave for themselves or to care for a family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
  - b. Employees requesting Sick Child Leave may be required to submit, at a minimum, a note from a doctor or health care provider if the employee has used more than three days (*i.e.*, one, three-day occurrence or three separate instances) of sick child leave within a One-Year Calculation Period.
  - c. Employees must furnish the LOC's requested medical certification information within 15 calendar days after such information is requested by the LOC. In some cases (except for leave to care for a sick child), the LOC may require a second or third opinion, at the LOC's expense. Employees also may be required to submit subsequent medical verification.

- d. Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a medical certification.
8. Fitness-for-Duty Certification. If family medical leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from their health care provider stating that the employee is able to resume work.
9. Substitution of Paid Leave for Unpaid Leave. Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on OFLA leave. Employees on OFLA leave shall exhaust their accrued leave in the following order: compensatory time; floating holidays; vacation leave; sick leave; and administrative leave. Use of accrued paid leaves will run concurrently with OFLA leave. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time or sick leave available to use during an OFLA leave, the leave will be unpaid.
10. Holiday Pay While on Leave. Employees receiving short- or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved family medical leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.
11. On-the-Job Injury or Illness. OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.
12. Benefits While on Leave. The LOC will continue the employee's health coverage under any group health plan during a period of approved OFLA leave on the same terms as if the employee had continued to work. The employee must continue to make any regular contributions to the cost of the health insurance premiums during the period of approved OFLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on an OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the LOC's benefit plans.

13. Job Protection. Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.
- a. Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period.
  - b. If an employee does not return to work at the end of a designated Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.
  - c. The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
14. Violations. Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

**H. Bereavement Leave.** The LOC provides its employees with bereavement leave, which is in addition to any vacation, sick or holiday leave they may accrue.

1. Length of Leave. Up to five days of paid bereavement leave will be granted to regular full-time employees who have worked for the LOC for 90 or more days. This leave is provided to employees who have experienced the death of a family member. "Family Member" is defined to include the employee's spouse or domestic partner, or any of the following relatives of the employee or their spouse/domestic partner: child, parent, brother, sister, grandchild, grandparent, great-grandparent or great-grandchild. This leave will run concurrently with Oregon's sick leave law. Please see the human resources administrator or Executive Director for more information.
2. Permitted Use of Leave. Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member.
3. When Leave Used. The five days of bereavement leave must be taken in the 60-day period following notice of the death of a family member and will be deducted from the employee's available leave time under OFLA.
4. Notice. Employees who wish to take bereavement leave must inform the LOC as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, oral notice must be provided within 24 hours of beginning leave. Written notice must be provided to the employer within three days of returning to work.

5. Use of Accrued Leave. Any available vacation leave, floating holiday, holiday leave, sick time, administrative leave or compensatory time may be used for bereavement time approved beyond the provided five days. Employees on leave shall exhaust their accrued leave in the following order: compensatory time; floating holidays; vacation leave; sick leave and administrative leave.
- I. Jury and Witness Duty.** Employees are entitled to leave for either jury or witness duty in accordance with the provisions of this section.
1. Jury Duty. LOC encourages all employees to perform jury duty if called. An employee on jury duty continues to receive the regular salary, less payment from the court (excluding travel cost reimbursement). The jury duty certification that states the period of time served and the total reimbursement amount must be submitted to the LOC accountant. If released from jury duty during a normal workday, non-exempt employees are expected to report for work to complete the day or to use vacation leave. In exceptional circumstances, the Executive Director may support an employee's request for deferment of jury duty because of job requirements.
  2. Witness Duty. Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to their supervisor upon receipt. Except for employee absences covered under the LOC's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.
- J. Religious Observances Leave and Accommodation Policy.** The LOC respects the religious beliefs and practices of all employees. The LOC will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the LOC's business. Any available vacation leave, floating holiday, holiday leave, sick time, administrative leave or compensatory time may be used for religious holy days or to participate in a religious observance or practice. Employees on leave shall exhaust their accrued leave in the following order: compensatory time; floating holidays; vacation leave; sick leave and administrative leave. If accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made to the human resources administrator or the employee's supervisor.

**K. Paid Parental Leave.** Recognizing the importance of a parent having time to bond and care for a newborn child or newly adopted child, the LOC provides employees with six weeks of paid parental leave.

1. Eligibility. All regular full-time, regular part-time and employees in their initial period of employment in budgeted positions are eligible for paid parental leave of a maximum of one continuous period not to exceed six weeks in a calendar year after 180 consecutive calendar days of employment.
  - a. Eligible employees may receive up to a maximum of one continuous period of paid parental leave, not to exceed six calendar weeks, per event.
  - b. An eligible employee may receive paid parental leave for one event per calendar year. The Executive Director may make an exception and allow additional paid parental leave if two qualifying events occur in the same calendar year, or when extenuating circumstances exist.
  - c. The birth, adoption, or foster care placement of multiple children that is part of the same event does not increase the length of paid parental leave granted (e.g., birth of twins or adoption or Foster Care placement of more than one child).
  - d. Unused paid parental leave from one event may not be carried over to a future event.
  - e. The amount of paid parental leave taken for a new foster care placement of a child cannot exceed the duration of the placement. If the employee has another new foster care placement of a child in the same calendar year, the employee may request an exception from the Executive Director.
2. Requirements. Paid parental leave must be taken continuously following birth, adoption, or foster care placement.
  - a. Paid parental leave must be used within twelve calendar months following the birth, adoption or foster care placement of a child.
  - b. Paid parental leave can only be used for leave post birth, adoption, or foster care placement of a child.
  - c. While on paid parental leave, employees shall not engage in any work activity for compensation, including job-related training, nor shall an employee perform service for the LOC for compensation in any other capacity.
  - d. Engaging in work activity or employment for compensation while on paid parental leave will be deemed an interruption of the continuous period of paid parental leave and any remaining paid parental leave approved for that event will be forfeited.

3. OFLA. If an employee qualifies for OFLA leave, paid parental leave must run concurrently with said leave and must be used during the approved OFLA parental leave. An employee who exhausts all available OFLA entitlement for a different reason will still be eligible to take paid parental leave.
4. Vacation & Sick Leave Accrual. Employees who are on paid parental leave do not accrue earned vacation or sick leave as described in Sections VI(B) and VI(D) of this Personnel Manual.

**L. Crime Victim Leave Policy.** Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or their immediate family member (defined below) has suffered financial, social, psychological or physical harm because of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

1. Immediate Family Member Defined. “Immediate family member” includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.
2. Requirements to Use Leave. Employees who are eligible for crime victim leave must:
  - a. Use any accrued vacation leave, floating holiday, holiday leave, sick time, administrative leave or compensatory time. Employees on leave shall exhaust their accrued leave in the following order: compensatory time; floating holidays; vacation leave; sick leave and administrative leave during the leave period.
  - b. Provide as much notice as is practicable of their intention to take leave (unless giving notice is not feasible); and
  - c. Submit a request for the leave in writing to the human resources administrator or Executive Director as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.
3. Certification. In all circumstances, the LOC may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney’s office, police report, a protective order issued by a court, or similarly reliable sources.

**M. Domestic Violence Leave and Accommodation Policy.** All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or their minor dependents.

1. Reason for Leave. Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.
  2. Unpaid Leave. Leave is generally unpaid, but the employee may use any accrued vacation leave, floating holiday, holiday leave, sick time, administrative leave or compensatory time. Employees on leave shall exhaust their accrued leave in the following order: compensatory time; floating holidays; vacation leave; sick leave and administrative leave during the leave period.
  3. Notice. When seeking this type of leave, the employee should provide as much notice as is practicable of their intention to take leave, unless giving notice is not feasible.
    - a. Notice of need to take leave should be provided by submitting a request for leave in writing to the human resources administrator or the employee's supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave.
    - b. The LOC will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.
    - c. If more leave than originally authorized needs to be taken, the employee should give the LOC notice as soon as is practicable prior to the end of the authorized leave. When taking unanticipated leave or experiencing an emergency, the employee must give oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.
  4. Accommodation. Employees who are victims of domestic violence, harassment, sexual assault or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the LOC. Please contact the human resources administrator or your supervisor immediately with requests for reasonable safety accommodations.
- N. Military Leave.** Employees who wish to serve in the military and take military leave should contact the human resources administrator or their supervisor for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

**O. Leaves of Absence.** In addition to state and federal leave requirements, the Executive Director may grant leaves of absence to employees. Such leaves may be paid or unpaid at the Executive Director's discretion.

1. Extension of Initial Period of Employment. An employee's initial period of employment will be extended by the length of any leave of absence taken during the initial period of employment.
2. Factors Considered. Requests for leaves of absence are considered based on the employee's length of service, performance, responsibility level, the reason for the request, and the LOC's ability to obtain a satisfactory replacement during the time the employee would be away from work.
3. Vacation and Sick Accruals. Vacation and sick leave will not accrue during a leave of absence.
4. Payment of Benefits. The employee shall coordinate payment of benefits with the LOC accountant.
5. Failure to Return. If an employee, other than the General Counsel, fails to return to work on the next regularly scheduled work day following the expiration of the approved leave of absence without a reason considered acceptable by the Executive Director, employment will be considered voluntarily terminated. If the General Counsel fails to return to work on the next regularly scheduled work day following the expiration of the approved leave of absence without a reason considered acceptable by both the Executive Director and the Board of Directors, employment will be considered voluntarily terminated.



## VII. Insurance & Retirement Programs

The LOC recognizes the influence employment benefits have on employees' economic and personal welfare. Paid in various forms on your behalf, the total cost of providing the benefit program described in this personnel manual and other documents is a significant supplement to your pay and should be viewed as additional compensation.

- A. Health Insurance.** The LOC provides access to group health insurance benefits to regular full-time and regular part-time employees working 20 or more hours per week unless otherwise established by law. Benefits may be prorated for employees working less than 40 hours per week.
1. Subject to Change. Benefit offerings and plans are subject to change at the LOC's discretion. Employees will be notified prior to any such change.
  2. Eligibility. Regular full-time and regular part-time employees establish eligibility to participate on the first day of the month following 30 days of employment and continue to be eligible for the LOC's contribution until the last day in the month they resign, retire, are laid off or discharged, go on unpaid leave of absence, or otherwise stop receiving compensation from the LOC or as required by law.
  3. Coverage Levels. Coverage levels and any LOC contribution toward the provision of health insurance coverage for all regular full-time and regular part-time employees will be set by the Board annually.
  4. Continuation of Benefits. Benefits will be continued as required by law. Employee who are on unpaid leave under the Oregon Family Leave Act, a leave of absence without pay, or otherwise cease to be covered, may elect to continue coverage by self-paying the premium in accordance with applicable law.
  5. Assistance and Information. Questions regarding insurance coverage, enrollment procedures, etc. should be directed to the human resources administrator or Executive Director.
- B. Group Life and Accidental Death & Dismemberment Insurance.** Regular full-time and regular part-time employees are also eligible to participate in life and accidental death and dismemberment insurance for themselves, their spouses, and their dependents. Eligibility for coverage begins on the first day of the month following completion of 30 days of employment and continues until the day the employee resigns, retires, is laid off or discharged, goes on a leave of absence without pay, or otherwise stops receiving compensation from the LOC.
- C. Disability Salary Continuation Plan.** Regular full-time and regular part-time employees who work 20 or more hours per week are eligible for the salary continuation plan on the first day of the month after 30 days of employment. This plan provides for salary continuation after a 90-day elimination period, in the event of a total disability that

prevents employment. An employee must use all sick leave before benefits are payable. The premium of this plan is paid by the LOC.

- D. Pre-Tax Flexible Spending Account – IRS Section 125 Plan.** For those employees who wish to participate, the LOC provides the opportunity to withhold payroll dollars in a pre-tax account for use in paying either medical or child care costs. If an employee is required to pay a portion of their medical insurance premium, this plan can be used to make that payment before taxes are calculated.
- E. Deferred Compensation.** LOC may also provide employees the opportunity to voluntarily participate in a deferred compensation plan.
- F. Voluntary Employee Benefit Plan.** The LOC offers its employees a health reimbursement arrangement through a Voluntary Employee Benefit Association (VEBA). A VEBA is a tax-exempt trust authorized by the Internal Revenue Service and is a tax-free health savings account that is funded by the LOC for an employee's and qualified dependents' current and future out-of-pocket medical and retiree health and insurance expenses, including dental and vision.
1. Eligibility. Only regular full-time employees are eligible for the VEBA benefit.
  2. Benefit. VEBA benefits begin concurrent with health insurance benefits, on the first day of the month following 30 days of employment. VEBA benefits continue until the last day in the month the employee resigns, retires, is laid off or discharged, goes on unpaid leave of absence, or otherwise stops receiving compensation from the LOC or as required by law.
- G. Employee Assistance Program.** This free, confidential service is provided to all employees covered by the LOC's medical insurance benefits, and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the human resources administrator or the employee's supervisor.

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

1. Steps to Take if You are Injured on the Job. If you are injured on the job, the LOC wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor). If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all the following:
  - a. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
  - b. Seek medical treatment and follow-up care if required.
  - c. Promptly complete a written Employee's Claim Form (Form 801) and return it to the human resources administrator or your supervisor.

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

2. Return to Work. If you require workers' compensation leave, the LOC will strive to reemploy you in the most suitable vacant position available at the end of that leave. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of the position. When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples of reinstatement/reemployment decisions. The LOC does not discriminate against employees who suffer a workplace injury or illness.
3. Early Return-to-Work Program. The LOC's Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss.
  - a. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

- b. The Return-to-Work program for job-related injuries consists of a team effort by the LOC, injured employees and their treating physicians, and the LOC's workers' compensation insurance carrier claims staff. The goal is to return LOC employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.
  - c. If your doctor determines that you can perform modified work, the LOC will attempt to provide you with a temporary job assignment for a reasonable period until you can resume your regular duties (except where provided as an accommodation for a disability).
  - d. If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the LOC. While you are on modified or transitional work, you are still subject to all other LOC rules and procedures.
4. Overlap with Other Laws. The LOC will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.
- I. **Retirement Plan.** The LOC is a participating employer of the Oregon Public Employees Retirement System (PERS). The LOC pays for the employee contribution required by PERS.

## VIII. Alcohol/Drug Use, Abuse and Testing

LOC intends to help provide a safe and drug-free work environment for our employees and members.

**A. Prohibited Conduct.** The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

1. Possession, sale and/or use of drugs on LOC's premises, while in LOC-provided clothes, while on LOC or work-related travel, or while on LOC business;
2. Failure to notify LOC of an arrest or conviction under any criminal drug or alcohol statute within five days of the arrest or conviction;
3. Consumption of alcoholic beverages to the point of intoxication during work hours, while in LOC-provided clothes or on LOC premises, while operating a LOC vehicle (or while operating a personal vehicle in connection with the performance of LOC business), or while performing job functions; or
4. Being under the influence of drugs while on duty, on LOC premises, on LOC work time, while in LOC -provided clothes, while on LOC business, or while operating a LOC vehicle (or while operating a personal vehicle in connection with the performance of LOC business).
5. With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or operations.

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

**C. Prescription Medication, Medical Marijuana & Safely Performing the Job.** An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify their supervisor of such use immediately before starting or resuming work. The LOC may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide LOC with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.) Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as LOC will not agree to allow an employee to use medical marijuana as an accommodation.

**D. Testing.** LOC reserves the right to:

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

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

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. A work-related accident;
4. Direct observation of drug or alcohol use;

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

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

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

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

**H. Employee Refusal to Test/Search.** An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action. An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

**I. Crimes Involving Drugs and/or Alcohol.** Employees shall report:

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

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

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

1. An employee who believes that they have a problem involving the use of alcohol or drugs should ask a supervisor or the human resources administrator for assistance.
2. LOC will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem.
3. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and LOC to the extent its existing benefits package covers some or all of the program costs.
4. Although LOC recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action.
5. Once a violation of LOC policy is discovered, the employee's willingness to seek LOC or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

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



## IX. LOC Property and Services

According to state law, all LOC employees are public officials and are subject to the state ethics laws, including but not limited to those contained in ORS Chapter 244. This means that as a LOC employee, you are held to a higher ethical standard than other non-governmental personnel. For example, you may not use LOC property for personal gain, such as running a private business. If you do so, you may be subject to an enforcement action brought against you by the Oregon Government Ethics Commission, the Secretary of State's Office, the Attorney General's Office or the District Attorney's Office. Please see your supervisor or the LOC's legal counsel for further information about the laws that govern your conduct as a government employee.

Except as provided for below, employees may not use LOC property and services for personal reasons. For the purpose of this policy, "LOC property and services" means computers (including laptops, Surface and similar devices); tape and digital recorders; projectors; easels/chart packs; facsimile machines; copy machines; printers; cellular telephones; automobiles; LOC credit cards; and any other item or service that has been purchased by the LOC, regardless of the source of funds used for its purchase. Violation of this policy may result in disciplinary action up to and including immediate dismissal.

- A. **Ownership.** All information and communications in any format, stored by any means on or received via the LOC's electronic equipment, facilities or services is the sole property of the LOC.
- B. **Use.** All the LOC's electronic equipment, facilities and services are provided and intended for LOC business purposes only and not for personal matters, communications or entertainment. Access to the Internet, websites and other electronic services paid for by the LOC are to be used primarily for LOC business.
  1. Prohibited Use. This means, for example, that employees may not use the LOC-provided Internet, or LOC electronic equipment, facilities and services to:
    - a. Display or store any sexually explicit images or documents, or any images or documents that would violate the LOC's no-harassment, no-discrimination or bullying policies;
    - b. Play games (including social media games) or to use apps of any kind in a manner that, using a reasonable person standard, will be deleterious to the efficient operations of the LOC;
    - c. Engage in any activity that violates the rights of any person or the LOC, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
    - d. Engage in any activity that violates the rights to privacy of protected healthcare information or other LOC-specific confidential information;

- e. Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses);
  - f. Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work; and/or
  - g. Use LOC-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). LOC email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.
2. Occasional Personal Use. Occasional and minimal use of LOC computers, email, phones and Internet services on an employee's own time is permitted. For purposes of this policy, an employee's own time includes lunch and break periods.
- a. Employees may not use LOC property or service to avoid purchasing the property or services themselves.
  - b. Use of LOC resources to avoid a financial detriment is specifically prohibited by law and is therefore not permitted by this policy.
  - c. Excessive use of LOC resources for personal use is prohibited.
3. Violations. Violations of this policy, including abuse of the privilege of LOC-facilitated access to email and the Internet, may result in disciplinary action up to an including termination.
- C. Inspection and Monitoring.** Employee communications, both business and personal, made using LOC electronic equipment, facilities, and services are not private. Any data created, received or transmitted using LOC equipment, facilities or services are the property of the LOC and usually can be recovered even though deleted by the user.
- 1. Inspection. All information and communications in any format, stored by any means on the LOC's electronic equipment, facilities or services, are subject to inspection at any time without notice.
  - 2. Personal Passwords. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the LOC's ownership of the electronic information, electronic equipment, facilities, or services, or the LOC's right to inspect such information. The LOC will override all personal passwords if it becomes necessary to do so for any reason.
  - 3. Access. The LOC reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the

use of all the LOC's electronic equipment, facilities and services, including all communications and internet usage and resources visited.

- D. Personal Hardware and Software.** Employees may not install personal hardware or software on the LOC's computer systems without approval from the Executive Director. All software installed on the computer systems must be licensed. Copying or transferring of LOC-owned software may be done only with the written authorization of the Executive Director.
- E. Unauthorized Access.** Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by LOC management. No employee can examine, change or use another person's files, output or user name unless they have explicit authorization from Executive Director to do so.
- F. Security.** Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception and these methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate security measures are implemented.
- G. Inappropriate Web Sites.** The LOC's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate the LOC's policies on harassment and discrimination.
- H. Credit Cards.** LOC credit cards provided to employees may only be used for LOC purchases.
1. Purpose. The purpose for having LOC credit cards is to eliminate reimbursable costs on personal credit cards or on a cash basis. Employees are required to use their LOC credit card, instead of a personal credit card, whenever possible if making a purchase related to LOC-business.
  2. Receipts. Whenever an employee makes a purchase using their LOC credit card, a receipt is required and must be submitted to the LOC's accountant in accordance with any internal purchasing policies.
- I. Parking.** Parking is provided to employees and guests of the Local Government Center (LGC) in the LGC parking lots if available. LOC is not responsible for vehicles or their contents.

## X. Driving While on Business

Employees of the LOC will regularly be called upon to drive their personal vehicle, LOC vehicle, or a vehicle rented from a third party.

- A. Policy.** Safe and legal operation of motor vehicles by LOC employees driving on LOC business is important to maintaining a safe and trustworthy work environment. Therefore, employees who drive on LOC business are expected to maintain a valid state driver's license and a current certificate of insurance for the vehicle being driven. Driving on LOC business means driving for which the LOC will pay mileage costs.
- B. Documentation.** To ensure that employee's driving performance is consistent with maintaining a safe working environment, the LOC reserves the right to see proof of a valid driver's license from each LOC employee at least once every six months.
- C. Employee Reporting Requirements.** An employee who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of their driver's license, whether or not the offense occurs while driving on LOC business, must notify their supervisor of the offense within a reasonable period following the incident.
1. Conviction of Offense. Conviction of an offense resulting in the loss of an employee's driving privileges may be grounds for disciplinary action, up to and including termination.
    - a. If an employee, whose job requires driving as a major work component, has their license suspended or revoked, then the employee may not be able to work until the license has been reinstated.
    - a. Employees may use any accrued vacation leave, floating holiday, holiday leave, administrative leave or compensatory time. Employees on leave shall exhaust their accrued leave in the following order: compensatory time; floating holidays; vacation leave; and administrative leave during the leave period.
    - b. If the driver's license suspension exceeds 30 calendar days, then the LOC may choose to terminate employment, without waiting 30 days, or the LOC may choose to terminate employment after the initial 30-day suspension period.
  2. Accident While on LOC Business. An employee who is involved in an accident while driving on LOC business is required to notify their supervisor no later than 24 hours after the accident, unless prevented from doing so by circumstances beyond the employee's control. In addition, employees are responsible for following the state of Oregon's auto accident reporting requirements.
    - a. Failure to provide this notice may be grounds for disciplinary action.

- b. Employees are expected to provide updates on the ultimate disposition of the accident, i.e. employee fault or not.
3. Citations While on LOC Business. Employees who are issued citations for any offense while driving on LOC business must notify their supervisor as soon as possible, but not later than five days after the citation was issued.
    - a. Failure to provide this notice may be grounds for disciplinary action.
    - b. Employees are expected to provide updates on the ultimate disposition of the citation, i.e. whether upheld or dismissed.
    - c. Employees are required to pay any fines associated with a citation they received that was related to their negligence or fault.
  4. Insurance. The LOC requires employees who drive on LOC business to maintain a current certificate of insurance for the vehicle being driven. An employee's personal auto insurance usually is the first payor, should an employee be involved in an incident while driving on LOC business.

**D. LOC Vehicle, Rental Car, and/or Mileage Reimbursement.** The LOC has established this policy to minimize costs while establishing a standard for authorized business expenses. It is the LOC's policy to reimburse employees for allowable mileage or to pay rental car expenses when the LOC vehicle is not available for use.

1. LOC Vehicle. LOC has invested in a vehicle for use by its employees. When the LOC vehicle is available for use, and the employee would not have to travel more than 30 miles out of their way to obtain the vehicle, the LOC vehicle shall be used for work-related travel. The LOC vehicle should not be used to transport employees to a location where it will be stored in long-term parking for more than three days, for example the airport, unless approval by the Executive Director is given for this use.
2. Personal Vehicle. If the LOC vehicle is unavailable, or if the employee would have to travel more than 30 miles out of their way to obtain the vehicle, and the employee needs to travel in-state 150 miles or less, employees are to use their own vehicles, assuming they own one, and seek mileage reimbursement in accordance with the LOC's Travel Expense Policy. If the vehicle will be left in a long-term parking at an airport for more than three days, an employee's personal vehicle or the LOC vehicle shall be used.
3. Rental Cars. If the LOC vehicle is unavailable, or if the employee would have to travel more than 30 miles out of their way to obtain the vehicle, and the employee needs to travel out-of-state or travel in-state travel for 151 miles or more, employee should use a rental car through the LOC's cooperative purchasing program contract or any other provider who guarantees comparable rates. In no instance shall rental cars be used in a way that requires them to be stored in long-term parking (if a long-term parking is needed, personal vehicles should be used instead of obtaining a rental car).

4. Questions. If an employee has questions about whether to use the LOC vehicle, their personal vehicle or rent a car, they should speak with their supervisor before traveling.

**E. Personal Travel While on LOC Business.** The LOC vehicle and vehicles rented for LOC business may only be used for business travel purposes – de minimis personal use is permitted. If an employee plans to include personal travel while driving on LOC business, the employee must either use their personal vehicle or rent a car at a non-cooperative purchasing program rate for the days of personal travel. The LOC will not reimburse employees for miles driven for personal travel.

**F. Safety.** While on LOC business, employees are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions.

1. Obey Traffic Laws. Employees are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated.
2. Seatbelts. Seatbelts are to be used in all vehicles while on business.
3. Medications, Alcohol and Drugs. Employees are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited.

## XI. Travel Expense Policy

When traveling on authorized LOC business, employees may be reimbursed for meal, lodging, transportation and other necessary travel expenses in accordance with this policy.

- A. Prior Approval.** An employee’s supervisor must approve any in-state travel prior to travel arrangements being made and expenses being incurred. The Executive Director must approve any travel outside the state of Oregon prior to travel arrangements being made and expenses being incurred.
- B. Hours Compensated When Traveling on Official Business.** Except as otherwise provided herein, all hours spent in travel status for official LOC business shall be construed as hours worked and compensated in the same manner as other hours worked for employees in question. For purposes of this section, “hours spent in travel status,” shall include travel time (time spent in transit to and from the location of the event). Travel time does not include travel between the employee’s home and the LOC’s office.
- C. Travel-Related Expenses.** LOC employees who travel for LOC business shall have their lodging, meals, transportation and tips paid for by LOC in accordance with this section. The LOC will not pay any travel expenses related to an employee’s family member, fines and parking tickets, traffic violation fines, and expenses associated with the towing of a personal vehicle unless the vehicle was towed for weather-related reasons while on LOC business.
1. LOC Credit Card. If an employee possesses a LOC credit card, the employee should utilize their LOC credit card, instead of their own personal credit card, for purchases associated with LOC travel expenses.
  2. Lodging and Transportation. The LOC will pay for the lodging and transportation costs incurred by an employee in the course of their LOC duties, provided the employee has, where available, used the LOC’s cooperative purchasing program or any other provider who guarantees comparable rates, obtained a discounted government rate, or is utilizing a rate that is associated with the conference, training or meeting the employee is attending.
  3. Meals. The LOC will pay for the actual expense incurred for meals consumed by LOC employees in the course of their official duties, except that in no instance will the LOC cover meal costs which exceed the per diem rate established by the United States General Services Administration in effect at the time the expense was incurred. Employees are expected to work with their supervisor to identify the relevant per diem meal rate prior to purchasing any meals. If a meal is provided as part of a conference, event, or included with a lodging stay, the LOC will not pay for an employee to eat elsewhere. Note – this requirement is not applicable to those situations where a LOC employee is actively performing business during the meal and the employee may not have control over the restaurant location (or its meal prices).

4. Tips. The LOC will pay for tips incurred by employees in the course of their official duties, provided the tip does not exceed 20%.
  5. Reimbursement Rate for Mileage. Employees using their own vehicle for transportation on LOC travel will be reimbursed at the current IRS rate. Mileage is calculated from the employee's personal residence or the LOC offices (if an employee has been approved to utilize a different location as their primary office, instead of using the LOC office, they shall use their approved primary office), whichever is closer to the end destination.
  6. Nursing Mothers. During the first year after giving birth, if an employee, who is also a nursing mother, travels for LOC business, LOC shall reimburse the employee for costs incurred in shipping expressed milk home to their child.
    - a. The employee is responsible for shipping the expressed milk home to their child – LOC shall not contract with any service to provide this benefit, nor shall it assist in determining how the milk can be shipped home.
    - b. If an employee utilizes this benefit, the employee is required to submit a receipt for the expense to their supervisor. LOC shall reimburse the employee within 45 days of the receipt being submitted.
    - c. The maximum amount an employee may be reimbursed for shipping expressed milk home is \$75.00. The \$75.00 is an aggregate maximum for the one-year applicable period. If the employee incurs expenses in excess of \$75.00, those expenses are the sole responsibility of the employee.
  7. Companions. The LOC will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on LOC-approved travel.
  8. Documentation. Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement. Some examples of actual and reasonable business-related expenses that the LOC will reimburse/pay for are: conferences or workshops; education; meals; and/or mileage and parking.
- D. Travel Rewards.** As part of each employee's official compensation package, employees may retain any travel benefit program rewards such as frequent flier miles for the employee's own personal use. If the employee receives such travel benefit awards for their personal use, the employee may need to report the value of such rewards for income tax purposes. If an employee receives compensation from a carrier for delay or cancellation of travel, or similar situation, the employee may retain such compensation



for delay or cancellation provided there was no increased cost to the LOC. Any vouchers for unused transportation or lodging paid for by the LOC are the property of the LOC.

- E. Credit Card.** The use of the LOC credit card is subject to these policies regarding reasonableness of expenses incurred and may be the employee's personal responsibility if unreasonable.

## XII. Bad Weather Policy

LOC is typically open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make our office location inaccessible for all or part of a regularly scheduled workday, the Executive Director (or their designee) will decide whether to and to what extent the LOC will close.

- A. Notification.** If the Executive Director, or their designee, closes the office due to inclement weather, each employee will be notified via text message or email.
- B. Safety is the Priority.** In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve the LOC from home, staff should do so subject to approval by their manager or supervisor. Safety and a trustworthy approach are your guides.
- C. Compensation Guidelines.** In the event adverse weather conditions hamper or prevent travel, the following compensation guidelines will apply to all regular full-time and regular part-time employees:

<i>If...the employee did not work from home and.....</i>	<i>Compensation will be....</i>
a. Employee arrives late to work because of weather.	Absence is charged, in this order of availability: compensatory time; vacation time; holiday time; and sick time.
b. Employee cannot arrive to work.	Absence is charged, in this order of availability: compensatory time; vacation time; holiday time; and sick time.
c. Supervisor approves employee's request to leave early.	Remaining hours are charged, in this order of availability: compensatory time; vacation time; holiday time; and sick time
d. Employee is sent home early due to weather by supervisor, under the direction of the Executive Director or their designee.	Employee is paid for the remainder of the work day; no charge to leave accrual (time sheet shows "inclement weather").
e. LOC offices are closed due to adverse weather, under the direction of the Executive Director or their designee.	Employee is paid for the entire work day; no charge to leave accrual (time sheet shows "inclement weather").

f. LOC offices open late, at a set time, due to adverse weather, under the direction of the Executive Director or their designee.	Employee is paid the portion of the work day that the office is closed; no charge to leave accrual (time sheet shows “inclement weather”).
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If an exempt employee is absent for a partial or full day off due to any of the reasons set forth in paragraphs a, b, or c of the above chart, the absence is charged to vacation leave, if any. If there is no vacation leave available, the exempt employee is paid their regular salary. There is no charge to leave accrual for an exempt employee when the employee’s absence results from any of the reasons described in sections d, e or f of the above chart.

- D. Scheduled Leave.** In the event paid time off due to inclement weather is authorized and an employee is already absent due to a scheduled vacation or other paid leave, that employee will continue to have their absence charged against such leave accrual.

### **XIII. Miscellaneous LOC Policies**

**A. Cellular Devices.** This policy applies to employee use of cell phones, smart phones (including iPhones, “smartphones” and similar devices), tablets and similar devices, all of which are referred to as “cellular devices” in the Cellular Devices Policy.

1. Cell Phones and Cellular Devices in General. Employees may bring personal cell phones and cellular devices to work with them.
  - a. Employees who use personal cell phones/cellular devices may not violate the LOC’s policies against harassment and discrimination. Thus, employees who use a personal cell phone/cellular device to send a text or instant message to another employee (or to a citizen or someone not employed by the LOC) that is harassing or otherwise in violation of the LOC’s no-harassment and no-discrimination policies will be subject to discipline up to and including termination.
  - b. Nonexempt employees may not use their personal cell phone/cellular device for work purposes outside of their normal work schedule without written authorization in advance from their supervisor or the Executive Director. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.
2. Cell Phone Stipends. The LOC provides a cell phone stipend for selected employees. A monthly stipend is available to employees who by the nature of their job description regularly incur cell phone use. Employees who do not receive monthly cell phone stipends may, depending on their job duties, be given a stipend during months associated with LOC sponsored or administered conferences.
  - a. The purpose of the cell phone stipend is so that LOC employees purchase or have access to a reliable cell phones that provides uninterrupted cell phone service.
  - b. This cell phone stipend is part of the employee’s official compensation and is included in their salary for IRS income tax reporting purposes.
  - c. Cell phone expenses over and above the stipend amount will not be covered by the LOC and will be considered the individual employee’s responsibility. Expenses incurred due to loss or damage to a cell phone remain the responsibility of that employee.
3. Employee Use of Cell Phones/Cellular Devices with Cameras. Cameras of any type, including cell phones or cellular devices with built-in cameras and video photography options, may not be used during working hours, or at any LOC sponsored function unless authorized to do so by an employee’s supervisor.

4. Cell Phones/Cellular Devices and Public Records. LOC-related business conducted on personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against the LOC.
5. Cell Phone/Cellular Device Use While Driving. The use of a cell phone or cellular device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of LOC vehicles and the operation of private vehicles while an employee is on work time.
  - a. Employees are prohibited from using handheld cell phones for any purpose while driving on LOC-authorized or LOC-related business. This policy also prohibits employees from using a cell phone or other cellular device to send or receive text or "instant" messages while driving on LOC business.
  - b. Should an employee need to make a business call while driving or send a text, the employee must locate a lawfully designated area to park and make the call or text, unless the employee uses a hands-free cell phone or cellular device for the call. In either situation, such calls or texts should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device.
  - c. Violation of this policy will subject the employee to discipline, up to and including termination.

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

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

1. Prohibited Postings. Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any LOC policies, including the LOC's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.
  - a. Never represent yourself as a spokesperson for the LOC, unless you are authorized by your supervisor to do so.
  - b. If the LOC is a subject of the content you are creating, be clear and open about the fact that you are a LOC employee and make it clear that your views do not represent those of the LOC or its employees or elected officials.
2. Encouraged Conduct. Always be fair and courteous to co-workers, the members we serve, the LOC's employees and elected officials, and suppliers or other third parties who do business with the LOC.
  - a. Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing the LOC's Open-Door Policy, than by posting complaints to a social media outlet.
  - b. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, LOC employees or elected officials, that might constitute harassment or bullying, and/or that violate the LOC's policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or LOC policy.
  - c. Maintain the confidentiality of the LOC's confidential information. Do not post internal reports, policies, procedures or other internal, LOC-related confidential communications or information. (See "Confidential LOC Information" policy.)
  - d. Nothing in this policy is meant to prevent an employee from exercising their right to make a complaint of discrimination or other workplace misconduct, or to express an opinion on a matter of public concern that does not unduly disrupt LOC operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the LOC's interest in the effective and efficient fulfillment of its responsibilities to the public.

3. Request for Employee Social Media Passwords. LOC supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a user name and password that would otherwise allow a supervisor to access a private email account not provided by the LOC. Nothing in this policy prohibits the LOC from requiring an employee to produce content from their social media or internet account in connection with a LOC-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

**C. Confidential LOC Information.** Employees must not access, use or disclose sensitive or confidential information or data except in accordance with LOC policies, practices and procedures, and as authorized by state or federal laws or regulations.

1. Duty to Protect and Maintain. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of the LOC), may be removed from our premises without permission from the Executive Director.
2. LOC Property. Materials developed by LOC employees in the performance of their jobs and the property of the LOC and may not be used for personal or financial gain.
3. Disclosure. The contents of records or information otherwise obtained regarding the LOC's business may not be disclosed to anyone, except where required for a business purpose or when required by law.
4. Violations. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

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

1. Prohibition. An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action. Employees may not accept outside employment that involves activities described herein.

- a. The use of LOC time (including the employee's work time), LOC facilities, equipment and supplies, or the prestige or influence of the employee's position with the LOC is prohibited. In other words, the employee may not engage in private business interests or other employment activities on the LOC's time or using the LOC's property.
  - b. The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works (or by a State agency).
  - c. Receipt of money or anything of value for performance of duties that the employee is required to perform for the LOC.
2. Reporting. The LOC requires employees to report outside employment to their supervisor, in writing, before the outside employment begins. Thereafter, an employee must provide an update to their supervisor on an annual basis, or sooner if any changes in outside employment occurs.
  3. Violations. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

#### **E. Criminal Arrests and Convictions.**

1. Reporting Requirements. Employees must promptly and fully disclose to their supervisor on the next working day certain arrests and convictions.
  - a. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on the LOC's property, or in a LOC vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy) must be reported to a supervisor.
  - b. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money, must be reported to a supervisor.
  - c. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position, you must advise your supervisor of the occurrence.
2. LOC Response. Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis. Employees who are unavailable to report for work because they have been sent to jail or prison may not use any accrued leave time to cover the absence, and may be subject to disciplinary action, including termination.



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

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

**G. Smoke-Free Workplace.** The LOC provides a tobacco-free environment for all employees and visitors.

1. Definition of Tobacco. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy.
2. Applicability. This policy applies to employees, volunteers, and any visitors to the LOC property, vehicles or facilities/buildings.
3. Prohibition. The buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, the LOC prohibits tobacco/marijuana use in or around LOC vehicles and equipment or machinery.
4. Permitted Areas. If you wish to smoke tobacco, you must do so outside of the LOC's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances. Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

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

- I. Workplace Safety.** The LOC recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the LOC.
1. Employee Obligations. All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the LOC, or that threaten the safety, security or financial interests of the LOC. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to their supervisor.
  2. Discretionary Investigation. The LOC also may investigate a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."
- J. Workplace Inspections.** This policy applies to inspections and investigations conducted by the LOC pursuant to policy or law unless otherwise modified by a different policy in this personnel manual.
1. Employee Investigation. An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by the LOC; these areas are not private.*
  2. Confidentiality. All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.
- K. Employee Development.** Employees may be eligible to participate in training opportunities such as seminars, workshops or conferences.
1. Requests. A request for training or educational courses, or to attend a seminar, workshop or conference, shall be made to the supervisor in advance. If the supervisor believes the request is necessary or beneficial to job performance and does not interfere with office workload, the request may be granted by the employee's supervisor if the Department's training budget allows for the expenditure.
  2. Costs. All or part of the cost for training and educational courses may be allowed at LOC expense on a reimbursable basis, at the discretion of the employee's supervisor if

the Department's training budget allows for the expenditure. In general, LOC will pay for required registration, travel, meals and workshop costs.

## XIV. Standards of Conduct

The LOC has established standards of conduct which, together with observing other proper and professional behaviors, employees are expected to follow.

**A. Workplace Rules.** Any failure to comply with established workplace rules may result in discipline, up to and including termination. The below list of workplace rules is illustrative only.

1. All employees shall maintain a positive, respectful and cooperative working relationship with co-workers, other staff, LOC members and any others who do business with the LOC.
2. Employees shall work and complete assignments that meet job standards.
3. Employees shall not neglect their job duties or responsibilities, nor refuse any assigned work, which is within or related to their job responsibilities.
4. Employees must fulfill their responsibilities to the LOC. No willful action which detracts from the quality or quantity of work, service, safety and health or public image will be acceptable.
5. An employee must be available for work as scheduled. Normally, the schedule will not be changed except in case of emergency.
6. Employees are expected to be at their workstations at their scheduled starting time and comply with scheduled times for break and meal periods. Employees will not leave their scheduled workday early unless authorized by their supervisor.
7. Employees shall be responsible for all LOC property that has been placed in their custody.
8. Employees must immediately report all work-related injuries, accidents or illnesses to their supervisor or other authorized personnel.
9. Employees are expected to comply with the established personal grooming and appropriate dress code.

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

1. Falsification of employment or other LOC records.

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

18. Violation of any safety, health, security or LOC policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by LOC or outside regulatory or legislative bodies.
19. Harassment or discrimination that violates the LOC's policy.
20. Unsatisfactory job performance.
21. Being rude or otherwise uncooperative in dealing with co-workers, supervisors, business associates, or LOC members.
22. Dishonesty of any type.
23. Physical or verbal abuse of a citizen, vendor, or other employee or any other individual.

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

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

1. In Lieu of Termination. In lieu of terminating the employment of an employee for serious violations of the LOC's policies, procedures and rules and for other inappropriate behavior or conduct, the LOC may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The LOC may also choose to send the employee to training or an education opportunity.
2. LOC Discretion. In all cases, the LOC will determine the nature and extent of any discipline based upon the circumstances of each individual case. The LOC may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the LOC deems such action appropriate. The LOC retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a

collective bargaining agreement or contract of employment). Note that the General Counsel can only be terminated with the consent of the Board of Directors.

- D. Complaints.** It is important that the Executive Director learn of any condition that may cause problems for LOC's employees or that may be detrimental to its operation. Such conditions are often best known by the employees. Employees are encouraged to bring complaints to the attention of a supervisor, human resources administrator or the Executive Director.

## XV. Separation from Employment

Separation from employment with the LOC occurs when the employee voluntarily resigns, is laid off, or is terminated by the LOC.

- A. Resignation/Retirement.** An employee is requested to give their supervisor written notice at least two weeks prior to their resignation/retirement that identifies the last day of work. If the employee's decision to resign/retire is based on a situation that could be corrected, the employee is encouraged to discuss it with Executive Director before making a final decision. The General Counsel should advise both the Executive Director and the Board President of their intention to resign/retire. A resignation/retirement may not be withdrawn unless approved in writing by the Executive Director.
- B. Layoff.** A layoff or reduction in work hours may occur when, due to lack of work or budget constraints, a reduction in force is necessary.
1. Recall. Employees with satisfactory job performance who must be laid off will be placed on a layoff list and will be given first option for recall for six months following the date of the layoff.
  2. Notice. When possible, a two-week notice of a layoff is given.
- C. Termination.** An employee may be terminated due to a failure to perform job duties, failure to meet expected standards of conduct, violations of the personnel manual, or for other reasons at the discretion of the Executive Director. The General Counsel may not be terminated without the approval of the Board of Directors.
- D. Return of Property.** Employees must return all LOC property, including phones, computers, identification cards, credit cards, keys, and manuals, to their supervisor on or before their last day of work.
- E. References.** All requests for references or recommendations must be directed to the human resources administrator. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.
- F. Employment History Disclosure.** By policy, the LOC discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.



## Acknowledgement of Receipt

I acknowledge that I have received a copy of the Personnel Manual (Manual) of the League of Oregon Cities (LOC), which is effective October 20, 2019, and I am covered by this Manual. I acknowledge that it is my responsibility to read and understand the information in the Manual, and to ask my supervisor for clarification as necessary.

I understand that the LOC reserves all rights necessary to the efficient and orderly management of its business. The Manual is intended to be a guideline to its practices, **not** a contract. It may become necessary for the LOC to change this Manual and its policies from time to time as it deems necessary for the management of its business.

I recognize my employment is “at will” and can be terminated with or without notice, at any time, at the discretion of either the LOC or myself.

I also understand that no one other than the Executive Director has any authority to enter into any agreement for employment for any specified period of time, to assure me of any future position, benefits or terms or conditions of employment, or to make any promises contrary or in addition to this Manual. Any past or future promises contrary or in any way different from this Manual, including my right and the right of the LOC to terminate our relationship at our individual discretion, must be in writing, signed and dated by the Executive Director.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee’s Name (print name)

*Please return this completed form to the human resources administrator or your supervisor within two weeks of receiving this Manual.*

## Memorandum

**To:** LOC Board of Directors  
**From:** Jim McCauley, Legislative Director  
**Date:** September 10, 2019  
**Subject:** Legislative Advocacy Committee

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The resolution addressing the formation of a Legislative Committee at the LOC is included in this board packet. Board members may recall that during the 2019 session the LOC was fortunate to have a timely board meeting scheduled at a key decision point on critical legislative topics being discussed. Chances of a board meeting lining up with a critical decision point on legislation will not be the norm. For the government affairs team to vet decision points in a fast-paced legislative process it is important that the LOC has a Legislative Committee. This Legislative Committee will meet, likely via conference call when deemed appropriate by the Executive Director and/or the Legislative Director. Decisions made will be provided in a timely manner to the full LOC Board. This resolution presented is mirrored off what the Board adopted in 2018 for the Legal Advocacy Committee.

### Potential Motion:

“I move to adopt the Resolution establishing the League of Oregon Cities’ Legislative Committee.”

**A RESOLUTION ESTABLISHING  
THE LEAGUE OF OREGON CITIES'  
LEGISLATIVE COMMITTEE**

- WHEREAS, the League of Oregon Cities (LOC) was established by intergovernmental agreement as a consolidated department to represent the collective interests of all participating cities; and
- WHEREAS, the agreement establishing LOC provides that LOC should work to formulate and promote such legislation as will be beneficial to the cities of the state and the citizens thereof and to oppose legislation detrimental thereto; and
- WHEREAS, Section 18 of the LOC Bylaws establishes policy committees to make recommendations to the Board of Directors (Board" on proactive and defensive positions in the legislative process; and
- WHEREAS, pursuant to Section 18 of the Bylaws, LOC has created eight policy committees, to wit: Community Development; Energy & Environment; Finance & Taxation; Human Resources; General Government; Telecommunications; Transportation; and Water & Wastewater; and
- WHEREAS, the LOC policy committees help the LOC Board establish legislative priorities and actions items that direct the work of LOC staff during the State's legislative sessions; and
- WHEREAS, while the eight policy committees and the Board's established legislative priorities generally successfully guide LOC positions on House and Senate bills during the State's legislative sessions, at times, LOC staff are faced with taking positions on bills that may create tension among established Board legislative priorities, or are forced to make strategic decisions that could have significant impacts on the Board's established legislative priorities in a way no one reasonably would have predicted could occur; and
- WHEREAS, when LOC staff is faced with House and Senate bills that create tension among established Board legislative priorities or strategically could impact said legislative priorities in an unforeseen manner, LOC staff would benefit from the insight and direction of city officials who have a firm grasp of LOC's legislative priorities and the issues facing Oregon municipalities; and
- WHEREAS, the Board recognizes that while it, or the established policy committees, would most naturally be the entities providing LOC staff with the needed insight and direction when staff is forced to make decisions that could result in tension among Board legislative priorities or result in impacts to the priorities that could not reasonably be foreseen; and
- WHEREAS, the Board recognizes that the State's legislative sessions are fast-moving and decisions on how to address a proposed piece of legislation or an amendment oftentimes must be made in a very short amount of time, sometimes in less than 1-2 business days; and

WHEREAS, as the result of the tight timeframe associated with the State's legislative sessions, the Board recognizes that relying upon it and/or the established policy committees to provide LOC staff with insight and direction when they are faced with taking positions that may result in tension between established Board legislative priorities or could strategically impact legislative priorities in an unforeseen manner is infeasible and not in the best interests of LOC or its member cities; and

WHEREAS, the Board of directors recognizes that the chairs of the policy committees are all persons who have a firm grasp of LOC's legislative priorities and the issues facing Oregon municipalities, making said chairs capable of providing LOC staff with needed insight and direction when staff is forced to make decisions that could result in tension among Board legislative priorities or result in impacts to the priorities that could not reasonably be foreseen; and

WHEREAS, the purpose of this Resolution is to create a LOC Legislative Committee, the purpose of which is to provide LOC's Executive Director and Legislative Director with insight and direction when LOC staff is forced to make decisions that could result in tension among Board legislative priorities, result in impacts to the priorities that could not reasonably be foreseen or were not considered by LOC's policy committees in advance;

NOW, THEREFORE THE BOARD OF DIRECTORS FOR THE LEAGUE OF OREGON CITIES RESOLVES AS FOLLOWS:

#### **SECTION 1. LEGISLATIVE COMMITTEE**

- A. Creation. There is hereby created a Legislative Committee as a standing internal advisory committee to the Executive Director and Legislative Director.
- B. Purpose. The purpose of the Legislative Committee is to provide immediate insight and guidance to the Executive Director and Legislative Director during State legislative sessions when LOC must take a position on a bill or amendment that could result in conflict between established Board policies or could result in an impact that could not have reasonably anticipated or foreseen when the Board was establishing its legislative priorities.
- C. Appointment and Composition.
  - a. There shall be at least eight members of the Committee, all of whom are appointed by the Executive Director in consultation with the Legislative Director. Each Committee member serves a two-year term, with terms beginning on January 1 of every even-numbered year.
  - b. Committee members serve on a volunteer basis without remuneration or reimbursement of expenses.
  - c. The Executive Director, or Legislative Director if so designated by the Executive Director, will designate a Chairperson and Vice-chairperson(s). The role of the Chairperson is to preside over meetings of the Committee. In the absence of the Chairperson, one of the Vice-chairpersons will serve as Chairperson.
- D. Meetings.
  - a. The Committee meets at the call of the Executive Director or the Legislative Director.

- b. Meetings may be held by conference call.
- c. Because the Committee is advisory to the Executive Director and Legislative Director, its meetings are not open to the public under ORS 192.630. *See* 42 Op Atty Gen 187, 189 (1981); 44 Op Atty Gen 69 (1984) (concluding that advisory committees appointed by an individual official and advisory to that official are not governing bodies of a public body subject to Oregon’s public meetings laws).

**SECTION 2. RECOMMENDATIONS OF LEGISLATIVE COMMITTEE**

- A. Recommendations. When the Legislative Committee is convened by the Executive Director or Legislative Director, it shall evaluate their request for assistance and provide guidance and insight into the direction LOC staff should take based on the following:
  - a. The Oregon Municipal Policy;
  - b. The Board established Legislative Priorities; and
  - c. Their grasp of the entirety of issues facing Oregon municipalities.
- B. Committee Actions. The Committee may recommend such actions as it deems advisable.
- C. Final Decision. The Executive Director will make the final determination on the course of action taken by LOC Intergovernmental Relations staff, based on input from the Committee, the League’s Legislative Director and recommendations and input from the Intergovernmental Relations staff.

**SECTION 3. BOARD NOTIFICATION**

Whenever the Legislative Committee has been convened either the Executive Director or Legislative Director shall advise the Board of the meeting during the next regularly scheduled Board meeting. The notification to the Board should include a summary of why the meeting was necessary, who attended the meeting, what decisions (if any) were made at the meeting, the final decision made (if any) by the Executive Director, and how the matter was resolved (either by LOC or the legislature).

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

## Memo

To: LOC Board of Directors  
From: Ruth S. Mattox, Senior HR Consultant/HR Director  
Date: September 16, 2019  
Re: Executive Director Market Compensation & Benefits Data

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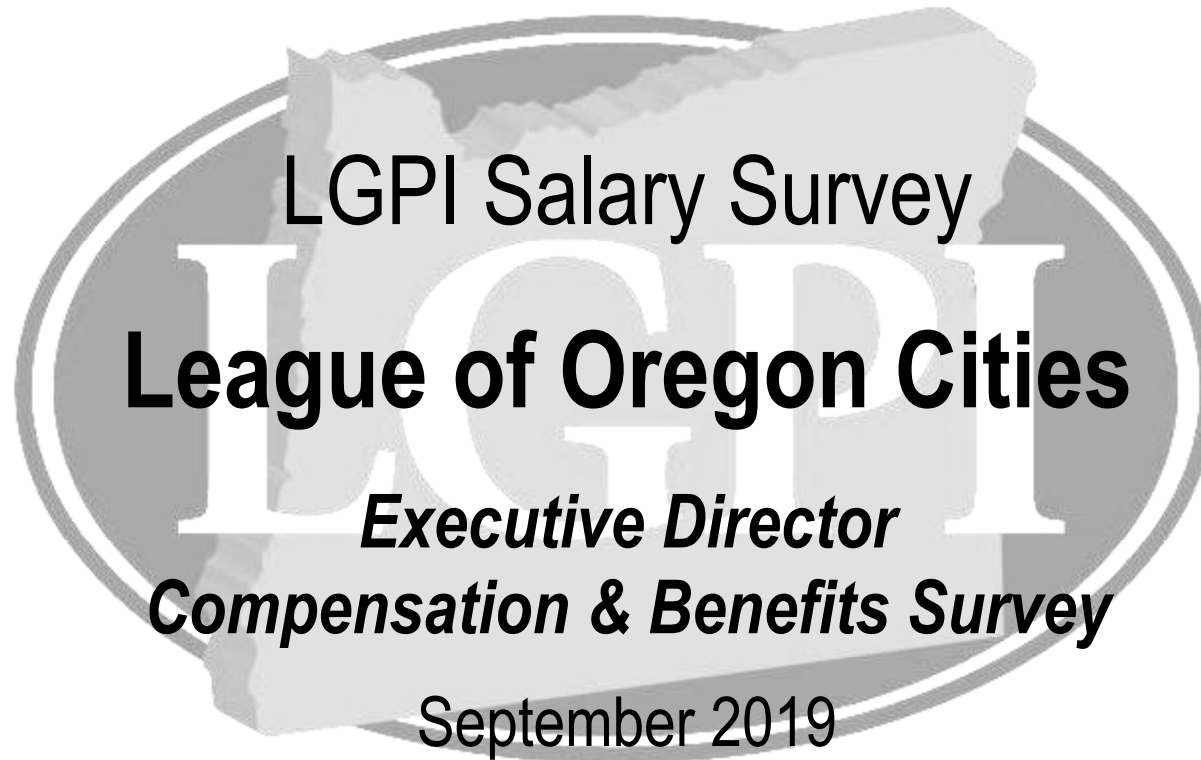
The Board's adopted policy provides the following guiding principles for the Board to consider when setting the Executive Director's Compensation:

- Individual Equity – Performance
- External Equity – Market Competition
- Internal Equity – Organizational Hierarchy
- Fiscal Equity – Ability to Pay

In accordance with the Executive Director Compensation Policy, updated in January 2019, data has been gathered and compiled, and findings are attached to this memo.

### Notes:

1. In December 2018, the Board of Directors deferred any performance and/or market-based salary adjustments to the Executive Director's compensation, pending receipt of a compensation and benefits survey.
2. If the Board of Directors decides to implement a salary adjustment, the Executive Director's employment agreement should be amended accordingly.
3. In accordance with the Executive Director's employment agreement, a 7/1/2019 cost of living adjustment of 3% was made to the Executive Director's salary; the same as applied to the salary schedule for all other positions.



**LGPI Salary Survey**  
**League of Oregon Cities**  
***Executive Director***  
***Compensation & Benefits Survey***  
**September 2019**

*Prepared by*

Ruth S. Mattox, IPMA-SCP, SHRM-SCP, PHR  
Senior Human Resources Consultant

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## 1 SCOPE OF STUDY

At the request of the League of Oregon Cities (LOC), the Local Government Personnel Institute (LGPI) completed a compensation and benefits analysis for the LOC's Executive Director classification.

LGPI collected and compiled salary and benefits data from organizations and sources identified in the LOC's Executive Director Compensation Policy. Below is a summary of the comparators whose data are utilized in this report:

<i>Organizations Identified by Name</i>	<i>Seven Largest Cities in Oregon, excluding Portland</i>
Association of Oregon Counties	City of Beaverton
CityCounty Insurance Services	City of Bend
Eugene Water & Electric Board	City of Eugene
Lane Council of Governments	City of Gresham
Mid-Willamette Valley Council of Governments	City of Hillsboro
Special Districts Association of Oregon	City of Medford
Oregon School Boards Association (Internal Equity)	City of Salem
<i>Leagues with 15 to 30 employees &amp; budgets similar to LOC's (See page 4 for details)</i>	
Colorado	
New Jersey	
Indiana	
New Mexico	
Pennsylvania	

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The purpose of this study was to evaluate salary and benefits data for the LOC's Executive Director position. LGPI collected data and conducted research into compensation and benefits practices of the comparator entities, and prepared data comparison tables.

Where possible, data is presented as a percentage difference from the average and/or median.

This report summarizes the findings of the analysis performed for the LOC by LGPI.

## 2 FINDINGS & COMPARISON TABLES

### 2.1 INDIVIDUAL EQUITY - PERFORMANCE

In December 2018, the LOC Board of Directors deferred a decision about performance-based pay for the Executive Director, until receipt and consideration of this survey report.

### 2.2 EXTERNAL EQUITY – MARKET COMPETITION

Market comparison data is provided in the table below:

<i>Executive Director</i>					
Organization	Title	MONTHLY SALARY (PER 1.0 FTE)			Comments
		MIN	MD	MAX	
Association of Oregon Counties	Interim Executive Director	11,367.18	11,367.18	11,367.18	
CityCounty Insurance Services	Executive Director	14,905.42	18,766.62	22,627.82	
Eugene Water & Electric Board	General Manager	24,162.79	24,162.79	24,162.79	
Lane Council of Governments	Executive Director	10,973.93	10,973.93	10,973.93	
Oregon School Boards Association	Executive Director	15,321.25	15,321.25	15,321.25	
Special Districts Association of Oregon	Executive Director	15,500.00	15,500.00	15,500.00	
City of Beaverton	<i>NCC</i>				
City of Bend	City Manager	15,145.99	15,145.99	15,145.99	
City of Eugene	City Manager	20,096.27	20,096.27	20,096.27	
City of Gresham	City Manager	16,109.00	16,109.00	16,109.00	
City of Hillsboro	Interim City Manager	15,425.99	15,425.99	15,425.99	
City of Medford	City Manager	7,228.95	10,697.81	14,166.67	
City of Salem	City Manager	18,375.00	18,375.00	18,375.00	
Average Director Salary, Leagues w/ 15-30 Ees & similar budget*	Executive Director	17,218.75	17,218.75	17,218.75	*Colorado, New Jersey, Indiana, New Mexico, and Pennsylvania (see table below)
	<i>Average</i>	15,525.42	16,089.27	16,653.13	
	<i>Median</i>	15,425.99	15,500.00	15,500.00	
<b>League of Oregon Cities</b>	Executive Director	<b>15,158.02</b>	<b>15,158.02</b>	<b>15,158.02</b>	
	<i>% difference from average</i>	-2.42%	-6.14%	-9.86%	<i>NCC: No Comparable Class</i>
	<i>% difference from median</i>	-1.77%	-2.26%	-2.26%	<i>NR: No Response Received</i>

**Average Director Salary of Leagues with 15 to 30 employees and budgets similar to that of the LOC.**

In accordance with the LOC's policy, LGPI identified Leagues with 15 to 30 employees and having a budget similar to that of the LOC, as reported in the National League of Cities salary survey (2019). The below table summarizes the data:

<i>State League</i>	<i>Staff Size</i>	<i>Annual Budget</i>	<i>Annual Salary</i>
<b>New York</b>	12	\$2,503,000	\$230,000
<b>Kansas</b>	13	\$1,935,200	\$150,380
<b>Arizona</b>	14	\$2,800,000	\$207,518
<b>Maryland</b>	14	\$2,600,000	\$244,000
<b>Oklahoma</b>	14	\$2,300,000	\$149,000
<b>South Dakota</b>	14	\$732,528	\$130,000
<b>Colorado</b>	15	\$2,955,984	\$165,000
<b>New Jersey</b>	18	\$3,990,000	\$182,645
<b>Indiana</b>	21	\$3,700,000	\$242,000
<b>*Louisiana</b>	24	\$1,466,426	\$154,500
<b>New Mexico</b>	25	\$2,744,979	\$250,700
<b>Pennsylvania</b>	26	\$3,100,000	\$192,779
<b>Iowa</b>	31	\$4,100,000	\$165,122
<b>Texas</b>	35	\$6,835,000	\$310,114
<b>**Average</b>			\$206,625 (\$17,218.75/mo)
<b>Oregon</b>	20	\$3,400,000	\$176,598

\*Due to budget size, Louisiana was excluded from the calculation of average.

\*\*Average includes: Colorado, New Jersey, Indiana, New Mexico, and Pennsylvania.

## 2.3 INTERNAL EQUITY – ORGANIZATIONAL HIERARCHY

In accordance with the Board’s policy, there are three parts included in the evaluation of internal equity:

1. Evaluation of factors for work of comparable character in compliance with applicable laws and in the same manner as for all other LOC positions.
2. Review and consideration of the top step and grade of the exempt salary schedule, and all other benefits provided to LOC’s exempt employees.
3. The percentage difference in compensation provided to the chief executive and the next highest compensated employees of the following organizations: Association of Oregon Counties, Oregon School Boards Association, and Special Districts Association of Oregon.

The below data tables are intended to present data related to these parts of internal equity.

**Part 1:** Evaluation of factors for work of comparable character in compliance with applicable laws and in the same manner as for all other LOC positions.

The following eleven factors were evaluated in the same manner for all positions at the LOC, including the executive director position, using a point-factor methodology:

- Knowledge
- Complexity of Duties
- Effect of Probable Errors
- Confidential Data
- Character of Supervision Exercised
- Scope of Supervision Exercised
- Experience
- Supervision Received
- Contacts with Others
- Manual Dexterity Requirements (includes Physical Demands)
- Working Conditions (includes Hazards and Travel)

The below table shows internal equity evaluation results for the executive director position and the next highest compensated position(s) at the LOC.

<i>Position Title</i>	<i>Internal Equity Grade</i>
Executive Director	Q
General Counsel	M
Legislative Director	M

**Part 2:** Review and consideration of the top step and grade of the exempt salary schedule, and all other benefits provided to LOC's exempt employees.

The top step of the top grade of the exempt salary schedule is \$14,070/month (or \$168,840 annually), as shown below.

<i>Grade</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>	<i>Step 7</i>	<i>Step 8</i>
22	\$ 11,369	\$ 11,688	\$ 12,456	\$ 12,842	\$ 13,238	\$ 13,648	\$ 14,070

The Executive Director's employment agreement indicates that the Executive Director is provided the same opportunity to participate in the LOC's benefit programs at the same rates and under the same conditions as all other employees of the LOC.

Notwithstanding, the Executive Director is provided with 80 hours of Executive Leave each fiscal year.

**Part 3:** The percentage difference in compensation provided to the chief executive and the next highest compensated employees of the following organizations: Association of Oregon Counties, Special Districts Association of Oregon, and Oregon School Boards Association. As shown in the table below:

<i>Entities</i>	<i>Position Title</i>	<i>Percent Difference</i>
<b>Association of Oregon Counties</b>	COO	3%
<b>Special Districts Association of Oregon</b>	General Counsel	18%
<b>Oregon School Boards Association</b>	Deputy ED	34%
<b>League of Oregon Cities</b>	General Counsel	15%

## 2.4 FISCAL EQUITY – ABILITY TO PAY

Information or analysis related to the LOC's ability to pay is outside the scope of this review.

## 2.5 SUPPLEMENTAL DATA TABLES

In this section of the report, supplemental data tables are provided for information related to benefits offered by the LOC and comparator entities.

### Phone and Auto Allowances

Stated in monthly dollar values.

<i>Entities</i>	<i>Cell Phone Allowance</i>	<i>Car Allowance</i>
<b>Association of Oregon Counties</b>	\$75.00	Mileage/ AOC Vehicle
<b>CityCounty Insurance Services</b>	\$50.00	Mileage/ Rental Car
<b>Eugene Water &amp; Electric Board</b>	\$77.00	Mileage
<b>Lane Council of Governments</b>	\$200.00	\$500.00
<b>Special Districts Assoc of Oregon</b>	80% of Bill	\$425.00
<b>Oregon School Boards Assoc</b>	\$45.00 (reimbursed at actual cost up to \$45)	\$750.00
<b>City of Beaverton</b>	<i>No Comparable Classification</i>	
<b>City of Bend</b>	<i>No Response Received</i>	
<b>City of Eugene</b>	<i>No Response Received</i>	
<b>City of Gresham</b>	N/A	\$500 + 1% of base
<b>City of Hillsboro</b>	\$75.00	\$375.00
<b>City of Medford</b>	\$65.00	\$500.00
<b>City of Salem</b>	<i>No Response Received</i>	
<b>League of Oregon Cities</b>	100.00	Mileage/ LOC Vehicle/ Rental Car

## Paid Leave Comparison

Entities	Days Per Year			Vacation Time - Days/Year						Total 10-Year Mark	Sick Leave Cap	Vacation Leave Cap
	Sick	Holiday	Personal / Other	Start	5 Years	10 Years	15 Years	20 Years	25 Years			
<b>Association of Oregon Counties</b>	12	10	0	12	15	18	21	24	27	40.0	720.0	2 years earned vacation time
<b>CityCounty Insurance Services</b>	12	11	0	10	15	20	20	20	20	43.0	600.0	300.0
<b>Eugene Water &amp; Electric Board</b>	12	11.5	0	13	15.5	18	20.5	23	25	41.5	N/A	240 at year end
<b>Lane Council of Governments</b>	12	11	0	15.39	20.91	25.66	27.46	28.59	28.59	48.7	N/A	320.0
<b>Special Districts Association of Oregon</b>	12	11	0	12	18	20	24	24	24	43.0	N/A	2x annual accrual
<b>City of Beaverton</b>	<i>No Comparable Classification</i>						<i>NCC</i>					
<b>City of Bend</b>	12	11.5	10	12	15	20	25	25	25	53.5	2000.0	400.0
<b>City of Eugene</b>	12	10	7	12	17	20	22	24	27	49.0	960.0	432.0
<b>City of Gresham</b>	6	0	0	22	27	33	35	37	37	39.0	Extended Illness	2x annual accrual
<b>City of Hillsboro</b>	12	9	16	12	15	18	21	21	21	55.0	N/A	2x annual accrual
<b>City of Medford</b>	12	9	0	18	23	28	31	33	33	49.0	N/A	2x annual accrual
<b>City of Salem</b>	12	12	0	12	16.87	19.38	20.25	22.5	22.5	43.4	N/A	N/A
<i>Average</i>	11	10	3	14	18	22	24	26	26	45.9	1070.0	363.0
<b>League of Oregon Cities</b>	12	11	10	12	15	18	21	21	21	51.0	640.0	200.0
<i>Difference</i>	4.5%	12.4%	70.0%	-13.9%	-20.2%	-21.2%	-15.5%	-22.1%	-25.6%	10.0%	-67.2%	-81.5%



## Health Insurance Comparison

Entities	Premium Cost Share	Medical Plan	General Coverage Level	Deductible	Generic Rx	Brand Rx	Out-of-Pocket Max \$/Per	Out-of-Pocket Max \$/Fam	Employer Paid HRA/VEBA per Year - Single	Employer Paid HRA/VEBA per Year - Family	Premium	Employer Paid	Employee Paid
Association of Oregon Counties	100% ER Paid	CIS HDHP-1/VSP-1 Dental III	80/20	1500/3000	20%	20%	2,300.00	5,050.00	1,500.00	3,000.00	2,041.13	2,041.13	0.00
CityCounty Insurance Services	90/10	CIS Copay B/VSP-1 Dental III	80/20	500/1500	5.00	25.00	2,500.00	5,500.00	500.00	1,500.00	2,117.38	1,905.64	-211.74
Eugene Water & Electric Board	75/25	Pacific Source VSP Choice Delta Dental Premier	80/20	150/300	10.00	30.00	2,000.00	4,000.00	Formula	Formula	1,995.79	1,667.00	-328.79
Lane Council of Governments	95/5 Dental 100% ER Pd	CIS HDHP-2/VSP-1 MetLife Preferred	80/20	2500/4000	20%	20%	3,300.00	6,050.00	1,800.00	2,400.00	2,269.73	2,166.28	-103.45
Special Districts Assoc of Oregon	100% ER Paid	BCBS Red PPO Delta Dental II	70/30	2000/4000	10.00	30.00	5,500.00	14,700.00	3,500.00	8,350.00	1,794.84	1,794.84	0.00
Oregon School Boards Assoc	EE Cap	Regence Silver HSA	80/20	3500/7000	20%	20%	6,000.00	12,000.00	6,900.00	6,900.00	1,658.55	1,583.55	-75.00
City of Beaverton	No Comparable Classification												
City of Bend	90/10	PacificSource HDHP MODA Dental	75/25	2000/4000	25%	25%	4,000.00	6,850.00	3,250.00	5,781.00	1,381.46	1,243.32	-138.14
City of Eugene	92/8	City Health Plan PPO	80/20	150/450	Greater of 10% or \$10	Greater of 20% or \$20	1,000.00	1,000.00	0.00	0.00	2,335.96	2,149.08	-186.88
City of Gresham	100% ER Paid	City Core Plan MODA Dental	80/20	250/750	5.00	25.00	2,250.00	4,750.00	0.00	0.00	2,132.87	2,132.87	0.00
City of Hillsboro	EE Cap	CIS Copay A/VSP-3 Dental II	80/20	250/750	5.00	25.00	2,250.00	4,750.00	2% of Base Salary	2% of Base Salary	2,074.81	1,949.81	-125.00
City of Medford	ER Cap	PacificSource SmartChoice PacificSource Dental	80/20	1500/3000	15.00	30.00	3,500.00	7,000.00	4,200.00	4,200.00	1,944.52	1,625.00	-319.52
City of Salem	95/5	EBMS PPO/EBMS Vision MODA Trad Dental	80/20	250/750	10.00	30% \$25 min/\$55 max	1,250.00	3,750.00	0.00	0.00	2,268.09	2,154.66	-113.43
Average					5.53	16.59	2,987.50	6,283.33	2,165.00	3,213.10	2,001.26	1,867.77	-133.50
League of Oregon Cities	80/20	CIS Copay A/VSP-3 Dental III	80/20	250/750	5.00	25.00	2,250.00	4,750.00	750.00	750.00	2,173.07	1,738.46	-434.61
Difference					-10.64%	33.66%	-32.78%	-32.28%	-188.67%	-328.41%	7.91%	-7.44%	69.28%

EWEB HRA/VBA Formula = Employee contributes 1% of base pay earnings and EWEB 100% of employment tax savings.

## Retirement Programs

<i>Entities</i>	<i>PERS</i>	<i>Other Retirement</i>
<b>Association of Oregon Counties</b>	No	AOC Pension Plan: EE Contributes 6% ER Contributes 9%  Voluntary Deferred Comp Program
<b>CityCounty Insurance Services</b>	ER pays EE's 6%	Voluntary Deferred Comp Program
<b>Eugene Water &amp; Electric Board</b>	ER pays EE's 6%	401(a) Plan: ER Contributes \$10,000/yr
<b>Lane Council of Governments</b>	ER pays EE's 6%	Deferred Comp Benefit: ER Contributes \$1,500/yr
<b>Special Districts Association of Oregon</b>	No	401(k) Plan: ER Contributes 12% 457 Plan: ER Contributes 6%
<b>Oregon School Boards Association</b>	ER pays EE's 6%	Tax-Sheltered Annuity: ER Contributes \$17,500/yr
<b>City of Beaverton</b>	<i>No Comparable Classification</i>	
<b>City of Bend</b>	ER pays EE's 6%	<i>No Response</i>
<b>City of Eugene</b>	ER pays EE's 6%	<i>No Response</i>
<b>City of Gresham</b>	ER pays EE's 6%	Voluntary Deferred Comp Program
<b>City of Hillsboro</b>	EE pays 6%	Deferred Comp: ER Contributes 5.5%
<b>City of Medford</b>	ER pays EE's 6%	457 Plan: ER match of 1%, when EE contributes at least 1%
<b>City of Salem</b>	ER pays EE's 6%	Deferred Comp: ER contributes 6%
<b>League of Oregon Cities</b>	ER pays EE's 6%	Voluntary EE Contribution

## MEMORANDUM

**To: LOC Board of Directors**  
**From: Patty Mulvihill, General Counsel**  
**Date: September 19, 2019**  
**Re: Bylaws Committee Update**

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The Bylaws Committee has convened several meetings, thoroughly reviewed the existing Bylaws, and has approved a series of proposed revisions. Some of the proposed revisions, if accepted by the full Board of Directors, may require amendments to the Constitution. Amending the Constitution requires a vote of the membership.

With the exception of one issue, the Committee has reached consensus on every point that has been discussed. Several members of the Committee have expressed concerns about the existing automatic ascension process to become President – this concern is not universally shared by all Committee members. Those members with concerns have noted that a four-year commitment to be President may unnecessarily limit otherwise worthy candidates from seeking a leadership role in the organization. In discussing this concern, some Committee members also noted that there could be individuals interested in finance and budgeting, making them a logical choice for Treasurer, but who have no interest in being the Vice-President or President, thereby precluding the Treasurer position from turning into one that plays a more active role in LOC finances.

When the issue was last discussed, the Committee considered several different permutations of how the overall leadership positions of the Board could be crafted. These permutations were developed by LOC staff after reviewing the processes utilized by other western municipal leagues. After discussing the matter for a considerable length of the time, the Committee was unable to reach a consensus, with three options appealing to different members. There was no majority consensus on which option was preferred.

1. Option 1. Maintain the status quo. The position of President is obtained through an automatic ascension process by way of the Treasurer and Vice-President positions. Once a President has finished their term, they are then automatically appointed to the voting position of Immediate Past-President.
2. Option 2. Remove the Treasurer position from the automatic ascension chain to become President. Instead, the Treasurer would be a stand-alone two-year position to allow for the position be more fully developed as one that plays a heavy role in LOC finances. The Vice-President would still automatically ascend to President and the President would still automatically become the Immediate Past President.
3. Option 3. The Board of Directors would appoint the President, Vice-President and Treasurer from its membership. Instead of the entire membership electing the LOC leadership, the Board itself would identify who would lead the organization.

With the exception of Option 1, wherein the status quo is maintained, the Committee acknowledged that any change to LOC leadership could be radical. The Committee universally agreed that any such radical change should not be suggested, much less made, without getting the thoughts and opinions of the membership as a whole. To that end, the Committee has directed LOC staff to prepare a survey/questionnaire about this very issue and distribute it to all LOC members during the month of October. Staff will collate the responses from the survey and share the data, initially, with the Bylaws Committee at a November meeting.

The Committee ultimately feels as though it has completed at least 90-95% of its work. Going forward, the Committee plans to hold a meeting in October and November, review the member survey published by LOC staff, and prepare a final proposal to the Board of Directors at their December Board meeting. It is assumed that the full Board will want to review any proposed revisions to the Bylaws at two separate meetings.

For those interested in seeing the Committee's progress and work to-date, below is a brief summary of the changes being proposed by the Committee and attached to this Memorandum is a working draft of an updated Bylaws. While a side-by-side comparison or a track-changes version of the Bylaws would be ideal, given that the overall formatting of the document has been modified, a side-by-side comparison or track-changes version is not realistically possible. For the summary below, please note that generally normal font is used to describe the change (or lack of change) proposed and *italic font* is used to provide a brief summary of the reason behind the change.

1. Formatting. The overall formatting of the Bylaws has been significantly modified. Specifically, instead of large paragraphs with multiple components, the Bylaws have been rewritten to have more comprehensive and detailed chapters, sections and subsections. *Ideally, the new format shall allow for the Bylaws to be better digested and understood by readers.*
2. Wordsmithing. Several modifications staff would describe as wordsmithing have been made. Examples include referring to the LOC Board of Directors as the Board instead of the Board of Directors; changing gender specific pronouns to gender neutral pronouns; ensuring that references to numbers follow AP style guidelines; and repositioning language in one section to another section when it made more sense in a different section (for example, moving any reference to how a Board position becomes vacant to the section specifically outlining vacancies – currently some vacancy descriptions are found in the section related to nomination procedures).
3. Section 1 – Purpose. No changes are being proposed.
4. Section 2 – Authority to Adopt Bylaws. No changes are being proposed.
5. Section 3 – Fiscal Year. No changes are being proposed.
6. Section 4 – Board of Directors. Several substantive changes have been proposed to this Section of the Bylaws. The changes are described below in more detail.
  - The Committee proposes changing any reference to “city officials” to “city officials from member cities.” *This proposal is at the request of staff as a way to ensure that*

*in the event there is ever an Oregon city who is not a member of the LOC, that city's officials are prohibited from serving on the LOC Board of Directors.*

- The Committee proposes changing the 48-hour notice requirement for an emergency or special meeting to simply stating that State law be followed in these instances (typically 24-hour notice, but in the case of a true emergency, less than 24-hour notice may be provided). *This proposal is at the request of staff and was made as a way to provide the Board with the most leeway possible in scheduling a meeting in case an emergency or particular need arises.*
- The Committee proposes adding language that makes it clear that Board members can participate in a Board meeting by any electronic means that allow the member and Board to communicate with one another simultaneously. *This proposal is a way to recognize that technology may allow for the Board to be more inclusive of those persons who cannot always travel to the Board's meeting locations.*
- The Committee proposes modifying the language related to quorum and voting procedures to clarify that only voting members of the Board are counted towards a quorum. *This proposal is at the request of staff who has identified this issue as one that could result in conflicting interpretations about the number needed to obtain a quorum.*
- The Committee proposes expanding upon who chairs a meeting in the President's absence. The default will be to the Vice-President and then the Treasurer in the Vice-President's absence. If the President, Vice-President and Treasurer are all absent, the members present shall accept nominations for a temporary chairperson and conduct a vote. *This proposal is at the request of staff as a way to head off a potential issue in the unlikely event all three Officers are absent from a meeting.*
- The Committee proposes language that makes it clear that the Executive Director is a non-voting member of the Executive Committee and Budget Committee – further making it clear that the Executive Director position does not count towards a quorum for either Committee. *This proposal is at the request of staff who has identified this issue as one that could result in conflicting interpretations about the number needed to obtain a quorum.*

7. Section 5 – League Officers, Directors and Non-Voting Board Positions. Several substantive changes have been proposed to this Section of the Bylaws. The changes are described below in more detail.

- The Committee proposes removing any reference to the expenses associated with Past-Presidents from this Section and moving the references to Section 7 which deals entirely with Board expenses. *This proposal is at staff's request and is being done for document consistency.*
- The Committee proposes adding a reference to the Executive Director as an additional Non-Voting member of Board. *This proposal is at staff's request and is being done for document consistency.*

8. Section 6 – Executive Director. The Committee proposes one minor change to this section. Instead of the Bylaws requiring the Executive Director to prepare the Board’s meeting minutes, the proposal requires the Executive Director to simply be responsible for their preparation – allowing for the Executive Director to delegate this responsibility to another LOC staff member. *This proposal is at staff’s request so that the Bylaws mirror practice – the Executive Director, to staff’s knowledge, has not prepared the minutes in the last several years, instead the responsibility has been delegated to a staff person.*
9. Section 7 – Board Expenses. Several substantive changes have been proposed to this Section of the Bylaws. The changes are described below in more detail.
- The Committee proposes that LOC cover expenses incurred by Board members for their attendance at any LOC Board meeting, and not just the five that are regularly scheduled. *This proposal was suggested to ensure that if Board members need to attend a special meeting the expenses they incur are covered by the LOC.*
  - The Committee proposes that the LOC Board be given the authority to provide those Board members in need with financial assistance to cover any expenses associated with their attendance at a LOC conference if paying for the expenses themselves would be a “financial hardship.” *This proposal recognizes that not all Board members or cities have the financial resources to pay for attendance at the Annual Conference. If the expectation is that Board members participate fully in major LOC events, allowing the Board to cover the conference expenses of those Board members with less financial resources, may allow for more diverse membership on the Board (smaller cities may be more apt to participate).*
  - The Committee proposes that the Executive Director be given the discretion to reimburse a Board member’s expenses for travel to Salem if the member was asked by LOC staff to attend a meeting or give testimony in Salem. *This proposal was at the request of staff. The current Bylaws do not specify who has the discretion to approve reimbursement for such expenses. The Committee felt the Executive Director was the appropriate person to make such a determination.*
10. Section 8 – Nominating Committee. Several substantive changes have been proposed to this Section of the Bylaws. The changes are described below in more detail.
- The Committee proposes increasing the membership of the Nominating Committee by two – adding the Vice-President and one additional Board representative. *The proposal was done to ensure that the incoming President (current Vice-President) plays a role in what the Board makeup will look like during their tenure and to allow for even greater representation on the Nominating Committee as a whole.*
  - The Committee proposes allowing the President to appoint a new Chair of the Nominating Committee in the event the Immediate Past-President cannot attend the Nominating Committee. *This proposal was done at staff’s request to ensure that in the event the Immediate Past-President is unavailable, there are instructions on who can chair the meeting.*
  - The Committee proposes two modifications to the items the Nominating Committee is required to consider when building its slate of candidates. First, instead of some

criteria being criteria that “shall” be considered and other criteria being ones that “should” be considered, the Committee recommends that all criteria be ones that “must be considered” by the Nominating Committee. Additionally, a new criteria was added that would require the Nominating Committee to consider representation from underserved and underrepresented communities. *This proposal was done to ensure that all factors were weighted equally and that the Nominating Committee was working to ensure all communities were properly considered for placement on the Board of Directors.*

11. Section 9 – Nomination Procedures. Several substantive changes have been proposed to this Section of the Bylaws. The changes are described below in more detail.

- The Committee proposes allowing persons interested in being considered for an open Board position to submit their Statement of Interest to either the Executive Director or the Executive Director’s designee. *This proposal was done to mirror current practice wherein interested persons can submit their Statement of Interest directly to the Executive Director or through other LOC staff persons.*
- The Committee proposes modifying the due date of the Statement of Interest. Instead of requiring the Statement be submitted at least 30 days in advance, the Committee proposes the Statement be submitted at least 15 days in advance. *This proposal was done to allow for the greatest opportunity for people to participate in the process and be considered for appointment to the Board.*
- The Committee proposes modifying how nominations from the floor of the Nominating Committee can occur. The new process requires anyone who has not already submitted an application to do so immediately prior to the Chair calling the Nominating Committee to order and to fill out the same paperwork and give the same presentation as candidates already under consideration. *This proposal was done to ensure that a more organized process for nominations from the floor could occur and to ensure all candidates were placed on an equal footing in terms of requirements for consideration.*
- The Committee proposes limiting the Nominating Committee to submitting only one candidate for each open position, whereas the current Bylaws allow the Committee to submit up to two nominees for an open position. *This proposal was done to ensure a more streamlined and less complicated slate was provided to the membership, and the Committee specifically noted that since nominations from the floor of the annual membership meeting are permitted, those who disagree with the Nominating Committee’s work, can adequately raise a challenge.*

12. Section 10 – Annual Business Meeting, Election of Officers and Directors. Several substantive changes have been proposed to this Section of the Bylaws. The changes are described below in more detail.

- The Committee proposes adding language which prohibits double candidacy when floor nominations are allowed. *This is currently a prohibition that is found for applicants before the Nominating Committee so carrying it forward to the Annual Business meeting makes sense from a consistency standpoint.*

- The Committee proposes to continue allow comments from the floor regarding candidates, but to rephrase the allowance from its current wording of “supporting statements” to “comments from the floor.” *This proposal was made to ensure that those wishing to speak during a contested election, could voice their concerns both for a candidate and against a candidate.*
- The Committee proposes changing the voting requirements for candidacy to a plurality vote. Currently the language suggests that the person who “receives the largest number of votes” wins, but the language, particularly given the overall default to *Roberts Rules of Orders*, has been interpreted to require the person who wins to not just have a majority of the votes cast, but have at least 50% of the votes cast and the majority of the votes cast (this comes into play if more than two candidates are up for one position – which is possible when nominations from the floor are permitted). *This proposal was done at the request of staff to allow for a more easily understood and manageable voting process in the event more than two candidates are nominated for one open position. In plurality voting situations, the winning candidate need not get a majority of the vote to win, so long as the candidate has a larger number of votes than all other candidates, that candidate is declared the winner.*

13. Section 11 – Notice of Meetings. No changes are being proposed.

14. Section 12 – Annual Meeting. No changes are being proposed.

15. Section 13 – Special Meetings. No changes are being proposed.

16. Section 14 – Regional Meetings. No changes are being proposed.

17. Section 15 – Procedural Rules. A minor change is proposed that clarifies *Roberts Rules of Order* only applies if these Bylaws do not have a rule or procedure otherwise in place. *This proposal was a staff’s request to clarify when Roberts should be used and when it should not.*

18. Section 16 – Voting. Two changes have been proposed.

- A minor change is proposed that clarifies that with the exception of the plurality vote at the Annual Business Meeting for Director positions, the majority vote of the members present is required for action during a Business Meeting. *This proposal is at staff’s request and is to ensure clarity throughout the document and in process.*
- The Committee proposes allowing cities who cannot attend the Business Meeting to participate telephonically. If those cities wish to participate in voting, the proposal requires the city to adopt a Resolution designating their delegate and further requires the delegate to be in contact with LOC staff to ensure telephonic participation goes smoothly.

19. Section 17 – Oregon Municipal Policy; Amendments. No changes are being proposed.



20. Section 18 – Policy Committees. Two minor changes have been proposed.

- The Committee proposes allowing for Committee meetings to happen via any electronic or technological manner that allows for simultaneous communication amongst members. *This proposal is a way to recognize that technology may allow for the Committee to be more inclusive of those persons who cannot always travel to the Committee's meeting locations.*
- The Committee proposes eliminating the requirement that a Committee meet three to four times between January and June of even-numbered years – replacing it instead with a requirement that a Committee will meet as often as needed as determined by the Legislative Director. *This proposal was suggested by staff in recognition that oftentimes Committees can successfully conclude their business after one or two meetings, requiring them to hold more meetings seems unnecessary.*

21. Section 19 – Resolutions. No changes are being proposed.

22. Section 20 – Other Committees. No changes are being proposed.

23. Section 21 – Full Membership. No changes are being proposed.

24. Section 22 – Sponsorships. No changes are being proposed.

25. Section 23 – Associate Memberships. No changes are being proposed.

26. Section 24 – Affiliates. No changes are being proposed.

27. Section 25 – Amendments. No changes are being proposed.

# League of Oregon Cities

## BYLAWS

**Section 1. Purpose.** The purpose of these Bylaws is to provide procedures for the conduct of the affairs of the League of Oregon Cities (LOC) and its Board of Directors (Board).

**Section 2. Authority to Adopt Bylaws.** These Bylaws are adopted pursuant to the authority granted to the Board by the Constitution of the LOC and the Intergovernmental Agreement of the LOC.

**Section 3. Fiscal Year.** The fiscal year of the LOC is July 1 to June 30.

### **BOARD OF DIRECTORS AND BOARD MEETINGS**

#### **Section 4. Board of Directors.**

A. Authority and Power. The Board shall exercise general supervision over all the affairs of the LOC.

1. *Powers.* The powers of the Board include, but are not limited to:

- a. Renting, leasing, purchasing, receiving or holding property, both real and personal, and renting, leasing, mortgaging, selling or otherwise disposing such property;
- b. Establishing of annual membership dues;
- c. Determination and implementation of LOC goals;
- d. Approving an annual budget and planning expenditures;
- e. Determining necessary standing or special committees and appointing or approving the method of appointment of membership; and
- f. Entering into any kind of activity and performing contracts of any kind that may be necessary or desirable to the accomplishment of one or more purposes of the LOC.

2. *Leadership.* Persons serving on the Board shall provide leadership in areas pertaining to statewide legislative policy and other LOC activities, and strive to keep communities within their geographic regions informed of pertinent policies and opportunities.

B. Membership. Membership on the Board shall include both voting and non-voting members.

1. *Voting Members*. Voting members of the Board shall include:

a. Four Officers:

- i. President;
- ii. Vice-President;
- iii. Treasurer; and
- iv. Immediate Past President.

b. Eleven Directors:

- i. Two hold an appointed position with a member city; and
- ii. Nine are elected city officials from member cities.

2. *Non-Voting Members*. Non-voting members of the Board shall include:

- a. One individual who holds an appointed position with a member city;
- b. Past Presidents who hold a city elected office from a member city; and
- c. The Executive Director.

C. Vacancies.

1. *Occurrence*. The office of a member of the Board becomes vacant upon the incumbent's:

- a. Death;
- b. Resignation from the Board;
- c. Ceasing to hold an elective or appointed position in a member city; or
- d. Upon declaration by the Board if the incumbent is absent from two Board meetings during the term of office without being excused by the President.

2. *Filling Non-Officer Vacancies*. Subject to the below provisions, a vacancy in the office of a member of the Board, other than an Officer, may be filled for the

- unexpired portion of the vacant term by appointment of the President, subject to approval of the Board.
- a. A vacancy created by a Board member's selection to the position of Treasurer prior to the expiration of their term shall be filled through the Nominating Committee process and a vote of the membership at the Annual Business Meeting.
  - b. A vacancy which is known prior to the Annual Business Meeting but will not occur until after the Annual Business Meeting, shall be filled through the Nominating Committee process and a vote of the membership at the Annual Business Meeting. A position is known to be vacant when a member of the Board notifies the Executive Director that they will no longer be eligible to hold office as of January 1 of the following year.
3. *Filling Officer Vacancies.* Vacancies in officer positions shall be filled in accordance with the below provisions:
- a. A vacancy in the office of President shall be filled by the Vice-President. If there are fewer than six months remaining in the term of office, the President may at the conclusion of their partial term as President serve a full term in office.
  - b. A vacancy in the office of Vice-President shall be filled by the Treasurer. If there are fewer than six months remaining in the term of office, the Vice-President may at the conclusion of their partial term as President serve a full term in the office.
  - c. A vacancy in the office of Treasurer shall be filled by a vote of the Board from a slate of not more than two candidates forwarded by the Executive Director. If there are fewer than six months remaining in the term of office that the Treasurer is elected to fill, the Treasurer may at the conclusion of their partial term as Treasurer serve a full term in the office.
  - d. A vacancy in the office of Immediate Past-President shall be filled by appointment made by the President subject to approval of the Board, provided the appointee shall be an individual who has previously served as President of the LOC and holds and elected position with a member city.

D. Meetings and Quorum.

1. *Meetings.* Meeting shall comply with the State's Public Meetings Law.
  - a. Meetings of the Board may be held at any time upon five days' notice by call of the President or any three members.
  - b. Emergency and special meetings may be called by the President in accordance with Oregon's Public Meetings Law.

- c. The Board may hold any meeting by, or through the use of, any means of communication allowing all participants to simultaneously hear each other, such as teleconference or videoconference.
  2. *Notice.* Notice of Board meetings shall comply with the State’s Public Meetings Law.
  3. *Quorum.* A majority of the voting members of the Board then in office constitutes a quorum.
  4. *Voting.* The affirmative vote of the majority of voting members present is required for Board action.
  5. *Chairperson, Vice-Chairperson.* The President of the LOC is the chairperson of the Board and the Vice-President serves as chairperson in the President’s absence. If both the President and Vice-President are absent from a meeting, the Treasurer shall serve as the chairperson in their absence. Should the President, Vice-President and Treasurer all be absent, the members present shall accept nominations for a temporary chairperson and conduct a vote.
  6. *Parliamentary Rules.* Parliamentary questions may be decided by Roberts Rules of Order, Newly Revised.<sup>1</sup> The President may, with the consent of the board, choose to establish their own working parliamentary rules. The President may appoint a person to serve as parliamentarian.
- E. Executive Committee. The Executive Committee of the Board is the President, Vice-President, Treasurer, Immediate Past-President, and the most senior voting Director serving in a position reserved for an individual holding an appointed position with a member city.
1. *Appointed Director Position.* For the purposes of this section, the most senior voting Director serving in a position reserved for an individual holding an appointed position with a member city is the individual who holds an appointed position on the Board whose term is set to expire next.
  2. *Executive Director.* The Executive Director is a non-voting member of the Executive Committee. The Executive Director position on the Executive Committee does not count as a position to consider in determining the presence of a quorum.
  3. *Functions.* The functions of the Executive Committee include providing direction to the staff between Board meetings, and such other functions on behalf of the Board as the Board authorizes.

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<sup>1</sup> Roberts Rules of Order, the most recent edition, may be consulted for the resolution of parliamentary questions. This can allow the chair, with the parliamentarian’s assistance, and consent of the body, to rule in the most expedient way, without be called to adhere closely to Roberts Rules.

- F. Budget Committee. The Budget Committee is composed of the Executive Committee and a city finance director who is appointed by the President. The functions of the Budget Committee include assisting the Executive Director to prepare the annual budget and assisting in other financial matters as directed by the Board. The Executive Director, while a member of the Budget Committee, is not a voting member of the Budget Committee and the position does not count as a position to consider in determining the presence of a quorum.

## **Section 5. LOC Officers, Directors and Non-Voting Board Positions.**

### **A. Voting Members – Officers.**

1. *Term of Office*. The term of office for each Officer, except the Executive Director, shall be for one year and shall commence at the first Board meeting of the calendar year following the Annual Business Meeting at which they were elected. The term shall generally expire immediately before the first Board meeting of the following calendar year; however, all Officers shall hold office until their successors are elected and qualified or appointed.
2. *Qualifications*. The office of the President, Vice-President, Treasurer and Immediate Past-President shall be held by elected city officials.
  - a. The Vice-President shall be President-Elect and shall automatically assume the presidency the following year unless the President became President due to a vacancy in the office and served fewer than six months, in which case, the Vice-President shall automatically assume the presidency following the President's full term.
  - b. The Treasurer shall be Vice-President-Elect and shall automatically assume the vice-presidency the following year unless the Vice-President became Vice-President due to a vacancy in the office and served fewer than six months, in which case the Treasurer shall automatically assume the vice-presidency following the Vice-President's full term.
  - c. The President shall be Immediate Past-President-Elect and shall automatically assume the immediate past-presidency the following year unless the President became President due to a vacancy in the office and served fewer than six months, in which case the President shall automatically assume the immediate past-presidency following the President's term.
3. *Duties*. The office of the President, Vice-President, Treasurer and Immediate Past-President shall have the following respective duties.

- a. The President may sign contracts, deeds, leases and other instruments or documents as authorized by the Board or as necessary to carry out the purposes of the LOC. The President shall have the following duties:
  - i. Preside at meetings of the members and of the Board;
  - ii. Perform all duties incident to the office of President; and
  - iii. Perform all other duties as may be prescribed by these Bylaws or the Board.
- b. The Vice-President shall have the following duties:
  - i. In the absence of the President, perform the duties of President, and when so acting, have all the powers of and be subject to all the restrictions placed upon the President; and
  - ii. Perform other duties that may be assigned by the President or the Board.
- c. The Treasurer shall have the following duties:
  - i. Chair the Budget Committee;
  - ii. Sign the annual financial statement; and
  - iii. Perform other duties that may be assigned by the President or the Board.
- d. The Immediate Past-President shall serve as the chair of the Nominating Committee.

B. Voting Members – Directors.

1. *Term of Office.* The term of office for all Directors shall commence at the first Board meeting of the calendar year following the Annual Business Meeting at which they are elected. All Directors shall hold office until their successors are elected and qualified or appointed. The term of office for each Director shall be for three years. The terms shall expire immediately before the first Board meeting three years later.
2. *Qualifications.* Nine Directors shall hold elective office with a member city and two directors shall hold an appointed position with a member city.
  - a. All Directors may serve another term after a period of at least one year's absence from the Board. Directors appointed to fill an unexpired term of one year or less are eligible to run for a full term immediately subsequent to their expired term.
  - b. Directors who serve in a position reserved for an individual who holds an appointed position with a member city must perform duties for the member city

that are substantially similar to the duties of a City Manager, City Administrator, Assistant City Manager or Assistant City Administrator.

C. Non-Voting Member – Director Who Holds an Appointed City Position

1. *Term of Office.* The term of office for the non-voting member of the Board who holds an appointed position with a member city shall be for one year and shall commence at the first Board meeting of the calendar year following the Annual Business Meeting at which the individual was elected. The term shall expire immediately before the first Board meeting of the following calendar year.
2. *Qualifications.* The non-voting Director who holds an appointed position with a member city must perform duties for the member city that are substantially similar to the duties of a City Manager, City Administrator, Assistant City Manager or Assistant City Administrator.

D. Non-Voting Members – Past Presidents.

1. *Term of Office.* The term of office for past presidents shall be for as long as they continue to hold elected office with a member city.
2. *Qualifications.* Past presidents shall hold elected office with a member city.

E. Non-Voting Member – Executive Director. The term of office, qualifications and duties of the Executive Director are described in Section 6 of the Bylaws.

**Section 6. Executive Director.**

- A. Chief Executive Officer. The Executive Director shall be the chief executive officer of the LOC to carry out the policies and direction of the LOC and the Board. The Executive Director is responsible for the day-to-day operations of the LOC, its offices and its employees.
- B. Board Secretary. The Executive Director serves as secretary to the Board and is responsible for ensuring the Board meeting minutes and other official documents are properly and timely prepared.
- C. Authority and Responsibility. The Executive Director shall have the authority and responsibility to do the following:
  1. Appoint, discipline and remove LOC employees;
  2. Establish, subject to the budget approved by the Board, the terms and conditions of LOC employees conditions of employment;
  3. Define the duties and responsibilities of LOC employees;



4. Be responsible for all property and monies belonging to the LOC;
  5. Subject to the budget approved by the Board and all applicable laws and regulations, enter into any and all contracts and agreements necessary for carrying out the purposes, operations and administration of the LOC; and
  6. In coordination with the Budget Committee, propose an annual budget to the Board in accordance with applicable budget laws and practices.
- D. Limitation on Authority Related to General Counsel Position. The Executive Director may not appoint or remove the General Counsel without the approval of the Board of Directors.
- E. Annual Evaluation. The Board shall evaluate the Executive Director annually at its last meeting of the calendar year.

## **Section 7. Board Expenses.**

- A. Board Meetings. Travel expenses for Board members for any Board meeting are paid by the LOC. Past-Presidents holding elected office with a member city are entitled to, upon request, reimbursement for mileage, lodging, and meals when attending Board meetings.
- B. LOC Annual Conference. Except for the instances described below in Section 7(B)(1) and (2), the Board may choose to provide financial assistance to a Board member upon request if attending the Annual Conference proves to be a financial hardship.
1. *President's Expenses*. The President's expenses connected with LOC business and the conference are paid by the LOC.
  2. *Board Meeting in Conjunction with Annual Conference*. If a Board meeting, scheduled in conjunction with the conference, requires a Board member to arrive a day earlier than planned, the additional night's lodging is reimbursed by the LOC.
- C. Giving Testimony. Travel to Salem for reasons other than Board meetings is not usually reimbursed. However, travel for the purpose of giving testimony before the Legislature or attending various advisory or committee meetings, if at the LOC's request, may be reimbursed at the discretion of the Executive Director.
- D. LOC Regional Meetings. Expenses incurred by the LOC President or the President's representative when traveling to LOC-sponsored meetings are paid by the LOC when the person is a scheduled part of the program.
- E. National League of Cities Functions. Expenses incurred by the LOC President or the President's representative when attending the National League of Cities (NLC) spring and winter conferences, or when representing the LOC on federal issues in Washington

D.C., will be paid by the LOC. Expenses incurred in connection with NLC Policy and Steering Committee business are not reimbursable.

- F. Washington State League Annual Conference. Expenses for the President's attendance at the Association of Washington Cities annual conference are paid by the LOC.

## ELECTION OF OFFICERS

### **Section 8. Nominating Committee.**

- A. Membership and Duties. The Nominating Committee consists of the Immediate Past-President, Vice-President, one Past President, three current Board members, and one city official not currently serving on the Board, appointed by the President.
1. *Chair*. The Immediate Past-President is the chair of the Nominating Committee. If the Immediate Past-President cannot attend and/or chair the Nominating Committee, the President shall appoint their replacement.
  2. *Appointments*. The President shall appoint the Nominating Committee members no later than 45 days prior to the LOC Annual Conference.
  3. *Vacancies*. The President shall fill any vacancies on the Committee by appointment.
- B. Selection of the Slate of Officers and Directors. The Nominating Committee, after considering applications for LOC Officer or Director positions, shall forward a slate of candidates to the membership for a vote at the Annual Business Meeting.
1. *Required Consideration*. In selecting a slate of Officers and Directors, the Nominating Committee must consider the current composition of the Board and:
    - a. Representation from all geographic regions of the state.
    - b. That the slate includes a position reserved for an Officer or Director from a city with a population of over 400,000 if no such representative will continue to serve on the Board during the upcoming year. The mayor of any such qualifying city shall appoint a person of their choosing to fill the reserved position.
    - c. Representation from cities with small, medium and large populations.
    - d. Consider the recommendation of the Oregon City/County Management Association regarding any positions reserved for an individual who holds an appointed position with a member city.
    - e. Ensure that at least one elected official is nominated for each of the open elected official Director positions.

- f. Ensure that at least one appointed official is nominated for each of the open appointed official Director positions.
  - g. Representation from underserved and underrepresented communities.
2. *Optional Consideration.* The Nominating Committee may consider other factors or qualifications to ensure that the Board of Directors effectively represents all Oregon cities.

## **Section 9. Nomination Procedures.**

- A. Statement of Interest. A city official interested in running for an Officer or Director position should notify the Executive Director or their designee of their interest at least 15 days prior to the Annual Conference. Candidates for Director or Officer will be asked to fill out a Candidate Data Sheet which will be forwarded to the Nominating Committee.
- B. Nominating Committee Open Meeting. The Nominating Committee shall hold an open meeting at the Annual Conference, prior to the Annual Business Meeting.
- 1. *Presentations from Candidates.* At the open meeting, the Nominating Committee will hear presentations from candidates.
  - 2. *Additional Candidates.* The Nominating Committee may, via a motion that occurs immediately after the Nominating Committee is called to order, accept additional candidates from the floor, even if the candidates have not previously given notice of their interest in an Officer or Director position. To be accepted as an additional candidate, the candidate shall:
    - a. Complete and submit a statement of interest and Candidate Date Sheet to either the LOC General Counsel or the Chair of the Nominating Committee no later than the time upon which the Chair has called the Nominating Committee to order; and
    - b. Provide a presentation to the Nominating Committee in the same manner and under the same constraints of all other candidates.
  - 3. *Selection of the Slate.* After considering all candidates, the Nominating Committee shall propose a slate of candidates to the membership consisting of:
    - a. The name of the current Vice-President as the nominee for the position of President;
    - b. The name of the current Treasurer as the nominee for the position of Vice-President;
    - c. One nominee for the position of Treasurer;

- d. The name of the current President as the nominee for the position of Immediate Past-President;
  - e. One nominee for each open Director position reserved for elected officials of member cities;
  - f. One nominee for each open Director position reserved for appointed officials of member cities;
  - g. One nominee for the unexpired term of any Director position that is made vacant by a nominee's selection as Treasurer; and
  - h. One nominee for the unexpired term of any Director position that is known to become vacant no later than 30 days prior to the Annual Business Meeting.
- C. Prohibition Against Double Candidacy. A candidate may not be nominated for more than one position in a single slate.

#### **Section 10. Annual Business Meeting, Election of Officers and Directors**

- A. Elections at Annual Business Meeting. All open Officer and Director positions shall be elected each year at the Annual Business meeting.
- B. Nominations from the Floor. Nominations shall be accepted from the floor of the Annual Business Meeting for the positions of Treasurer and each open Director position.
- C. Prohibition Against Double Candidacy. A candidate may not be nominated for more than one position.
- D. Comments from the Floor. Comments regarding any candidate may be made from the floor of the Annual Business Meeting. The presiding officer may set time limits and adopt rules for the comments as needed.
- E. Vote. Elections shall be by plurality. The candidate who receives the most votes in the election shall be awarded the seat (the winning candidate need not get a majority of the vote to win, so long as the candidate has a larger number of votes than all other candidates, that candidate is declared the winner).

### **MEMBERSHIP MEETING**

**Section 11. Notice of Meetings.** Notice of all meetings of the membership shall be given to the membership at least 10 days in advance of the meeting.

**Section 12. Annual Meeting.** An annual meeting of the LOC membership shall be held each year at a time and place determined by the Board.

**Section 13. Special Meetings.** Special meetings of the LOC membership may be called by the President or the Board at any time by giving the appropriate notice to each member city that states the purpose of the meeting.

**Section 14. Regional Meetings.** Regional meetings may be called at any time by the President or the Board.

**Section 15. Procedural Rules.** At any meeting of the membership, all questions of parliamentary procedures shall be governed by Roberts Rules of Order, Newly Revised, unless these Bylaws dictate a different procedure be used.

**Section 16. Voting.**

- A. One Vote. Each member city is entitled to only one vote on any action by the membership.
- B. Affirmative Vote of Majority. With the exception of Section 10(E), an affirmative vote of the majority of the members voting is necessary to decide an action before the members.
- C. Telephonic Voting. If a member city cannot send any delegates to a meeting of the membership, that city may participate in the meeting telephonically.
  - 1. *Appointed Delegate.* To participate in telephonic voting, a member city must appoint its delegate via a written resolution adopted by its city's governing body, with the resolution identifying the name and position/title of the selected delegate. A copy of the resolution with the delegate's name and telephone number must be submitted to the LOC Executive Director or General Counsel at least 10 days in advance of the relevant membership meeting.
  - 2. *Communication with Delegate.* The General Counsel shall contact the City's delegate at least 48 hours in advance of the relevant membership meeting and provide the delegate with two things:
    - i. A phone number that the delegate can use to call and listen to the membership meeting; and
    - ii. A phone number the delegate can use to communicate with the Chair of the meeting when the delegate wishes to speak during the membership meeting and/or to identify how the delegate is casting their vote on a motion. Any vote made by a delegate on the vote will be read by a LOC staff person, or the Chair, into the official record.

## LOC POLICY

### **Section 17. Oregon Municipal Policy; Amendments.**

- A. Oregon Municipal Policy. The Oregon Municipal Policy (OMP) is the statement of policy positions developed by the member cities of the LOC.
- B. Submission of Amendments. Amendments to the OMP may be made only at the Annual Business Meeting.
  - 1. *Submission to LOC*. Amendments must be submitted to the LOC at least 30 days before the Annual Business Meeting.
  - 2. *Submission During Annual Business Meeting*. Notwithstanding the above subsection 17(B)(1)(a), an OMP amendment may be submitted after the 30-day deadline established above if it is submitted by a member city or an affiliate organization in writing to the Board at the public meeting it holds prior to the Annual Business Meeting.
  - 3. *Consideration*. The amendment shall be considered by the full membership at the Annual Business Meeting if approved for consideration by the Board.

### **Section 18. Policy Committees.** The Board may create policy committees as part of the Board's policy development process.

- A. Purpose. The committees will make recommendations to the Board on proactive and defensive positions in the legislative process and participate in revisions to the Oregon Municipal Policy and serve as focus groups when necessary to assist staff with assessing policy issues.
- B. Composition of Committees. Policy committees are to be composed of appointed and elected city officials with knowledge of or interest in the subject area of the policy committee.
  - 1. *Representation*. An effort will be made to seek representation from city officials in cities of different population sizes and in all geographic areas of the state.
  - 2. *Solicitation*. LOC will solicit participation in policy committees in September and October of odd-numbered years.
  - 3. *Appointments*. The President will appoint members to committees in November of odd-numbered years. In making committee appointments, the President will consider previous committee participation in service.

4. *Terms.* Committee members will serve two-year terms beginning in January of even-numbered years. At the end of the two-year term, committee members must reapply for reappointment.
  5. *Chairs and Vice-Chairs.* Committee chairs and vice-chairs will be appointed by the President in November of odd-numbered years.
    - a. Committee chairs and vice-chairs will serve two-year terms beginning in January of even-numbered years.
    - b. A vacancy in the chair or vice-chair will be filled by appointment by the President. The term of a person appointed to fill a vacancy runs from appointment until expiration of the term of office of the last person appointed to that position.
  6. *Liaisons.* With the approval of the Committee Chair and Executive Director, interested parties may be allowed to participate in committee work as non-voting liaisons.
- C. Procedures. Committees are public bodies and subject to Oregon’s Public Meetings Law.
1. *Quorum.* A quorum of a committee consists of one-third of the members.
  2. *Decisions.* Decisions will be made by consensus unless the Committee Chair desires a vote on the matter.
  3. *Electronic/Telephonic Participation.* Committees may hold any meeting by, or through the use of, any means of communication allowing all participants to simultaneously hear each other, such as teleconference or videoconference.
- D. Even-Numbered Years. In even-numbered years, policy committees will meet, as many times as deemed appropriate by the Legislative Director, between January and June to review and propose revisions to existing legislative policies; to develop recommendations on priorities for legislative action, both proactive and defensive; and to review any proposed amendments to the OMP.
1. *Member Cities Input.* Following this committee process, member cities will be asked to provide input on legislative priorities for Board consideration on or before its September meeting.
  2. *Legislative Agenda.* The Board will develop a two-year legislative agenda no later than its September meeting and an update of its strategic focus on long-range issues at its end-of-the-year meeting.
- E. Odd-Numbered Years. In odd-numbered years, committees will meet when necessary as determined by the Executive Director in consultation with the Committee Chair and the

LOC's Legislative Director in order to review policy positions and respond to emerging legislative issues. When necessary, the Board will review recommendations submitted by policy committees and adopt such changes to legislative priorities as may be advisable.

## **Section 19. Resolutions.**

A. Resolutions. Resolutions are:

1. Statements of definitive responses to current situations;
2. Proposed amendments to the Constitution;
3. Proposed amendments to the Bylaws; and
4. Statements of commendation.

B. Consideration. Resolutions shall be considered by the full membership at the Annual Business Meeting if submitted to the LOC 30 days before the Annual Business Meeting and if approved for consideration by the Board.

1. *Aberration from 30-Day Deadline*. Notwithstanding the 30-day deadline noted above, a Resolution may be submitted after the 30-day deadline if it is submitted by a member city or an affiliate organization in writing to the Board at the public meeting it holds prior to the Annual Business Meeting.
2. *Amendment*. Resolutions may be amended at the Annual Business Meeting provided that the amendment does not alter the Resolution's intent and it is approved by a majority of the votes cast by the members eligible to vote at the Annual Business Meeting.

C. Adoption. Resolutions may be adopted by the membership at the Annual Business meeting, but do not limit the authority of the Board to adopt policy positions as necessary throughout the year.

1. *Majority Vote*. Resolutions, except those related to a Constitutional amendment, shall be adopted only if approved by a majority of the votes cast by the members eligible to vote at the Annual Business Meeting.
2. *Two-Thirds Vote*. Resolutions amending the Constitution shall be adopted only if approved by two-thirds of the votes cast by the members eligible to vote at the Annual Business Meeting.

**Section 20. Other Committees.** In addition to policy committees, the Board may create such committees as it considers necessary. Committees shall be charged with such duties and comprised of such members as may be determined by the Board.



## **MEMBERSHIP CATEGORIES**

### **Section 21. Full Membership.**

- A. Requirements. A city may become a member by paying the membership dues for the current year and adopting the Intergovernmental Agreement of Oregon Cities.
- B. Benefits. Full membership entitles a city to all services provided by the LOC, including insurance services provided by CityCounty Insurance Services (CIS) and voting privileges at the Annual Business Meeting.

**Section 22. Sponsorships.** Upon approval of the Executive Director, a person or entity may be allowed to participate in a sponsorship role with the LOC. Sponsors may be recognized for their sponsorship and receive benefits based on the level of support provided by LOC.

### **Section 23. Associate Memberships.**

- A. Requirements. Entities may become associate members by paying annual dues, in an amount set by the Board, and upon approval by the Executive Director.
- B. Eligibility. Associate membership status is available to the following public bodies that are not cities or counties and that therefore are ineligible for direct membership in the LOC or the in the Association of Oregon Counties:
  - 1. An Oregon political subdivision;
  - 2. An Oregon municipal or public corporation;
  - 3. An instrumentality of an Oregon city, political subdivision, municipal or public corporation;
  - 4. Any intergovernmental agency, department, council, joint board of control in Oregon created under ORs 190.125, or other like entity which is created under ORS 190.003 to 190.125, which does not act under the direction and control of any single member government, provided that:
    - a. The public body is created by a city under statutory or home rule charter authority, or provides a service a city itself would otherwise have to provide within its own boundaries, and
    - b. The public body maintains Associate Member status in LOC.
- C. Benefits. Associate members are entitled to all services provided for subscribers. They may participate in CityCounty Insurance Services (CIS) insurance and risk management services, subject to adopted CIS policies.

D. Limitations. Associate members are not entitled to:

1. Voting privileges;
2. Serve on LOC committees; and
3. Legislative lobby services.

## **AFFILIATES**

### **Section 24. Recognized Affiliates.**

A. Eligibility. An affiliate organization is one that is:

1. Composed of local government officials;
2. Formerly organized under a constitution or bylaws, or both; and
3. Recognized by the Board.

B. Self-Supporting. Affiliate groups are self-supporting and are not subsidized by the LOC.

C. LOC Services. The LOC may provide services to affiliate groups for reimbursement, based on available resources and Board approval.

## **AMENDMENTS**

**Section 25. Amendments.** The Bylaws may be amended by the Board.

*These Bylaws were last amended and approved  
by the LOC Board of Directors on*