

**PORT OF NEWPORT
RESOLUTION NO. 2020-17**

A RESOLUTION Adopting an Educational Assistance Policy

WHEREAS, the Port of Newport desires to offer educational assistance to its employees; and

WHEREAS, the Port of Newport recognizes that education will further the Port of Newport's mission; and

WHEREAS, IRS regulations (26 CFR 1.127-1) requires a qualified plan to provide this benefit tax free; and

WHEREAS, the Port does not have the financial capability to offer full tuition reimbursement;
NOW THEREFORE,

**THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS
FOLLOWS:**

Section 1. The Port of Newport Educational Assistance Policy attached hereto as Exhibit A, is hereby adopted by reference.

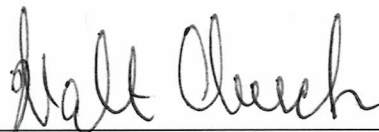
Effective Date: Resolution shall take effect immediately.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 15th day of December 2020.

ATTEST:

james m burke Digitally signed by james m burke
Date: 2020.12.18 12:44:07 -08'00'

James Burke, President



Walter Chuck, Secretary/Treasurer



Educational Assistance Policy

*Adopted by Resolution XXXX-XX
Date*

Educational Assistance Policy Revision Date

PORT OF NEWPORT EDUCATIONAL ASSISTANCE POLICY

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Chapter 1. General Provisions

- 1.1 Title.** This Policy and any amendments hereto shall be called, collectively, the Port of Newport Educational Assistance Policy.
- 1.2 Purpose and Scope.** The purpose of this Policy is to establish a qualified educational assistance program at the Port of Newport. This policy applies to all full-time employees of the Port of Newport.
- 1.3 Variances.** The General Manager shall have the discretion to vary or modify the strict application of the provisions of the policy in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships.
- 1.4 Interpretation.** If any section or part of this policy is found to be inconsistent with any laws of the State of Oregon or of the United States, or any rule, regulation or standard established pursuant thereto, such section, or part thereof shall be interpreted in the manner most consistent with its original intent that is not inconsistent with any laws of the State of Oregon or the United States or any rules, regulations or standards established pursuant thereto. Nothing contained in this policy shall be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws or as a limitation of the powers of the Port Commission or management.
- 1.5 Severability.** Should any portion or the application thereof to any person or property be found invalid for any reason, the validity of the remainder of these provisions or the application of such remainder to other persons or property shall not be affected.

Chapter 2. Policy

- 2.1 General Policy Statement.** The Port of Newport recognizes that employee education and self-development is essential to the future well-being and progress of the Port. The maximum the Port will reimburse is \$2,000 per fiscal year per employee (July 1 to June 30). The following guidelines have been developed to assure uniformity in administering the Educational Assistance Program.
- 2.2 Validation.** Expenses must be validated by receipts and a copy of the final grade or certification received.
- 2.3 Taxability.** As of November 2020, 26 CFR 1.127-1 excludes qualified educational reimbursements from taxation, however taxability of this benefit is subject to change at any time with or without notice.
- 2.4 Eligibility.**
- (a) To be eligible for tuition reimbursement under this policy the employee must have completed one (1) full year of service, be a full-time employee, and be on the payroll when the course is completed. Employees who are: part-time, temporary, relief/on-call, on leave of absence, or on lay-off status are not eligible.

- (b) To be reimbursed employees must receive a grade of "C" or its equivalent.
- (c) Otherwise eligible employees are or become ineligible for tuition reimbursement under this policy if:
 - (1) The employee has received a formal warning within six months prior to his or her request for pre-approval, OR
 - (2) The employee receives a formal warning following pre-approval and before the course is completed. Accordingly, despite pre-approval, the Port of Newport will not reimburse your tuition payment if you receive a formal warning at any time prior to your completing the course.
- (d) All full-time employees who have or will have completed one or more years of employment with the Port of Newport at the time the requested course starts are eligible for this program.
- (e) Courses must be offered by a state, regional or national accredited institution, community college, or from an approved agency or association, including adult education, extension, online and correspondence courses.

2.5 Exclusions. Educational Assistance does not include:

- (a) Tools or supplies (other than textbooks) that the employee may retain after completing a course of instruction,
- (b) Meals, lodging, or transportation, or
- (c) Education involving sports, games, or hobbies, unless such education involves the business of the employer or is required as part of a degree program. The phrase "sports, games, or hobbies" does not include education that instructs employees how to maintain and improve health so long as such education does not involve the use of athletic facilities or equipment and is not recreational in nature.

References

Reserved