

RESOLUTION 499

A RESOLUTION AMENDING VARIOUS SECTIONS OF THE STAYTON PERSONNEL HANDBOOK DATED JULY, 1990.

- WHEREAS, It is necessary for the City of Stayton to comply with recent federal regulations, enacted since the effective date of the Stayton Personnel Handbook of July, 1990; and
- WHEREAS, The Stayton City Council is committed to reinstating employees in the same or suitable positions after extended periods of leave, for whatever authorized reason; and
- WHEREAS, The Stayton City Council wishes to accommodate the returning employee by providing temporary light duty assignments for those for whom full recovery of the ability to perform the essential functions of the job within a reasonable time is anticipated; and
- WHEREAS, A return-to-work policy needs to be established to provide clear understanding of what is expected of the returning employee and what he can expect from the city;

NOW, THEREFORE, BE IT RESOLVED BY THE STAYTON CITY COUNCIL:

SECTION 1: That the Stayton Personnel Handbook, Section 2., "Personnel Policies and Procedures," is hereby amended to read:

2.1 ACCEPTANCE OF EMPLOYMENT APPLICATIONS

2.1.1 The City will accept applications for employment only when a job vacancy exists and a job announcement has been posted. When no vacancy exists, unsolicited applications, letters, or résumés will not be accepted by the City. they will either be returned to the applicant or they will be disposed of by the City.

SECTION 2: That the Stayton Personnel Handbook, Section 2., "Personnel Policies and Procedures," is hereby amended to read:

2.1.2 APPLICATION PROCEDURES

2.1.2a The City Administrator will post a job announcement at City Hall for all job openings (see appendices for form).

2.1.2b An applicant for a vacant position will file a completed application for employment specifying the position applied for together with a letter of application, personal résumé, or other information as required in the job announcement.

2.1.2c Non-job related personal information may be removed from any application materials received by the City.

2.1.2d Upon filling of a vacancy, all applications will be placed in an inactive application file, which will be retained for a period of three years. Inactive applications may not be reactivated. A new application must be filed for each job vacancy. Job applications will be considered inactive one-hundred eighty days from the date of receipt by the City.

SECTION 3: That the Stayton Personnel Handbook, Section 6., "Time Off," is hereby amended to read:

6.3.6 Misuse of the sick leave privilege will be cause for disciplinary action. An employee who is unable to report to work because of any of the reasons set forth in this section will report the reason for his absence to his supervisor prior to the start of the work day or within the first two (2) hours of the work day. Sick leave with pay will not be allowed unless such report has been made. A physician's statement, at City expense, confirming illness may be requested of the employee by the department head.

SECTION 4: That the Stayton Personnel Handbook, Section 6., "Time Off," is hereby amended to read:

6.8.11 An employee taking pregnancy leave will be returned to work without loss of seniority or other service credits accrued on the date the leave commences. If the employee's job is no longer available when she seeks reinstatement, the City of Stayton will reinstate the employee to any other position which is available and suitable.

SECTION 5: That the Stayton Personnel Handbook, Section 8., "Safety and Accidents," is hereby amended to read:

8.1.7 Abide by safe operational practices, rules, and directives generated by public safety or regulatory agencies.

SECTION 6: That the Stayton Personnel Handbook, Section 8., "Safety and Accidents," is hereby amended to read:

8.2.2 Management Responsibility. The City will establish a safety committee which will meet on a regular basis in accordance with state law. Each department will consider the need for adopting safety practices, policy, or procedures warranted by hazards department employees encounter. Consideration will be ongoing. Each accident is cause for review. A copy of such policies will be delivered to all department employees. Department heads are encouraged to involve employee in the process. The need for periodic training should be considered and arranged when appropriate in the judgment of the department head.

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SECTION 7: That the Stayton Personnel Handbook, Section 8., "Safety and Accidents," is hereby amended to read:

8.6 LIGHT DUTY ASSIGNMENTS

Disabled employees who are temporarily assigned light duty work as a reasonable accommodation but are unable to perform the essential duties of their job may be required to provide a medical evaluation after 30, 60, or 90 days from their treating physician so that the City of Stayton may determine whether the employee is capable at that time of performing the essential functions of the job, with or without reasonable accommodation. The City offers light duty accommodations only for those employees whom the City may anticipate will recover the ability to perform all of the essential functions of the job within a reasonable time. If recovery becomes doubtful, the City may discontinue the light duty assignment. No light duty assignment is intended to become permanent.

8.7 RETURN-TO-WORK POLICY

The following procedures must be followed by employees who return to work following an on-the-job injury which has resulted in the employee's being off work:

- 8.7.1 All requests to return to work must be made in writing, must be dated, and must be signed by the employee.
- 8.7.2 All requests to return to work must be accompanied by a dated, written release signed by the attending physician. This release must clearly specify whether the employee is released for his former job or is restricted in any way.
- 8.7.3 Requests to return to work must be made no later than the seventh regular work day following the date of the attending physician's signature on the written release. Except where, in the opinion of the city administrator or department head, extenuating circumstances exist, failure to make a timely request terminates the employee's right to reinstatement or reemployment. Failure to seek a written release upon becoming able to return to work may constitute abandonment of the right to reinstatement or reemployment.
- 8.7.4 Requests to return to work may be brought in personally or they may be mailed to the City. If mailed, the request should be directed to the department head. Requests delivered personally will be deemed made on the date on which the written request is delivered. Mailed requests will be deemed made upon the date of receipt. All requests will be date stamped upon receipt.
- 8.7.5 All requests to return to work must be directed to the department head.

- 8.7.6 If the former job or a suitable alternative is not available at the time of request to return to work, the department head must be contacted personally or by telephone once per week to renew the request. If a period of ten days elapses without contact, the employee will be considered to have abandoned his right to return to work.
- 8.7.7 All job offers will be made by telephone. It is the obligation of the employee to keep the city advised of any changes in phone number.
- 8.7.8 If the employee is offered a suitable position in response to the request to return to work and the employee refuses it, he will be considered to have voluntarily terminated his employment and to have abandoned his right to reinstatement or reemployment.

SECTION 8: That the Stayton Personnel Handbook, Section 10., "Non-Discrimination and Harassment," is hereby amended to read:

10.1 EQUAL EMPLOYMENT OPPORTUNITY

- 10.1.1 It is the policy of the City of Stayton that all persons are entitled to equal employment opportunities and benefits regardless of age, race, religion, color, sex, marital status, political affiliation, national origin, or membership in any other classification protected under federal or Oregon law. Discrimination on the basis of mental or physical disability is also prohibited except where a particular provision requires a bona fide occupational qualification. The City will take affirmative action to ensure that the City work force is representative of the work force in our area. It is the policy of the City of Stayton to comply with federal and state statutes on equal employment opportunities.

SECTION 9: That the Stayton Personnel Handbook, Section 10., "Non-Discrimination and Harassment," is hereby amended to read:

- 10.4.2a Job applicants are not to be asked whether they have any disease or are infected with a disease agent. They are to be asked whether they may perform specific job functions, tasks, or duties. They may also be asked to describe or demonstrate how they will perform a job, with or without an accommodation. If accommodation is required, its reasonableness will be assessed by management under Section 10.4.6, Employment of Infected Employees.
- 10.4.2b Job applicants who disclose that they have a disease or are infected will be asked if they can do the job applied for and whether any sort of accommodation is required. The reasonableness of any requested accommodation will be determined by management under Section 10.4.6, employment of infected employees.

10.4.2c

Any applicant known by the City to be handicapped but capable of performing the essential duties of the job sought, with or without reasonable accommodation, will be given the same consideration as other equally qualified applicants.

Passed by the Stayton City Council this _____ day of _____, 1992.

Date: 9-22-92

By:

Will Van Vleet
WILLMER VAN VLEET, Mayor

ATTEST

Date: 9-22-92

By:

David W. Kinney
DAVID W. KINNEY, City Administrator

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