

Guest Editorials

Drug testing and criminal background checks

Two of the most common questions from employers involve drug testing and background checks.

There are several resources available to help protect employers, with the most obvious and best choice being to consult with an attorney.

The Bureau of Labor and Industries (BOLI) website also provides valuable technical information (citing Oregon statutes) for employers, including legal hiring practices, new and existing employment laws, as well as upcoming employer training. Their website has a frequently asked questions page which provides specific information on both drug testing and criminal background checks, among other important topics. They also have handbooks for sale on a variety of subjects and required posters available. Note, it is advised that employers seek the assistance of BOLI before implementing policies rather than following a problem or misstep.

Regarding drug testing, the BOLI website states, "The Oregon civil rights laws don't specifically address the drug testing of employees. But the absence of specific statutes in this area doesn't mean that employers have carte blanche to conduct the drug tests in every situation. In fact, while it is generally legal for employers to conduct drug tests, you should proceed very carefully, because this type of testing can infringe on an employee's common law (and for public sector employees, constitutional) privacy rights."

BOLI also has this to say about criminal background checks. "Under Oregon's 'ban the box' statute, it is an unlawful practice for an employer to exclude an applicant from an initial interview solely because of a past criminal conviction. ORS 659A.360(1). That means an employer may not require an applicant to disclose a criminal conviction on a job application or prior to an initial interview. If the employer doesn't conduct an interview, it may not require an applicant to disclose a criminal conviction prior to making a conditional job offer. Review generic employment application forms - especially those found online or at office supply stores - to make certain they do not include any question on criminal history. With a few narrow exceptions, employers may no longer ask questions about criminal convictions at the early stages of the hiring process."

In addition to BOLI, Human Resource Professional Associations, which can be found with a simple Google search, are additional viable options to help employers avoid common pitfalls.

If an employer decides to require testing or a background check, who conducts it? It's recommended that employers investigate whether a local hospital or clinic provides these services and what the fee is. There are also nationwide drug testing companies, but it is usually best to use local resources which often are cheaper. Employers may contact the sheriff's department, state police, or even the FBI to see what services they provide, and the level of background check needed for a particular position. Remember, fees are most likely involved.

Again, meeting with an attorney well versed in employment law is highly recommended.

Greg Smith is the director of the Eastern Oregon University Small Business Development Center located at 1607 Gekeler Lane, Room 148 in La Grande, OR.



Greg Smith

Cost of 'Progress'

By Morrow County Commissioner Jim Doherty

As I sit here in contemplation, I wonder if a better heading would be, "Pitfalls of Lack of Planning." I hear indirect suggestions and oft times, I am asked straight up, if I am, "business friendly." We are in robust times here in Morrow County, the same could not be said twenty years ago. Relative to some other counties, we are blessed with an almost embarrassment of riches. And no one, myself included, wants to roll back the clock.



Jim Doherty

Where once we were solely dependent upon cattle, sheep, wheat and timber, we have expanded to include processing, green energy and data storage; the last one, in the form of Amazon. We have become quite smitten with them, and they with us. Don't get me wrong, there is nothing fundamentally wrong with a lucrative partnership. Provided of course, that the progression comes with the requisite planning and neither side becomes blinded by the windfall.

Roughly 18 months ago, with almost certain side discussions ongoing, Boardman's Planning Department was cajoled into setting aside 80 acres designated for housing and a much-needed commercial sector. The ask was to rezone as strictly industrial. Within weeks, the ink was dry on another data center contract and the dirt was flying. In the haste, a few things were overlooked. Amazon was pushing to store things in the cloud, folks on this side of the equation were on cloud nine.

The initial welcome wagon omitted some finer aspects like for instance, an address, an access, lack of available power and the need for the city to either push forward with a still much needed IAMP, or Interchange Area Management Plan. This would have allowed construction staff and personnel the ability to reach the site on the frontage road. The second option was to loop them into the area via Oregon Trail Boulevard. Instead, the few that perhaps had something to gain, and the municipality handed this unmitigated disaster off to the county. Not wanting to curb the enthusiasm, we did our best to literally pave the way.

There remained a couple of challenges: how to get our partners to their site and how to work with the utilities who were directed to, "get us power." With the city reluctant to find an avenue, the onus was put on the county to route them past the unsuspecting parishioners and un-noticed residents of Olson Road. Within minutes, I was given a right proper tongue lashing by a resident who subsequently sold his quiet property on Olsen and moved.

Fast forward to my last week. I sat down with three different constituents. The first, a rather pragmatic parishioner who relayed that he had heard back from the Catholic Bishop that we were on a quest to condemn the church property in favor of accommodating arguably the richest company in the world. He went on to ask why they were not noticed in the land use decision, why no one asked them to stop building their shrine on the corner of Olson and Wilson and why, after repeated pleas that we leave them to their peace, we are still seeking to negotiate.

The second was not so controlled and collected. With tears welling, she struggled in broken English past a lump in her throat, to describe how her family had poured their hearts and meager savings into the shrine of reflection and prayer outside the church. How that shared sacrifice with others, despite language barriers had drawn the faithful together. With a touch of hope she asked me if we were seriously considering destroying their garden. And with her resolve returning, she asked me if our meetings could accommodate several hundred God fearing Catholics? I assured her that there was little chance that two other commissioners, of her same faith, would subject them to this castigation. Rest assured if it was largely white, Irish, Catholic, worshippers it would never be considered.

The third was perhaps the hardest hitting for me. Past Judge, Terry Tallman and his wife Cheryl had asked me to come by for a visit and a cup of coffee. He is the longest standing leader Morrow County has had. He presided as the county judge for almost twenty years. He shepherded us through tough times and helped craft some tax abatement programs and incentives that have led us to this time of plenty, if not fulfillment. Now one of the programs he assisted in developing is weighing heavily on his family. The tax abatement program that Amazon found to its liking now threatens the beautiful garden he annually creates. It seems he and his garden sit in one of the preferred routes for the utility to serve the data center. As we visited, Terry and Cheryl were both preoccupied by the sudden bout of respiratory challenges of Mr. Tallman senior, who had heretofore been, despite being in his nineties, fit as a fiddle. Judge Tallman too, as his son relayed to me, has encountered some sudden irregularities in his wellbeing. "Stress," the Judge says, "is not what I hoped for in my retirement, to my garden."

In the upcoming weeks, both Commissioner Lindsay and Commissioner Russell will embark, each respectively, on separate visits with our utility partners and the

Church hosts free Friday movie

This month's free Friday night movie, hosted by Hopeful Saints Ministry, will be shown Friday, February 28 at the All Saints Parish Hall beginning at 7 p.m. The new release film, rated PG-13, portrays the riveting story of a young woman who launched the underground railroad that brought so many slaves to freedom in the north. Everyone is welcome. Pizza and beverages will be provided. More information is available by calling the church office at 541-676-9970.



Bishop of the Catholic Diocese. For reasons of public meeting laws each will lead a contingent from the county to brainstorm and craft any and all manner of resolution that avoids any horrific action either by the county or anyone seeking to service this unplanned development. At least that is my ardent demand and desire. It is at this juncture that I remind you that I am only one of a three spined body, so please reach out to them and lend your support. On their return, we will openly discuss the best path forward, or the potential that no path forward exists. I will vehemently oppose any measures that seek to move forward at the disregard of our brethren.

I was raised in the Catholic faith, spent almost fifteen years as an altar boy at St. Helen's parish. The rubrics of the Mass ingrained in my head by a gruff Father O'Brien. And the notion of, "Whatsoever you do to the least of my brothers, that you do unto me". I have not been as faithful in recent years. I think the last time I was at the church was at the funeral of Shirley Zielinski. My mother was born and raised not far from where I now live. She attended 12 years of school at the old campus that gave way to the floodwaters of the John Day pool. My mother and Shirley were dear friends. They never had, nor had a need, for a lot of earthly riches. Yet at times, I wonder if they both weren't far more prosperous in their souls than we ever will be.

Even as I write this I see on my social media where Jeff Bezos just spent \$165,000,000 on a Los Angeles mansion. And I am fielding questions from constituents concerned that I will take, or allow their property to be taken. The answer is never, Dear God, never. And I pray that neither I nor my fellow commissioners are ever that "business friendly."

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