

The Port of Benton Commission Meetings are open to the public.

The regular Commission meeting will be available via Zoom, telephone conference call-in line, and in-person. The link to access this broadcast via Zoom and the call-in number to participate via telephone will be made available on the morning of the meeting on the Port of Benton's website at the link below, along with the meeting agenda and minutes from past meetings. Live broadcast information:

www.portofbenton.com/commission

For those unable to access the internet, please call 509-375-3060 by 8:00 a.m. on December 10, 2025, to receive call-in details.

All participants will be muted upon entry; when prompted, click 'raise hand' in Zoom or dial star + 9 (*9) to raise your hand. The host will unmute you to speak in the order your hands are raised. Press star + 6 (*6) when the host calls on you to unmute yourself.

**PORT OF BENTON
REGULAR COMMISSION MEETING
Agenda**

**8:30 a.m., December 10, 2025
3250 Port of Benton Blvd., Richland, WA 99354**

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. CONSENT AGENDA

1. Approval of Agenda
2. Approval of Minutes of November 12, 2025, Commission Meeting
3. Approval of Vouchers and Certifications, Including Payroll for the Month of November, Totaling \$493,533.94
4. Resolution 25-51, To Cancel Warrant No. 083138, in the Amount of \$3,340.16, Issued to CWW-Columbia Rail, Which Has Been Deemed Lost

D. PUBLIC COMMENT

E. ITEMS OF BUSINESS

1. Resolution 25-52, Adopting an Amended Port of Benton Personnel Policy and Procedures Handbook

2. 2026 Architect, Engineer and Professional Roster
3. 2026 Contracts (\$120,000 IC Corp. LLC, \$175,000 Gravis Law)
4. Interlocal Agreement Between the Ports of Benton, Pasco, Walla Walla and the Northwest Seaport Alliance
5. Second Amendment with Columbia Rail Operating Agreement, Richland Business Park
6. Proclamation 25-03, Honoring Commissioner Roy D. Keck
7. Performance Review of Executive Director

F. INFORMATION REPORTS

1. Grants Update
2. Legislative Update
3. Capital Projects Update

G. COMMISSIONER REPORTS/COMMENTS

H. DIRECTOR REPORTS/COMMENTS

1. Finance Director
2. Port Attorney
3. Executive Director

I. FOR THE GOOD OF THE ORDER

J. EXECUTIVE SESSION

K. ADJOURNMENT

The next regular Port of Benton Commission meeting will be held on **Wednesday, January 14, 2026**, at the Port of Benton Commission Room at 3250 Port of Benton Blvd., Richland, Washington.
Visit portofbenton.com for notices and information.

Port of Benton, Benton County, Washington
Voucher Certification and Approval
for the Month of November 2025

General Expenses

Accounts Payable Warrants #:	85409	-	85463	\$	273,096.41
Electronic Payments:				\$	2,842.96
Total General Expenses				\$	<u>275,939.37</u>

Payroll

Direct Deposit:					
ACH				\$	125,565.50
Electronic Payments:					
IRS Payroll Tax Deposit				\$	43,016.73
Other Payroll Related Payments				\$	49,012.34
Total Payroll				\$	<u>217,594.57</u>
Total General Expenses and Payroll				\$	<u><u>493,533.94</u></u>

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the Port of Benton and that I am authorized to authenticate and certify to said claim.

Attest: Alicia Myers

Director of Finance/Port Auditor

We, the undersigned Commissioners of the Port of Benton, Benton County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment, this the _____ day of _____, 2025.

President

Vice President

Secretary

Port of Benton, Benton County, Washington
Voucher Certification and Approval
for the Month of November 2025

General Expenses				
Accounts Payable Warrants #:	85409	-	85463	\$ 273,096.41
Electronic Payments:				\$ 2,842.96
Total General Expenses				<u>\$ 275,939.37</u>
Payroll				
Direct Deposit:				
ACH				\$ 125,565.50
Electronic Payments:				
IRS Payroll Tax Deposit				\$ 43,016.73
Other Payroll Related Payments				\$ 49,012.34
Total Payroll				<u>\$ 217,594.57</u>
Total General Expenses and Payroll				<u><u>\$ 493,533.94</u></u>

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the Port of Benton and that I am authorized to authenticate and certify to said claim.

Attest: _____ Director of Finance/Port Auditor

We, the undersigned Commissioners of the Port of Benton, Benton County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment, this the _____ day of _____, 2025.

_____	President
_____	Vice President
_____	Secretary

Nov-25 Cash Disbursements Batch Totals			
\$	273,096.41	Oct-25	
<u>\$</u>	<u>273,096.41</u>		
Electronic Payments - Other Payment			
	2,842.96	11/26/2025	DEPARTMENT OF REVENUE - Excise
<u>\$</u>	<u>2,842.96</u>		
IRS Payroll Tax Deposit			
\$	19,841.19	11/07/25	INTERNAL REVENUE SERVICE
\$	2,873.84	11/07/25	INTERNAL REVENUE SERVICE
\$	20,301.70	11/21/25	INTERNAL REVENUE SERVICE
<u>\$</u>	<u>43,016.73</u>		
318,956.10 Warrants, ACH, FedTax			
Payroll Direct Deposit Net Pay			
\$	60,806.14	11/07/25	PORT OF BENTON EMPLOYEES
\$	5,456.16	11/07/25	PORT OF BENTON COMMISSIONERS
\$	59,303.20	11/21/25	PORT OF BENTON EMPLOYEES
\$	-		
\$	-		
<u>\$</u>	<u>125,565.50</u>		
Other Payroll Related Payments			
\$	1,788.89	11/07/25	NATIONWIDE
\$	4,396.04	11/07/25	DRS
\$	100.00	11/07/25	WASHINGTON SUPPORT REGISTRY
\$	1,809.59	11/21/25	NATIONWIDE
\$	4,352.30	11/21/25	DRS
\$	100.00	11/21/25	WASHINGTON SUPPORT REGISTRY
\$	36,465.52	11/24/25	PERS Audit
\$	-		
\$	-		
\$	-		
\$	-		
\$	-		
\$	-		
<u>\$</u>	<u>49,012.34</u>		

Bank	Date	Payee	Document no.	Amount	Cleared	ACH
	11/6/2025	VEN00012--AFLAC	85409	1,240.09	In transit	
	11/6/2025	VEN00038--BANNER BANK - Credit Card	85410	23,516.96	In transit	
	11/6/2025	VEN00071--CITY OF PROSSER	85411	7,354.57	In transit	
	11/6/2025	VEN00089--CITY OF RICHLAND	85412	27,396.06	In transit	
	11/6/2025	VEN00700--CLIFTON LARSON ALLEN LLP	85413	11,583.14	In transit	
	11/6/2025	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	85414	347.84	In transit	
	11/6/2025	VEN00492--INLAND ASPHALT COMPANY	85415	7,880.75	In transit	
	11/6/2025	VEN00498--LEADERSHIP TRI-CITIES	85416	1,000.00	In transit	
	11/6/2025	VEN00307--PROSSER RENTALS, LLC	85417	65.74	In transit	
	11/6/2025	VEN00326--RGW ENTERPRISES P.C. INC	85418	11,325.00	In transit	
	11/6/2025	VEN00414--VERIZON	85419	1,640.20	In transit	
	11/6/2025	10042--Lopez, Brandin	85420	2,171.29	In transit	
	11/20/2025	VEN00637--360 AUTOMOTIVE & REPAIR	85421	1,290.07	In transit	
	11/20/2025	VEN00209--4IMPRINT, INC	85422	747.78	In transit	
	11/20/2025	VEN00006--ABADAN, INC	85423	405.54	In transit	
	11/20/2025	VEN00029--ARCHIBALD & COMPANY ARCHITECTS	85424	4,212.50	In transit	
	11/20/2025	VEN00053--BENTON RURAL ELEC ASSOCIATION	85425	1,045.25	In transit	
	11/20/2025	VEN00059--BENTON-FRANKLIN HEALTH DEPT	85426	30.00	In transit	
	11/20/2025	VEN00469--CENTURY WEST ENGINEERING CORP	85427	29,927.10	In transit	
	11/20/2025	VEN00290--CI-PW, LLC (Paradise Bottled Water)	85428	31.49	In transit	
	11/20/2025	VEN00234--CITY OF RICHLAND LANDFILL	85429	96.28	In transit	
	11/20/2025	VEN00102--COLUMBIA BASIN PAPER & SUPPLY	85430	264.14	In transit	
	11/20/2025	VEN00105--CONNELL OIL, INC	85431	3,584.93	In transit	
	11/20/2025	VEN00107--COOK'S ACE HARDWARE	85432	108.65	In transit	
	11/20/2025	VEN00639--CWW LLC (COLUMBIA RAIL)	85433	48,500.00	In transit	
	11/20/2025	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	85434	1,268.53	In transit	
	11/20/2025	VEN00143--DSD BUSINESS SYSTEMS	85435	1,712.03	In transit	
	11/20/2025	VEN00009--GEO WAY ACE HARDWARE	85436	773.85	In transit	
	11/20/2025	VEN00200--HDR ENGINEERING, INC	85437	492.91	In transit	
	11/20/2025	VEN00202--HERC RENTALS INC.	85438	320.67	In transit	
	11/20/2025	VEN00588--IC CONSULTING CORPORATION	85439	8,100.00	In transit	
	11/20/2025	VEN00291--KENNEWICK RANCH AND HOME	85440	195.83	In transit	
	11/20/2025	VEN00237--LES SCHWAB TIRE CENTER QUEENSGATE DR	85441	30.43	In transit	
	11/20/2025	VEN00510--LIFESECURE INSURANCE COMPANY	85442	471.78	In transit	
	11/20/2025	VEN00249--MAUL FOSTER ALONGI, INC	85443	1,658.76	In transit	
	11/20/2025	VEN00284--PACIFIC FIRE INSPECTION SERVICES, INC.	85444	6,865.00	In transit	
	11/20/2025	VEN00299--PHASE 2 ELECTRIC, INC.	85445	3,206.73	In transit	
	11/20/2025	VEN00718--PND ENGINEERS INC	85446	36,944.85	In transit	
	11/20/2025	VEN00305--POCKETINET COMMUNICATIONS, INC.	85447	242.00	In transit	
	11/20/2025	VEN00306--PROMINENCE PUBLIC RELATIONS	85448	2,870.00	In transit	
	11/20/2025	VEN00783--PYE-BARKER FIRE & SAFETY dba MOON SECURITY SERVICES	85449	175.00	In transit	
	11/20/2025	VEN00334--SANITARY DISPOSAL, INC.	85450	2,009.53	In transit	
	11/20/2025	VEN00636--SENSKE LAWN & TREE CARE LLC	85451	3,043.61	In transit	
	11/20/2025	VEN00370--SUNBELT RENTALS	85452	1,655.02	In transit	
	11/20/2025	VEN00696--TACOMA SCREW PRODUCTS INC	85453	141.58	In transit	
	11/20/2025	VEN00762--TK ELEVATOR CORPORATION	85454	869.60	In transit	
	11/20/2025	VEN00376--TRI-CITY REGIONAL CHAMBER	85455	156.67	In transit	
	11/20/2025	VEN00798--VALBRIGE PROPERTY ADVISORS	85456	10,000.00	In transit	
	11/20/2025	VEN00727--VALLEY WIDE COOPERATIVE INC	85457	1,345.38	In transit	
	11/20/2025	VEN00449--ZIPLY FIBER	85458	93.64	In transit	
	11/20/2025	VEN00449--ZIPLY FIBER	85459	510.50	In transit	
	11/20/2025	VEN00449--ZIPLY FIBER	85460	271.90	In transit	
	11/20/2025	10041--Burney, Audrey	85461	623.63	In transit	
	11/20/2025	10007--Keck, Roy	85462	651.73	In transit	
	11/20/2025	10020--Miya, Summers	85463	629.88	In transit	
	11/7/2025	VEN00425--WASHINGTON STATE SUPPORT REGISTRY				100.00
	11/21/2025	VEN00425--WASHINGTON STATE SUPPORT REGISTRY				100.00
	11/7/2025	VEN00215--INTERNAL REVENUE SERVICE				19,841.19
	11/7/2025	VEN00215--INTERNAL REVENUE SERVICE				2,873.84
	11/21/2025	VEN00215--INTERNAL REVENUE SERVICE				20,301.70
	11/7/2025	VEN00122--DEPT OF RETIREMENT SYSTEMS				4,396.04
	11/21/2025	VEN00122--DEPT OF RETIREMENT SYSTEMS				4,352.30

11/24/2025	VEN00122--DEPT OF RETIREMENT SYSTEMS		36,465.52
11/26/2025	VEN00239--WASHINTGON STATE DEPT OF REVENUE		2,842.96
11/7/2025	VEN00268--NATIONWIDE RETIREMENT SOLUTION		1,788.89
11/21/2025	VEN00268--NATIONWIDE RETIREMENT SOLUTION		1,809.59
Total for BCT Main		<u>273,096.41</u>	<u>94,872.03</u>

**PORT OF BENTON
COMMISSION MEETING MINUTES
November 12, 2025**

- A. CALL TO ORDER:** The regular monthly meeting was called to order at 8:30 a.m. at the Port of Benton Commission meeting room, 3250 Port of Benton Blvd., Richland, Washington.

PRESENT: Commissioner Scott D. Keller, Commissioner Roy D. Keck (attended virtually), Commissioner Lori Stevens

PORT STAFF PRESENT: Diahann Howard, Alicia Myers, Quentin Wright, Summers Miya, Ron Branine, Audrey Burney

ALSO PRESENT: John O’Leary, Gravis Law; Clif Dyer, Sundance Aviation/Tym2Fly; Scott Urban, Richland Airport; Jeff Hanoff, Richland Airport; Gareth Nisbett

The following attendees attended via remote communications: Jeff Lubeck, Bryan Bell, Sheri Collins, Jorge Celestino, Cassie Losey, Angela Saraceno-Lyman, Julia Mora, Joe Pisca, Ashley Garza, Jeff Losey, Rachel Visick, Tri-Cities Area Journal of Business, Joshua Lott, Anderson Perry, Bryan Condon, Century West Engineering

The Commission meeting was noticed as required by RCW 42.30.070.

- B. PLEDGE OF ALLEGIANCE:** Summers Miya led those present to recite the Pledge of Allegiance.

C. CONSENT AGENDA

**A motion was made by Commissioner Scott Keller to amend the agenda by removing business items 2, 4, and 5 until the January Commission meeting.
The motion was not seconded and did not proceed.**

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving the agenda for the November 12, 2025, Commission meeting, approval of minutes from the October 13, 2025, Commission workshop, approval of minutes from the October 15, 2025, Commission meeting, approval of vouchers and certifications, including payroll, for the month of October totaling \$1,097,868.24.

D. PUBLIC COMMENT

There was no public comment.

E. PUBLIC HEARING

Commission President Scott Keller recessed the regular meeting at 8:33 a.m.

Commission President Scott Keller opened the public hearing at 8:33 a.m.

1. 2026 Port of Benton Budget
2. 2026 Comprehensive Plan of Harbor Improvements

Diahann Howard noted that both the budget and comprehensive plan were previously presented at the October workshop and meeting and had been open for public comment for 30 days. No public comment was received for either document.

Howard stated that the budget revenues increased by approximately \$100,000 due to final allocation and notice of taxes by Benton County.

Commission President Scott Keller closed the public hearing at 8:35 a.m.

F. ITEMS OF BUSINESS

1. Resolution 25-42, Port of Benton 2026 Budget Adoption; Resolution 25-43, Port of Benton 2026 Comprehensive Plan of Harbor Improvements Adoption; Resolution 25-44, Certifying the Port of Benton's 2025 Levy for 2026 Property Tax Collection

A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission, approving Resolution 25-42, Port of Benton 2026 budget adoption; Resolution 25-43, Port of Benton 2026 Comprehensive Plan of Harbor Improvements Adoption; and Resolution 24-44, Certifying the Port of Benton's 2025 levy for 2026 property tax collection.

Resolution 25-45, A Resolution of the Port of Benton to Appoint a New Port Auditor

Executive Director Diahann Howard explained that Resolutions 25-45 through 24-48 were related to Jeff Lubeck's upcoming retirement at the end of 2025. Howard introduced Alicia Myers, who was hired as Director of Finance, and noted that Myers had previous port and State Auditors' office experience.

A motion to appoint a new port auditor, made by Commissioner Lori Stevens and seconded by Commissioner Roy Keck, was declined by Commissioner Scott Keller. Resolution 25-45 passed.

3. Resolution 25-46, Appointment of Public Records Officer

Executive Director Diahann Howard explained that Alicia Myers will take over Jeff Lubeck's role as the Port's public records officer.

A motion to appoint a new public records officer, made by Commissioner Lori Stevens and seconded by Commissioner Roy Keck, was declined by Commissioner Scott Keller. Resolution 25-46 passed.

4. Resolution 25-47, Appointment of Claims for Damages Agent

A motion to appoint a new claims for damages agent, made by Commissioner Lori Stevens and seconded by Commissioner Roy Keck, was declined by Commissioner Scott Keller. Resolution 25-47 passed.

5. Resolution 25-48, A Resolution of the Port of Benton Amending Signers for Banner Bank

A motion to amend the signers by Banner Bank, made by Commissioner Lori Stevens and seconded by Commissioner Roy Keck, was declined by Commissioner Scott Keller. Resolution

25-48 passed.

6. Resolution 25-49, A Resolution of the Port of Benton Relating to the Disbursement Agreement for the Use of Rural County Capital Funds Between Benton County and the Port of Benton

Executive Director Diahann Howard explained that Resolution 25-49 accepts the \$1.7 million grant for improvements to 2579 Stevens Drive. Howard explained that the \$1.7 million rural county capital funds will be paired with port funds and a CERB loan.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission, approving Resolution 25-49, accepting the \$1.7 million rural county capital funds from Benton County.

7. Resolution 25-50, A Resolution of the Port of Benton Authorizing the Execution Lease Modification No. 5 to the Ground Lease Agreement with Lucas H. Holdings, LLC, Richland Airport

Executive Director Diahann Howard stated that Resolution 25-50 implements a five-year staircase rent schedule, including fair market adjustments starting December 2030 and every three years thereafter.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission, approving Resolution 25-50, authorizing the execution of lease modification number five to the ground lease agreement with Lucas Holdings, LLC, Richland Airport.

8. Contract with Ecomodus for 3250 Port of Benton Blvd. LED Lighting Project \$106,743.40, Technology & Business Center

Director of Facilities & Operations Ron Branine explained that the total contract, including sales tax to upgrade lighting at 3250 Port of Benton Blvd., is \$106,743.40, plus a \$13,000 incentive from the City of Richland.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission, approving the contract with Ecomodus for 3250 Port of Benton Blvd. LED lighting project for \$106,743.40.

9. Contract with Ecomodus for 2579 Stevens Drive LED Lighting Project \$122,722.30, Richland Business Park

Director of Facilities & Operations Ron Branine explained that the total contract, including sales tax to upgrade lighting at 2579 Stevens Drive, is \$122,722.30 with a \$36,000 incentive from the City of Richland.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission, approving the contract with Ecomodus for 2579 Stevens Drive LED lighting project for \$122,722.30.

10. Acceptance of Work, Stacy and Witbeck \$1,341,975.30, State Route 240 Railroad Crossing
Preplacement Project

Executive Director Diahann Howard stated that the State Route 240 railroad crossing replacement project is ready to be closed out for \$1,341,975.30, noting that the contractor has been asked to return to perform some panel repairs.

Howard noted that approvals have been approved on the Steptoe Drive project.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission, approving the acceptance of work to Stacy and Witbeck for \$1,341,975.30 for the State Route 240 railroad crossing replacement project.

11. Contract Amendment, \$80,000 Through Year-End for Gravis Law

Executive Director Diahann Howard stated that a \$80,000 contract amendment to Gravis Law is needed for unanticipated research and compliance work related to the industrial land exchange and other complaints. Howard noted that the amendment may need a further increase pending complaint volume and outside work.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission, approving the contract amendment for Gravis Law, for a contract amendment of an additional \$80,000 through year-end.

12. 2026 Meeting Dates

Executive Director Diahann Howard and PIO Summers Miya reviewed the proposed 2026 meeting dates, noting the months in which a conflict prevents the standard second Wednesday of the month pattern.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission, approving the proposed 2026 meeting dates.

G. INFORMATION REPORTS

1. Grants Update

Airports – Quentin Wright stated that Western United Civil Group has started ordering materials for the 2026 Prosser Airport pavement maintenance project.

2. Legislative Update

Director of Governmental Affairs Cassie Losey outlined key 2026 legislative priorities:

- State trade strategy – focus on global trade, job creation and supply chain efficiency. This is a WPPA backed document the Port has been working on in tandem.
- Target Urban Area (TUA) – efforts to secure tax breaks for new construction for clean energy facilities where construction timelines are often an issue. It will not shift the tax burden to taxpayers per the City of Richland.
- Clean Energy Investments Bill – broaden the use of contracts to make it easier for public entities to invest in clean energy projects. This is in partnership with Energy Northwest

- Economic Development – Advocacy for continued CARB funding to airports, site certification readiness and port electrification grants
- Protection of .09 funds for economic development

Losey noted the need to correct public misinformation regarding TUA's tax impacts (Richland's method avoids negative tax shift scenarios).

Losey stated that there is a letter to Governor Ferguson for a request for state funding for Lower Columbia River Channel maintenance, to match Oregon's \$50 million commitment for a \$170 million project.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission, authorizing the Executive Director to sign the letter to Governor Ferguson related to Columbia River Channel maintenance.

3. Capital Projects Update

Director of Facilities and Operations Ron Branine noted that he already covered the LED lighting projects at 3250 and 2579.

Executive Director Diahann Howard announced that the electrification grant is at 30% design; corrosion has been identified in sheet piling, likely due to the City's irrigation pump. Howard noted that shared repair costs are being negotiated with the City Where the City would cover 70%, and Port would cover 30%. Howard added that more frequent inspections will commence.

H. COMMISSIONER REPORTS/COMMENTS

Commissioner Scott Keller had no comments.

Commissioner Lori Stevens had no comments.

Commissioner Roy Keck stated that he has filed a complaint regarding Commissioner Keller's actions and that an additional review has been requested. Commissioner Keck stated that he will seek additional reports and files additional complaints at the next meeting..

I. DIRECTOR REPORTS/COMMENTS

1. Finance Director

Director of Finance Jeff Lubeck provided a financial status report.

Lubeck reviewed the cash financial status, stating that the current cash balance is the second highest in the past four years. All billed grants have been received. Property tax revenue deposits received in October. Cash balance volatility will decrease for a few months due to a break between grant programs.

Lubeck reviewed October cash receipts and disbursements.

Lubeck reviewed the accounts receivable financial status report over 90 days.

Lubeck reviewed operating revenues through September 30, including budget vs. actuals and total operating expenses and a departmental budget overview.

Lubeck stated that the 2024 audit is wrapping up, with the single audit complete with no issues identified. Lubeck added that the financial statement audit is wrapping up, with no issues identified to date.

Lubeck welcomed Alicia Myers and noted that a revised HR policy is currently under staff review and will be brought forward at the December Commission meeting for approval. Lubeck stated that there are no major changes, with the only changes related to ensuring compliance with FPLA and PFML recent changes and ensuring consistency between sections.

2. Port Attorney

Contract Port attorney John O’Leary stated that he had no updates for the regular session, but has items for the executive session related to real estate at Prosser Wine and Food Park and personnel.

3. Executive Director

Executive director Diahann Howard provided an update on recent meetings and events she has participated in.

Howard stated that several upcoming agreements and contracts will be brought to the December meeting, including the month-to-month short-line operator agreement for the Columbia Rail extension, the Sandhill Crane easement, and stormwater maintenance agreements. Howard added that the car counter installation is expected in early 2026.

Howard announced that the engineer, Brandin Lopez, will be leaving the port, but is assisting during the transition.

Howard provided an update on port tenant, Barnhart, noting that they have requested to shift from the south side of 2579 Stevens to the north side, which is closer to their yard. Howard stated that a lease amendment is planned for February 2026.

Howard provided updates on real estate, noting that 11 lease modifications are in progress, including three terminations. A notable termination is M&M Orchard, with a walk-through scheduled for mid-November. Howard requested an executive session for real estate matters related to Prosser Wine and Food Park.

Howard added that there are 13 rental prospects, including six land prospects in discussion.

Howard reviewed recent meetings and events, including Entrepreneurial Awards, Northwest Seaport Alliance, Association of Washington Business and the rail open house, VERTICAL convening and Council of Governments meetings.

J. FOR THE GOOD OF THE ORDER

Executive director Diahann Howard inquired if there were any comments for the Good of the Order and if the Commission would like to continue receiving the report.

There were no comments.

K. EXECUTIVE SESSION

The regular Commission meeting was recessed at 9:23 a.m., with an announcement that an Executive Session would commence at 9:23 a.m. for 15 minutes to discuss real estate and personnel matters. It was noted that the regular meeting would be reconvened at 9:40 a.m.

L. ADJOURNMENT

With no action needed, the meeting was adjourned at 9:38 a.m. with an announcement that the next regular Port of Benton Commission meeting would be held at 8:30 a.m. on Wednesday, December 10, 2025, at the Port of Benton Commission meeting room, located at 3250 Port of Benton Blvd., Richland, Washington.

Roy D. Keck, Commission Secretary

RESOLUTION 25-51
A RESOLUTION OF THE PORT OF BENTON
TO CANCEL A WARRANT

WHEREAS, General Expense Fund Warrant No. 083138, in the amount of \$3,340.16 issued to CWW-Columbia Rail, warrant has been deemed lost, and

WHEREAS, said warrant is hereby considered to be canceled, and the Port Commission wishes to remove this warrant from the active accounting records,

NOW THEREFORE, the Port Commission hereby resolves to cancel Warrant No. 083138.

DATED AND SIGNED by the Commission of the Port of Benton at its regular meeting held this 10th day of December 2025 at Richland, Washington.

Scott D. Keller, President

Lori Stevens, Vice President

Roy D. Keck, Secretary

RESOLUTION NO. 25-52

A RESOLUTION OF THE PORT OF BENTON ADOPTING AN AMENDED PORT OF BENTON PERSONNEL POLICY AND PROCEDURES HANDBOOK

WHEREAS, the Port of Benton (Port) adopted a Personnel Policy and Procedures handbook for the guidance and direction of its employees; and

WHEREAS, the Port wishes to comply with all federal, state and local laws and regulations governing the administration of employees and their time; and

WHEREAS, the Port must, from time to time, update its policies both to comply with state and federal laws; and

WHEREAS, this resolution supersedes all previous resolutions and motions on this subject matter; and

NOW, THEREFORE, BE IT RESOLVED that the Commission of the Port of Benton does hereby accept and adopt the Port of Benton Personnel Policy and Procedures, revised and effective January 1, 2026.

ADOPTED by the Port of Benton Commissioners on this 10th day of December 2025.

Scott D. Keller, President

Lori Stevens, Vice President

Roy D. Keck, Secretary



PERSONNEL POLICY & PROCEDURES

Revised Effective January 1, 2026

DRAFT

Policy Name	Personnel Policy & Procedures
Effective Date	01/01/2026
Resolution No.	25-52
Administered By	Human Resources

Description	Approval Date	Summary of Changes
Prior Version		
Minor Updates	09/14/2022	Added Juneteenth as a holiday and allowed employees to use the floater holiday at their discretion
	12/10/2025	<p>Substantial updates throughout to incorporate current federal and state requirements and provide additional clarity and consistency. Major changes are:</p> <ul style="list-style-type: none"> • Addition of new classes of protected employees • Update work week and time to current practice • Clarified Leave of Absence process • Complete revision of the Family Medical Leave Act section to reflect current federal requirements • Added language regarding Washington Paid Family & Medical Leave policy which was not in the prior policy • Complete revision of the Pregnancy Disability Leave & Accommodation section to reflect current federal requirements. • Complete revision of the Domestic Violence Leave & Accommodation section to reflect current state and federal requirements • Added Military Family Leave to reflect current state and federal requirements • Provide additional guidance on the administration of paid Port holidays • Complete revision of the Non-Discrimination, Sexual Harassment, and Substance Abuse section to reflect current state and federal requirements • Clarified definitions regarding classifications, pay periods and overtime calculations to be consistent with state and federal requirements • Added Open Door section to policy • Clarified training/tuition reimbursement requirements • Added guidance and requirements associated with Safety • Added section on Workplace Searches to be consistent with state and federal regulations • Added section on Workplace Violence to be consistent with state and federal regulations

DRAFT

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RULE I - STATEMENT OF GENERAL POLICY

No policy or provision in this handbook is intended to create a contract binding the employee or the employer to an agreement of employment for a specific period. A worker's employment can be terminated by either the employee or the employer at any time, for any reason, with or without notice. No representative or agent of the employer other than the executive director can authorize or sign an employment agreement contrary to the above terms or otherwise make any binding offer of employment for a specific term.

The policies and procedures in this handbook are designed to serve as guidelines for management action. They are not intended to create any contract or binding agreement between the employer and any employee. All policies and procedures outlined in this handbook are subject to change or modification at the employer's discretion at any time that circumstances warrant.

This handbook is provided for informational purposes only. No provision or portion of the handbook constitutes any implied or expressed contract, guarantee, or assurance of employment or any right to an employment-related benefit or procedure. Employers reserve the right to change, modify, eliminate, or deviate from any policy or procedure in this handbook at any time and to hire, transfer, promote, discipline, terminate, and otherwise manage its employees as it deems appropriate. If you have questions concerning these guidelines, please consult with your supervisor, the executive director or the assistant executive director.

The Port of Benton is an equal opportunity employer. it is the policy of The Port of Benton not to discriminate against any person based on age, sex, gender identity, race, creed, color, religion, national origin, citizenship or immigration status, marital status, sexual orientation, the presence of a physical, sensory or mental disability, genetic information, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a disability, or status as a victim of domestic violence, sexual assault, or stalking. The Port of Benton will comply with all applicable state and federal laws, rules and regulations governing the employment relationship. No employee or other person acting for The Port of Benton shall have the authority to waive compliance with any such law or rule, or to obligate The Port of Benton with respect to an act in violation thereof.

The Port of Benton will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's

legal duty to furnish information.

RULE I - DEFINITIONS: The following terms, whenever used in these Rules, shall be construed as follows:

1. Appoint: The act of the Commission or the Executive Director in assigning an applicant (for employment) to a position.
2. Employee: A person receiving a wage from the Port of Benton for services performed under its supervision. The Commissioners, the Executive Director and leased or loaned employees obtained on a contract basis from others, whether or not such persons are "employees" under any statute, rule or regulation, are not included in this definition and this procedure does not apply to them, except as expressly provided herein.
3. Grievance: A request by a regular full-time or part-time employee for resolution of a work-related complaint or dispute. The term does not include complaints or disputes arising from the discharge of an employee for any reason.
4. Position: A job description which has a title and specified wage or salary range.
5. Regular full-time employee: An employee who works in a position on a regularly scheduled shift of forty (40) hours per workweek.
6. Regular part-time employee: An employee who works in a position on a regularly scheduled shift of not less than fifteen (15) nor more than thirty-seven and one-half (37-1/2) hours per workweek.
7. Temporary employee: Any seasonal, limited term (notwithstanding "project" or funding term limitations) or emergency employee.
8. Vacancy: An authorized position which is not occupied and for which funds are available.
9. Workweek: A period of 168 consecutive hours beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. the following Saturday.
10. Workday: A period of consecutive hours which the employee is regularly scheduled to work during a period beginning at 12:00 a.m. on any day and ending at 11:59 p.m.

RULE II— ATTENDANCE, LEAVE, AND HOLIDAYS

1. Attendance: An employee must be in attendance during regularly scheduled work hours, unless they are absent on approved leave. All employees are required to submit to the Auditor or their deputy a signed time sheet reflecting the actual hours worked. It is presumed by the Port of Benton Personnel Policy – Page 7

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Port that the time sheets submitted by the employee are accurate. The Port will maintain records showing the hours actually worked by each employee in each workweek. Such records will be retained for a period of not less than three years.

2. Hours of work: Regular full-time employees shall work 40 hours per week. The standard workday shall be from 7:00 a.m. to 4:30 p.m. Monday through Thursday and 8:00 a.m. to Noon on Friday for the administrative staff and from 6:00 a.m. to 3:15 p.m. Monday through Thursday and 6:00 a.m. to 11:00 a.m. on Fridays for the maintenance and facilities staff. The Port may arrange with the employee a flexible schedule for their standard workday so long as the needs of the Port are met. If an employee knows that they will be late for work or absent, it is the employee's responsibility to contact their supervisor as soon as possible to enable the necessary arrangements to be made to continue the employee's functions. Regular employees who are designated by the Executive Director as exempt employees may, with the permission of the Executive Director, vary and adapt their hours of work as required by the nature of their duties. Non-exempt employees must take a 30-minute unpaid meal break after working four consecutive hours. Meal breaks longer than 30 minutes must be approved in advance by your supervisor/manager.
3. Absence: Absence from scheduled work without authorized leave or notice to the appropriate supervisor is not permitted. See notice requirements in section 6 below (PTO). An employee who thus is absent after three consecutive working days shall be deemed to have resigned from the Port service, unless excused by the Executive Director. If an employee must leave their place of duty during the regularly scheduled workday, they must notify their immediate supervisor or their designee prior to leaving. Any such absence may be charged to available leave.
4. Rest Breaks: Rest breaks must be arranged so as not to interfere with Port business. Employees are entitled to one 10-minute rest break at least once during each consecutive four (4) hours of work. Rest breaks in excess of 10 minutes are authorized only when Port business is conducted coincident with the break.
5. Leave of Absence (without pay): The Port of Benton recognizes that there may be occasions of an emergency or personal nature which require you to be absent from work that may not be covered under federal, state, or local law. In such cases, you may request a leave of absence without pay in advance from the Executive Director who will provide written authorization.

Only regular employees are eligible to request a personal leave, and you must initiate your request in writing. In determining if a leave of absence will be granted and for how long, the following items will be taken into consideration: the staffing needs of The Port, length of service, and amount of time off already taken. A leave of absence is not granted for the purpose of working elsewhere or for other insufficient reasons. During an unpaid leave of absence, holiday pay is not granted.

The length of your leave may disqualify you from benefit eligibility such as medical or dental insurance. Should the length of your leave disqualify you from insurance benefits, you will be offered to continue coverage through COBRA. Your date of hire will not be adjusted because of your leave.

When a leave of absence ends, reasonable efforts will be made to return the employee to the former position, if available, or to a similar available position for which the employee is qualified. The Port of Benton cannot guarantee reinstatement in all cases, unless otherwise provided by law. If an employee fails to report to work promptly at the expiration of the approved leave period, The Port of Benton will interpret the employee's failure to return to work as a voluntary resignation.

6. Paid Time Off Bank: The purpose of Paid Time Off (PTO) is to comply with paid sick leave laws and provide employees with flexible paid time off from work that can be used for such needs as vacation, personal or family (child, parent, spouse, registered domestic partner, grandparent, and sibling) illness, doctor appointments, school, volunteerism, and other activities of the employee's choice. The Port's goal is to reduce unscheduled absences and the need for supervisory oversight.

The PTO days an employee will accrue, **effective January 1, 2018**, replace all existing vacation, sick time, and personal business days that had been allotted under prior policies. Time that is not covered by the PTO policy, and for which separate guidelines and policies exist, include company paid holidays, bereavement time off, required jury duty, FMLA, and military service leave.

The vacation time an employee accrued in the past will carry over, in excess of the PTO policy, at the time this PTO policy is made effective.

PTO will be paid at the employee's regular rate of pay, including shift differentials.

a. Guidelines for PTO Use

Each **regular**, full-time employee will accrue PTO based on their length of service as defined below. PTO is prorated based on the number of hours worked on an employee's regular schedule. PTO taken will be subtracted from the employee's accrued time bank in **15-minute increments** consistent with the smallest increment of our payroll system. Temporary employees, contract employees, and interns are not eligible to accrue PTO, except where required by law.

PTO is accrued per pay period and employees are able to review PTO amounts detailing the leave used, accrued, and available on their pay stubs and via online payroll system.

Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO for each pay period. PTO is not earned in pay periods during which unpaid leave, short- or long-term disability leave or workers' compensation leave are taken.

To take PTO requires verbal notice to the employee's supervisor two days beforehand, unless the PTO is used for legitimate, unexpected illness or emergencies. The employee shall also place their planned absence on the staff calendar. In all instances, PTO must be approved by the employee's supervisor in advance. The Port

appreciates as much notice as possible when an employee expects to miss work for a scheduled absence. PTO in excess of seven (7) days requires approval of the Executive Director (Use the Paid Time Off [form](#) to request PTO in excess of seven days).

Any discrimination or retaliation against an employee for the lawful exercise of paid sick leave rights is not allowed. Port of Benton will not discriminate or retaliate against an employee for the lawful exercise of their sick leave rights.

b. Paid Time Off (PTO) Exceptions

- Employees who miss more than five consecutive unscheduled days may be required to present to the Executive Director a doctor's release that permits them to return to work. If such verification requirement results in an unreasonable burden or expense, please contact Human Resources.
- PTO taken in excess of the PTO accrued can result in disciplinary action up to and including employment termination. This time off will be [unpaid](#).
- Per state law, employees may utilize their allowances of leave when the employee's work or the employee's child's school or place of care has been closed by order of a public official for any health-related reason.
- [An](#) employee may also use leave for absences that qualify for leave under the state's Domestic Violence Leave Act, RCW 49.76. As a condition of taking leave for any purpose described in RCW [49.76.030](#), an employee shall give an employer advance notice of the employee's intention to take leave. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or their designee must give notice to the employer no later than the end of the first day that the employee takes such leave.
- The Executive Director may grant exceptions to this policy.

Specific Eligibility for Paid Time Off: PTO is earned on the following schedule based on a 40 hour work week. PTO is prorated based on the number of hours worked on an employee's regular schedule.

The PTO Accrual Schedule is as follows:

Completed Years of Service Length of Service	PTO Days Per Year (8hr/day)
01	24
02, 03, 04	28
05, 06, 07	32
08, 09, 10	34
11, 12, 13	36
14, 15, 16	38
17, 18, 19, 20	40
21, 22, 23, 24, 25	42

Each employee may carry 960 hours of accrued PTO over into a new calendar year. Employees are responsible for monitoring and taking their PTO over the course of a year so that they do not lose time accrued when the current calendar year ends (PTO is subject to supervisory approval).

Upon separation from Port service, a maximum of 240 hours at the employee's current salary rate, along with a maximum of 480 hours at 50% of the employee's current salary rate, as well as a maximum of 240 hours at 25% of the employee's current salary rate, will be paid to the employee. Employees with fewer than 240 hours of accrued PTO at time of separation will only be able to cash out their total accrued PTO, i.e., employees are not guaranteed 240 hours of PTO upon separation.

Employees shall have the option to cash out their accrued PTO and receive monetary compensation up to a maximum of eighty (80) PTO hours in a calendar year. Written requests must be given to the Executive Director before December 15th of the current year. No more than four PTO cash out requests shall be permitted per year. In accordance with RCW 41.50.150, vacation cash out may not be reportable for retirement purposes. Buy-back requests shall be made in increments of (20), (40), (60), and (80) hour blocks. No buy-back will be allowed if the remaining accrued PTO of the employee would be less than (80) hours after the buy-back is complete.

7. Illnesses, Medical Certification, and Workers Compensation: Illnesses were previously covered by "sick leave" but are now rolled into the PTO Bank policy. For illnesses that last longer than seven (7) days, the Executive Director may require certification from the attending physician to substantiate that a personal or family illness or injury prevents the employee from working. Family is defined as a child, parent, spouse, registered domestic partner, grandparent, and sibling. For absences related to domestic violence, sexual assault or stalking, "family member" also includes an individual with whom the employee has a dating relationship.

Upon application by an employee, additional time off without pay up to 90 calendar days may be granted by the Executive Director for the remaining period of disability after earned PTO has been exhausted. In the event such leave exceeds 90 calendar days, an extension must be approved by the Board of Commissioners. The Executive Director may require that the employee submit a certificate of disability from the attending physician.

Employees injured in the course of their work duties may file an application for worker's compensation in accordance with state law for a period of absence from work due to a compensable work-related injury or disease. An employee so reimbursed may elect to receive time loss compensation from the Department of Labor and Industries rather than utilize any available PTO. Should the employee elect to receive both time loss compensation and PTO, PTO may be used only to the following extent:

The total number of hours which would have been charged to PTO, minus

number of hours of regular salary for which payment was made by workmen's compensation fund.

Example: An employee is absent for one eight-hour day and normally earns \$10 per hour (\$80 per day). Employee receives \$60 time loss compensation (equal to six hours sick leave at \$10/hour); employee may then use two hours of PTO (at \$10/hour) for a total of \$80.

Should any employee apply for time loss compensation, and the claim is then or later denied, PTO hours may be used for the absence. Until eligibility for worker's compensation is determined by the Department of Labor and Industries the Port may pay full PTO, provided that upon receipt by the employee of worker's compensation, the employee shall return to the Port the portion of PTO pay which was reimbursed by the Department of Labor and Industries.

If the employee elects to receive short-term disability through the Port's medical insurance carrier, they are not eligible for time loss compensation for any period during which the employee receives short-term disability. In such a situation, short-term disability benefits will be treated in the same manner as time loss compensation.

Paid holidays occurring during an authorized PTO shall not be counted as a day of PTO.

8. Family Medical Leave Policy (FMLA)

FMLA Policy: The Port is covered by the Federal Family and Medical Leave Act and has adopted this policy to administer the FMLA for Port eligible employees.

Employee Eligibility: To be eligible for FMLA leave, employees must have worked for the Port for 12 months and have worked at least 1,250 hours in the 12 months prior to taking FMLA leave.

Reasons for and Amount of FMLA Leave: Eligible employees can take up to 12 weeks of FMLA leave in a 12-month period because:

- Of the birth and to care for their newborn child;
- Of the placement with them of a child for adoption or foster care;
- They want to care for their spouse, child, or parent who has a serious health condition;
- Their own serious health condition prevents them from performing their job duties; or
- Their spouse, child, or parent is called up for or is on active duty in the Armed Forces and employees' circumstance justify their need to leave. Note: The Department of Labor will issue regulations defining qualifying "exigent" circumstances that support this reason

for FMLA leave. Until the regulations are issued, employers have discretion to permit this type of leave.

Employees can take FMLA leave for their biological children, adopted children, foster children, stepchildren, legal wards, or children from whom employees have day-to-day and financial responsibility. Children must be under age 18, or over 18 and incapable of self-care because of a physical or mental disability.

The Port designates the calendar year, January 1 to December 31, as the 12-month period in which employees can take FMLA leave.

Servicemember Family Leave: Eligible employees can take up to 26 weeks of FMLA leave in a single 12-month period because their spouse, child, parent, or next of kin (nearest blood relative) is seriously ill or injured as a result of serving on active duty in the Armed Forces.

Married Co-Workers: If two spouses both work for the Port, they are limited to a combined total of 12 weeks of FMLA leave because of the birth, adoption, or foster care placement of a child, or to care for a parent with a serious health condition. If the spouses have taken less than the full 12 weeks of FMLA leave during the 12-month period, they are each entitled to take the difference between 12 weeks and the amount of FMLA leave they took individually due to their own serious health condition, or to care for a child or spouse with a serious health condition. If two spouses both work for the Port, they are limited to a total of 26 weeks for servicemember family leave and all other FMLA-qualifying reasons in a single 12-month period. This does not apply in the same way for Washington Paid Family Medical Leave (WPFML); see WPFML for more details.

Requesting FMLA Leave: Employees requesting FMLA leave must give 30 days' advance notice to their supervisors. If the need for leave is unforeseeable, such as in the case of medical emergencies, employees must inform their supervisors as soon as they are aware of the need to leave.

If the leave is for a planned medical treatment (for employee themselves or a family member), employee must make a reasonable effort to schedule the treatment to minimize disruption of Port of Benton's business.

Upon notification, employees should provide their supervisor with the reason for requesting Family and Medical Leave and the start and end dates of the leave. Employees do not have to share a medical diagnosis but must provide enough information to the company so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the company that the employee is or will be unable to perform their job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the company if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employer Responsibilities: Once Port of Benton becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the company must notify the

employee if they are eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the company must provide a reason for ineligibility.

Employees will receive a Request for Family and Medical Leave Form to complete and submit to their supervisors. If FMLA leave is taken because of employees' or their family members' serious health condition or for servicemember family leave, employees will receive a Certification of Health Care Provider Form to complete and submit before the leave begins or within 15 days if advance notice is not provided. If the company determines that the certification is incomplete, it will provide a written notice indicating what additional information is required. A "fitness to return to work" certification may also be required.

The Port of Benton reserves the right to require recertification and second / third medical opinions. The Port may, at its own expense, require the employee to obtain a second medical certification from a health care provider. The Port may choose the health care provider. If the opinions of the employee's and the Port's designated health care providers differ, the Port may require the employee to obtain certification from a third health care provider, again at the Port's expense. This third opinion shall be final and binding. The third health care provider must be approved jointly by the Port and the employee.

Employees who request FMLA leave because their spouse, parent, or child is called up for or is on active duty in the Armed Forces will receive an Active-Duty Certification Form to complete and submit.

After employees submit all of the required forms, they will be notified in writing whether their request for FMLA leave is approved. During leave, employees must keep their supervisors informed of the estimated duration of leave and their intended date to return from leave.

The Port of Benton will not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Scheduling FMLA Leave: FMLA leave can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Intermittent leave is leave taken in separate blocks of time for a single FMLA-qualifying reason. An FMLA reduced leave schedule is a work schedule that reduces employees' usual number of working hours per workday or workweek. Employees will be informed whether they can take intermittent leave or a reduced leave schedule when they apply for FMLA leave.

Pay and Benefits During FMLA Leave: FMLA leave is unpaid. Employees may use their PTO or other paid leave benefits (such as Washington Paid Family Medical Leave).

FMLA leave taken after employees' accrued vacation, sick, and personal time is exhausted is unpaid. Holidays that occur during FMLA leave will not be paid. Employees will not accrue PTO during FMLA leave.

The Port maintains group health plan benefits for employees on FMLA leave. Employees are required to pay their premium co-payment while they are on FMLA leave and are notified how to make the payments for their share of their group health plan premiums during leave.

Concurrent use of short-term disability and workers' compensation with FMLA leave: Employees on short-term disability or workers' compensation are required to take FMLA leave concurrently. For example, employees who are absent from work for four months due to a workers' compensation injury will have the first 12 weeks of that absence applied to FMLA leave.

Return from Leave: Employees returning from FMLA leave will be reinstated to their former positions or to positions with equivalent pay, benefits, and other employment terms and conditions. Certain "key" employees, who are among the highest paid employees of the Port, might not be reinstated to any position; "key" employees will be notified of their status when they apply for FMLA leave.

Employees returning from FMLA leave retain all benefits they accrued prior to the start of leave. Taking FMLA leave does not count as a break in service for pension or retirement plan purposes.

Maintenance and Disclosure of Records Containing Personal Medical Information: Records containing personal medical information about Port employees, including copies of email, shall not be placed in the regular personnel files of employees or former employees. Records containing personal medical information such as applications for leave for family or personal medical reasons, requests for reasonable accommodation of disabilities, fitness for duty certifications, worker's compensation records, insurance claims and litigation records must be maintained in a record system separate from personnel employment records. Access to such files is restricted to Port employees requiring use of the records in the performance of job duties. Records containing medical information shall not be disclosed without the express written consent of the employee or former employee. Records containing personal medical information may be used by the appropriate Port personnel to process requests for reasonable accommodation of disabilities, determine necessary actions for the health or safety of employees, investigate claims of disability-related discrimination, for group insurance purposes and as required for worker's compensation or litigation purposes.

Employees and former employees have the right to examine files containing medical information about them to the extent provided in RCW 49.12.250. Each file containing personal medical information shall contain a log sheet upon which each person examining the file shall note the date name of the person examining the file, and the date and reason for the examination. Disputes regarding the use or disclosure of records

containing medical information shall be subject to the grievance procedure set forth in these Policies. The Executive Director shall designate an employee as the Privacy Officer. The Privacy Officer shall be responsible for maintaining the files containing personal medical information and for administering this policy.

9. Donation of PTO: The Port has authorized a donated leave program to assist employees that have exhausted all PTO caused by a catastrophic illness or injury. In order for an employee to be eligible for donated time, the following conditions must be met and the proper procedure outlined herein be followed:

Donated leave may be acquired once an employee exhausts all paid PTO by suffering from a catastrophic illness or injury or by providing care to an immediate family member who has suffered from a catastrophic illness or injury.

A "catastrophic illness or injury" means a life-threatening illness or injury of an employee or a member of an employee's immediate family which totally incapacitates the employee from work, which is verified by a licensed physician, and forces the employee to exhaust all paid leave earned by that employee, resulting in a loss of compensation from the Port for that employee.

Conditions that are short-term in nature including, but not limited to, common illnesses such as influenza, measles, common injuries, broken bones, strained ligaments, uncomplicated pregnancy, and the like are not catastrophic. Chronic illnesses or injuries such as cancer, major surgery, unresponsive syndromes and the like which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic.

The meaning of "employee" for purposes of this donated leave policy is a person employed by the Port for a minimum of 12 consecutive months prior to requesting donated leave and who has worked a minimum of 1250 hours during the 12 months immediately preceding the date of the request for donated leave and satisfy the requirements set forth in this policy. Donated leave may not be used in lieu of disability retirement.

"Immediate family" is defined for purposes of this policy as a spouse, registered domestic partner, parent, stepparent, child or stepchild.

Any employee may donate a portion of their accrued PTO in the Port's donated PTO pool. The maximum amount of PTO that an employee can donate to the PTO leave pool may not exceed a number of hours that would leave the donor with fewer than 80 hours of accrued PTO. A leave donor may not revoke the leave donation.

Before an employee may receive donated PTO, they submit a request form for donated leave and provide the Auditor with sufficient documentation to recommend approval to the Executive Director. Such documentation, at a minimum, must include a physician statement that states the beginning date of the catastrophic illness or injury, a

prognosis for recovery, and the anticipated date that the employee will be able to return to work, or if the illness or injury requires the use of intermittent leave, the physician's statement must include an adequate description of the intermittent time off needed by the employee.

A leave recipient shall receive no more than 180 days of donated leave and shall not receive any such days on a retroactive basis. While using donated leave, the leave recipient shall accrue PTO and be entitled to retain such leave upon their return to work. Any unused donated leave shall be returned to the PTO pool.

All donations shall remain confidential, and employees shall refrain from discussing PTO donations or the requests for or use of donated leave.

10. Washington Paid Family and Medical Leave (PFML): PFML is a mandatory statewide insurance program, administered by the Washington State Employment Security Department, that provides almost every Washington employee with paid time off to give or receive necessary care. To be eligible for the State benefit, employees must have worked 820 hours in the qualifying period (defined as the first four of the last five calendar quarters) for any employer(s) in Washington State. The program is funded by premiums paid by both employees and employers. The employee portion will be deducted from your paycheck.

If you qualify, this program will allow you to take up to 12 weeks, as needed, if you:

- welcome a child into your family (through birth, adoption, or foster placement),
- experience a serious illness or injury,
- need to care for a seriously ill or injured family member,
- need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.

If you experience the death of a child for whom you would have been qualified to take medical leave for their birth or family leave for bonding after birth or placement, you may be eligible to take seven days of bereavement leave following the date of the child's death.

If you face multiple events in a year, you may be eligible to receive up to 16 weeks, and up to 18 weeks if you also experience a pregnancy-related serious health condition.

If the need for leave is foreseeable, you must provide the Port at least 30 days' notice.

If approved by the State, you may be entitled to partial wage replacement while on leave. The benefit is a percentage of your weekly wage, as determined by the State. You will file your claim with the Employment Security Department and, if approved, you will be paid by the Employment Security Department. Retaliation for requesting or taking Paid Family and Medical Leave is prohibited.

Employees may use paid time off to supplement wages while using PFML.

Employees who return from leave under this law may be entitled to job protection if they

have worked for The Port of Benton for at least 12 months and have worked 1,250 hours in the 12 months before taking leave.

If you are eligible for the federal Family and Medical Leave Act (FMLA) and your FMLA and PFML leave run concurrently or overlap, you will be entitled to maintain your health insurance while you are on leave. You must continue to pay your portion of the premium cost while on leave.

11. Pregnancy Disability Leave & Accommodation: The Port of Benton will provide temporary or reasonable accommodations to qualified pregnant job applicants and employees to accommodate the individual's known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would create an undue hardship.

A pregnant employee may continue active employment until the attending physician advises the employee they should be off work. A leave of absence is granted to the employee for the actual period of time the employee is sick or temporarily disabled because of pregnancy or childbirth related conditions. Paid time off such as sick or vacation leave may be used prior to the time being designated as unpaid leave. If there is concern regarding the pregnant employee's ability to safely and/or productively function at their job, a second opinion may be obtained by a qualified physician. An accurate job description, describing all of the employee's job duties, should be presented to the reviewing physician.

Following the date of delivery, the employee must keep the employer informed of their condition and expected date of return. At least a two-week advance notice is required before the employee's return to work. An employee, who due to childbirth complications is unable to return to work on the prearranged return date, must present a signed statement from the attending physician. The physician must indicate the nature of the complication and the expected date of return to work. If the employee returns to work immediately upon the release from the physician, the employee will be returned to the same job or a similar job of comparable pay, unless business necessity prevents such reinstatement.

The Port of Benton will provide nursing employees with reasonable break time from work and a private space to express breast milk during the workday. Employees may use paid rest break time and additional unpaid break time if needed.

12. Domestic Violence Leave & Accommodation: If you are a victim of actual or threatened domestic violence, sexual assault or stalking, The Port of Benton will provide you with reasonable safety accommodations. You may be asked for written verification that you are a victim of domestic violence, sexual assault, or stalking. Safety accommodations may include, for example, a modified schedule, changed work phone or work email address, or other adjustments to the worksite.

If you or your family member are a victim of domestic violence, sexual assault, or stalking, The Port of Benton may offer a reasonable period of leave (as determined by the employer), intermittent leave, or a reduced schedule for the following reasons:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of yourself or your family member;
- To seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or attend to the health care treatment for yourself or your family member;
- To obtain, or assist your family member in obtaining, services from a domestic violence shelter, rape crisis center or other social or victim services program;
- To obtain, or assist your family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which you or your family member were a victim;
- To participate in safety planning, temporary or permanent relocation, or take other actions to increase your safety or the safety of you or your family member from future domestic violence, sexual assault, or stalking.

To be eligible for this benefit, you must give The Port of Benton advance notice of your intention to take leave. If advance notice cannot be given, you must give The Port of Benton notice no later than the first day of leave. You must also provide timely verification of the need for leave in the form of one or more of the following:

- Police reports indicating you or your family member are a victim of domestic violence, sexual assault, or stalking.
- A court order or other court documentation substantiating the need for you or your family member to appear in, or prepare for, court in connection with an incident of domestic violence, sexual assault, or stalking.
- Documentation from a domestic violence advocate, attorney, clergy member, or medical or other professional that you or your family member are a victim of domestic violence, sexual assault, or stalking.
- Your written statement that you or your family member are a victim of domestic violence, sexual assault, or stalking and that any leave was taken for the reasons set forth in this policy.

Leave is without pay unless you choose to use accrued sick or other paid time off, as applicable, for which you may already be eligible. If the leave is taken to assist a family member, The Port of Benton may also request documentation to determine family relationship. The Port of Benton will continue your health insurance benefits at the level and conditions that would have been provided had you remained continuously employed. Upon completion of your leave, you will be restored to the same job or an equivalent position with equivalent pay, benefits, and conditions of employment.

Information you provide to determine eligibility or continuation for this leave may only be disclosed by The Port of Benton if you request or consent to its disclosure, it is responsive to a court or administrative order, or as otherwise required by federal or state law.

The Port of Benton will not discriminate or retaliate against any employee or applicant who is a victim of domestic violence, sexual assault, or stalking.

13. Jury Duty Leave: It is the civic obligation of each Port employee to serve on a jury if they are called. While on jury duty or while appearing in response to a subpoena, an employee will receive full pay from the Port, but the Port shall deduct there from an amount equal to jury or witness fees actually received by the employee.
14. Military Leave: Workers who have short-term (no longer than 31 days) military reserve training obligations are paid the difference between their military pay and the regular pay rate for their positions. Otherwise, an employee's status and benefits are not affected by short-term military leave.

Employees on military leave for longer periods (normally, up to five years) continue to accrue benefit and seniority rights and are entitled to their former or comparable positions on return from leave. Employees on military leave can elect to purchase of to 24 months continue coverage for themselves, registered domestic partner, or their family members in employer's health plan.

15. Military Family Leave: During a period of military conflict, The Port of Benton provides eligible employees with up to 15 days of unpaid leave to be with their military spouse or state-registered domestic partner who is notified of an impending call or order to active duty or who has been authorized for leave from deployment.

To be eligible for this benefit, you must be employed an average of 20 or more hours per week. You must notify your direct supervisor of your intention to take the leave under this policy within five business days following receipt of the official military notice.

You may choose to apply applicable accrued paid leave benefits while taking military family leave. Health insurance benefits may continue at the level and conditions as provided under applicable laws. Upon completing your leave, you may return to your original position or an equivalent job, i.e., equivalent pay, benefits, and conditions of employment.

16. Bereavement Leave: Port employees will be granted up to seven (7) working days with pay for a death in the immediate family, defined as a spouse or registered domestic partner, child, parent, sibling, grandparent, grandchild, spouse's parent, or step relationship.
17. Holidays: Legal holidays to be observed by the Port are:
- First day of January (New Year's Day)
 - Third Monday of January (Martin Luther King Day)
 - Third Monday of February (President's Day)
 - Last Monday of May (Memorial Day)
 - Nineteenth of June (Juneteenth Day)
 - Fourth day of July (Independence Day)
 - First Monday in September (Labor Day)
 - Eleventh day of November (Veteran's Day)
 - Fourth Thursday in November (Thanksgiving Day)
 - The day immediately following Thanksgiving Day
 - Twenty-fifth day of December (Christmas Day)

Holidays that fall on a Saturday will be observed on the preceding Friday. Holidays that fall on a Sunday will be observed on the following Monday.

Should a holiday be observed on a Friday, which is normally not a full day, the Executive Director shall identify another day that the remaining holiday hours will be allocated to.

All employees are eligible for the above paid holidays upon hire. Part-time employees are eligible to receive holiday pay on a pro-rated basis according to their regularly scheduled hours. Full-time employees that are on partial leave (i.e., PFML) will receive the full holiday. Full-time employees on complete unpaid leave will not receive any holiday pay while on leave status. The Executive Director may grant exceptions to this policy when dealing with unique leave situations.

Employees shall also be entitled to one paid holiday ("floater") per calendar year in addition to those specified in this section. The floater holiday will be available in full Jan 1st of each year, it will not be "accrued" or any "prorated accrual" over the course of the year. Any new hires hired during the year will be given the Floater Holiday. The floater holiday will be equal to 8 hours per employee per year. The floater holiday is not considered PTO and will not be paid out upon termination. The floater holiday will not rollover or carryover at end of the calendar year, it will be use or lose per calendar year. The floater holiday will be available to all employees (full-time, part-time, seasonal, limited term, etc.)

RULE III - NONDISCRIMINATION, SEXUAL HARASSMENT, AND SUBSTANCE ABUSE

1. Nondiscrimination Policy: The Port is committed to providing a workplace free of all forms of harassment for all persons regardless of age, sex or gender identification, race, creed, color, religion, national origin, citizenship or immigration status, marital status, sexual orientation, genetic information, status as a registered domestic partner, honorably discharged veteran or military status, the presence of a physical, sensory or mental disability, status as a victim of domestic violence, sexual assault, or stalking, the use of a trained dog guide or service animal by a person with a disability, or any other status or characteristic protected by local, state, or federal law.

The Port of Benton prohibits harassment by and toward employees, managers, and non-employees such as customers, vendors, or contractors. Some examples of conduct that might be considered harassment include ethnic slurs, racist jokes, pornographic e-mail, unwelcome touching, display of offensive pictures, or any other verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The Port considers harassment in all forms to be a serious offense.

Harassment does not require intent to offend. Thus, inappropriate conduct or language meant as a joke, a prank, or even a compliment can lead to or contribute to harassment. Sexual or other harassing conduct, even if not unlawful, will not be tolerated. For example, a stray comment that degrades an employee's gender may not be unlawful harassment, but it is an example of prohibited conduct under this policy.

Employees who have been subject to prohibited discrimination or harassment should

immediately report the incident to their supervisor, the executive director, or the assistant executive director. Complaints are investigated immediately and handled as confidentially as possible. The Port ensures that employees following this complaint procedure are protected against retaliation.

Any supervisor or manager who witnesses an act or indicator of harassment or who receives a complaint of harassment and fails to take appropriate action, which includes reporting the act or complaint to Human Resources, may be subject to corrective action.

Any reported violations of EEO law or this policy are investigated. Any employee found to have engaged in discriminatory conduct or harassment are subject to immediate disciplinary action, ranging from sensitivity training to possible termination of employment.

2. Sexual Harassment Policy: Sexual harassment is a specific type of discriminatory harassment and includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where tolerance of such actions is made a condition of employment, interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

It is illegal and against the Port's policy for any worker of any sex to harass another worker or create a hostile working environment by committing or encouraging:

- physical assaults on another employee, including rape, sexual battery, molestation, or attempts to commit these assaults;
- intentional physical conduct that is sexual in nature, including touching, pinching, patting, or brushing up against another employee's body;
- unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct is unwelcome; and
- posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. This policy prohibits unacceptable harassment or conduct in the workplace and at employer-sponsored business and social events. Additionally, harassment via social media, email, and text messages are within the scope of prohibited conduct; for example, a harassing post on an employee's private Facebook page violates this policy if it is about a coworker or customer.

The Port will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation. The Port does not condone any sexual harassment of its employees. All employees will be subject to severe discipline, up to and including discharge, for any action of sexual harassment they commit. Employees subject to sexual harassment should immediately report the harassment to their

supervisor, the executive director, or the assistant executive director.

Supervisors, managers, and directors who receive a sexual harassment complaint should carefully investigate the matter. Both the complaint and the investigative steps and findings should be thoroughly documented. To the extent possible, confidentiality of all parties involved in a sexual harassment complaint will be maintained and information will be released only to those who need to know.

Employees dissatisfied with the resolution of the investigation of a sexual harassment complaint should utilize the grievance procedure set forth at Rule VI. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

3. Substance Abuse Policy: See Attachment A. The Port is committed to maintaining a safe, healthy, and efficient working environment. The use, sale, possession, purchase, manufacture, or transfer of drugs alcohol in the workplace poses unacceptable risks to safe and efficient operations. This policy prohibits the use of drugs that are illegal under federal, state, or local law and is designed to ensure employee safety, reduce absenteeism and tardiness, improve productivity, and protect the company's status and reputation. The policy applies to all employees (including contracted employees) and job applicants.

Although some states have legalized cannabis for medicinal or recreational purposes, The Port of Benton is not required to allow the medicinal or recreational use of cannabis in the workplace. Cannabis use or being under the influence is strictly prohibited on The Port of Benton property and while conducting employer business.

Employees are expected and required to report to work on time and in appropriate mental and physical condition. The unlawful use, sale, possession, manufacture, distribution, being under the influence of, or dispensation of drugs on company premises or while conducting company business off premises is strictly prohibited.

Possession or use of alcohol on company premises, except in connection with company authorized events, is prohibited. Employees whose absenteeism or tardiness results from off-duty use of alcohol or drugs will be instructed to seek rehabilitation or face termination.

The Port of Benton reserves the right to require employees to submit to drug testing to detect the presence of alcohol, illegal drugs, pursuant to state or federal law, or other controlled substances if it has reason to believe that an employee may be under the influence of such substances or is currently using such substances. Refusal to consent to such a test may result in disciplinary action up to and including dismissal.

The undisclosed use of legal drugs by employees while on the job is prohibited; however, employees can use prescribed medications while performing their jobs if the Port determines that such use does not pose a safety risk. Employees whose physicians have prescribed medications that might adversely affect their ability to perform their work must provide a written statement from their doctors.

Employees needing help in dealing with substance abuse problems are encouraged to use our employee assistance program. Conscientious efforts to seek and use such help will not jeopardize employees' jobs and will not be a part of any personnel record. Records of absences to seek treatment or insurance claims for covered treatment will be maintained, however, although the reasons for the absences or claims will be kept confidential and disclosed only on a need-to-know basis. Violation of this policy will result in disciplinary action, up to and including termination, as well as possible criminal consequences.

RULE IV - CLASSIFICATION AND SALARY

1. Classification: The Executive Director shall classify each employment position as exempt or non-exempt, for the purpose of assuring compliance with the overtime pay requirements of applicable law. Federal and state wage and hour laws designate employees as either exempt or non-exempt.

Exempt: These are employees who are exempt from the overtime pay requirements of applicable state and federal laws. Exempt employees are paid on a salary basis and occupy positions that are primarily executive, administrative, professional, computer-related, or outside sales.

Non-exempt: An employee who is not exempt from the overtime provisions of federal and state laws. Non-exempt employees are entitled to receive overtime for all hours worked beyond 40 in a workweek and may be entitled to certain meal and rest periods in accordance with state law.

2. Salary: See Port of Benton policy Salaries and Benefits for Employees.

3. Pay Period: Employees of the Port shall be paid on a bi-weekly basis. Pay periods begin on a Sunday and will end 14 days later on a Saturday. Employees will be paid on the next Friday. If a pay day falls on a holiday, the payroll will be paid the day before the holiday.

4. Overtime: It is the policy of the Port to reduce to a minimum the necessity for authorized overtime work. Non-exempt employees shall be paid one and one-half times their hourly base rate of pay for each hour in excess of forty (40) actually worked in a workweek. PTO, holidays, or any other company paid time is not counted as time worked for computing overtime. The workweek is Sunday through Saturday. No overtime will be allowed for any employee except in an emergency, without the prior written approval of their supervisor.

5. On-Call: See Port of Benton On-Call policy.

RULE V - PERSONNEL ACTIONS

1. Appointment: Appointments and promotions to vacant positions will be made by the Executive Director, unless otherwise provided by resolution of the Commission. All appointments and promotions shall be made on the basis of merit.

2. Promotion: The Executive Director will fill vacant positions by promotion if qualified persons are available. A promoted employee may be returned to the previous position if the employee's performance following a promotion is unsatisfactory.
3. Resignation: An employee wishing to leave the Port service in good standing, shall at least two weeks before leaving, file a written statement as to the reasons for leaving and the effective date.
4. Demotion; Suspension, Discharge - Personnel Files: An employee may be demoted, suspended or discharged, with or without cause or notice. The Executive Director will notify an employee in writing of (a) a demotion two weeks prior to its effective date, if possible, (b) a suspension, the reasons therefore, and the duration thereof, if known, and (c) a discharge, the reasons therefore, and its effective date. An employee who is suspended for non-disciplinary reasons (i.e. furloughed) will be given two weeks' notice, if possible. A suspension may be paid or unpaid. An employee who is demoted or discharged for poor performance or misconduct will be allowed to prepare and place in their personnel file a written rebuttal statement, not to exceed one page in length. A rebuttal statement will be retained in the personnel file as a permanent record,

An employee may examine their personnel, payroll or benefit files, including any separate files containing medical information, upon request at any time during regular business hours. A former employee may examine their personnel files once during regular business hours in each of the two calendar years following separation from employment.

RULE VI- OPEN DOOR

Constructive thinking and helpful suggestions from you help us progress and succeed as an employer. The Port of Benton invites employees to share their suggestions, recommendations, or constructive criticisms about the employer and its operations with their direct supervisor, a member of management, or a member of the Human Resources department.

You are encouraged to openly and frankly discuss any concern, problem, or disagreement you may have with your direct supervisor, a member of management, or a member of the Human Resources department.

RULE VII- SEMINARS, CLASSES, & TUITION REIMBURSEMENT

1. Seminars and Classes

Port employees may be reimbursed for continuing education or seminars directly related to the employee's duties or ability to maintain a license upon which their work duties pertain, if (a) enrollment in the class has been approved in writing by the Executive Director, and (b) the class is successfully completed. Such training is to include continuing legal education (CLE) courses and continuing professional education (CPE) courses.

Port employees and Port Commissioners shall make every effort to attend any event or class that they have signed up and paid for. Should a cancellation occur within a time period that reimbursement may not be obtained from the class/venue, the employee/Commissioner shall reimburse the Port for the costs paid, **unless a legitimate reason** is provided to, and approved by, the Executive Director.

2. Tuition Reimbursement

The Port recognizes the value of well-educated and well-trained employees and supports the tuition reimbursement program with available funds. Employees are encouraged to further their personal and professional development goals through appropriate formal education programs.

3. General Requirements

Tuition reimbursement is available for live or online courses offered by institutions accredited by the following accrediting organizations: Middle States Commission on Higher Education, New England Association of Schools and Colleges' Commission on Institutions of Higher Education, North Central Association of Colleges and Schools' Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools' Commission on Colleges, and Western Association of Schools and Colleges' Senior College and University Commission. Accreditation information is available directly from the school.

Tuition Reimbursement is available only to full-time employees who are in good standing and have successfully completed 1 year of service with the Port. Employees whose official work schedule is part-time will receive reimbursement relative to their work schedule (e.g. half-time employees received 50 percent of allowable reimbursement).

Employees who intend to apply for tuition reimbursement must obtain approval from the Executive Director and the Director of Finance prior to registering for the class(es). Employees who do not obtain approval prior to taking the class will not be eligible for reimbursement.

If the employee leaves Port services before completing the entire reimbursement process, the Port will not provide reimbursement. Employees who leave the Port within 6 months of receiving reimbursement will be required to repay any reimbursements received in the 6 months prior to termination.

To qualify for reimbursement for a college course, the employee must receive a grade of "C" or (2.0) or better. Classes may only be taken on a pass/fail basis if the class is only offered on a pass/fail basis. For pass/fail classes, the class must be passed for reimbursement. Official grade reports must be submitted with the request for tuition reimbursement. Should an employee "fail" a pass/fail class or fail to obtain a "C" or "2.0" in a course, that employee must reimburse the Port any monies already paid by the Port in full, within thirty (30) days of receiving their grade.

Participation must not interfere with scheduled work or negatively affect work performance.

There must be a relationship between the course(s) and the employee's projected career path

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within the Port, or attainment of a degree that benefits the employee and the Port.

The reimbursement rate will be 100 percent of the tuition cost and mandatory fees. Maximum tuition reimbursement for an employee will not exceed the full-time Washington resident undergraduate tuition rate for the Washington State University Tri-Cities Branch Campus in a calendar year. Costs of textbooks will also be reimbursed. However, textbooks are to remain Port property and are to be provided to the Port upon completion of a course. Other costs (e.g. supplies, travel, parking, extracurricular clubs, etc.) are not reimbursable.

In some situations, reimbursement may be approved for courses that do not meet the above descriptions. These situations may include courses like a preparation class for a certification examination or a job-related course provided by a non-academic institution. Reimbursement for special courses shall be at a rate determined by the Executive Director on a case-by-case basis.

Employees who receive financial assistance for their education from another source must disclose the source and amount when seeking reimbursement. If employees are receiving 100% funding for their education from another source, the Port will not provide reimbursement. Under certain circumstances, it is possible that the tuition reimbursement program can be coordinated with other funding sources (e.g. GI Bill benefit, grant, scholarship). In all instances, total financial assistance and tuition reimbursement will not exceed the educational expenditures incurred.

Reimbursement process:

- A. Employee shall turn in Reimbursement form
- B. Employee will pay for the course prior to reimbursement.
- C. Upon course completion, employees will provide the Finance Director:
 1. A copy of the unofficial course transcript
 2. A copy of the receipt for tuition payment that shows the course title, number of credit hours, tuition costs, and fees,
 3. Documentation from the college's website or course catalog showing the cost per credit for the timeframe of the course, and
 4. A copy of the class syllabus noting the required textbook must be submitted with the textbook receipt
- D. Documentation for payment must be submitted within 90 days following the course end date.

Advance Tuition Reimbursement: Requests may be submitted up to forty-five (45) days in advance of the start date of the course in the event the employee requests advance reimbursement due to financial hardship. Requests approved in advance are subject to the policy in effect at the time the class starts, not at the time of approval.

Advance reimbursement process:

- A. Employee shall turn in Reimbursement form
- B. Employee will submit for reimbursement up to forty-five (45) days prior to the course start date. This shall include:
 1. A copy of the receipt for tuition payment that shows the course title, number of credit hours, tuition costs, and fees,

2. Documentation from the college's website or course catalog showing the cost per credit for the timeframe of the course, and
 3. A copy of the class syllabus noting the required textbook must be submitted with the textbook receipt
- C. Within thirty days (30) of course completion, employees will provide the Finance Director:
1. A copy of the unofficial course transcript

Tax implications: Depending on the IRS tax codes in effect, employee reimbursement may be subject to income and FICA tax withholding. For guidance on the laws related to tuition reimbursement, employees should contact their accountant or tax advisor.

RULE VIII- DISCLOSURE STATEMENTS, CONFLICTS OF INTEREST AND DISCLOSURE OF INFORMATION

A disclosure statement regarding outside employment, business interests or ownership will be required of each new employee at time of hire, and annually thereafter. The disclosure statement must disclose the existence of any financial interest of the employee, and their spouse, or registered domestic partner which may be affected by an activity of the Port.

A conflict of interest occurs when (a) an employee, spouse or registered domestic partner has a private financial interest which may be affected by an activity of the Port, or (b) the employee, spouse or registered domestic partner has a legal duty to a third party which conflicts with a duty owed to the Port because of employment. Ownership of stock in a listed and publicly traded company that does business with the Port need not be reported. Any activity which could be a conflict of interest between the employee and the Port will require a plan to eliminate any conflict of interest and approval by the Board of Commissioners.

Commissioners or employees of the Port shall not accept gratuities, gifts or free services from any person or organization that conducts business with the Port. This provision does not prohibit the exchange of inexpensive gifts, food or beverages of the value of \$25.00 or less that are by custom exchanged at holiday seasons or at social functions organized for the enjoyment of Commissioners or employees.

Commissioners and employees shall maintain the confidentiality of information obtained during the conduct of Port business, unless disclosure is required by law or compelled by subpoena. Care should be exercised where the disclosure of information about Port business could result in a significant compromise of the Port's position in the negotiation of leases, land sales or acquisitions, the encouragement and support of new businesses, or the Port position in litigation or regulatory matters.

RULE IX - USE OF PORT ASSETS AND TIME

Any use of Port assets or time by an employee for private personal benefit is prohibited. Employees will be disciplined or discharged for:

- a. use of Port vehicles for private purposes, unless expressly authorized by the Board of Commissioners; provided, however, that incidental use of a vehicle owned by the Port for incidental personal purposes such as meals, errands and personal needs which coincide with an employee's performance of official

Port duties is approved.

- b. use of Port computers for private correspondence, business activities or personal entertainment; provided, however, that incidental use of email for reasonable and necessary communication **is permitted** if the communications are properly stored in the permanent Port email cache;
- c. theft or unauthorized use of property, materials, tools, equipment, telephones or fax machines or facilities owned by the Port; provided, however, that reasonable use of telephones owned by the Port for reasonable local communication for personal or immediate family matters; and
- d. conducting personal business for profit while being paid for work by the Port, or unreasonable use of work time for personal or family matters.

RULE X - DRUG FREE WORKPLACE PROGRAM

I. Statement of Policy:

- A. Introduction and Background: The Port of Benton's responsibilities for protection of the health and safety of the public and of its employees require that actions be taken to assure that employees at Port of Benton facilities in positions with the potential for causing serious harm to the health and safety of employees or the public meet the highest standards of reliability. Among the actions deemed necessary is that the Port of Benton develop and maintain drug free workplace programs. This document provides criteria to be followed by the Port of Benton in developing and implementing a drug free workplace program.
- B. Purpose: This document establishes Port of Benton policies and criteria for developing and implementing programs that facilitate the maintenance of a drug free workplace, including detection of the use of illegal drugs by current or prospective employees.
- C. Scope: All current and prospective employees who will be in safety-sensitive roles at the Port of Benton are required to participate fully in the Drug Free Workplace Program, including urine drug analysis as specified in subsequent sections of this document.
- D. Policy: The Port of Benton policy regarding protection of employee and public health and safety requires that the Port of Benton assure that its employees who occupy positions with the potential to cause damage, are free of the effects of the use of illegal drugs. In order to accomplish this, it shall be the Port of Benton's policy to:
 - a. Prohibit the use, possession, manufacture, distribution, being under the influence of, or sale of illegal drugs at any Port of Benton facility.
 - b. Instruct supervisors and employees concerning substance abuse problems and the availability of assistance.

- c. Conduct urine drug analysis of employees and applicants on the basis of reasonable suspicion or in connection with an occurrence.
- d. Provide employees with the opportunity for rehabilitation under certain circumstances.
- e. Take disciplinary action as appropriate, up to and including termination.

E. Definitions:

- a. "Confirmed Positive Test" means a finding based on an initial test with a positive result followed by a confirmatory test on the same sample using a more sensitive, drug-specific test with a positive result.
- b. "Employee Assistance Program" means a system of counseling and referral services for the prevention, treatment and rehabilitation of employees who have substance abuse and other medical behavioral problems.
- c. "Illegal Drugs" means controlled substances as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not apply to the use of a controlled substance pursuant to a valid prescription or other uses authorized by law. Although some states have legalized cannabis for medicinal or recreational purposes, The Port of Benton is not required to allow the medicinal or recreational use of cannabis in the workplace. Cannabis use or being under the influence is strictly prohibited on Port of Benton property and while conducting employer business.
- d. "Reasonable Suspicion" means an articulable belief that an employee uses illegal drugs drawn from particularized facts and reasonable inferences from those facts.
- e. "Occurrence" means any untoward accident, incident, or event which results in personal injury, property damage or monetary loss, or a significantly increased probability of injury, loss, or damage. An automobile accident with a government vehicle, an error in administration, or misappropriation of company funds are examples of occurrences.

II. Procedures

- A. Employee Assistance Program: In appropriate circumstances, the Port of Benton shall refer employees to qualified professionals for treatment of drug or alcohol related problems.
- B. Federal contract or grant: As a condition of employment on any Federal contract or grant, the employee must abide by the terms of this policy statement and is required to notify the Port, within five calendar days, if they are convicted of a criminal drug violation. Failure to notify the Port is grounds for automatic termination.
- C. Testing as a Result of an Occurrence: When there is an occurrence involving Port of Benton employees, the Executive Director may direct that all involved employees be tested for illegal drug use within 48 hours.
- D. Testing for Reasonable Suspicion: Any employee whose behavior creates the basis

for reasonable suspicion on the part of a responsible person will be tested for illegal drug use. Testing for reasonable suspicion shall be recommended by the responsible person observing the suspicious activity but shall be ordered by the Executive Director. Such suspicion must be based on one or more of the following:

- a. Observable phenomena, such as direct observation of drug use and/or the physical symptoms of being under the influence of a drug;
 - b. A pattern of abnormal conduct or erratic behavior;
 - c. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking; or
 - d. Information provided by reliable and credible sources and independently corroborated, or evidence that an employee has tampered with a drug test.
- E. Drugs for Which Testing is Performed: Testing will routinely be performed to identify the following drugs, classes of drugs, or metabolites thereof, and at the assay cut off levels indicated:

A POSITIVE DRUG RESULT MEANS THAT THE AMOUNT DETECTED MEETS OR EXCEEDS THE ASSAY CUT-OFF

Assay Cut-Off Levels:

Urine Ethanol	25 mg/dl
Amphetamines	1000 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Cannabinoid	150 ng/ml
Cocaine Metabolite	150 ng/ml
Methadone	300 ng/ml
Methaqualone	300 ng/ml
Opiates	1000 ng/ml
Phencyclidine	25 ng/ml
Propoxyphene	300 ng/ml
MDMA	500 ng/ml
Methamphetamine	1000 ng/ml

Testing may also be performed for other drugs or classes of drugs if deemed necessary and so directed by the Executive Director of the Port of Benton. Drugs tested for and cut-off levels may be changed as necessary to maintain compliance with state or federal law, directives or recommendations.

- F. Specimen Collection, Handling and Laboratory Analysis: All specimens shall be collected by a physician or a drug testing laboratory at a time and place to be specified by the Port of Benton. Procedures for providing urine specimens must allow

individual privacy, unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. The Laboratory Contractor shall utilize a chain of custody procedure for maintaining control and accountability from point of collection to final disposition of specimens and shall use cut-off levels as specified in Section E in screening specimens to determine whether they are negative or positive for a specific drug.

- G. Medical Review of Test Results: When a positive test result has been obtained, and confirmed by another test made on the same sample using a more sensitive, drug-specific test, the confirmed positive test result will be reviewed by a physician designated by the Executive Director of the Port of Benton considering the medical history of the employee or applicant and other relevant biomedical information. If the physician determines that there is a legitimate medical explanation for the confirmed positive test result consistent with legal drug use, the physician will certify that the test results do not meet the conditions for a determination of illegal drug use. If no such certification can be made, the physician will make a determination of illegal drug use.

H. Action Pursuant to Determination of Illegal Drug Use:

- a. When an applicant has been tested and determined to be an illegal drug user, processing for employment will be terminated and the applicant will be so notified.
- b. When an employee has been tested and determined to be an illegal drug user, the employee shall be immediately removed from all duties. If this is the first determination of illegal drug use by that employee, the employee will be offered a reasonable opportunity for rehabilitation. Failure to take advantage of the opportunity for rehabilitation or a second determination of illegal drug use will be the basis for disciplinary action up to and including termination of employment.

I. Records:

- a. Port of Benton shall maintain maximum confidentiality of records related to substance abuse, to the extent possible consistent with state law. All drug testing records shall be maintained separately and independently of medical records and shall not be considered to constitute a portion of the employee medical record.
- b. All records, including initial test records and chromatographic tracings, shall be retained by the contract urine drug testing laboratory in such a manner as to allow retrieval of all information pertaining to the individual urine specimens for a minimum period of two years after completion of testing of any given specimen. Frozen duplicate samples of all urines testing positive for drug use shall be maintained for a minimum period of two years.

- J. Refusal to Provide a Specimen or Participate in the Program: Refusal to provide a specimen or participate in the program will be considered equivalent to a positive test. Appropriate action will be taken as if a positive test had been found. A second refusal will result in disciplinary action up to and including termination of employment.

RULE XI - REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION

It is the policy of the Port of Benton (1) to encourage reporting by its employees of improper governmental action taken by the Port of Benton's officers or employees and (2) to protect the Port of Benton's employees who have reported improper governmental actions in accordance with the Port of Benton's policies and procedure(s).

DEFINITIONS: As used in this policy, the following terms shall have the meanings indicated:

1. "Improper governmental action" means any action by a Port of Benton officer or employee:
 - a. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - b. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

2. "Retaliatory action" means any adverse change in the terms and conditions of a Port of Benton employee's employment.
3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

PROCEDURES FOR REPORTING:

Port of Benton employees who become aware of improper governmental actions should raise the issue first with the Executive Director. If requested by the Executive Director, the employee shall submit a written report to the Executive Director, or to some person designated by the Executive Director, stating in detail the basis of the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the Executive Director, the employee may raise the issue directly with the President of the Commission of the Port of Benton or such other person as may be designated by the President to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The Executive Director or the President of the Commission of the Port of Benton or the President's designee shall take prompt action to assist the Port of Benton in properly investigating the report of improper governmental action. Port of Benton officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Port of Benton employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Port of Benton employee reasonably believes that an adequate investigation was not undertaken by the Port of Benton to determine whether an improper governmental action occurred, or that insufficient action has been taken by the Port of Benton to address the improper governmental action or that for other reasons the improper governmental action is likely to recur. Port of Benton employees who fail to make a good-faith attempt to follow the Port of Benton's procedures in reporting improper governmental action shall not receive the protection provided by the Port of Benton in these procedures.

PROTECTION AGAINST RETALIATORY ACTIONS:

Port of Benton officials and employees are prohibited from taking retaliatory action against a Port of Benton employee because they have in reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise the Port of Benton Executive Director, the President of the Commission of the Port of Benton, or the President's designee. Port of Benton officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the Executive Director, the Port of Benton President, or the President's designee does not satisfactorily resolve a Port of Benton employee's complaint that they have been retaliated against in violation of this policy, the Port of Benton employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Port of Benton commission that specifies the alleged retaliatory action and specifies the relief requested.

Port of Benton employees shall provide a copy of their written charge to the Port of Benton Executive Director no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Port of Benton shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the Port of Benton or thirty (30) days after the delivery of the charge to the Port of Benton, the Port of Benton employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Port of Benton manager within the earlier of either fifteen (15) days of delivery of

the Port of Benton's response to the charge of a retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the Port of Benton for response.

Upon receipt of the request for hearing, the Port of Benton shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
PO Box 42488
Olympia, WA 98504-2488
(360) 407-2700
(360) 664-8721 (Fax)

The Port of Benton will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

RESPONSIBILITIES:

The Executive Director is responsible for implementing the Port of Benton's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly hired employees.

Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

LIST OF AGENCIES:

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the manager.

BENTON COUNTY:

Benton County Prosecutor (Criminal and Civil Divisions)
7122 W Okanogan Pl # A
Kennewick, WA 99336
(509) 786-5621

Benton-Franklin Health District
7122 W Okanogan Pl Kennewick, WA 99336
(509) 460-4200

Benton Clean Air Agency
526 S Clodfelter Rd Kennewick, WA 99336
509) 783-1304

Benton County Sheriffs Department
7122 W Okanogan Pl # B
(509) 786-5615

STATE OF WASHINGTON:

Attorney General's Office
1125 Washington Street SE PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200

UNITED STATES OF AMERICA:

General Services Administration
915 Second Avenue
Seattle, WA

Office of Inspector General
Audits Investigations (206)931-7650
Law Enforcement (206) 553-0290

Department of Health & Human Services Food
& Drug Administration
22201 23rd Drive S.E. Bothell, WA
Trade Complaints (206)483-4949

Office of the Regional Secretary
General Counsel's Office, Inspector General
Audits (206) 553-0452
Investigations (206) 553-0229

Department of Housing and Urban
Development Office of Counsel
1321 Second Avenue Seattle, WA
(206)553-4976

Office of Inspector General
Audits (206) 553-0270
Investigations (206) 553-0272

Interstate Commerce Commission
915 Second Avenue, Room 1894
Seattle, WA 98174
(206)553-5421

Department of Interior
U.S. Fish & Wildlife Services Division of Law
Enforcement
121 107th N.E.
Bellevue, WA
(206)553-5543

Department of Justice
Drug Enforcement Administration
220 West Mercer, Suite 300 Seattle, WA
(206)553-5443

Department of Labor
Occupational Safety & Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(206)553-5930

Office of Inspector General Audits
1111 Third Avenue, Suite 780
Seattle, WA 98101-3212
(206) 553-4880

Office of Inspector General Investigations
1111 Third Avenue, Suite 785
Seattle, WA 98101-3212

Office of Women's Bureau
1111 Third Avenue, Suite 885
Seattle, WA 98101-3212

Mine Safety & Health Administration
117 107th N. E.
Bellevue, WA
(206)553-7037

National Transportation Safety Board
19518 Pacific Highway South Seattle, WA
(206) 764-3782

Nuclear Regulatory Commission
510-975-0200

Securities and Exchange Commission
915 Second Avenue
Seattle, WA 98174
(206) 553-7990

Department of Transportation Office of
Inspector General
915 Second Avenue
Seattle, WA 98178
(206) 553-5720

Department of Treasury
Bureau of Alcohol, Tobacco & Firearms Law
Enforcement Division

915 Second Avenue, Room 806
Seattle, WA 98174

Department of Veterans Affairs Office of
Inspector General
915 Second Avenue
Seattle, WA 98174
Fraud/Waste/Abuse Hot Line 800-488-8244

RULE XII - INTERNET AND EMAIL POLICY AND PROCEDURES

The Port of Benton provides both internal and external communications networks in order to provide an efficient means of communication with fellow employees, persons outside the Port, and remote computer systems. Networks also provide a means of retrieving and communicating other business-related information. Internal and external networks provide many business benefits. However, there are also legal, security, productivity and privacy issues related to how networks are properly used. Employees are required to become familiar with and adhere to the following guidelines and information regarding use of Port network resources.

1. Privacy: All data and voice processing equipment, software, Internet accounts, and data residing within or on those devices are the property of the Port of Benton.

Communication over networks should not be considered private. Employees of the Port have no expectation of privacy in Port correspondence, in records created for use in Port activities, or in email sent or received over the Port's email systems. Network administration and maintenance may require review and inspection of directories, files or messages. Messages may sometimes be diverted accidentally to a destination other than the one intended. Privacy of these communications is not guaranteed. The Port reserves the right to access, monitor, and review any information transmitted on computer systems and in stored records for any reason. Deleting e-mail may not necessarily destroy the record within the system.

Generally, computer files, voice mail, and e-mail are considered "documents" under the Washington State Public Disclosure Act (RCW 42.17). As such, it should be assumed that this information may be subject to release to any member of the general public upon request to the Port of Benton.

Email directly or indirectly related to activities or business of the Port, which is unprivileged, and which is sent or received by a Commissioner or employee, shall be saved and stored electronically in an electronic file.

The use of the email system for communications unrelated to Port business is discouraged.

2. **Port-Owned Electronic Devices:** Employees have no right to privacy with respect to the use of Port-Owned Electronic Devices. This includes any and all voicemails, social media messaging, emails, text messages, call history and/or any other information stored on a cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The Port has the right to inspect any and all Port-Owned Electronic Devices used by employees for such information at any time and without notice.

In addition, employees have the following responsibilities regarding Port-Owned Electronic Devices:

- a. **Protect** the Port-owned electronic device from theft, loss or damage.
 - b. Immediately report loss or theft of a Port-owned electronic device to your supervisor.
 - c. As cell phone calls and other electronic devices are not secure, use discretion while making calls of a sensitive or confidential nature.
 - d. Immediately return the electronic device to your supervisor if it is determined that the electronic device is no longer necessary for your job or upon leaving employment with the Port.
3. **Personal Cell Phones and Text Message Policy:** Employees should be aware that work-related texts and voice messages on cell phones may be public records subject to the Public Records Act. These text and voice messages are subject to the Public Records Act so long as one party to the conversation is a Port employee, regardless of who the other party is, i.e. friend, family, business associate. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules.

Records created related to Port business—including text messages, voicemail messages, and other electronic communications—are Port records. These records therefore (1) should be managed according to the applicable retention schedule, and (2) may be subject to disclosure under the Public Records Act. The following is intended to help manage the business-related messages you send or receive on smart phones, tablets, or similar devices (iPhone, iPad, Blackberry, Android, etc.)

- a. With supervisor authorization, employees may use text messaging only for routine or transitory messages that don't need to be retained by the Port. Examples include informal notices of meetings, directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication.
- b. Text messages may not be used to send policy, contract, formal correspondence, or personnel related data. Sensitive information should not be sent by text message, including social security numbers, credit card numbers, and passwords.

- c. If the electronic record is transitory in nature with no administrative, legal, fiscal, or archival value, then the record can be deleted at the discretion of the user. Examples include secondary copies of memos, general office notices, general information, working copies, transmittal memos, meeting announcements, invitations to retirement parties, drafts.
- d. If a text message is not transitory in nature and needs to be retained, employees must transfer the messages to the Port's network and/or devices.

4. Network Usage Guidelines:

a. Network Access:

A. Employee access to internal and external networks, including the Internet, is granted as a Port business resource. "Loaning" of user IDs and passwords or failure to logoff during non-work hours are considered breaches of security. Employees must use networks in accordance with Port guidelines, and local, state, and federal laws. Employees who misuse this privilege will have their access revoked and are subject to disciplinary measures.

B. Access to networks through any means other than Port authorized methods is prohibited. This is necessary to ensure proper network usage, maintain operating efficiency and ensure network security.

C. Management approval is required for all employees to access authorized internal computing resources: Access to external computing resources must be coordinated with the Director of Finance/Auditor to determine if existing resources will support the request connection.

b. Network Use. Electronic data processing and telecommunications (such as Microsoft Exchange, Voice Mail, and Internet access) are provided for the conduct of Port business. Employees who use these resources are responsible for doing so in an ethical, legal and professional manner. Further, they may not be used to support activities for personal gain, solicitation, or to support any illegal purposes. They may not be used to send or post messages that are in support of any religious, political, or non-business related outside organization or activity. Messages must not contain harassing, obscene, profane, or otherwise offensive language. Storage of personal files on Port networks is prohibited. E-mail and bulletin board services may be used to support Port-sponsored education, professional organizations, or community activities, if this usage is approved by the Executive Director. Non-employee access to internal and external network systems, software and telecommunications shall be specifically limited to the conduct of official Port business.

c. Downloading and Network Connections: The Port of Benton internal computer and voice networks are vulnerable (to unauthorized intrusion, viruses, etc.) at the point of interface with any external network connections. Computer systems residing on or connected to the internal network will use external connections only through Port

approved and managed network interfaces. Any connection not meeting these requirements will be subject to disconnection until it is reviewed by the Information Systems Administrator/Director of Finance/Auditor and approved for use.

- d. Virus Screening: Software may not be downloaded from external sources (e.g. bulletin board services, the Internet, etc.) and/or used without screening through a virus control utility.
- e. External Disks: Binary (non-text, e.g. graphics) files, executable (program) files (including those attached to email), and removable computer media (e.g., diskettes, CD-ROM discs, DVD-ROM discs, and flash/usb drives) can contain computer viruses or other malicious code. No executable information (e.g. binary files, macros, etc.) obtained from external sources may be executed prior to virus checking with an appropriate utility.
- f. Copyrights: Copyright laws must be adhered to. Copyrights and contractual agreements may prohibit the duplication of material without authorization. Do not include published material in email or file transfers without proper authorization. All licenses and copyrights associated with electronic material must be adhered to. Required copyright notices must be included in any use of such material.
- g. Network Housekeeping: Electronic files must be reviewed periodically and purged if no longer needed. The Information Systems Administrator has established thresholds for monitoring network traffic and the volume of files and messages that an individual can accumulate. The Director of Finance/Auditor has established a schedule to complete a backup of all network files. Backup files are retained off-site.
- h. Preservation And Storage of Electronic Mail: "Electronic mail," hereinafter referred to as "email," means communications to or from Commissioners and employees which are directly or indirectly related to the business, operation, meetings or official activities of the Port. Email transmissions are "documents" which may be discoverable in litigation or may be subject to the retention and disclosure requirements of RCW 42.17. Every email document sent or received by Commissioners or an employee of the Port, and which is or may be subject to the disclosure requirements of RCW 42.17, shall be stored electronically in a permanent cache and retained for a minimum period of three years. (Email which is related to an activity for which a longer record retention period is required, such as leases and contracts and some personnel records, shall be reduced to written form and stored in the appropriate paper files. If an email document is filed in written form, it may be deleted from the electronic storage file).

Email which contains significant information about a project or activity of the Port, such as bids, proposals, unprivileged legal documents, notices of claims, appraisals of property to be leased, sold or purchased, and similar matters, for which maintenance of a permanent record is of importance, should be copied and placed in the appropriate paper files. Duplication of records is not required; records reduced to written form and appropriately filed may be deleted from the email files. Email sent to or received by a Commissioner, including communications between Commissioners, regarding official Port business or any activity of the Port, must be stored in the email cache or reduced

to written for and filed in the appropriate paper files.

Email which is determined to be exempt from public disclosure under RCW 42.17 shall not be stored in the email files. Such documents include, but are not limited to, mail containing significant personal or medical information about Commissioners or employees of the Port, financial or business information received from vendors, bidders or persons conducting business with the Port, matters involving litigation, appraisals and similar information related to the sale or acquisition of property, applications for employment, grievances and disciplinary matters.

All employees will be given a copy of this policy and be required to sign a statement that they have read and understand it. Every email message sent by Commissioners or employees of the Port using Port email equipment shall contain the following statement: "This e-mail may contain privileged or confidential information disclosable only to the addressee. If you have received this e-mail in error, do not copy or distribute it to other persons not authorized to receive it. Please call the sender at 509- 375-3060 to make arrangements for the document to be retrieved or destroyed."

- i. Privileged Electronic Correspondence: It is important to be very careful to preserve the attorney–client privilege in email correspondence. The general rule is that the privilege applies to communications between an attorney and client, and once a third party is included in that communication, the privilege may be waived. Port policy and best practices dictate that whenever an email is received from Port counsel, the recipient shall not forward the email on or reply and add on additional employees or third parties to the communication, without the express consent of Port counsel or the Executive Director.

5. Social Media Policy: See Port of Benton’s Social Media Policy and Social Media Terms of Use policy.

6. Violations: Suspected violations of these policies shall be reported to the Executive Director. Violations of this policy may result in disciplinary action up to and including termination.

RULE XIII - TRAVEL EXPENSE REIMBURSEMENT

Commissioners and employees who are required to travel to engage in activities directly related to the business of the Port shall be reimbursed for the reasonable and necessary expenses incurred. Reasonable and necessary expenses shall include:

1. Lowest available round-trip airfare from the Pasco airport to the destination and return, and all reasonable and necessary connecting transportation costs, such as bus, taxi, Uber/Lyft or equivalent, and car-rental expenses.
2. Mileage, if a private automobile is used, at the rate allowed by the United States Internal Revenue Service for mileage reimbursement. Employees receiving a vehicle allowance shall not receive mileage or use Port vehicles for travel, unless travel is required of two or

more Port employees, in which case the use of Port vehicles is allowed for travel.

3. Lodging, meals (other than alcohol) and reasonable tips, local public transportation, parking, laundry expense (for absences in excess of one week), reasonable telephone expense for Port business and family communication, and necessary incidental expenses.
4. Cost of internet and communication services directly related to Port activities incurred during the travel period.
5. Commissioners and employees using credit or debit cards of the Port shall submit a complete written voucher of expenses incurred, together with receipts, for each item of expense. Valid receipts shall be submitted within fourteen (14) days of the last day of the month in which the travel occurred. If valid receipts are not submitted within fourteen days following the end of the travel month, the Commissioner or employee shall reimburse the Port for the expense. Reimbursement claims for items paid in cash shall be supported by a written receipt and explanation of the claim.

Reimbursement will be allowed only for expenses related to Port purposes. Employees are not to use Port credit or debit cards for personal or non-reimbursable expenses. The Director of Finance/Auditor shall withhold any amounts due from the Commissioner or employee from the next paycheck due, as provided in RCW 42.24.115.

RULE XIV - PATENTS

At the time an employee is hired, they shall be required to disclose in writing any project then being pursued by the employee which may result in the issuance of a patent to the employee. Such disclosures shall be maintained in a separate and secure file by the Port, and access to such documents is limited to Director of Finance/Auditor. The Port shall own any invention patented by an employee during their employment, unless the employee has previously notified the Port in writing of their work on a potential invention and establishes that no equipment, supplies, facilities or trade secret information belonging to the Port were used in its development, and that the invention does not relate to (a) the business of the Port, (b) an actual or demonstrably anticipated research or development project of the Port, or (c) the work of the employee for the Port.

RULE XV - SAFETY & ACCIDENTS

Employees are required to report all work-related accidents, near-misses, injuries, and illnesses to their supervisor as soon as reasonably possible, no matter how minor the event may appear. This reporting requirement is necessary for the following reasons:

1. All injuries and illnesses should be treated. Failure to get proper care may worsen a medical condition.
2. The Port of Benton must comply with federal and state injury recordkeeping requirements.
3. Management must be made aware of unsafe situations to prevent future accidents.

These should be reported and documented using the most current applicable forms.

These reporting procedures do not prohibit employees from later reporting an injury or illness if the seriousness of the condition only becomes apparent at a later date.

After seeing a physician, employees are required to report directly back to their supervisor. If the shift has ended, or if the physician sends the employee home, the employee must contact their supervisor before their next shift. The Port of Benton will not retaliate against employees for reporting a workplace injury or illness.

Protective, non-prescription safety glasses will be provided in the shop areas and for all work of Port employees who are engaged in activities during which facial or eye injury is a reasonably foreseeable risk. Safety glasses are provided without cost to the employee. Use of safety glasses or full-face masks is required when mandated by rules of the Washington Department of Labor and Industries, or when work presents a risk of eye injury.

RULE XVI- SMOKING IN PORT FACILITIES

Smoking and the use of tobacco or e-cigarettes is prohibited in all facilities of the Port, including shops, rest rooms, offices, hallways, common areas, entrance vestibules and sidewalks. Employees wishing to smoke during rest breaks or lunch hours must do so off premises under control of the Port.

RULE XVII— CELL PHONE/INTERNET REIMBURSEMENT

Port employees and Commissioners can choose to own their own cell phone or continue to have the Port of Benton own them. If a port employee or Commissioner chooses to own their own phone, they may receive an allowance of may receive \$100 a month to cover combined business-related cell phone and data plan expenses for personally owned cell phones. All employees and Commissioners participating in the cell phone allowance program will receive \$100 annually towards the purchasing of a cell phone and related equipment.

If an employee or Commissioner can provide sufficient evidence that the business use of their cell phone is in excess of \$50 or \$100 on a three-month average, they should address the issue with the Port Auditor for a change in the allowance. Otherwise, no further reimbursement for cell phone costs is available. In the event of excess data usage, at the discretion of the Executive Director, an employee may lose their data plan reimbursement privileges.

Responsibilities: Employees and Commissioners will be responsible for entering into a contract for cellular service with the provider of their choice. Employees are encouraged to have their cell phone provider apply the Government discount to their primary phone line. The Port will not be responsible, in any way, for employee's personal cellular phone and/or associated services, regardless of the type of use, including inappropriate charges, a lost/stolen phone or delinquent payments.

Each employee or Commissioner will immediately report the number of the cellular phone to the Port Auditor. The employee or Commissioner will carry the phone during business hours and when it is reasonably determined that there is a business need, or when normal

communication links are not available.

The Port retains the right to periodically review the employee's or Commissioner's need for a cellular phone allowance and may cancel the allowance due to lack of business usage, changes in employee work-related responsibilities, or absences exceeding one month, such as employee leave, Short Term Disability or extended leave under the Family and Medical Leave Act if applicable.

Port employees and Commissioners may receive a monthly stipend to cover internet service provider charges for work-related business conducted at home.

Responsibilities: Employees and Commissioners will be responsible for entering into a contract for internet service with the provider of their choice. The Port will not be responsible, in any way, for employees' internet services, regardless of the type of use, including inappropriate charges or delinquent payments.

RULE XVIII- WORKPLACE SEARCHES

The Port of Benton reserves the right to use any lawful method of investigation it deems necessary to determine whether any person has engaged in conduct that interferes with or adversely affects business. A search does not imply an accusation of theft or that an employee has broken an employer rule.

Employees entering and leaving the facility are subject to questions and searches at the employer's discretion. Lockers, vehicles, and personal possessions on the Port of Benton premises will also be subject to search unless prohibited by law. Employees who refuse to cooperate in an inspection conducted pursuant to this policy, as well as employees who, after the inspection and investigation are found to be in possession of stolen property or illegal drugs or otherwise in violation of policy, will be subject to corrective action up to and including discharge.

RULE XIX - WORKPLACE VIOLENCE

The Port of Benton has a "zero tolerance" policy for any actions that threaten its employees, customers, or vendors. This includes verbal and physical harassment, verbal confrontations, and any actions that cause others to feel unsafe in the workplace. As part of this policy, employees are prohibited from bringing weapons to work or on employer premises, including the parking lot. Further, The Port of Benton reserves the right to inspect, with or without notice, all employees' personal belongings, including backpacks, packages, automobiles when allowed by law, and other items that come onto the work premises. The Port of Benton further reserves the right to inspect all employer property with or without notice. Employees with complaints regarding these issues should submit them in accordance with this policy.

You are encouraged to raise workplace concerns with your immediate supervisor. If your supervisor is unavailable, if the complaint remains unresolved after talking with your supervisor, or if the nature of the complaint is such that you do not feel you can discuss the complaint with your supervisor, you may make a complaint to Human Resources.

Upon receiving a complaint, The Port of Benton will promptly investigate the matter to determine relevant facts and circumstances. You may make an anonymous complaint; however, this may limit The Port of Benton's ability to investigate it.

If you have obtained, or are protected by, an Order for Victim Protection that includes The Port of Benton, as your workplace and safety is a concern, you are encouraged to provide a copy of the order to Human Resources. Orders for Victim Protection include the following types of court orders: protection order, no contact order, restraining order, and anti-harassment order. The Port of Benton will keep all such information confidential in accordance with applicable law.

DRAFT

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

Please read each of the following provisions and sign and date the acknowledgment, which will be filed in your employee file.

- I have received a copy of the Employee Handbook. I recognize and accept the responsibility to familiarize myself with the information contained therein. If I have any questions regarding these policies, I will contact the Human Resources Department for clarification.
- I understand that it is my responsibility to follow these policies both as they presently exist and as they may change in the future.
- I understand that this Employee Handbook is not a binding employment contract, but a set of employer policies and guidelines.
- No representative of the employer has the authority to enter into any agreement for employment for any specified period of time or to make other commitments or promises or assure any benefit or terms and conditions of employment unless such promises are made in writing and signed by the President. Any oral representations are not binding.
- I understand both the employer and I have the right to terminate our employment relationship at any time with or without reason or with or without notice unless specifically modified by written agreement or governed by a differing provision in an applicable Civil Service Rules.
- I acknowledge that this handbook supersedes all previous manuals and/or policies. I understand that the employer may make changes to the Employee Handbook, as it deems necessary. I understand that this handbook does not negate any provisions in the applicable Civil Service Rules and that in the event of a conflict between the documents Civil Service Rules will apply.

Employee Signature: _____

Date: _____

Date Received: _____



PERSONNEL POLICY & PROCEDURES

Revised Effective January 1, 2026

DRAFT

Policy Name	Personnel Policy & Procedures
Effective Date	01/01/2026
Resolution No.	25-52
Administered By	Human Resources

Description	Approval Date	Summary of Changes
Prior Version		
Minor Updates	09/14/2022	Added Juneteenth as a holiday and allowed employees to use the floater holiday at their discretion
	12/10/2025	<p>Substantial updates throughout to incorporate current federal and state requirements and provide additional clarity and consistency. Major changes are:</p> <ul style="list-style-type: none"> • Addition of new classes of protected employees • Update work week and time to current practice • Clarified Leave of Absence process • Complete revision of the Family Medical Leave Act section to reflect current federal requirements • Added language regarding Washington Paid Family & Medical Leave policy which was not in the prior policy • Complete revision of the Pregnancy Disability Leave & Accommodation section to reflect current federal requirements. • Complete revision of the Domestic Violence Leave & Accommodation section to reflect current state and federal requirements • Added Military Family Leave to reflect current state and federal requirements • Provide additional guidance on the administration of paid Port holidays • Complete revision of the Non-Discrimination, Sexual Harassment, and Substance Abuse section to reflect current state and federal requirements • Clarified definitions regarding classifications, pay periods and overtime calculations to be consistent with state and federal requirements • Added Open Door section to policy • Clarified training/tuition reimbursement requirements • Added guidance and requirements associated with Safety • Added section on Workplace Searches to be consistent with state and federal regulations • Added section on Workplace Violence to be consistent with state and federal regulations

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RULE I - STATEMENT OF GENERAL POLICY

No policy or provision in this handbook is intended to create a contract binding the employee or the employer to an agreement of employment for a specific period. A worker's employment can be terminated by either the employee or the employer at any time, for any reason, with or without notice. No representative or agent of the employer other than the executive director can authorize or sign an employment agreement contrary to the above terms or otherwise make any binding offer of employment for a specific term.

The policies and procedures in this handbook are designed to serve as guidelines for management action. They are not intended to create any contract or binding agreement between the employer and any employee. All policies and procedures outlined in this handbook are subject to change or modification at the employer's discretion at any time that circumstances warrant.

This handbook is provided for informational purposes only. No provision or portion of the handbook constitutes any implied or expressed contract, guarantee, or assurance of employment or any right to an employment-related benefit or procedure. Employers reserve the right to change, modify, eliminate, or deviate from any policy or procedure in this handbook at any time and to hire, transfer, promote, discipline, terminate, and otherwise manage its employees as it deems appropriate. If you have questions concerning these guidelines, please consult with your supervisor, the executive director or the assistant executive director.

The Port of Benton is an equal opportunity employer. It is the policy of The Port of Benton not to discriminate against any person based on age, sex, gender identity, race, creed, color, religion, national origin, citizenship or immigration status, marital status, sexual orientation, the presence of a physical, sensory or mental disability, genetic information, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a disability, or status as a victim of domestic violence, sexual assault, or stalking. The Port of Benton will comply with all applicable state and federal laws, rules and regulations governing the employment relationship. No employee or other person acting for The Port of Benton shall have the authority to waive compliance with any such law or rule, or to obligate The Port of Benton with respect to an act in violation thereof.

The Port of Benton will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

RULE I - DEFINITIONS: The following terms, whenever used in these Rules, shall be construed as follows:

1. Appoint: The act of the Commission or the Executive Director in assigning an applicant (for employment) to a position.
2. Employee: A person receiving a wage from the Port of Benton for services performed under its supervision. The Commissioners, the Executive Director and leased or loaned employees obtained on a contract basis from others, whether or not such persons are "employees" under any statute, rule or regulation, are not included in this definition and this procedure does not apply to them, except as expressly provided herein.
3. Grievance: A request by a regular full-time or part-time employee for resolution of a work-related complaint or dispute. The term does not include complaints or disputes arising from the discharge of an employee for any reason.
4. Position: A job description which has a title and specified wage or salary range.
5. Regular full-time employee: An employee who works in a position on a regularly scheduled shift of forty (40) hours per workweek.
6. Regular part-time employee: An employee who works in a position on a regularly scheduled shift of not less than fifteen (15) nor more than thirty-seven and one-half (37-1/2) hours per workweek.
7. Temporary employee: Any seasonal, limited term (notwithstanding "project" or funding term limitations) or emergency employee.
8. Vacancy: An authorized position which is not occupied and for which funds are available.
9. Workweek: A period of 168 consecutive hours beginning at 12:00 a.m. on Sunday and ending at 11:59 p.m. the following Saturday.
10. Workday: A period of consecutive hours which the employee is regularly scheduled to work during a period beginning at 12:00 a.m. on any day and ending at 11:59 p.m.

RULE II— ATTENDANCE, LEAVE, AND HOLIDAYS

1. Attendance: An employee must be in attendance during regularly scheduled work hours, unless they are absent on approved leave. All employees are required to submit to the Auditor or their deputy a signed time sheet reflecting the actual hours worked. It is presumed by the Port that the time sheets submitted by the employee are accurate. The Port will maintain records showing the hours actually worked by each employee in each workweek. Such records will be retained for a period of not less than three years.

2. Hours of work: Regular full-time employees shall work 40 hours per week. The standard workday shall be from 7:00 a.m. to 4:30 p.m. Monday through Thursday and 8:00 a.m. to Noon on Friday for the administrative staff and from 6:00 a.m. to 3:15 p.m. Monday through Thursday and 6:00 a.m. to 11:00 a.m. on Friday for the maintenance and facilities staff. The Port may arrange with the employee a flexible schedule for their standard workday so long as the needs of the Port are met. If an employee knows that they will be late for work or absent, it is the employee's responsibility to contact their supervisor as soon as possible to enable the necessary arrangements to be made to continue the employee's functions. Regular employees who are designated by the Executive Director as exempt employees may, with the permission of the Executive Director, vary and adapt their hours of work as required by the nature of their duties. Non-exempt employees must take a 30-minute unpaid meal break after working four consecutive hours. Meal breaks longer than 30 minutes must be approved in advance by your supervisor/manager.
3. Absence: Absence from scheduled work without authorized leave or notice to the appropriate supervisor is not permitted. **See notice requirements in section 6 below (PTO).** An employee who thus is absent after three consecutive working days shall be deemed to have resigned from the Port service, unless excused by the Executive Director. If an employee must leave their place of duty during the regularly scheduled workday, they must notify their immediate supervisor or their designee prior to leaving. Any such absence may be charged to available leave.
4. Rest Breaks: Rest breaks must be arranged so as not to interfere with Port business. Employees are entitled to one 10-minute rest break at least once during each consecutive four (4) hours of work. Rest breaks in excess of 10 minutes are authorized only when Port business is conducted coincident with the break.
5. Leave of Absence (without pay): The Port of Benton recognizes that there may be occasions of an emergency or personal nature which require you to be absent from work that may not be covered under federal, state, or local law. In such cases, you may request a leave of absence without pay in advance from the Executive Director who will provide written authorization.

Only regular employees are eligible to request a personal leave, and you must initiate your request in writing. In determining if a leave of absence will be granted and for how long, the following items will be taken into consideration: the staffing needs of The Port, length of service, and amount of time off already taken. A leave of absence is not granted for the purpose of working elsewhere or for other insufficient reasons. During an unpaid leave of absence, holiday pay is not granted.

The length of your leave may disqualify you from benefit eligibility such as medical or dental insurance. Should the length of your leave disqualify you from insurance benefits, you will be offered to continue coverage through COBRA. Your date of hire will not be adjusted because of your leave.

When a leave of absence ends, reasonable efforts will be made to return the employee to the former position, if available, or to a similar available position for which the employee is qualified. The Port of Benton cannot guarantee reinstatement in all cases, unless otherwise

provided by law. If an employee fails to report to work promptly at the expiration of the approved leave period, The Port of Benton will interpret the employee's failure to return to work as a voluntary resignation.

6. Paid Time Off Bank: The purpose of Paid Time Off (PTO) is to comply with paid sick leave laws and provide employees with flexible paid time off from work that can be used for such needs as vacation, personal or family (child, parent, spouse, registered domestic partner, grandparent, and sibling) illness, doctor appointments, school, volunteerism, and other activities of the employee's choice. The Port's goal is to reduce unscheduled absences and the need for supervisory oversight.

The PTO days an employee will accrue, **effective January 1, 2018**, replace all existing vacation, sick time, and personal business days that had been allotted under prior policies. Time that is not covered by the PTO policy, and for which separate guidelines and policies exist, include company paid holidays, bereavement time off, required jury duty, FMLA, and military service leave.

The vacation time an employee accrued in the past will carry over, in excess of the PTO policy, at the time this PTO policy is made effective.

PTO will be paid at the employee's regular rate of pay, including shift differentials.

a. Guidelines for PTO Use

Each regular, full-time employee will accrue PTO based on their length of service as defined below. PTO is prorated based on the number of hours worked on an employee's regular schedule. PTO taken will be subtracted from the employee's accrued time bank in 15-minute increments consistent with the smallest increment of our payroll system. Temporary employees, contract employees, and interns are not eligible to accrue PTO, except where required by law.

PTO is accrued per pay period and employees are able to review PTO amounts detailing the leave used, accrued, and available on their pay stubs and via online payroll system.

Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO for each pay period. PTO is not earned in pay periods during which unpaid leave, short- or long-term disability leave or workers' compensation leave are taken.

To take PTO requires verbal notice to the employee's supervisor two days beforehand, unless the PTO is used for legitimate, unexpected illness or emergencies. The employee shall also place their planned absence on the staff calendar. In all instances, PTO must be approved by the employee's supervisor in advance. The Port appreciates as much notice as possible when an employee expects to miss work for a scheduled absence. PTO in excess of seven (7) days requires approval of the Executive Director (Use the Paid Time Off form to request PTO in excess of seven days).

Any discrimination or retaliation against an employee for the lawful exercise of paid sick leave rights is not allowed. Port of Benton will not discriminate or retaliate against an employee for the lawful exercise of their sick leave rights.

b. Paid Time Off (PTO) Exceptions

- Employees who miss more than five consecutive unscheduled days may be required to present to the Executive Director a doctor's release that permits them to return to work. If such verification requirement results in an unreasonable burden or expense, please contact Human Resources.
- PTO taken in excess of the PTO accrued can result in disciplinary action up to and including employment termination. This time off will be unpaid.
- Per state law, employees may utilize their allowances of leave when the employee's work or the employee's child's school or place of care has been closed by order of a public official for any health-related reason.
- An employee may also use leave for absences that qualify for leave under the state's Domestic Violence Leave Act, RCW 49.76. As a condition of taking leave for any purpose described in RCW [49.76.030](#), an employee shall give an employer advance notice of the employee's intention to take leave. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or their designee must give notice to the employer no later than the end of the first day that the employee takes such leave.
- The Executive Director may grant exceptions to this policy.

Specific Eligibility for Paid Time Off: PTO is earned on the following schedule based on a 40 hour work week. PTO is prorated based on the number of hours worked on an employee's regular schedule.

The PTO Accrual Schedule is as follows:

Completed Years of Service	PTO Days Per Year (8hr/day)
01	24
02, 03, 04	28
05, 06, 07	32
08, 09, 10	34
11, 12, 13	36
14, 15, 16	38
17, 18, 19, 20	40
21, 22, 23, 24, 25	42
26+	44

Each employee may carry 960 hours of accrued PTO over into a new calendar year.

Employees are responsible for monitoring and taking their PTO over the course of a year

so that they do not lose time accrued when the current calendar year ends (PTO is subject to supervisory approval).

Upon separation from Port service, a maximum of 240 hours at the employee's current salary rate, along with a maximum of 480 hours at 50% of the employee's current salary rate, as well as a maximum of 240 hours at 25% of the employee's current salary rate, will be paid to the employee. Employees with fewer than 240 hours of accrued PTO at time of separation will only be able to cash out their total accrued PTO, i.e., employees are not guaranteed 240 hours of PTO upon separation.

Employees shall have the option to cash out their accrued PTO and receive monetary compensation up to a maximum of eighty (80) PTO hours in a calendar year. Written requests must be given to the Executive Director before December 15th of the current year. No more than four PTO cash out requests shall be permitted per year. In accordance with RCW 41.50.150, vacation cash out may not be reportable for retirement purposes. Buy-back requests shall be made in increments of (20), (40), (60), and (80) hour blocks. No buy-back will be allowed if the remaining accrued PTO of the employee would be less than (80) hours after the buy-back is complete.

7. Illnesses, Medical Certification, and Workers Compensation: Illnesses were previously covered by "sick leave" but are now rolled into the PTO Bank policy. For illnesses that last longer than seven (7) days, the Executive Director may require certification from the attending physician to substantiate that a personal or family illness or injury prevents the employee from working. Family is defined as a child, parent, spouse, registered domestic partner, grandparent, and sibling. For absences related to domestic violence, sexual assault or stalking, "family member" also includes an individual with whom the employee has a dating relationship.

Upon application by an employee, additional time off without pay up to 90 calendar days may be granted by the Executive Director for the remaining period of disability after earned PTO has been exhausted. In the event such leave exceeds 90 calendar days, an extension must be approved by the Board of Commissioners. The Executive Director may require that the employee submit a certificate of disability from the attending physician.

Employees injured in the course of their work duties may file an application for worker's compensation in accordance with state law for a period of absence from work due to a compensable work-related injury or disease. An employee so reimbursed may elect to receive time loss compensation from the Department of Labor and Industries rather than utilize any available PTO. Should the employee elect to receive both time loss compensation and PTO, PTO may be used only to the following extent:

The total number of hours which would have been charged to PTO, minus number of hours of regular salary for which payment was made by workmen's compensation fund.

Example: An employee is absent for one eight-hour day and normally earns \$10 per hour (\$80 per day). Employee receives \$60 time loss

compensation (equal to six hours sick leave at \$10/hour); employee may then use two hours of PTO (at \$10/hour) for a total of \$80.

Should any employee apply for time loss compensation, and the claim is then or later denied, PTO hours may be used for the absence. Until eligibility for worker's compensation is determined by the Department of Labor and Industries the Port may pay full PTO, provided that upon receipt by the employee of worker's compensation, the employee shall return to the Port the portion of PTO pay which was reimbursed by the Department of Labor and Industries.

If the employee elects to receive short-term disability through the Port's medical insurance carrier, they are not eligible for time loss compensation for any period during which the employee receives short-term disability. In such a situation, short-term disability benefits will be treated in the same manner as time loss compensation.

Paid holidays occurring during an authorized PTO shall not be counted as a day of PTO.

8. Family Medical Leave Policy (FMLA)

FMLA Policy: The Port is covered by the Federal Family and Medical Leave Act and has adopted this policy to administer the FMLA for Port eligible employees.

Employee Eligibility: To be eligible for FMLA leave, employees must have worked for the Port for 12 months and have worked at least 1,250 hours in the 12 months prior to taking FMLA leave.

Reasons for and Amount of FMLA Leave: Eligible employees can take up to 12 weeks of FMLA leave in a 12-month period because:

- Of the birth and to care for their newborn child;
- Of the placement with them of a child for adoption or foster care;
- They want to care for their spouse, child, or parent who has a serious health condition;
- Their own serious health condition prevents them from performing their job duties; or
- Their spouse, child, or parent is called up for or is on active duty in the Armed Forces and employees' circumstance justify their need to leave. Note: The Department of Labor will issue regulations defining qualifying "exigent" circumstances that support this reason for FMLA leave. Until the regulations are issued, employers have discretion to permit this type of leave.

Employees can take FMLA leave for their biological children, adopted children, foster children, stepchildren, legal wards, or children from whom employees have day-to-day

and financial responsibility. Children must be under age 18, or over 18 and incapable of self-care because of a physical or mental disability.

The Port designates the calendar year, January 1 to December 31, as the 12-month period in which employees can take FMLA leave.

Servicemember Family Leave: Eligible employees can take up to 26 weeks of FMLA leave in a single 12-month period because their spouse, child, parent, or next to kin (nearest blood relative) is seriously ill or injured as a result of serving on active duty in the Armed Forces.

Married Co-Workers: If two spouses both work for the Port, they are limited to a combined total of 12 weeks of FMLA leave because of the birth, adoption, or foster care placement of a child, or to care for a parent with a serious health condition. If the spouses have taken less than the full 12 weeks of FMLA leave during the 12-month period, they are each entitled to take the difference between 12 weeks and the amount of FMLA leave they took individually due to their own serious health condition, or to care for a child or spouse with a serious health condition. If two spouses both work for the Port, they are limited to a total of 26 weeks for servicemember family leave and all other FMLA-qualifying reasons in a single 12-month period. This does not apply in the same way for Washington Paid Family Medical Leave (WPFML); see WPFML for more details.

Requesting FMLA Leave: Employees requesting FMLA leave must give 30 days' advance notice to their supervisors. If the need for leave is unforeseeable, such as in the case of medical emergencies, employees must inform their supervisors as soon as they are aware of the need to leave.

If the leave is for a planned medical treatment (for employee themselves or a family member), employee must make a reasonable effort to schedule the treatment to minimize disruption of Port of Benton's business.

Upon notification, employees should provide their supervisor with the reason for requesting Family and Medical Leave and the start and end dates of the leave. Employees do not have to share a medical diagnosis but must provide enough information to the company so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the company that the employee is or will be unable to perform their job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the company if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employer Responsibilities: Once Port of Benton becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the company must notify the employee if they are eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the company must provide a reason for ineligibility.

Employees will receive a Request for Family and Medical Leave Form to complete and

submit to their supervisors. If FMLA leave is taken because of employees' or their family members' serious health condition or for servicemember family leave, employees will receive a Certification of Health Care Provider Form to complete and submit before the leave begins or within 15 days if advance notice is not provided. If the company determines that the certification is incomplete, it will provide a written notice indicating what additional information is required. A "fitness to return to work" certification may also be required.

The Port of Benton reserves the right to require recertification and second / third medical opinions. The Port may, at its own expense, require the employee to obtain a second medical certification from a health care provider. The Port may choose the health care provider. If the opinions of the employee's and the Port's designated health care providers differ, the Port may require the employee to obtain certification from a third health care provider, again at the Port's expense. This third opinion shall be final and binding. The third health care provider must be approved jointly by the Port and the employee.

Employees who request FMLA leave because their spouse, parent, or child is called up for or is on active duty in the Armed Forces will receive an Active-Duty Certification Form to complete and submit.

After employees submit all of the required forms, they will be notified in writing whether their request for FMLA leave is approved. During leave, employees must keep their supervisors informed of the estimated duration of leave and their intended date to return from leave.

The Port of Benton will not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Scheduling FMLA Leave: FMLA leave can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Intermittent leave is leave taken in separate blocks of time for a single FMLA-qualifying reason. An FMLA reduced leave schedule is a work schedule that reduces employees' usual number of working hours per workday or workweek. Employees will be informed whether they can take intermittent leave or a reduced leave schedule when they apply for FMLA leave.

Pay and Benefits During FMLA Leave: FMLA leave is unpaid. Employees may use their PTO or other paid leave benefits (such as Washington Paid Family Medical Leave).

FMLA leave taken after employees' accrued vacation, sick, and personal time is exhausted is unpaid. Holidays that occur during FMLA leave will not be paid. Employees will not accrue PTO during FMLA leave.

The Port maintains group health plan benefits for employees on FMLA leave. Employees are required to pay their premium co-payment while they are on FMLA leave and are notified how to make the payments for their share of their group health plan premiums during leave.

Concurrent use of short-term disability and workers' compensation with FMLA leave: Employees on short-term disability or workers' compensation are required to take FMLA leave concurrently. For example, employees who are absent from work for four months due to a workers' compensation injury will have the first 12 weeks of that absence applied to FMLA leave.

Return from Leave: Employees returning from FMLA leave will be reinstated to their former positions or to positions with equivalent pay, benefits, and other employment terms and conditions. Certain "key" employees, who are among the highest paid employees of the Port, might not be reinstated to any position; "key" employees will be notified of their status when they apply for FMLA leave.

Employees returning from FMLA leave retain all benefits they accrued prior to the start of leave. Taking FMLA leave does not count as a break in service for pension or retirement plan purposes.

Maintenance and Disclosure of Records Containing Personal Medical Information: Records containing personal medical information about Port employees, including copies of email, shall not be placed in the regular personnel files of employees or former employees. Records containing personal medical information such as applications for leave for family or personal medical reasons, requests for reasonable accommodation of disabilities, fitness for duty certifications, worker's compensation records, insurance claims and litigation records must be maintained in a record system separate from personnel employment records. Access to such files is restricted to Port employees requiring use of the records in the performance of job duties. Records containing medical information shall not be disclosed without the express written consent of the employee or former employee. Records containing personal medical information may be used by the appropriate Port personnel to process requests for reasonable accommodation of disabilities, determine necessary actions for the health or safety of employees, investigate claims of disability-related discrimination, for group insurance purposes and as required for worker's compensation or litigation purposes.

Employees and former employees have the right to examine files containing medical information about them to the extent provided in RCW 49.12.250. Each file containing personal medical information shall contain a log sheet upon which each person examining the file shall note the date name of the person examining the file, and the date and reason for the examination. Disputes regarding the use or disclosure of records

containing medical information shall be subject to the grievance procedure set forth in these Policies. The Executive Director shall designate an employee as the Privacy Officer. The Privacy Officer shall be responsible for maintaining the files containing personal medical information and for administering this policy.

9. Donation of PTO: The Port has authorized a donated leave program to assist employees that have exhausted all PTO caused by a catastrophic illness or injury. In order for an employee to be eligible for donated time, the following conditions must be met and the proper procedure outlined herein be followed:

Donated leave may be acquired once an employee exhausts all paid PTO by suffering from a catastrophic illness or injury or by providing care to an immediate family member who has suffered from a catastrophic illness or injury.

A "catastrophic illness or injury" means a life-threatening illness or injury of an employee or a member of an employee's immediate family which totally incapacitates the employee from work, which is verified by a licensed physician, and forces the employee to exhaust all paid leave earned by that employee, resulting in a loss of compensation from the Port for that employee.

Conditions that are short-term in nature including, but not limited to, common illnesses such as influenza, measles, common injuries, broken bones, strained ligaments, uncomplicated pregnancy, and the like are not catastrophic. Chronic illnesses or injuries such as cancer, major surgery, unresponsive syndromes and the like which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic.

The meaning of "employee" for purposes of this donated leave policy is a person employed by the Port for a minimum of 12 consecutive months prior to requesting donated leave and who has worked a minimum of 1250 hours during the 12 months immediately preceding the date of the request for donated leave and satisfy the requirements set forth in this policy. Donated leave may not be used in lieu of disability retirement.

"Immediate family" is defined for purposes of this policy as a spouse, registered domestic partner, parent, stepparent, child or stepchild.

Any employee may donate a portion of their accrued PTO in the Port's donated PTO pool. The maximum amount of PTO that an employee can donate to the PTO leave pool may not exceed a number of hours that would leave the donor with fewer than 80 hours of accrued PTO. A leave donor may not revoke the leave donation.

Before an employee may receive donated PTO, they submit a request form for donated leave and provide the Auditor with sufficient documentation to recommend approval to the Executive Director. Such documentation, at a minimum, must include a physician statement that states the beginning date of the catastrophic illness or injury, a

prognosis for recovery, and the anticipated date that the employee will be able to return to work, or if the illness or injury requires the use of intermittent leave, the physician's statement must include an adequate description of the intermittent time off needed by the employee.

A leave recipient shall receive no more than 180 days of donated leave and shall not receive any such days on a retroactive basis. While using donated leave, the leave recipient shall accrue PTO and be entitled to retain such leave upon their return to work. Any unused donated leave shall be returned to the PTO pool.

All donations shall remain confidential, and employees shall refrain from discussing PTO donations or the requests for or use of donated leave.

10. Washington Paid Family and Medical Leave (PFML): PFML is a mandatory statewide insurance program, administered by the Washington State Employment Security Department, that provides almost every Washington employee with paid time off to give or receive necessary care. To be eligible for the State benefit, employees must have worked 820 hours in the qualifying period (defined as the first four of the last five calendar quarters) for any employer(s) in Washington State. The program is funded by premiums paid by both employees and employers. The employee portion will be deducted from your paycheck.

If you qualify, this program will allow you to take up to 12 weeks, as needed, if you:

- welcome a child into your family (through birth, adoption, or foster placement),
- experience a serious illness or injury,
- need to care for a seriously ill or injured family member,
- need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.

If you experience the death of a child for whom you would have been qualified to take medical leave for their birth or family leave for bonding after birth or placement, you may be eligible to take seven days of bereavement leave following the date of the child's death. If you face multiple events in a year, you may be eligible to receive up to 16 weeks, and up to 18 weeks if you also experience a pregnancy-related serious health condition.

If the need for leave is foreseeable, you must provide the Port at least 30 days' notice.

If approved by the State, you may be entitled to partial wage replacement while on leave. The benefit is a percentage of your weekly wage, as determined by the State. You will file your claim with the Employment Security Department and, if approved, you will be paid by the Employment Security Department. Retaliation for requesting or taking Paid Family and Medical Leave is prohibited.

Employees may use paid time off to supplement wages while using PFML.

Employees who return from leave under this law may be entitled to job protection if they

have worked for The Port of Benton for at least 12 months and have worked 1,250 hours in the 12 months before taking leave.

If you are eligible for the federal Family and Medical Leave Act (FMLA) and your FMLA and PFML leave run concurrently or overlap, you will be entitled to maintain your health insurance while you are on leave. You must continue to pay your portion of the premium cost while on leave.

11. Pregnancy Disability Leave & Accommodation: The Port of Benton will provide temporary or reasonable accommodations to qualified pregnant job applicants and employees to accommodate the individual's known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would create an undue hardship.

A pregnant employee may continue active employment until the attending physician advises the employee they should be off work. A leave of absence is granted to the employee for the actual period of time the employee is sick or temporarily disabled because of pregnancy or childbirth related conditions. Paid time off such as sick or vacation leave may be used prior to the time being designated as unpaid leave. If there is concern regarding the pregnant employee's ability to safely and/or productively function at their job, a second opinion may be obtained by a qualified physician. An accurate job description, describing all of the employee's job duties, should be presented to the reviewing physician.

Following the date of delivery, the employee must keep the employer informed of their condition and expected date of return. At least a two-week advance notice is required before the employee's return to work. An employee, who due to childbirth complications is unable to return to work on the prearranged return date, must present a signed statement from the attending physician. The physician must indicate the nature of the complication and the expected date of return to work. If the employee returns to work immediately upon the release from the physician, the employee will be returned to the same job or a similar job of comparable pay, unless business necessity prevents such reinstatement.

The Port of Benton will provide nursing employees with reasonable break time from work and a private space to express breast milk during the workday. Employees may use paid rest break time and additional unpaid break time if needed.

12. Domestic Violence Leave & Accommodation: If you are a victim of actual or threatened domestic violence, sexual assault or stalking, The Port of Benton will provide you with reasonable safety accommodations. You may be asked for written verification that you are a victim of domestic violence, sexual assault, or stalking. Safety accommodations may include, for example, a modified schedule, changed work phone or work email address, or other adjustments to the worksite.

If you or your family member are a victim of domestic violence, sexual assault, or stalking, The Port of Benton may offer a reasonable period of leave (as determined by the employer), intermittent leave, or a reduced schedule for the following reasons:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of yourself or your family member;
- To seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or attend to the health care treatment for yourself or your family member;
- To obtain, or assist your family member in obtaining, services from a domestic violence shelter, rape crisis center or other social or victim services program;
- To obtain, or assist your family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which you or your family member were a victim;
- To participate in safety planning, temporary or permanent relocation, or take other actions to increase your safety or the safety of you or your family member from future domestic violence, sexual assault, or stalking.

To be eligible for this benefit, you must give The Port of Benton advance notice of your intention to take leave. If advance notice cannot be given, you must give The Port of Benton notice no later than the first day of leave. You must also provide timely verification of the need for leave in the form of one or more of the following:

- Police reports indicating you or your family member are a victim of domestic violence, sexual assault, or stalking.
- A court order or other court documentation substantiating the need for you or your family member to appear in, or prepare for, court in connection with an incident of domestic violence, sexual assault, or stalking.
- Documentation from a domestic violence advocate, attorney, clergy member, or medical or other professional that you or your family member are a victim of domestic violence, sexual assault, or stalking.
- Your written statement that you or your family member are a victim of domestic violence, sexual assault, or stalking and that any leave was taken for the reasons set forth in this policy.

Leave is without pay unless you choose to use accrued sick or other paid time off, as applicable, for which you may already be eligible. If the leave is taken to assist a family member, The Port of Benton may also request documentation to determine family relationship. The Port of Benton will continue your health insurance benefits at the level and conditions that would have been provided had you remained continuously employed. Upon completion of your leave, you will be restored to the same job or an equivalent position with equivalent pay, benefits, and conditions of employment.

Information you provide to determine eligibility or continuation for this leave may only be disclosed by The Port of Benton if you request or consent to its disclosure, it is responsive to a court or administrative order, or as otherwise required by federal or state law.

The Port of Benton will not discriminate or retaliate against any employee or applicant who is a victim of domestic violence, sexual assault, or stalking.

13. Jury Duty Leave: It is the civic obligation of each Port employee to serve on a jury if they are called. While on jury duty or while appearing in response to a subpoena, an employee will receive full pay from the Port, but the Port shall deduct there from an amount equal to jury or witness fees actually received by the employee.
14. Military Leave: Workers who have short-term (no longer than 31 days) military reserve training obligations are paid the difference between their military pay and the regular pay rate for their positions. Otherwise, an employee's status and benefits are not affected by short-term military leave.

Employees on military leave for longer periods (normally, up to five years) continue to accrue benefit and seniority rights and are entitled to their former or comparable positions on return from leave. Employees on military leave can elect to purchase of to 24 months continue coverage for themselves, registered domestic partner, or their family members in employer's health plan.

15. Military Family Leave: During a period of military conflict, The Port of Benton provides eligible employees with up to 15 days of unpaid leave to be with their military spouse or state-registered domestic partner who is notified of an impending call or order to active duty or who has been authorized for leave from deployment.

To be eligible for this benefit, you must be employed an average of 20 or more hours per week. You must notify your direct supervisor of your intention to take the leave under this policy within five business days following receipt of the official military notice.

You may choose to apply applicable accrued paid leave benefits while taking military family leave. Health insurance benefits may continue at the level and conditions as provided under applicable laws. Upon completing your leave, you may return to your original position or an equivalent job, i.e., equivalent pay, benefits, and conditions of employment.

16. Bereavement Leave: Port employees will be granted up to seven (7) working days with pay for a death in the immediate family, defined as a spouse or registered domestic partner, child, parent, sibling, grandparent, grandchild, spouse's parent, or step relationship.

17. Holidays: Legal holidays to be observed by the Port are:

First day of January (New Year's Day)
Third Monday of January (Martin Luther King Day)
Third Monday of February (President's Day)
Last Monday of May (Memorial Day)
Nineteenth of June (Juneteenth Day)
Fourth day of July (Independence Day)
First Monday in September (Labor Day)
Eleventh day of November (Veteran's Day)
Fourth Thursday in November (Thanksgiving Day)
The day immediately following Thanksgiving Day
Twenty-fifth day of December (Christmas Day)

Holidays that fall on a Saturday will be observed on the preceding Friday. Holidays that fall on a Sunday will be observed on the following Monday.

Should a holiday be observed on a Friday, which is normally not a full day, the Executive Director shall identify another day that the remaining holiday hours will be allocated to.

All employees are eligible for the above paid holidays upon hire. Part-time employees are eligible to receive holiday pay on a pro-rated basis according to their regularly scheduled hours. Full-time employees that are on partial leave (i.e., PFML) will receive the full holiday. Full-time employees on complete unpaid leave will not receive any holiday pay while on leave status. The Executive Director may grant exceptions to this policy when dealing with unique leave situations.

Employees shall also be entitled to one paid holiday ("floater") per calendar year in addition to those specified in this section. The floater holiday will be available in full Jan 1st of each year, it will not be "accrued" or any "prorated accrual" over the course of the year. Any new hires hired during the year will be given the Floater Holiday. The floater holiday will be equal to 8 hours per employee per year. The floater holiday is not considered PTO and will not be paid out upon termination. The floater holiday will not rollover or carryover at end of the calendar year, it will be use or lose per calendar year. The floater holiday will be available to all employees (full-time, part-time, seasonal, limited term, etc.)

RULE III - NONDISCRIMINATION, SEXUAL HARASSMENT, AND SUBSTANCE ABUSE

1. Nondiscrimination Policy: The Port is committed to providing a workplace free of all forms of harassment for all persons regardless of age, sex or gender identification, race, creed, color, religion, national origin, citizenship or immigration status, marital status, sexual orientation, genetic information, status as a registered domestic partner, honorably discharged veteran or military status, the presence of a physical, sensory or mental disability, status as a victim of domestic violence, sexual assault, or stalking, the use of a trained dog guide or service animal by a person with a disability, or any other status or characteristic protected by local, state, or federal law.

The Port of Benton prohibits harassment by and toward employees, managers, and non-employees such as customers, vendors, or contractors. Some examples of conduct that might be considered harassment include ethnic slurs, racist jokes, pornographic e-mail, unwelcome touching, display of offensive pictures, or any other verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The Port considers harassment in all forms to be a serious offense.

Harassment does not require intent to offend. Thus, inappropriate conduct or language meant as a joke, a prank, or even a compliment can lead to or contribute to harassment. Sexual or other harassing conduct, even if not unlawful, will not be tolerated. For example, a stray comment that degrades an employee's gender may not be unlawful harassment, but it is an example of prohibited conduct under this policy.

immediately report the incident to their supervisor, the executive director, or the assistant executive director. Complaints are investigated immediately and handled as confidentially as possible. The Port ensures that employees following this complaint procedure are protected against retaliation.

Any supervisor or manager who witnesses an act or indicator of harassment or who receives a complaint of harassment and fails to take appropriate action, which includes reporting the act or complaint to Human Resources, may be subject to corrective action.

Any reported violations of EEO law or this policy are investigated. Any employee found to have engaged in discriminatory conduct or harassment are subject to immediate disciplinary action, ranging from sensitivity training to possible termination of employment.

2. Sexual Harassment Policy: Sexual harassment is a specific type of discriminatory harassment and includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where tolerance of such actions is made a condition of employment, interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

It is illegal and against the Port's policy for any worker of any sex to harass another worker or create a hostile working environment by committing or encouraging:

- physical assaults on another employee, including rape, sexual battery, molestation, or attempts to commit these assaults;
- intentional physical conduct that is sexual in nature, including touching, pinching, patting, or brushing up against another employee's body;
- unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct is unwelcome; and
- posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. This policy prohibits unacceptable harassment or conduct in the workplace and at employer-sponsored business and social events. Additionally, harassment via social media, email, and text messages are within the scope of prohibited conduct; for example, a harassing post on an employee's private Facebook page violates this policy if it is about a coworker or customer.

The Port will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation. The Port does not condone any sexual harassment of its employees. All employees will be subject to severe discipline, up to and including discharge, for any action of sexual harassment they commit. Employees subject to sexual harassment should immediately report the harassment to their

supervisor, the executive director, or the assistant executive director.

Supervisors, managers, and directors who receive a sexual harassment complaint should carefully investigate the matter. Both the complaint and the investigative steps and findings should be thoroughly documented. To the extent possible, confidentiality of all parties involved in a sexual harassment complaint will be maintained and information will be released only to those who need to know.

Employees dissatisfied with the resolution of the investigation of a sexual harassment complaint should utilize the grievance procedure set forth at Rule VI. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

3. Substance Abuse Policy: See Attachment A. The Port is committed to maintaining a safe, healthy, and efficient working environment. The use, sale, possession, purchase, manufacture, or transfer of drugs alcohol in the workplace poses unacceptable risks to safe and efficient operations. This policy prohibits the use of drugs that are illegal under federal, state, or local law and is designed to ensure employee safety, reduce absenteeism and tardiness, improve productivity, and protect the company's status and reputation. The policy applies to all employees (including contracted employees) and job applicants.

Although some states have legalized cannabis for medicinal or recreational purposes, The Port of Benton is not required to allow the medicinal or recreational use of cannabis in the workplace. Cannabis use or being under the influence is strictly prohibited on The Port of Benton property and while conducting employer business.

Employees are expected and required to report to work on time and in appropriate mental and physical condition. The unlawful use, sale, possession, manufacture, distribution, being under the influence of, or dispensation of drugs on company premises or while conducting company business off premises is strictly prohibited.

Possession or use of alcohol on company premises, except in connection with company authorized events, is prohibited. Employees whose absenteeism or tardiness results from off-duty use of alcohol or drugs will be instructed to seek rehabilitation or face termination.

The Port of Benton reserves the right to require employees to submit to drug testing to detect the presence of alcohol, illegal drugs, pursuant to state or federal law, or other controlled substances if it has reason to believe that an employee may be under the influence of such substances or is currently using such substances. Refusal to consent to such a test may result in disciplinary action up to and including dismissal.

The undisclosed use of legal drugs by employees while on the job is prohibited; however, employees can use prescribed medications while performing their jobs if the Port determines that such use does not pose a safety risk. Employees whose physicians have prescribed medications that might adversely affect their ability to perform their work must provide a written statement from their doctors.

Employees needing help in dealing with substance abuse problems are encouraged to use our employee assistance program. Conscientious efforts to seek and use such help will not jeopardize employees' jobs and will not be a part of any personnel record. Records of absences to seek treatment or insurance claims for covered treatment will be maintained, however, although the reasons for the absences or claims will be kept confidential and disclosed only on a need-to-know basis. Violation of this policy will result in disciplinary action, up to and including termination, as well as possible criminal consequences.

RULE IV - CLASSIFICATION AND SALARY

1. Classification: The Executive Director shall classify each employment position as exempt or non-exempt, for the purpose of assuring compliance with the overtime pay requirements of applicable law. Federal and state wage and hour laws designate employees as either exempt or non-exempt.

Exempt: These are employees who are exempt from the overtime pay requirements of applicable state and federal laws. Exempt employees are paid on a salary basis and occupy positions that are primarily executive, administrative, professional, computer-related, or outside sales.

Non-exempt: An employee who is not exempt from the overtime provisions of federal and state laws. Non-exempt employees are entitled to receive overtime for all hours worked beyond 40 in a workweek and may be entitled to certain meal and rest periods in accordance with state law.

2. Salary: See Port of Benton policy Salaries and Benefits for Employees.
3. Pay Period: Employees of the Port shall be paid on a bi-weekly basis. Pay periods begin on a Sunday and will end 14 days later on a Saturday. Employees will be paid on the next Friday. If a pay day falls on a holiday, the payroll will be paid the day before the holiday.
4. Overtime: It is the policy of the Port to reduce to a minimum the necessity for authorized overtime work. Non-exempt employees shall be paid one and one-half times their hourly base rate of pay for each hour in excess of forty (40) actually worked in a workweek. PTO, holidays, or any other company paid time is not counted as time worked for computing overtime. The workweek is Sunday through Saturday. No overtime will be allowed for any employee except in an emergency, without the prior written approval of their supervisor.
5. On-Call: See Port of Benton On-Call policy.

RULE V - PERSONNEL ACTIONS

1. Appointment: Appointments and promotions to vacant positions will be made by the Executive Director, unless otherwise provided by resolution of the Commission. All appointments and promotions shall be made on the basis of merit.

2. Promotion: The Executive Director will fill vacant positions by promotion if qualified persons are available. A promoted employee may be returned to the previous position if the employee's performance following a promotion is unsatisfactory.
3. Resignation: An employee wishing to leave the Port service in good standing, shall at least two weeks before leaving, file a written statement as to the reasons for leaving and the effective date.
4. Demotion; Suspension, Discharge - Personnel Files: An employee may be demoted, suspended or discharged, with or without cause or notice. The Executive Director will notify an employee in writing of (a) a demotion two weeks prior to its effective date, if possible, (b) a suspension, the reasons therefore, and the duration thereof, if known, and (c) a discharge, the reasons therefore, and its effective date. An employee who is suspended for non-disciplinary reasons (i.e. furloughed) will be given two weeks' notice, if possible. A suspension may be paid or unpaid. An employee who is demoted or discharged for poor performance or misconduct will be allowed to prepare and place in their personnel file a written rebuttal statement, not to exceed one page in length. A rebuttal statement will be retained in the personnel file as a permanent record,

An employee may examine their personnel, payroll or benefit files, including any separate files containing medical information, upon request at any time during regular business hours. A former employee may examine their personnel files once during regular business hours in each of the two calendar years following separation from employment.

RULE VI- OPEN DOOR

Constructive thinking and helpful suggestions from you help us progress and succeed as an employer. The Port of Benton invites employees to share their suggestions, recommendations, or constructive criticisms about the employer and its operations with their direct supervisor, a member of management, or a member of the Human Resources department.

You are encouraged to openly and frankly discuss any concern, problem, or disagreement you may have with your direct supervisor, a member of management, or a member of the Human Resources department.

RULE VII- SEMINARS, CLASSES, & TUITION REIMBURSEMENT

1. Seminars and Classes

Port employees may be reimbursed for continuing education or seminars directly related to the employee's duties or ability to maintain a license upon which their work duties pertain, if (a) enrollment in the class has been approved in writing by the Executive Director, and (b) the class is successfully completed. Such training is to include continuing legal education (CLE) courses and continuing professional education (CPE) courses.

Port employees and Port Commissioners shall make every effort to attend any event or class that they have signed up and paid for. Should a cancellation occur within a time period that reimbursement may not be obtained from the class/venue, the employee/Commissioner shall reimburse the Port for the costs paid, unless a legitimate reason is provided to, and approved by, the Executive Director.

2. Tuition Reimbursement

The Port recognizes the value of well-educated and well-trained employees and supports the tuition reimbursement program with available funds. Employees are encouraged to further their personal and professional development goals through appropriate formal education programs.

3. General Requirements

Tuition reimbursement is available for live or online courses offered by institutions accredited by the following accrediting organizations: Middle States Commission on Higher Education, New England Association of Schools and Colleges' Commission on Institutions of Higher Education, North Central Association of Colleges and Schools' Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools' Commission on Colleges, and Western Association of Schools and Colleges' Senior College and University Commission. Accreditation information is available directly from the school.

Tuition Reimbursement is available only to full-time employees who are in good standing and have successfully completed 1 year of service with the Port. Employees whose official work schedule is part-time will receive reimbursement relative to their work schedule (e.g. half-time employees received 50 percent of allowable reimbursement).

Employees who intend to apply for tuition reimbursement must obtain approval from the Executive Director and the Director of Finance prior to registering for the class(es). Employees who do not obtain approval prior to taking the class will not be eligible for reimbursement.

If the employee leaves Port services before completing the entire reimbursement process, the Port will not provide reimbursement. Employees who leave the Port within 6 months of receiving reimbursement will be required to repay any reimbursements received in the 6 months prior to termination.

To qualify for reimbursement for a college course, the employee must receive a grade of "C" or (2.0) or better. Classes may only be taken on a pass/fail basis if the class is only offered on a pass/fail basis. For pass/fail classes, the class must be passed for reimbursement. Official grade reports must be submitted with the request for tuition reimbursement. Should an employee "fail" a pass/fail class or fail to obtain a "C" or "2.0" in a course, that employee must reimburse the Port any monies already paid by the Port in full, within thirty (30) days of receiving their grade.

Participation must not interfere with scheduled work or negatively affect work performance.

There must be a relationship between the course(s) and the employee's projected career path

within the Port, or attainment of a degree that benefits the employee and the Port.

The reimbursement rate will be 100 percent of the tuition cost and mandatory fees. Maximum tuition reimbursement for an employee will not exceed the full-time Washington resident undergraduate tuition rate for the Washington State University Tri-Cities Branch Campus in a calendar year. Costs of textbooks will also be reimbursed. However, textbooks are to remain Port property and are to be provided to the Port upon completion of a course. Other costs (e.g. supplies, travel, parking, extracurricular clubs, etc.) are not reimbursable.

In some situations, reimbursement may be approved for courses that do not meet the above descriptions. These situations may include courses like a preparation class for a certification examination or a job-related course provided by a non-academic institution. Reimbursement for special courses shall be at a rate determined by the Executive Director on a case-by-case basis.

Employees who receive financial assistance for their education from another source must disclose the source and amount when seeking reimbursement. If employees are receiving 100% funding for their education from another source, the Port will not provide reimbursement. Under certain circumstances, it is possible that the tuition reimbursement program can be coordinated with other funding sources (e.g. GI Bill benefit, grant, scholarship). In all instances, total financial assistance and tuition reimbursement will not exceed the educational expenditures incurred.

Reimbursement process:

- A. Employee shall turn in Reimbursement form
- B. Employee will pay for the course prior to reimbursement.
- C. Upon course completion, employees will provide the Finance Director:
 1. A copy of the unofficial course transcript
 2. A copy of the receipt for tuition payment that shows the course title, number of credit hours, tuition costs, and fees,
 3. Documentation from the college's website or course catalog showing the cost per credit for the timeframe of the course, and
 4. A copy of the class syllabus noting the required textbook must be submitted with the textbook receipt
- D. Documentation for payment must be submitted within 90 days following the course end date.

Advance Tuition Reimbursement: Requests may be submitted up to forty-five (45) days in advance of the start date of the course in the event the employee requests advance reimbursement due to financial hardship. Requests approved in advance are subject to the policy in effect at the time the class starts, not at the time of approval.

Advance reimbursement process:

- A. Employee shall turn in Reimbursement form
- B. Employee will submit for reimbursement up to forty-five (45) days prior to the course start date. This shall include:
 1. A copy of the receipt for tuition payment that shows the course title, number of credit hours, tuition costs, and fees,

2. Documentation from the college's website or course catalog showing the cost per credit for the timeframe of the course, and
 3. A copy of the class syllabus noting the required textbook must be submitted with the textbook receipt
- C. Within thirty days (30) of course completion, employees will provide the Finance Director:
1. A copy of the unofficial course transcript

Tax implications: Depending on the IRS tax codes in effect, employee reimbursement may be subject to income and FICA tax withholding. For guidance on the laws related to tuition reimbursement, employees should contact their accountant or tax advisor.

RULE VIII- DISCLOSURE STATEMENTS, CONFLICTS OF INTEREST AND DISCLOSURE OF INFORMATION

A disclosure statement regarding outside employment, business interests or ownership will be required of each new employee at time of hire, and annually thereafter. The disclosure statement must disclose the existence of any financial interest of the employee, and their spouse, or registered domestic partner which may be affected by an activity of the Port.

A conflict of interest occurs when (a) an employee, spouse or registered domestic partner has a private financial interest which may be affected by an activity of the Port, or (b) the employee, spouse or registered domestic partner has a legal duty to a third party which conflicts with a duty owed to the Port because of employment. Ownership of stock in a listed and publicly traded company that does business with the Port need not be reported. Any activity which could be a conflict of interest between the employee and the Port will require a plan to eliminate any conflict of interest and approval by the Board of Commissioners.

Commissioners or employees of the Port shall not accept gratuities, gifts or free services from any person or organization that conducts business with the Port. This provision does not prohibit the exchange of inexpensive gifts, food or beverages of the value of \$25.00 or less that are by custom exchanged at holiday seasons or at social functions organized for the enjoyment of Commissioners or employees.

Commissioners and employees shall maintain the confidentiality of information obtained during the conduct of Port business, unless disclosure is required by law or compelled by subpoena. Care should be exercised where the disclosure of information about Port business could result in a significant compromise of the Port's position in the negotiation of leases, land sales or acquisitions, the encouragement and support of new businesses, or the Port position in litigation or regulatory matters.

RULE IX - USE OF PORT ASSETS AND TIME

Any use of Port assets or time by an employee for private personal benefit is prohibited. Employees will be disciplined or discharged for:

- a. use of Port vehicles for private purposes, unless expressly authorized by the Board of Commissioners; provided, however, that incidental use of a vehicle owned by the Port for incidental personal purposes such as meals, errands and personal needs which coincide with an employee's performance of official

Port duties is approved.

- b. use of Port computers for private correspondence, business activities or personal entertainment; provided, however, that incidental use of email for reasonable and necessary communication is permitted if the communications are properly stored in the permanent Port email cache;
- c. theft or unauthorized use of property, materials, tools, equipment, telephones or fax machines or facilities owned by the Port; provided, however, that reasonable use of telephones owned by the Port for reasonable local communication for personal or immediate family matters; and
- d. conducting personal business for profit while being paid for work by the Port, or unreasonable use of work time for personal or family matters.

RULE X - DRUG FREE WORKPLACE PROGRAM

I. Statement of Policy:

- A. Introduction and Background: The Port of Benton's responsibilities for protection of the health and safety of the public and of its employees require that actions be taken to assure that employees at Port of Benton facilities in positions with the potential for causing serious harm to the health and safety of employees or the public meet the highest standards of reliability. Among the actions deemed necessary is that the Port of Benton develop and maintain drug free workplace programs. This document provides criteria to be followed by the Port of Benton in developing and implementing a drug free workplace program.
- B. Purpose: This document establishes Port of Benton policies and criteria for developing and implementing programs that facilitate the maintenance of a drug free workplace, including detection of the use of illegal drugs by current or prospective employees.
- C. Scope: All current and prospective employees who will be in safety-sensitive roles at the Port of Benton are required to participate fully in the Drug Free Workplace Program, including urine drug analysis as specified in subsequent sections of this document.
- D. Policy: The Port of Benton policy regarding protection of employee and public health and safety requires that the Port of Benton assure that its employees who occupy positions with the potential to cause damage, are free of the effects of the use of illegal drugs. In order to accomplish this, it shall be the Port of Benton's policy to:
 - a. Prohibit the use, possession, manufacture, distribution, being under the influence of, or sale of illegal drugs at any Port of Benton facility.
 - b. Instruct supervisors and employees concerning substance abuse problems and the availability of assistance.

- c. Conduct urine drug analysis of employees and applicants on the basis of reasonable suspicion or in connection with an occurrence.
- d. Provide employees with the opportunity for rehabilitation under certain circumstances.
- e. Take disciplinary action as appropriate, up to and including termination.

E. Definitions:

- a. "Confirmed Positive Test" means a finding based on an initial test with a positive result followed by a confirmatory test on the same sample using a more sensitive, drug-specific test with a positive result.
- b. "Employee Assistance Program" means a system of counseling and referral services for the prevention, treatment and rehabilitation of employees who have substance abuse and other medical behavioral problems.
- c. "Illegal Drugs" means controlled substances as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not apply to the use of a controlled substance pursuant to a valid prescription or other uses authorized by law. Although some states have legalized cannabis for medicinal or recreational purposes, The Port of Benton is not required to allow the medicinal or recreational use of cannabis in the workplace. Cannabis use or being under the influence is strictly prohibited on Port of Benton property and while conducting employer business.
- d. "Reasonable Suspicion" means an articulable belief that an employee uses illegal drugs drawn from particularized facts and reasonable inferences from those facts.
- e. "Occurrence" means any untoward accident, incident, or event which results in personal injury, property damage or monetary loss, or a significantly increased probability of injury, loss, or damage. An automobile accident with a government vehicle, an error in administration, or misappropriation of company funds are examples of occurrences.

II. Procedures

- A. Employee Assistance Program: In appropriate circumstances, the Port of Benton shall refer employees to qualified professionals for treatment of drug or alcohol related problems.
- B. Federal contract or grant: As a condition of employment on any Federal contract or grant, the employee must abide by the terms of this policy statement and is required to notify the Port, within five calendar days, if they are convicted of a criminal drug violation. Failure to notify the Port is grounds for automatic termination.
- C. Testing as a Result of an Occurrence: When there is an occurrence involving Port of Benton employees, the Executive Director may direct that all involved employees be tested for illegal drug use within 48 hours.
- D. Testing for Reasonable Suspicion: Any employee whose behavior creates the basis

for reasonable suspicion on the part of a responsible person will be tested for illegal drug use. Testing for reasonable suspicion shall be recommended by the responsible person observing the suspicious activity but shall be ordered by the Executive Director. Such suspicion must be based on one or more of the following:

- a. Observable phenomena, such as direct observation of drug use and/or the physical symptoms of being under the influence of a drug;
 - b. A pattern of abnormal conduct or erratic behavior;
 - c. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking; or
 - d. Information provided by reliable and credible sources and independently corroborated, or evidence that an employee has tampered with a drug test.
- E. Drugs for Which Testing is Performed: Testing will routinely be performed to identify the following drugs, classes of drugs, or metabolites thereof, and at the assay cut off levels indicated:

A POSITIVE DRUG RESULT MEANS THAT THE AMOUNT DETECTED MEETS OR EXCEEDS THE ASSAY CUT-OFF

Assay Cut-Off Levels:

Urine Ethanol	25 mg/dl
Amphetamines	1000 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Cannabinoid	150 ng/ml
Cocaine Metabolite	150 ng/ml
Methadone	300 ng/ml
Methaqualone	300 ng/ml
Opiates	1000 ng/ml
Phencyclidine	25 ng/ml
Propoxyphene	300 ng/ml
MDMA	500 ng/ml
Methamphetamine	1000 ng/ml

Testing may also be performed for other drugs or classes of drugs if deemed necessary and so directed by the Executive Director of the Port of Benton. Drugs tested for and cut-off levels may be changed as necessary to maintain compliance with state or federal law, directives or recommendations.

- F. Specimen Collection, Handling and Laboratory Analysis: All specimens shall be collected by a physician or a drug testing laboratory at a time and place to be specified by the Port of Benton. Procedures for providing urine specimens must allow

individual privacy, unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. The Laboratory Contractor shall utilize a chain of custody procedure for maintaining control and accountability from point of collection to final disposition of specimens and shall use cut-off levels as specified in Section E in screening specimens to determine whether they are negative or positive for a specific drug.

G. Medical Review of Test Results: When a positive test result has been obtained, and confirmed by another test made on the same sample using a more sensitive, drug-specific test, the confirmed positive test result will be reviewed by a physician designated by the Executive Director of the Port of Benton considering the medical history of the employee or applicant and other relevant biomedical information. If the physician determines that there is a legitimate medical explanation for the confirmed positive test result consistent with legal drug use, the physician will certify that the test results do not meet the conditions for a determination of illegal drug use. If no such certification can be made, the physician will make a determination of illegal drug use.

H. Action Pursuant to Determination of Illegal Drug Use:

- a. When an applicant has been tested and determined to be an illegal drug user, processing for employment will be terminated and the applicant will be so notified.
- b. When an employee has been tested and determined to be an illegal drug user, the employee shall be immediately removed from all duties. If this is the first determination of illegal drug use by that employee, the employee will be offered a reasonable opportunity for rehabilitation. Failure to take advantage of the opportunity for rehabilitation or a second determination of illegal drug use will be the basis for disciplinary action up to and including termination of employment.

I. Records:

- a. Port of Benton shall maintain maximum confidentiality of records related to substance abuse, to the extent possible consistent with state law. All drug testing records shall be maintained separately and independently of medical records and shall not be considered to constitute a portion of the employee medical record.
- b. All records, including initial test records and chromatographic tracings, shall be retained by the contract urine drug testing laboratory in such a manner as to allow retrieval of all information pertaining to the individual urine specimens for a minimum period of two years after completion of testing of any given specimen. Frozen duplicate samples of all urines testing positive for drug use shall be maintained for a minimum period of two years.

- J. Refusal to Provide a Specimen or Participate in the Program: Refusal to provide a specimen or participate in the program will be considered equivalent to a positive test. Appropriate action will be taken as if a positive test had been found. A second refusal will result in disciplinary action up to and including termination of employment.

RULE XI - REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION

It is the policy of the Port of Benton (1) to encourage reporting by its employees of improper governmental action taken by the Port of Benton's officers or employees and (2) to protect the Port of Benton's employees who have reported improper governmental actions in accordance with the Port of Benton's policies and procedure(s).

DEFINITIONS: As used in this policy, the following terms shall have the meanings indicated:

1. "Improper governmental action" means any action by a Port of Benton officer or employee:
 - a. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - b. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

2. "Retaliatory action" means any adverse change in the terms and conditions of a Port of Benton employee's employment.
3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

PROCEDURES FOR REPORTING:

Port of Benton employees who become aware of improper governmental actions should raise the issue first with the Executive Director. If requested by the Executive Director, the employee shall submit a written report to the Executive Director, or to some person designated by the Executive Director, stating in detail the basis of the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the Executive Director, the employee may raise the issue directly with the President of the Commission of the Port of Benton or such other person as may be designated by the President to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The Executive Director or the President of the Commission of the Port of Benton or the President's designee shall take prompt action to assist the Port of Benton in properly investigating the report of improper governmental action. Port of Benton officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Port of Benton employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Port of Benton employee reasonably believes that an adequate investigation was not undertaken by the Port of Benton to determine whether an improper governmental action occurred, or that insufficient action has been taken by the Port of Benton to address the improper governmental action or that for other reasons the improper governmental action is likely to recur. Port of Benton employees who fail to make a good-faith attempt to follow the Port of Benton's procedures in reporting improper governmental action shall not receive the protection provided by the Port of Benton in these procedures.

PROTECTION AGAINST RETALIATORY ACTIONS:

Port of Benton officials and employees are prohibited from taking retaliatory action against a Port of Benton employee because they have in reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise the Port of Benton Executive Director, the President of the Commission of the Port of Benton, or the President's designee. Port of Benton officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the Executive Director, the Port of Benton President, or the President's designee does not satisfactorily resolve a Port of Benton employee's complaint that they have been retaliated against in violation of this policy, the Port of Benton employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Port of Benton commission that specifies the alleged retaliatory action and specifies the relief requested.

Port of Benton employees shall provide a copy of their written charge to the Port of Benton Executive Director no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Port of Benton shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the Port of Benton or thirty (30) days after the delivery of the charge to the Port of Benton, the Port of Benton employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Port of Benton manager within the earlier of either fifteen (15) days of delivery of

the Port of Benton's response to the charge of a retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the Port of Benton for response.

Upon receipt of the request for hearing, the Port of Benton shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
PO Box 42488
Olympia, WA 98504-2488
(360) 407-2700
(360) 664-8721 (Fax)

The Port of Benton will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

RESPONSIBILITIES:

The Executive Director is responsible for implementing the Port of Benton's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly hired employees.

Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

LIST OF AGENCIES:

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the manager.

BENTON COUNTY:

Benton County Prosecutor (Criminal and Civil Divisions)
7122 W Okanogan Pl # A
Kennewick, WA 99336
(509) 786-5621

Benton-Franklin Health District
7122 W Okanogan Pl Kennewick, WA 99336
(509) 460-4200

Benton Clean Air Agency
526 S Clodfelter Rd Kennewick, WA 99336
509) 783-1304

Benton County Sheriffs Department
7122 W Okanogan Pl # B
(509) 786-5615

STATE OF WASHINGTON:

Attorney General's Office
1125 Washington Street SE PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200

UNITED STATES OF AMERICA:

General Services Administration
915 Second Avenue
Seattle, WA

Office of Inspector General
Audits Investigations (206)931-7650
Law Enforcement (206) 553-0290

Department of Health & Human Services Food
& Drug Administration
22201 23rd Drive S.E. Bothell, WA
Trade Complaints (206)483-4949

Office of the Regional Secretary
General Counsel's Office, Inspector General
Audits (206) 553-0452
Investigations (206) 553-0229

Department of Housing and Urban
Development Office of Counsel
1321 Second Avenue Seattle, WA
(206)553-4976

Office of Inspector General
Audits (206) 553-0270
Investigations (206) 553-0272

Interstate Commerce Commission
915 Second Avenue, Room 1894
Seattle, WA 98174
(206)553-5421

Department of Interior
U.S. Fish & Wildlife Services Division of Law
Enforcement
121 107th N.E.
Bellevue, WA
(206)553-5543

Department of Justice
Drug Enforcement Administration
220 West Mercer, Suite 300 Seattle, WA
(206)553-5443

Department of Labor
Occupational Safety & Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(206)553-5930

Office of Inspector General Audits
1111 Third Avenue, Suite 780
Seattle, WA 98101-3212
(206) 553-4880

Office of Inspector General Investigations
1111 Third Avenue, Suite 785
Seattle, WA 98101-3212

Office of Women's Bureau
1111 Third Avenue, Suite 885
Seattle, WA 98101-3212

Mine Safety & Health Administration
117 107th N. E.
Bellevue, WA
(206)553-7037

National Transportation Safety Board
19518 Pacific Highway South Seattle, WA
(206) 764-3782

Nuclear Regulatory Commission
510-975-0200

Securities and Exchange Commission
915 Second Avenue
Seattle, WA 98174
(206) 553-7990

Department of Transportation Office of
Inspector General
915 Second Avenue
Seattle, WA 98178
(206) 553-5720

Department of Treasury
Bureau of Alcohol, Tobacco & Firearms Law
Enforcement Division

915 Second Avenue, Room 806
Seattle, WA 98174

Department of Veterans Affairs Office of
Inspector General
915 Second Avenue
Seattle, WA 98174
Fraud/Waste/Abuse Hot Line 800-488-8244

RULE XII - INTERNET AND EMAIL POLICY AND PROCEDURES

The Port of Benton provides both internal and external communications networks in order to provide an efficient means of communication with fellow employees, persons outside the Port, and remote computer systems. Networks also provide a means of retrieving and communicating other business-related information. Internal and external networks provide many business benefits. However, there are also legal, security, productivity and privacy issues related to how networks are properly used. Employees are required to become familiar with and adhere to the following guidelines and information regarding use of Port network resources.

1. Privacy: All data and voice processing equipment, software, Internet accounts, and data residing within or on those devices are the property of the Port of Benton.

Communication over networks should not be considered private. Employees of the Port have no expectation of privacy in Port correspondence, in records created for use in Port activities, or in email sent or received over the Port's email systems. Network administration and maintenance may require review and inspection of directories, files or messages. Messages may sometimes be diverted accidentally to a destination other than the one intended. Privacy of these communications is not guaranteed. The Port reserves the right to access, monitor, and review any information transmitted on computer systems and in stored records for any reason. Deleting e-mail may not necessarily destroy the record within the system.

Generally, computer files, voice mail, and e-mail are considered "documents" under the Washington State Public Disclosure Act (RCW 42.17). As such, it should be assumed that this information may be subject to release to any member of the general public upon request to the Port of Benton.

Email directly or indirectly related to activities or business of the Port, which is unprivileged, and which is sent or received by a Commissioner or employee, shall be saved and stored electronically in an electronic file.

The use of the email system for communications unrelated to Port business is discouraged.

2. **Port-Owned Electronic Devices:** Employees have no right to privacy with respect to the use of Port-Owned Electronic Devices. This includes any and all voicemails, social media messaging, emails, text messages, call history and/or any other information stored on a cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The Port has the right to inspect any and all Port-Owned Electronic Devices used by employees for such information at any time and without notice.

In addition, employees have the following responsibilities regarding Port-Owned Electronic Devices:

- a. Protect the Port-owned electronic device from theft, loss or damage.
 - b. Immediately report loss or theft of a Port-owned electronic device to your supervisor.
 - c. As cell phone calls and other electronic devices are not secure, use discretion while making calls of a sensitive or confidential nature.
 - d. Immediately return the electronic device to your supervisor if it is determined that the electronic device is no longer necessary for your job or upon leaving employment with the Port.
3. **Personal Cell Phones and Text Message Policy:** Employees should be aware that work-related texts and voice messages on cell phones may be public records subject to the Public Records Act. These text and voice messages are subject to the Public Records Act so long as one party to the conversation is a Port employee, regardless of who the other party is, i.e. friend, family, business associate. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules.

Records created related to Port business—including text messages, voicemail messages, and other electronic communications—are Port records. These records therefore (1) should be managed according to the applicable retention schedule, and (2) may be subject to disclosure under the Public Records Act. The following is intended to help manage the business-related messages you send or receive on smart phones, tablets, or similar devices (iPhone, iPad, Blackberry, Android, etc.)

- a. With supervisor authorization, employees may use text messaging only for routine or transitory messages that don't need to be retained by the Port. Examples include informal notices of meetings, directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication.
- b. Text messages may not be used to send policy, contract, formal correspondence, or personnel related data. Sensitive information should not be sent by text message, including social security numbers, credit card numbers, and passwords.

- c. If the electronic record is transitory in nature with no administrative, legal, fiscal, or archival value, then the record can be deleted at the discretion of the user. Examples include secondary copies of memos, general office notices, general information, working copies, transmittal memos, meeting announcements, invitations to retirement parties, drafts.
- d. If a text message is not transitory in nature and needs to be retained, employees must transfer the messages to the Port's network and/or devices.

4. Network Usage Guidelines:

a. Network Access:

A. Employee access to internal and external networks, including the Internet, is granted as a Port business resource. "Loaning" of user IDs and passwords or failure to logoff during non-work hours are considered breaches of security. Employees must use networks in accordance with Port guidelines, and local, state, and federal laws. Employees who misuse this privilege will have their access revoked and are subject to disciplinary measures.

B. Access to networks through any means other than Port authorized methods is prohibited. This is necessary to ensure proper network usage, maintain operating efficiency and ensure network security.

C. Management approval is required for all employees to access authorized internal computing resources: Access to external computing resources must be coordinated with the Director of Finance/Auditor to determine if existing resources will support the request connection.

b. Network Use. Electronic data processing and telecommunications (such as Microsoft Exchange, Voice Mail, and Internet access) are provided for the conduct of Port business. Employees who use these resources are responsible for doing so in an ethical, legal and professional manner. Further, they may not be used to support activities for personal gain, solicitation, or to support any illegal purposes. They may not be used to send or post messages that are in support of any religious, political, or non-business related outside organization or activity. Messages must not contain harassing, obscene, profane, or otherwise offensive language. Storage of personal files on Port networks is prohibited. E-mail and bulletin board services may be used to support Port-sponsored education, professional organizations, or community activities, if this usage is approved by the Executive Director. Non-employee access to internal and external network systems, software and telecommunications shall be specifically limited to the conduct of official Port business.

c. Downloading and Network Connections: The Port of Benton internal computer and voice networks are vulnerable (to unauthorized intrusion, viruses, etc.) at the point of interface with any external network connections. Computer systems residing on or connected to the internal network will use external connections only through Port

approved and managed network interfaces. Any connection not meeting these requirements will be subject to disconnection until it is reviewed by the Information Systems Administrator/Director of Finance/Auditor and approved for use.

- d. Virus Screening: Software may not be downloaded from external sources (e.g. bulletin board services, the Internet, etc.) and/or used without screening through a virus control utility.
- e. External Disks: Binary (non-text, e.g. graphics) files, executable (program) files (including those attached to email), and removable computer media (e.g., diskettes, CD-ROM discs, DVD-ROM discs, and flash/usb drives) can contain computer viruses or other malicious code. No executable information (e.g. binary files, macros, etc.) obtained from external sources may be executed prior to virus checking with an appropriate utility.
- f. Copyrights: Copyright laws must be adhered to. Copyrights and contractual agreements may prohibit the duplication of material without authorization. Do not include published material in email or file transfers without proper authorization. All licenses and copyrights associated with electronic material must be adhered to. Required copyright notices must be included in any use of such material.
- g. Network Housekeeping: Electronic files must be reviewed periodically and purged if no longer needed. The Information Systems Administrator has established thresholds for monitoring network traffic and the volume of files and messages that an individual can accumulate. The Director of Finance/Auditor has established a schedule to complete a backup of all network files. Backup files are retained off-site.
- h. Preservation And Storage of Electronic Mail: "Electronic mail," hereinafter referred to as "email," means communications to or from Commissioners and employees which are directly or indirectly related to the business, operation, meetings or official activities of the Port. Email transmissions are "documents" which may be discoverable in litigation or may be subject to the retention and disclosure requirements of RCW 42.17. Every email document sent or received by Commissioners or an employee of the Port, and which is or may be subject to the disclosure requirements of RCW 42.17, shall be stored electronically in a permanent cache and retained for a minimum period of three years. (Email which is related to an activity for which a longer record retention period is required, such as leases and contracts and some personnel records, shall be reduced to written form and stored in the appropriate paper files. If an email document is filed in written form, it may be deleted from the electronic storage file).

Email which contains significant information about a project or activity of the Port, such as bids, proposals, unprivileged legal documents, notices of claims, appraisals of property to be leased, sold or purchased, and similar matters, for which maintenance of a permanent record is of importance, should be copied and placed in the appropriate paper files. Duplication of records is not required; records reduced to written form and appropriately filed may be deleted from the email files. Email sent to or received by a Commissioner, including communications between Commissioners, regarding official Port business or any activity of the Port, must be stored in the email cache or reduced

to written for and filed in the appropriate paper files.

Email which is determined to be exempt from public disclosure under RCW 42.17 shall not be stored in the email files. Such documents include, but are not limited to, mail containing significant personal or medical information about Commissioners or employees of the Port, financial or business information received from vendors, bidders or persons conducting business with the Port, matters involving litigation, appraisals and similar information related to the sale or acquisition of property, applications for employment, grievances and disciplinary matters.

All employees will be given a copy of this policy and be required to sign a statement that they have read and understand it. Every email message sent by Commissioners or employees of the Port using Port email equipment shall contain the following statement: "This e-mail may contain privileged or confidential information disclosable only to the addressee. If you have received this e-mail in error, do not copy or distribute it to other persons not authorized to receive it. Please call the sender at 509- 375-3060 to make arrangements for the document to be retrieved or destroyed."

- i. Privileged Electronic Correspondence: It is important to be very careful to preserve the attorney–client privilege in email correspondence. The general rule is that the privilege applies to communications between an attorney and client, and once a third party is included in that communication, the privilege may be waived. Port policy and best practices dictate that whenever an email is received from Port counsel, the recipient shall not forward the email on or reply and add on additional employees or third parties to the communication, without the express consent of Port counsel or the Executive Director.
5. Social Media Policy: See Port of Benton’s Social Media Policy and Social Media Terms of Use policy.
6. Violations: Suspected violations of these policies shall be reported to the Executive Director. Violations of this policy may result in disciplinary action up to and including termination.

RULE XIII - TRAVEL EXPENSE REIMBURSEMENT

Commissioners and employees who are required to travel to engage in activities directly related to the business of the Port shall be reimbursed for the reasonable and necessary expenses incurred. Reasonable and necessary expenses shall include:

1. Lowest available round-trip airfare from the Pasco airport to the destination and return, and all reasonable and necessary connecting transportation costs, such as bus, taxi, Uber/Lyft or equivalent, and car-rental expenses.
2. Mileage, if a private automobile is used, at the rate allowed by the United States Internal Revenue Service for mileage reimbursement. Employees receiving a vehicle allowance shall not receive mileage or use Port vehicles for travel, unless travel is required of two or

more Port employees, in which case the use of Port vehicles is allowed for travel.

3. Lodging, meals (other than alcohol) and reasonable tips, local public transportation, parking, laundry expense (for absences in excess of one week), reasonable telephone expense for Port business and family communication, and necessary incidental expenses.
4. Cost of internet and communication services directly related to Port activities incurred during the travel period.
5. Commissioners and employees using credit or debit cards of the Port shall submit a complete written voucher of expenses incurred, together with receipts, for each item of expense. Valid receipts shall be submitted within fourteen (14) days of the last day of the month in which the travel occurred. If valid receipts are not submitted within fourteen days following the end of the travel month, the Commissioner or employee shall reimburse the Port for the expense. Reimbursement claims for items paid in cash shall be supported by a written receipt and explanation of the claim.

Reimbursement will be allowed only for expenses related to Port purposes. Employees are not to use Port credit or debit cards for personal or non-reimbursable expenses. The Director of Financer/Auditor shall withhold any amounts due from the Commissioner or employee from the next paycheck due, as provided in RCW 42.24.115.

RULE XIV - PATENTS

At the time an employee is hired, they shall be required to disclose in writing any project then being pursued by the employee which may result in the issuance of a patent to the employee. Such disclosures shall be maintained in a separate and secure file by the Port, and access to such documents is limited to Director of Finance/Auditor. The Port shall own any invention patented by an employee during their employment, unless the employee has previously notified the Port in writing of their work on a potential invention and establishes that no equipment, supplies, facilities or trade secret information belonging to the Port were used in its development, and that the invention does not relate to (a) the business of the Port, (b) an actual or demonstrably anticipated research or development project of the Port, or (c) the work of the employee for the Port.

RULE XV - SAFETY & ACCIDENTS

Employees are required to report all work-related accidents, near-misses, injuries, and illnesses to their supervisor as soon as reasonably possible, no matter how minor the event may appear. This reporting requirement is necessary for the following reasons:

1. All injuries and illnesses should be treated. Failure to get proper care may worsen a medical condition.
2. The Port of Benton must comply with federal and state injury recordkeeping requirements.
3. Management must be made aware of unsafe situations to prevent future accidents.

These should be reported and documented using the most current applicable forms.

These reporting procedures do not prohibit employees from later reporting an injury or illness if the seriousness of the condition only becomes apparent at a later date.

After seeing a physician, employees are required to report directly back to their supervisor. If the shift has ended, or if the physician sends the employee home, the employee must contact their supervisor before their next shift. The Port of Benton will not retaliate against employees for reporting a workplace injury or illness.

Protective, non-prescription safety glasses will be provided in the shop areas and for all work of Port employees who are engaged in activities during which facial or eye injury is a reasonably foreseeable risk. Safety glasses are provided without cost to the employee. Use of safety glasses or full-face masks is required when mandated by rules of the Washington Department of Labor and Industries, or when work presents a risk of eye injury.

RULE XVI- SMOKING IN PORT FACILITIES

Smoking and the use of tobacco or e-cigarettes is prohibited in all facilities of the Port, including shops, rest rooms, offices, hallways, common areas, entrance vestibules and sidewalks. Employees wishing to smoke during rest breaks or lunch hours must do so off premises under control of the Port.

RULE XVII— CELL PHONE/INTERNET REIMBURSEMENT

Port employees and Commissioners can choose to own their own cell phone or continue to have the Port of Benton own them. If a port employee or Commissioner chooses to own their own phone, they may receive an allowance of may receive \$100 a month to cover combined business-related cell phone and data plan expenses for personally owned cell phones. All employees and Commissioners participating in the cell phone allowance program will receive \$100 annually towards the purchasing of a cell phone and related equipment.

If an employee or Commissioner can provide sufficient evidence that the business use of their cell phone is in excess of \$50 or \$100 on a three-month average, they should address the issue with the Port Auditor for a change in the allowance. Otherwise, no further reimbursement for cell phone costs is available. In the event of excess data usage, at the discretion of the Executive Director, an employee may lose their data plan reimbursement privileges.

Responsibilities: Employees and Commissioners will be responsible for entering into a contract for cellular service with the provider of their choice. Employees are encouraged to have their cell phone provider apply the Government discount to their primary phone line. The Port will not be responsible, in any way, for employee's personal cellular phone and/or associated services, regardless of the type of use, including inappropriate charges, a lost/stolen phone or delinquent payments.

Each employee or Commissioner will immediately report the number of the cellular phone to the Port Auditor. The employee or Commissioner will carry the phone during business hours and when it is reasonably determined that there is a business need, or when normal

communication links are not available.

The Port retains the right to periodically review the employee's or Commissioner's need for a cellular phone allowance and may cancel the allowance due to lack of business usage, changes in employee work-related responsibilities, or absences exceeding one month, such as employee leave, Short Term Disability or extended leave under the Family and Medical Leave Act if applicable.

Port employees and Commissioners may receive a monthly stipend to cover internet service provider charges for work-related business conducted at home.

Responsibilities: Employees and Commissioners will be responsible for entering into a contract for internet service with the provider of their choice. The Port will not be responsible, in any way, for employees' internet services, regardless of the type of use, including inappropriate charges or delinquent payments.

RULE XVIII– WORKPLACE SEARCHES

The Port of Benton reserves the right to use any lawful method of investigation it deems necessary to determine whether any person has engaged in conduct that interferes with or adversely affects business. A search does not imply an accusation of theft or that an employee has broken an employer rule.

Employees entering and leaving the facility are subject to questions and searches at the employer's discretion. Lockers, vehicles, and personal possessions on the Port of Benton premises will also be subject to search unless prohibited by law. Employees who refuse to cooperate in an inspection conducted pursuant to this policy, as well as employees who, after the inspection and investigation are found to be in possession of stolen property or illegal drugs or otherwise in violation of policy, will be subject to corrective action up to and including discharge.

RULE XIX - WORKPLACE VIOLENCE

The Port of Benton has a “zero tolerance” policy for any actions that threaten its employees, customers, or vendors. This includes verbal and physical harassment, verbal confrontations, and any actions that cause others to feel unsafe in the workplace. As part of this policy, employees are prohibited from bringing weapons to work or on employer premises, including the parking lot. Further, The Port of Benton reserves the right to inspect, with or without notice, all employees' personal belongings, including backpacks, packages, automobiles when allowed by law, and other items that come onto the work premises. The Port of Benton further reserves the right to inspect all employer property with or without notice. Employees with complaints regarding these issues should submit them in accordance with this policy.

You are encouraged to raise workplace concerns with your immediate supervisor. If your supervisor is unavailable, if the complaint remains unresolved after talking with your supervisor, or if the nature of the complaint is such that you do not feel you can discuss the complaint with your supervisor, you may make a complaint to Human Resources.

Upon receiving a complaint, The Port of Benton will promptly investigate the matter to determine relevant facts and circumstances. You may make an anonymous complaint; however, this may limit The Port of Benton's ability to investigate it.

If you have obtained, or are protected by, an Order for Victim Protection that includes The Port of Benton, as your workplace and safety is a concern, you are encouraged to provide a copy of the order to Human Resources. Orders for Victim Protection include the following types of court orders: protection order, no contact order, restraining order, and anti-harassment order. The Port of Benton will keep all such information confidential in accordance with applicable law.

DRAFT

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

Please read each of the following provisions and sign and date the acknowledgment, which will be filed in your employee file.

- I have received a copy of the Employee Handbook. I recognize and accept the responsibility to familiarize myself with the information contained therein. If I have any questions regarding these policies, I will contact the Human Resources Department for clarification.
- I understand that it is my responsibility to follow these policies both as they presently exist and as they may change in the future.
- I understand that this Employee Handbook is not a binding employment contract, but a set of employer policies and guidelines.
- No representative of the employer has the authority to enter into any agreement for employment for any specified period of time or to make other commitments or promises or assure any benefit or terms and conditions of employment unless such promises are made in writing and signed by the President. Any oral representations are not binding.
- I understand both the employer and I have the right to terminate our employment relationship at any time with or without reason or with or without notice unless specifically modified by written agreement or governed by a differing provision in an applicable Civil Service Rules.
- I acknowledge that this handbook supersedes all previous manuals and/or policies. I understand that the employer may make changes to the Employee Handbook, as it deems necessary. I understand that this handbook does not negate any provisions in the applicable Civil Service Rules and that in the event of a conflict between the documents Civil Service Rules will apply.

Employee Signature: _____

Date: _____

Date Received: _____

December 10, 2025

Selection of Architects, Engineers, and Consultants

On December 1st, Ron Branine, Director of Facilities & Operations, Jeff Lubeck, Director of finance, and Bryan Bell, Construction Project Manager reviewed and scored the Statement of Qualifications for the 2026 Calendar Year.

Upon scoring the Statement of Qualifications the following Firms/Companies were selected:

Master Plan Development:

HDR Engineering
RGW Enterprises, PC

Maul Foster & Alongi, Inc.

Airport Planning & Master Plan Updates:

Century West Engineering Corporation

Maul Foster & Alongi, Inc.

Airport Coordinator

J-U-B Engineers

AWOS Weather Station Maintenance

Maul Foster & Alongi, Inc.

DBT Transportation Services

Architectural Services

Archibald & Co.
HDR Engineering

Design West Architects, P.A.
MMEC Architecture & Interiors

Engineering:

Century West Engineering
HDR Engineering
Maul Foster & Alongi, Inc.

Precision Approach Engineering
RGW Enterprises, PC



Railroad Engineering

RGW Enterprises
HDR Engineering

KPFF Consulting Services

Miscellaneous Planning Consultant:

RGW Enterprises
IC Consulting Corporation

The Beckett Group
Maul Foster & Alongi

Surveying Services:

AKS Engineering & Forestry
PLSA Engineering & Surveying

MacKay Sposito
Stratton Surveying & Mapping

Geotechnical Consulting

GeoProfessional Innovation Corporation

PND Engineers

Environmental Services:

HDR Engineering

Maul Foster & Alongi

Testing Services

Budinger & Associates, Inc.
PLSA Engineering & Surveying

Maul Foster & Alongi

Marketing:

Underground Creative
Maul Foster & Alongi

Prominence Public Relation

Cultural/Historical Resources

HDR Engineering

Computer IT & Programming:

Tricity Computer Consulting

Grant Management:

RGW Enterprises
Maul Foster & Alongi

Century West Engineering
The Becket Group

Financial Consulting:

Swift Current, LLC

Maul Foster Alongi

Real Property Services:

HDR Engineering, Inc.

Sandollar, LLC

Public Relations:

Prominence Public Relations

Maul Foster & Alongi




PORT OF
BENTON

Selection of Architects, Engineers and Consultants



Sheri Collins
Contract Specialist

12/4/25
Date



Ron Branine
Director of Facilities & Operations

12-4-25
Date



Bryan Bell
Construction Facility Manager

12-4-2025
Date

**INTERLOCAL AGREEMENT
BETWEEN THE PORT OF BENTON, PORT OF PASCO,
PORT OF WALLA WALLA, AND
THE NORTHWEST SEAPORT ALLIANCE REGARDING
A COOPERATIVE EFFORT TO DEVELOP INLAND LOGISTICS HUB**

This Interlocal Agreement (the “ILA” or “Agreement”) is made this _____ day of _____, 2026, by and between the Port of Benton, Port of Pasco, Port of Walla Walla (each a “Port” and together “Tri-Cities Ports”), each a port district organized under the laws of the State of Washington, and the Northwest Seaport Alliance, a Washington port development authority (the “Alliance”) (together, “Parties” or “Ports”), under the authority of the Washington State Interlocal Cooperation Act, RCW 39.34 and the Port Joint Powers authority, RCW 53.08.240, for the purpose of collaborating to develop an inland logistics hub in the Tri-Cities region (“Inland Logistics Hub”) with direct transportation links to marine terminals in Seattle and Tacoma managed by NWSA (the “NWSA Gateway”).

RECITALS

WHEREAS, the Port of Seattle and the Port of Tacoma are the Managing Members of the Alliance formed in 2015, pursuant to various provisions under state and federal authorities: 46 USC Section 40310(b)(12) (discussion agreements); RCW 39.34 (interlocal agreement); RCW 53.08.240 (port joint powers statute; and RCW 53.57 (port development authority), which together permit joint operation and investment outside of a port’s district and for the operation of certain margo cargo facilities as the Alliance;

WHEREAS, the Alliance serves as a primary gateway for Washington State’s export-based economy while supporting thousands of maritime-related jobs;

WHEREAS, the Port of Benton, Port of Pasco, and Port of Walla Walla are located inland from the Washington coasts and centrally located in a region referred to as the “Tri-Cities” region of Washington State along the Columbia-Snake river system;

WHEREAS, the Tri-Cities Ports and the Alliance are interested in jointly developing an Inland Logistics Hub with direct transportation links, including rail and truck connections, between the Tri-Cities region and the marine cargo terminals in Seattle and Tacoma;

WHEREAS, creation and implementation of an Inland Logistics Hub align with the authorized purpose of Washington State Ports for industrial development and industrial improvements, RCW 53.04.010; and

WHEREAS, the Tri-Cities Ports and the Alliance anticipate shared benefits in the development of an Inland Logistics Hub. It would increase inland connections and access to international and domestic markets, attract international trade investments, and increase economic activities and jobs in Washington State;

WHEREAS, this Agreement is needed to define the operational scope, powers, roles, and opportunities for shared resources to develop an Inland Logistics Hub;

WHEREAS, the Agreement reflects the actions and approvals of governing bodies of the Ports

to discuss and develop an Inland Logistics Hub;

WHEREAS, the Ports will remain separate port districts governed by locally elected port commissioners and any joint actions discussed herein will not consolidate or merge the Ports and/or the Alliance; and

NOW THEREFORE, in consideration of the premises contained in this Agreement, the Parties agree as follows:

AGREEMENT

1.0 GENERAL

1.1 Purpose. The purpose of this Agreement is to facilitate collaboration between the Ports around efforts to develop an Inland Logistics Hub in the Tri-Cities Region with direct transportation links to the NWSA Gateway. Further, the Parties seek to jointly pursue opportunities which support and grow international trade activities and cargo movements for the benefit of not only the Parties, but all of Washington State.

1.2 Definitions.

1.2.1 Inland Logistics Hub. As used herein, an “Inland Logistics Hub” is expected to include the following non-exclusive core elements for any site:

1.2.1.1 Central location with necessary logistics and transportation services necessary to support supply chain operations, both international and domestic

1.2.1.2 Located inland from a coastal seaport

1.2.1.3 Located along Class I main railroads and major highways

1.2.1.4 Direct rail and truck connections to the coastal seaport and major inland domestic locations

1.2.1.5 Available industrial-zoned land

1.2.1.6 Offers intermodal transfer operations, international trade processing and other related services including distribution and warehousing facilities

1.2.1.7 Barge facilities and connections on the Columbia-Snake river system

1.2.2 Tri-Cities Region. As used herein, the Tri-Cities Region refers to a region in Washington State located at the confluence of the Yakima, Snake, and Columbia Rivers in the Columbia basin of eastern Washington state. Ports in this region include Port of Benton, Port of Pasco, and Port of Walla Walla.

1.2.3 NWSA Gateway. The Alliance is a marine cargo operating partnership of the Port of Seattle and Port of Tacoma. The Alliance is a leading container gateway in the United States and manages other cargo types in Seattle and Tacoma.

2.0 MEMBERSHIP, ROLES, AND MEETINGS

2.1 Members. The Parties to this Agreement shall be the initial members of the “NWSA – Tri-Cities Ports Inland Logistics Hub Working Group” (individually, “Member” and collectively, “Members”).

2.2 Additional Members. Additional ports may be invited to become Members through written agreement of current Members via an amendment to this Agreement.

- 2.3 Roles and Responsibilities. Members are expected to do the following:
- 2.3.1 Provide key staff to establish and attend regular meetings to pursue the objectives described in Section 3.0
 - 2.3.2 Participate in regulation discussions and/or meetings with other Members
 - 2.3.3 Provide information and other resources to accomplish the objectives
 - 2.3.4 Participate in marketing efforts to accomplish the objectives
 - 2.3.5 Provide resources to apply for grants and other third-party funding opportunities
- 2.4 Meetings. The Members are expected to meet regularly, as needed, and at least annually, and may form meeting rules, bylaws, norms, or the like upon the majority vote of the Members.

3.0 OBJECTIVES AND AREAS OF INTENDED COLLABORATION

- 3.1 Joint Communication. This Agreement allows communication and collaboration between the Ports and the Alliance including but not limited to sharing and/or providing information around efforts to develop an Inland Logistics Hub in the Tri-Cities Region with direct transportation links to the NWSA Gateway.
- 3.2 Marketing. The Parties will identify, discuss, and as appropriate, engage in joint marketing efforts to promote the Inland Logistics Hub, Tri-Cities Region and NWSA gateway to potential customers and investors, targeting companies involved in international trade.
- 3.2.1 Marketing Plan. The Parties can develop a formal marketing plan to attract importers, exporters, manufacturers, and other cargo targets to the Tri-Cities Region.
 - 3.2.2 Marketing Summary. The Parties can create a comprehensive summary of cargo opportunities – container, auto, project, barge, construction materials, domestic and international etc.
 - 3.2.3. Marketing Inventory. The Parties can create an inventory of current Port assets including capabilities, advantages, and cargo fit.
 - 3.2.4 Other joint marketing efforts could include strategic partnering approaches with Class I railroads.
- 3.3 Planning. The Parties will seek alignment on land-use planning and policies for real estate and transportation infrastructure related to Inland Logistics Hub objectives and activities. Additionally, the Parties may work together to develop a strategic business plan for the Inland Logistics Hub.
- 3.3.1 Joint Investments. Any joint investment among the Parties is beyond the scope of this Agreement. The Parties may discuss possible infrastructure, capital, and real estate investments related to the Inland Logistics Hub, but this Agreement would need to be amended prior to any joint investment.
 - 3.3.2. Infrastructure Projects. The Parties may independently establish separate agreements outside of this Agreement for infrastructure projects supporting Inland Logistics Hub activities.
- 3.4 Funding Opportunities. The Parties may identify, collaborate, and partner on grant applications and other third-party funding opportunities that directly support an Inland Logistics Hub.

4.0 TERM AND TERMINATION

- 4.1 This Agreement will be effective from the date of execution and will remain in effect until terminated or otherwise amended by the Parties.

4.2 Any Party may terminate its membership in the NWSA – Tri-Cities Ports Inland Logistics Hub Working Group by giving at least thirty days’ written notice to all members thereof.

5.0 FINANCIAL OBLIGATIONS

5.1 Costs, Fees, and Expenses. Each Port and the Alliance shall bear its own costs for any costs, fees, and/or expenses for all obligations under this Agreement including any costs in connection with the negotiation and preparation of this Agreement, unless otherwise noted in this Agreement.

6.0 DESIGNATED REPRESENTATIVES

The Parties have identified the following individuals as Designated Representatives who will be responsible for communication and coordination between the Parties and who will act as the point of contact for each Party.

The name and contact information of a Designated Representative may be updated by any party in writing by electronic mail to all other Parties. A change in the name and/or contact information of a Designated Representative shall not require an amendment to this Agreement.

The Northwest Seaport Alliance:

Name:

Title:

Email

Phone:

Address:

Port of Benton:

Name:

Title:

Email

Phone:

Mailing Address:

Port of Pasco:

Name:

Title:

Email

Phone:

Mailing Address:

Port of Walla Walla:

Name:

Title:

Email

Phone:

Mailing Address:

7.0 NOTICES

- 7.1 Notice. Unless otherwise specified herein, all notices, requests, consents, approvals, and/or other communications authorized or required to be given pursuant to this Agreement shall be in writing and shall be given or made by (i) electronic mail to the designated representatives identified in Section 6.0 and also (ii) mailed postage prepaid to the addresses provided in Section 6.0 via United States Postal Service via certified mail, return receipt requested.
- 7.2 Receipt. Notice shall be deemed “received” on the date of actual delivery or date of the first attempted delivery as shown on the receipt if mailed with United States Postal Service by certified mail, return receipt requested, otherwise receipt will be presumed three days after deposit of mail into US Mail or by receipt of electronic mail (e-mail).

8.0 DISPUTE RESOLUTION

The Parties’ Designated Representatives under Section 6.0 shall use their best efforts to resolve disputes between the Parties. If the Designated Representatives are unable to resolve a dispute, then each Party’s Chief Executive Officer, Executive Director, or equivalent, shall review the matter and use their best efforts to resolve it. The Parties agree to exhaust each of these procedural steps before seeking to resolve the dispute in any other forum. The Parties agree that any dispute arising out of this Agreement, or breach thereof, which cannot be resolved nor settled between the Parties, shall be settled by mediation in Washington state in Pierce or King Counties.

9.0 INDEMNIFICATION AND HOLD HARMLESS

- 9.1 The Parties release each other from, and shall defend, indemnify, and hold each other and agents, employees, and/or officers harmless from and against all claims, demands, suits at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, made by or on behalf of the other Party and/or its agents, employees, officers, and/or subcontractors, arising out of or in any way related to this Agreement, unless and except to the extent the same be caused in whole or in part by the negligence of a Party or its agents, employees, and/or officers.
- 9.2 This Agreement includes a waiver of subrogation against all losses sustained by any Party and/or its agents, employees, officers, subcontractors, and/or insurers, arising out of or related to this Agreement except to the extent the Parties’ losses are caused in whole or in part by the negligence of the other Party or its agents, employees, and/or officers.
- 9.3 Each Party specifically assumes liability for actions brought by its own employees against another Party and for that purpose each Party specifically waives, as respects the other Parties only, any immunity under the Worker’s Compensation Act, RCW Title 51.
- 9.4 The Parties recognize that this waiver was the subject of mutual negotiation. In the event any Party incurs attorney’s fees, costs or other legal expenses to enforce the provisions of this Agreement against the other Parties, all such fees, costs and expenses shall be recoverable by the prevailing Party.
- 9.5 No liability shall attach to any of the Parties by reason of entering into this Agreement except as expressly provided herein.

- 9.6 Each Party agrees that it will include in any contract which is related to the work of this Agreement a provision requiring the contractor to defend, indemnify and hold harmless all the Parties to this Agreement against any claims arising out of or related to the work of the contractor.
- 9.7 The provisions of this Article shall survive any termination or expiration of this Agreement.

10.0 OTHER PROVISIONS

- 10.1 Third Party Beneficiaries. This Agreement does not create any rights, claims, or benefits to any person that is not a party hereto, and it does not create or establish any third-party beneficiary hereto.
- 10.2 Non-Exclusivity. Nothing in this Agreement prohibits any Party from entering into separate agreements outside of this Agreement, including interlocal agreements, with any other Party or third-party.
- 10.3 Severability. If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The Ports and the Alliance agree to use good faith efforts to replace such invalid or unenforceable provision of this Agreement with a valid and enforceable provision that will achieve, to the extent possible, the purposes of such invalid or unenforceable provision. If the Ports and/or the Alliance cannot reach a mutually agreeable and enforceable replacement for such invalid, illegal, or unenforceable provision, the balance of the Agreement shall be interpreted as if such provision were so excluded so as reasonably to effectuate the intent of the Ports and/or the Alliance.
- 10.4 Usage Generally. The captions and headings of this Agreement are for convenience of reference only and shall not affect the interpretation of this Agreement.
- 10.5 Interpretation. Any statute or law defined or referred to herein means such statute or law as from time to time amended, modified, or supplemented, including by succession of comparable successor statutes.
- 10.6 Entire Agreement. This Agreement embodies the entire agreement of the parties and supersedes all prior agreements and understandings between the Tri-Cities Ports and the Alliance with respect to the subject matter hereof.
- 10.7 Counterparts. This Agreement may be executed in any number of counterparts, including by electronic transmission, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- 10.8 Amendments. The terms and provisions of this Agreement may be modified or amended at any time by majority vote of the Parties and only by a written instrument executed by all Parties after the majority vote.
- 10.9 Further Assurances. Each Port and the Alliance shall execute and deliver any additional documents and instruments and perform any additional acts that the Ports or Alliance determine to be necessary or appropriate to effectuate and perform the provisions of this Agreement.
- 10.10 Public Records. Each Party will be responsible for its own public records and public records requests. Each Party is responsible for its own Public Records Act policies and procedures in accordance with Chapter 42.56 RCW.
- 10.11 Recordings. The recording of any discussion or meeting, including any use of Artificial Intelligence (AI) based software or AI-tools to record, is prohibited unless consent of all Parties is obtained. The Parties understand that any such

- recording will be a record subject to the Public Records Act.
- 10.12 Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Washington, without regard to the conflicts of law principles thereof. Generally, in the event of a conflict, the following sources of authority shall prevail in descending order of supremacy: (i) Federal law and regulation; (ii) state law and regulation, including the Joint Powers, the Port PDA Act; and (iii) this Agreement.
- 10.13 Waivers. No waiver of any breach of any of the terms of this Agreement shall be effective unless such waiver is made expressly in writing and executed and delivered by the party against whom such waiver is claimed. No waiver of any breach shall be deemed to be a further or continuing waiver of such breach or a waiver of any other or subsequent breach. Except as otherwise expressly provided herein, no failure on the part of any party to exercise, and no delay in exercising, any right, power, or remedy hereunder, or otherwise available in respect hereof at law or in equity, shall operate as a waiver thereof, nor shall any single or partial exercise of such right, power, or remedy by such party preclude any other or further exercise thereof, or the exercise of any other right, power, or remedy
- 10.14 Document Execution and Filing. The Ports agree that upon execution by all Parties, each such signed original shall constitute an Agreement binding upon all Parties. The executed Agreement shall be posted on the Alliance and all Ports' websites or filed with the appropriate county auditors as authorized by RCW.39.34.040.

SIGNATURES ARE ON FOLLOWING PAGE

The Northwest Seaport Alliance

By:
Title:
Date:

Port of Benton

By:
Title:
Date:

Port of Pasco

By:
Title:
Date:

Port of Walla Walla

By:
Title:
Date:

**SECOND AMENDMENT
TO
OPERATIONS AND LEASE AGREEMENT**

THIS SECOND AMENDMENT TO OPERATIONS AND LEASE AGREEMENT ("Second Amendment") is dated as of the _____ day of _____, 2025, by and between CWW LLC d.b.a. COLUMBIA RAIL, a Washington limited liability company (the "Operator"), and THE PORT OF BENTON, a Washington port district (the "Port"), hereinafter together referred to as the "Parties."

RECITALS:

A. On or about February 1, 2023, Operator and the Port entered into that certain Operations and Lease Agreement (the "Agreement"), respecting certain premises located in Richland, County of Benton, State of Washington, and for the operations of the Port's Southern Connection Rail Line, as more particularly described in the Lease.

B. The Parties agreed to an additional twelve (12) month extension to the original term of the Agreement, which is scheduled to expire January 31, 2026. However, Operator's continued tenancy and operations under the Agreement is needed on a month-to-month basis for an additional period not to exceed twelve months or January 31, 2027.

C. After careful review of services, the Parties agree that no increased monthly charge from Operator is warranted.

D. Due to expenses for Operator to provide this service, the Port agrees to provide at least a 90-day notice for early termination.

E. The Operator and the Port now desire to amend the Agreement as more particularly set forth herein.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual covenants herein and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged by each of the Parties, the Parties hereby agree as follows:

1. Effective date. This Second Amendment shall become effective on February 1, 2026.
2. Amendment Controls. To the extent any provisions of the Agreement are contrary or inconsistent with the terms of this Second Amendment, this Second Amendment shall control.
3. Ratification. Except as specifically amended hereby, each and every other term and condition of the Agreement is hereby ratified and shall remain in full force and effect.

4. Continued enforceability. Unless amended by the terms of this Second Amendment, any and all covenants, conditions or restrictions contained in the Agreement in force during both the Initial Period and Secondary Period, or in force only in the Secondary Period, shall remain in full force and effect during the Second Extended Period as defined below.

5. Section 2.01. Section 2.01 of the Agreement shall be amended and any language contained therein that is inconsistent with the following, shall be superseded:

2.01 The term of this Agreement shall continue as a month-to-month lease for a period not exceeding twelve (12) additional months, from February 1, 2026, to January 31, 2027 (the "Second Extended Period").

6. Section 3. Section 3 of the Agreement shall remain as amended to include the following paragraph 3.02b providing rent during the Extended Period:

3.02b Fixed Rent in Extended Period. Operator shall pay rent to Port in the fixed amount of fourteen thousand thirty-seven and 00/100 dollars (\$14,037.00) per month during the Second Extended Period for use of the track, locomotive repair facility, and improvements. Additional rent will be charged for storage of cars along the railroad as discussed in Section 3.03. Rent is due on the first (1st) day of each month and is considered late at the close of the fifth (5th) day of each month. Failure to pay rent for thirty (30) days or more shall be considered a material default.

7. Section 5.02. For the term of this Second Amendment, utilities for the portion of 2579 Stevens occupied by Operator shall be included in the building rent.

8. Section 11. Section 11 of the Agreement shall be amended to include the following paragraph 11.03:

11.03 For the Second Extended Period, the Port shall continue to pay the Operator the sum of forty-eight thousand five hundred and 00/100 dollars (\$48,500.00) per month.

In consideration of expenses incurred by Operator in providing services, the Port agrees to provide at least ninety (90) days' notice of early termination.

9. Due to the Operator expending annual costs for inspection and certification of the fixed cranes within the Operator's lease space, the Port agrees to pro rate this cost if the Port chooses to early terminate this agreement.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment the day and year written below.

THE PORT OF BENTON
a Washington Port District

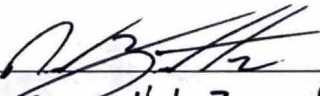
By: _____

Diahann Howard, PPM®

Executive Director

Date: _____

CWW LLC d.b.a. COLUMBIA RAIL, a
Washington limited liability company

By:  _____

Print Name: Nick Zamantakis

Print title: Director of Operations

Date: 11/21/25

**PORT OF BENTON
OFFICIAL PROCLAMATION – 25-03
HONORING
COMMISSIONER ROY D. KECK**

WHEREAS Mr. Roy D. Keck took on the role of Commissioner for District 1 starting in 2007; he was reelected in 2013 and 2019.

WHEREAS, with 35 years in the nuclear power industry, Commissioner Keck brought extensive expertise in energy, infrastructure and economic development to ongoing service within the community.

WHEREAS Commissioner Keck's achievements and leadership provided a strong foundation for advancing initiatives that further strengthened the region's economy and quality of life;

WHEREAS Commissioner Keck supported and enhanced Washington's system of ports and working rivers via the Pacific Northwest Waterways Association and Washington Public Ports Association. Commissioner Keck is a small business owner, TRIDEC board member, past chairman of the Richland Economic Development Committee and the Richland Utility Advisory Committee. Commissioner Keck's additional leadership roles include Past President of the Washington Public Ports Association and on its nomination committee, Past President of Richland Rotary and Past Commodore of the Richland Yacht Club, reflecting a long-standing commitment to collaboration and progress.

WHEREAS, Commissioner Keck had a positive impact at the federal level through the Energy Communities Alliance and regionally as a Manhattan Project National Historical Park and Benton-Franklin Council of Governments representative.

WHEREAS, Commissioner Keck has remained focused on reducing property taxes and aligning Port leases with current fair market rates, supporting Richland and Prosser Airport projects, rebuilding the Port's railroad assets and leveraging his decades of nuclear power industry experience to facilitate and advocate for economic development, including through the formation of the Northwest Advanced Clean Energy Park in support of new nuclear and related projects, which encompasses expanding local manufacturing.

WHEREAS, Commissioner Keck has demonstrated leadership in advancing the Port of Benton's Vision and Mission and worked diligently alongside the Port team and his fellow elected officials for the good of the public. Commissioner Keck will be remembered for his many accomplishments and unwavering dedication to regional economic development.

NOW THEREFORE, BE IT PROCLAIMED that the Port of Benton Commission and staff express their sincere and whole-hearted appreciation to Mr. Roy D. Keck for his commitment to the Port, the communities in the Port District and the surrounding region, and for his contributions while serving as a Port of Benton Commissioner.

Signed and dated by the Commission of the Port of Benton at its regular meeting held on this 10th day of December 2025.

Scott D. Keller, President

Lori Stevens, Vice President

Roy D. Keck, Secretary

	Project	Description	Grants Pursued/Received	Comments
1	Better Utilizing Investment to Leverage Development (BUILD formerly RAISE)	White Bluffs Southern Connection Rail, including ties and rail throughout the system	Federal - \$9.56 million POB - \$2.4 million	January 2025, awarded \$9.56 million. Grant contracting will likely take until April 2026.
2	State Capital Request	Phase 1 - Intermodal Rail Yard	\$240,000	Request to support federal grant applications and initial phase 1 of intermodal rail yard; \$232,800 awarded, contracting has begun – Revised scope submitted June 2025 has been approved.
3	Congressional Directed Spending Requests	Port of Benton White Bluffs Rail Project Modernization and Intermodal Facility.	\$5 million	New request submitted to all congressional offices for 2026. Cantwell CDS has advanced, \$2,500,000 As of 12/1: The bill is with the house right now. It has the potential to advance by end of January.
4	Port Barge Facility Electrification	Barge Facilities Electrification and security improvements	WSDOT Port Electrification Grant - \$2.7M 10% match requirement - \$300,000 – POB	\$2.7 million awarded, contracting and project underway. 30% design completed.

	Project	Description	Grants Pursued/Received	Comments
5	CERB/EDA-updated	2579 Stevens Drive offices and update remodel (RBP)	\$2.4 million – CERB loan secured \$1.5 million – POB \$1.7 million – Benton County, secured	Submitted to CERB, May 15, 2025, presentation, loan secured. Benton County Rural County Capital Funds .09 grant request presentation made and request approved. Proceeding to the disbursement agreement for board approval. EDA application on hold for future phase.
Airports				
	Project	Description	Grants Pursued/Received	Comments
6	FAA Airport Funds - Prosser Airport	Runway and Apron Crack and Fog Seal and Airport Lighting	FAA NPE - \$200,000 FAA DI - \$1,300,000 Awarded FAA Grant amount 2023 - \$245,000 (Design Work)	Held initial pre-construction meeting with Western United. Construction May 2026

	Project	Description	Grants Pursued/Received	Comments
7	Infrastructure Investment and Jobs Act - Grant Funds (Now Bipartisan Infrastructure Law BIL funds) - Richland Airport	Main Apron Reconfiguration - Design/Environmental 2025/26	BIL Funds - \$833,000	Grant Awarded. 60% Design completed.
8	FAA Airport Funds – Richland Airport	Wildlife fencing around the airport. Complete fencing around the entire airport	FAA NPE - \$205,000	Approved
9	FAA Airport Funds – Prosser Airport	Construct Heliport/Helipad with service road – design	FAA NPE - \$155,000	Approved

For the Good of the Order – December 2025

Date	What	Where	When	Who
December 10	Port of Benton Commission Meeting	Port of Benton	8:30 a.m.	All
December 11	Hanford Communities Governing Board	Bechtel Boardroom, 7130 W. Grandridge Blvd., Kennewick	4 p.m.	Roy
December 16	Richland Rotary Monthly Luncheon	1515 George Washington Way, Richland	11:30 a.m.	Scott
December 17	Tri-City Regional Chamber of Commerce Monthly Luncheon – Legislative Send Off	Red Lion Pasco, 2525 N. 20 th , Pasco	11:30 a.m. – 1:30 p.m.	Roy, Staff
December 17	Tri-Cities National Historical Park Meeting	7130 W. Grandridge Blvd., Kennewick	4 p.m.	Roy, Diahann
December 18	Visit Tri-Cities Board Meeting	7130 W. Grandridge Blvd., Kennewick	7:30 a.m.	Scott
December 18	Prosser Chamber Board Meeting	1230 Bennett Ave., Prosser	7:30 a.m.	Lori
December 25-26	Christmas Holiday – Office Closed			
January 1	New Year's Day – Office Closed			
January 5	Benton City Chamber Monthly Luncheon	Palm Tavern	Noon	
January 6	Prosser Chamber Monthly Luncheon		Noon	
January 13	Prosser Tourism Meeting	Best Western Plus Inn at Horse Heaven	8 a.m.	Lori
January 14	Port of Benton Commission Meeting	Port	8:30 a.m.	All