

# **POLICY 201: PERSONNEL**

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*Originated: January 10, 1989*

*Revised: January 9, 2024*

*Reviewed: November 8, 2022*

## **PURPOSE**

This Board policy outlines the Board responsibilities as it pertains to the designation and definition of District positions. This policy also describes the responsibility of the Chief/Administrator as it pertains to hiring personnel as well as determine pre-conditional hiring requirements.

## **BOARD PERSONNEL GUIDELINES AND POLICIES**

The Silverton Fire District shall comply with Federal Equal Employment Opportunity (EEO) guidelines. If any portion of this policy is found to be in direct conflict with any Federal or State law, or applicable Civil Service regulation, at the time a position is being filled, that portion of the policy shall be void.

The Chief/Administrator of the Silverton Fire District shall be responsible for:

- Determining the qualifications required for each position, with consideration given to federal and state laws, which include knowledge base, skill certification and physical ability.
- Administering the advertising for, interviewing and hiring of personnel for positions with firefighting duties, volunteer or otherwise, and other district employees as necessary to ensure the intentions of the Board of Directors are met. Vacancy announcements for exempt positions shall be advertised and posted on the official bulletin boards of the District and published externally to attract diverse, qualified candidates.
- Acting as personnel officer for the district, ensuring that during the hiring process, each new employee is made aware of district rules, regulations, and policies.
- Writing, maintaining, and updating a job description for each paid and volunteer position.
- Performing background investigations on each employee as needed. The investigations shall include but not be limited to driving records and reference checks.

The district may require from the applicant, as a precondition of employment, a certificate from a physician that attests to the applicant's physical ability to perform the tasks associated with the position as well as a district sponsored physical performance exam. The district may require the applicant to submit to the following as conditions of employment:

- Employment reference check and verification of education information
- Driving record check
- Pre-employment drug test if the position includes firefighting or EMT duties
- A criminal history background check
- A credit history check

If hired, the district will require the applicant to prove that he/she is legally authorized to work in the United States.

The district may keep a list of qualified applicants on file as per Civil Service Rules for exempt and non-exempt positions.

The district may not refuse employment to any individual because a family member is currently employed by the district unless it would place the individual being hired in a position that either might be exercising authority over the other.

# **POLICY 202: EXAMINATIONS FOR PERSONNEL**

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*Originated: May 9, 1989  
Revised: November 11, 2003  
Reviewed: November 8, 2022*

## **PURPOSE**

To ensure that Fire District personnel are not placed in a position which might be a hazard to themselves or others, a physical examination prior to appointment to a position with the Fire District shall be required. This appointment shall be contingent upon the passing of the physical examination, and the individual shall be re-examined periodically to ensure their physical capabilities.

## **PROCEDURE**

- Within one year of appointment to a position with the district, regardless of career or volunteer, the candidate shall submit himself/herself to a physician of personal choice for examination. This examination shall be for the purpose of determining the individual's fitness to participate in activities as prescribed by the district.
- If the individual does not have a physician of personal choice to administer the examination, the district's physician advisor shall be the administrator of the examination.
- All charges associated with the examination shall be borne by the district.
- All personnel, including those presently employed by the district at the time this policy was written, shall participate in an examination process based upon a three-year cycle as determined by the Fire Chief. If it is deemed necessary, this cycle may be shortened to ~~guarantee~~-evaluate the fitness of an individual.
- Personnel who are expected to perform emergency functions shall notify the Fire Chief when health conditions arise or are discovered that may limit their capability of performing those functions.

## **RECORDS**

Medical records and certificates of fitness shall be maintained by the Fire Chief, and shall be considered confidential, unless otherwise authorized in writing by the individual being examined.

*Reference: Oregon Occupational Safety and Health Code, Oregon Administrative Rules, Chapter 437, Division 151, FIRE FIGHTERS, effective as amended through September 1, 1988.*

# **POLICY 203: EMPLOYEE ASSISTANCE PROGRAM**

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*Originated: May 9, 1989  
Revised: November 10, 2020  
Reviewed: November 8, 2022*

## **POLICY STATEMENT**

The District cares about the health and well-being of its employees both volunteer and career and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

The District shall provide initial assistance to those employees, both career and volunteer, who require the professional services of a certified counselor or registered psychologist. This may also include members of the employee's immediate family, if such assistance is deemed appropriate by the Fire Chief. Such assistance will ensure that the District's interests are protected, as well as showing the District's concern for the employee's welfare. Additional information can be located in the District's Member Handbook, Chapter IX. Benefits; Section E. Public Safety Employee Assistance Program (EAP).

# POLICY 204: HARASSMENT

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*Originated: November 21, 1989*

*Revised: December 10, 2019*

*Reviewed: November 8, 2022*

## PURPOSE

The purpose of this policy is to clearly establish the Silverton Fire District's commitment to provide a work environment free from harassment, to define discriminatory harassment and to set forth the procedure for investigating and resolving internal complaints of harassment. This policy applies to all employees, elected officials, board or commission members, volunteers, interns and any other person whose interaction occurs in the course of accomplishing the work of the organization.

## POLICY

Discrimination, harassment and retaliation are not acceptable. Discrimination, harassment or retaliation of an applicant, contractor, vendor, customer, board member, supervisor, manager, volunteer, resident volunteer or employee by a supervisor, management employee or co-worker on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law is explicitly in violation of State and/or Federal law and will not be tolerated by the Silverton Fire District.

It is critical that all employees treat all other employees with dignity and respect. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

Employees, volunteers, resident volunteers, supervisors or management employees found to be participating in any form of job-based harassment or retaliating against any other employee shall be subject to disciplinary action up to and including termination from employment.

## DEFINITIONS

### Verbal Harassment

Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law, whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually-oriented comments on appearance, including dress or physical features, sexual rumors, and race-oriented stories.

### Physical Harassment

Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law. This includes pinching, patting, grabbing, inappropriate behavior in or near Silverton Fire District facilities or facilities where Silverton Fire District events are being conducted, or making explicit or implied threats or promises in return for submission to physical acts.

### Visual Forms of Harassment

Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law. This applies to posted material and/or material maintained in or on Silverton Fire Districts equipment or personal property in the workplace.

### Sexual Harassment

For the purposes of this policy, “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

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

## **COMPLAINT PROCESS**

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law.

If any person feels they are the victim of any form of harassment, they should inform the person(s) participating in this behavior that he/she finds it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate the complaint process as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not required to confront an offending party prior to initiating this complaint procedure.

### Filing a Preliminary Complaint

Any applicant, contractor, vendor, customer, board member, supervisor, manager, volunteer, resident volunteer or employee who alleges to be a victim of discriminatory workplace harassment should contact the Fire Chief or designee, either verbally or in writing, within ten (10) calendar days or within four years of the alleged incident. In the event the complaint is against the Fire Chief, the complaint must be submitted to the Board President verbally or in writing within ten (10) calendar days or within four years of the alleged incident.

### Review of Preliminary Complaint

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with the Fire Chief. If unable to reach the primary contact, the complaint can be directed to the Assistant Fire Chief. Upon notification of a harassment complaint, the Fire Chief or designee has ten (10) calendar days to conduct an initial investigation to make a preliminary determination as to whether there is merit to the complaint. If no merit is found, the Fire Chief or designee may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties. In the case of a complaint filed against the Fire Chief, the Board President will conduct the initial investigation to make a determination.

### Formal Complaint

If after an initial investigation is conducted, there is no resolution and/or no conciliation of the preliminary complaint, a formal written complaint can be filed by the complainant. This written complaint

must document the event(s), associated date(s), potential witnesses, and must be signed and returned to the Fire Chief within five (5) days or within four years of the alleged incident. Upon receipt of the formal written complaint, the Fire Chief or designee will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of the written complaint, and will be provided an opportunity to respond. The response shall be in writing, addressed to the Fire Chief and received by the Fire Chief, within ten (10) calendar days after being notified of the complaint. Concurrently, a formal investigation of the complaint may be commenced. The same process will be observed by the Board President for any formal complaints made against the Fire Chief.

#### Review of Response and Findings

Upon receipt of the response, the Fire Chief may further investigate the formal complaint. Such investigation may include interviews with the complainant, the accused harasser(s) and any other persons determined by the Fire Chief to possibly have relevant knowledge concerning the complaint. This may include other victims of similar conduct.

Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant and the alleged harasser(s) within twenty (20) calendar days from the receipt of the response. Following receipt of a complaint or concern, management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. If an employee would like the follow-up to discontinue the follow-up process a request must be submitted in writing to the Fire Chief.

The same process will be observed by the Board President for any formal complaints made against the Fire Chief.

#### External Complaint Options

The District encourages concerns or complaints are brought to the organization, however, this may not be the choice of the employee. Please reach out to the preferred choice to determine the appropriate timelines.

- Oregon Bureau of Labor and Industries - [https://www.oregon.gov/boli/CRD/Pages/C\\_Crcompl.aspx](https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx)
- Civil or Criminal Action - In these circumstances, a Notice of Claim must be provided in accordance with ORS 30.275.
- Employment Agreements - No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. An employee may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

#### Additional Employee Support Services

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The District provides the following for additional assistance:

Public Safety EAP  
(888) 327-1060

## **DISCIPLINARY ACTION**

If harassment is determined to have occurred, the Fire Chief, or Board President for complaints filed against the Fire Chief, shall take prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including termination from employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.

## **RETALIATION**

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including termination. The Fire Chief will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint.

## **CONFIDENTIALITY**

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law.

## **FALSE COMPLAINTS**

Any complaint made by an employee of the Silverton Fire District regarding job-based harassment which is conclusively proven to be false, shall result in discipline of the complainant up to and including termination. This section is not intended to discourage employees from making complaints regarding job-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.



# **POLICY 205: HEALTH CARE BENEFITS FOR RETIREES**

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*Originated: February 12, 1991*

*Revised: July 10, 2007*

*Reviewed: November 8, 2022*

## **PURPOSE**

To provide retiring Fire District Employees with continuing health care coverage till eligibility for Medicare, and contribute thereto based upon the date of hire and the years of service.

## **POLICY**

District Staff employees working one-half time or more who retire from the District with date of hire “on or before January 01, 2001,” shall, upon retirement from the Silverton Fire District, be entitled to contribution by the District of 90% of the premium for that retiree under the District’s group health care policy until eligibility for Medicare.

District Staff employees with date of hire after January 01, 2001, and prior to July 01, 2007 shall be entitled upon retirement from the Silverton Fire District to a contribution by the District of 10% of the premium required for that retiree under the District’s group health care policy until eligibility for Medicare.

District Staff employees with a date of hire on or after July 01, 2007 shall not be entitled to retirement health care benefits under this policy.

As used in this policy:

“Date of hire” shall mean the date the employee first reports or reported for work with continuous service therefrom to retirement date without a break in service;

“Retirement” shall mean retirement under ORS 238.280 but shall also include retirement for disability or medical reasons under PERS.

“District Staff Employee” shall mean all District employees working one-half time or more for the Silverton Fire District.

## **VOLUNTEERS**

District volunteers are not entitled to retirement health care benefits under this policy.

## **NO VESTING OF RIGHTS**

Nothing herein shall be construed to vest any rights in any District employee as this policy may be modified, changed or terminated at any time without prior notice to the affected employees or retirees.

# POLICY 206: EMPLOYEE HRA VEBA MEDICAL EXPENSE PLAN

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*Originated: May 8, 2012  
Revised: July 13, 2021  
Reviewed: November 8, 2022*

## PURPOSE

This policy describes the Voluntary Employees' Beneficiary Associations (VEBA) administrative process as it pertains to eligibility and contributions

The Silverton Fire District ("Employer") has adopted the HRA VEBA plans offered and administered by the Voluntary Employees' Beneficiary Association Trust for Public Employees in the Northwest (collectively the "Plans"); the **Standard HRA Plan**, which shall be integrated with the Employer's or another qualified group health plan and to which the Employer shall remit contributions on behalf of eligible employees who are enrolled in or covered by such qualified group health plan and any other contributions that may be permitted by applicable law from time to time; and the **Post-separation HRA Plan** to which the Employer may remit contributions on behalf of eligible employees, including eligible employees who are not enrolled in or covered by the Employer's or another qualified group health plan, and which shall provide benefits only after a participant separates from service or retires. Employer shall contribute to the Plans on behalf of all non-represented employees ("Group") defined as eligible to participate in the Plans. Each eligible employee must submit a completed and signed Enrollment Form to become an eligible participant and become eligible for benefits under the Plans.

### **Contributions on behalf of each eligible employee shall be based on the following selected funding sources/formulas:**

**Direct Employer Contribution.** Eligibility is limited to full time, benefits eligible employees. Beginning with the July 1, 2021 payroll, the District shall contribute \$200 per month to each eligible employee's HRA VEBA account until such time as the employee is no longer eligible per the terms of the plan and/or the employer's written agreement.

The employer's HRA VEBA plan contribution methods and funding amounts will be reviewed annually, prior to the start of the next benefit year. The employer reserves the right to modify plan eligibility, contribution methods and contribution amounts in compliance with any applicable state or federal laws and other IRS guidance as it pertains to maintaining HRA plan compliance.

# **POLICY 207: WHISTLEBLOWER PROTECTION**

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*Originated: November 8, 2016*

*Revised:*

*Reviewed: November 8, 2022*

## **PURPOSE**

To provide reporting procedures should a District employee become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659.224.

## **OVERVIEW**

The employee may provide the information to in addition to his/her supervisor, another District manager, a state or federal regulatory agency, a law enforcement agency or an attorney licensed to practice law in Oregon if confidential communication is made in connection with the alleged violation. Attorneys employed by the District may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine if fault exists and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed, for goods not delivered; and other fraudulent financial reporting. For any employee wishing for more information, additional details can be obtained from the Fire Chief.

The employee must exercise sound judgement to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.

Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, or to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The District will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Fire Chief or designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is substantiated.

All allegations of illegal and dishonest activities will be promptly submitted to the Fire Chief or designee who is responsible for investigating and coordinating corrective action.