

RESOLUTION NO. 879

A RESOLUTION AMENDING VARIOUS SECTIONS OF THE STAYTON PERSONNEL MANUAL DATED OCTOBER 1999.

WHEREAS, It is necessary for the City of Stayton to comply with recent federal regulations, enacted since the effective date of the Stayton Personnel Manual of October 1999; and

WHEREAS, The Stayton City Council is committed to protecting the City from unnecessary litigation; and

WHEREAS, The Stayton City Council wishes to provide rules and policies that apply to all City employees in a fair and equitable manner; and

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

That the Stayton Personnel Manual in the sections listed below, is hereby amended as reflected in attachment "A":

Section 1.2.1, page 2: Remove exclusion for seasonal, Temporary, and contract employees.

Section 1.2.4, page 2: Change effective date.

Section 2.1.6, page 13: Add Language regarding felony crime conviction.

Section 2.1.7, page 13: Add Polygraph Protection Act language.

Section 2.2.1, page 13: Replace language with current charter language found in Section 34 (b).

Section 2.4.1, page 14: Add language applicant must be insurable by company standards.

Section 3.3.2, page 23: Remove specified rates, replace with applicable IRS rate at time of travel.

Section 3.3.5, page 24: Remove rates replace with IRS Rate based on the taxable fringe benefits guide.

Section 5.12.3e, page 32: Remove sixty (60), replace with forty (40), consistent with Union

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Amending Stayton Personnel Manual

Contracts.

Section 6.1.1i, page 35: Add Day after Thanksgiving Day as a holiday, to remain consistent with the Union Contract.

Section 6.4.1, page 42: Add language regarding notification of jury duty.

Section 6.5 page 42: Delete section on voting, as Oregon is now a mail in ballot state.

Section 6.6 – 6.6.2, pages 42 - 43: Add Religious Accommodation language.

Section 6.8.10c, page 47: Modify FMLA weeks of unpaid leave.

Section 6.9 – 6.9.5, page 48: Add Domestic Violence / Victim's Leave language.

Section 7.5.4e, page 57: Delete (of 18 years) replace with 26 for entire section.

Section 9.2.3, page 65: Add section regarding City Meetings.

Section 9.12 – 9.12.4, pages 69 - 70: Add section regarding Electronic Communications.

Section 9.13 – 9.13.2, pages 70 - 71: Add section covering Personal Cell Phone and Electronic Devices.

Section 9.14.1, page 71: Remove (following buildings), add all facilities and buildings to be more consistent with current laws and practices.

Section 10.3 – 10.3.6, pages 80 - 81: Add Americans with Disabilities Act (ADA).

Section 10.4 – 10.4.1, page 81: Add Age Discrimination in Employment Act (ADEA).

Section 10.5 – 10.5.1, page 81: Add Whistleblower Policy.

Section 10.6 – 10.6.4, page 82: Add Retaliation Policy.

Section 13.4.1g, page 110: Delete six (6) replace with eight (8).

This Resolution shall become effective upon its adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of October, 2011.

CITY OF STAYTON

Signed: 10/17, 2011

By: 
A. Scott Vigil, Mayor

Signed: 10/17, 2011

ATTEST: 
Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

CITY OF STAYTON
PERSONNEL MANUAL

Adopted by the Stayton City Council October 17, 2011
Stayton Resolution No. 879

EMPLOYEE CERTIFICATE OF RECEIPT OF PERSONNEL HANDBOOK

I certify that I have received a copy of the Stayton Personnel Manual.

I understand that it is my responsibility to read and ask questions if necessary regarding personnel policies. I accept responsibility for understanding and complying with the City's policies. I understand that my employment is "at will" and can be terminated, at any time, at the option of either the City or myself, subject however only to such restrictions as appear in this manual or in a collective bargaining agreement.

I further understand that neither this handbook nor any other City document, confers any contractual right, either express or implied, to remain in the City's employ.

Employee Signature

Date

Date Filed in Central Personnel File:

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SECTION 1.

INTRODUCTION AND GENERAL POLICIES

1.1 PURPOSE

1.1.1 This manual will be known as the "Stayton Personnel Manual." The Stayton Personnel Manual includes the personnel policies and procedures of the City of Stayton. The policies and procedures are to provide each and every employee of the City with an understanding of what is expected of him/her, and are designed to ensure consistent, fair, and uniform treatment of City employees.

1.2 APPLICABILITY AND EFFECTIVE DATE

1.2.1 The Personnel Manual applies to all regular full-time, regular part-time employees, seasonal employees, temporary employees, contract employees and the City Administrator.

1.2.2 The Personnel Manual supersedes all prior oral and written personnel policies and procedures of the City of Stayton. The City reserves the right to change these policies and procedures at any time with or without notice. Nothing contained in these policies and procedures is intended to confer any property right in continued employment, to constitute a contract of employment which cannot be changed by the City at its discretion, or to give rise to a binding past practice under any collective bargaining agreement.

1.2.3 Amendments to this Personnel Manual may be made by resolution adopted by the City Council.

1.2.4 This Personnel Manual is effective on October 17, 2011.

1.2.5 In the event of a conflict between these policies and any valid collective bargaining agreement, City ordinance, or state or federal law, the terms and conditions of the collective bargaining agreement, ordinance, or law will apply. In all other cases, these policies and procedures will apply.

1.2.6 The City Administrator will provide a current copy of the personnel manual to each employee and will provide each employee with a copy of any revisions to this manual adopted by the City. As a condition of employment with the City, a new employee must receive and acknowledge in writing that he/she has received and reviewed the personnel manual and a copy of the executed acknowledgment will be placed in the employee's central personnel file.

1.3 ADMINISTRATION, WRITTEN DEPARTMENT RULES, AND STANDARD OPERATING PROCEDURES

1.3.1 The City Administrator will have the power and duty to administer and enforce the policies and procedures contained in the personnel manual.

1.3.2 The City Administrator may specifically delegate the authority for the enforcement of rules and policies.

1.3.3 Each department head may establish such additional rules and standard operating procedures as may be deemed necessary for the efficient and orderly administration of the department. Such rules and procedures are subject to approval by the City Administrator before becoming effective and must be consistent with the general policies, procedures, rules, or regulations established by the City. Department rules and regulations may be more restrictive than general city policy. Copies of the applicable department rules and operating procedures will be made available to all employees in the department and will be filed at City Hall.

1.3.4 DEFINITIONS

As used in this Manual, the following terms will have the meanings indicated:

ADVANCEMENT: A salary increase within the limits of a pay range established for a position.

ANNIVERSARY DATE: The yearly return of the first day of employment with the City. For insurance purposes and calculation of vacation, sick leave, and merit increases the anniversary date for employees hired on the first day of the month will be that date and for employees hired after the first day of the month the anniversary date will be the first day of the following month.

APPEAL: A request to a supervisor, department head, City Administrator, or city council for consideration of and a decision or ruling on a problem or situation affecting the employee, including an alleged violation of the employee's rights, for the purpose of attempting to gain an adjustment of the management decision or ease the employee's dissatisfaction.

APPOINTING POWER: The City Administrator or a department head to which authority is delegated to make the appointment to fill a vacant position.

APPOINTMENT: The hiring of a person to fill a vacant position.

ASSESSMENT CENTER: A structured interview and testing process designed to evaluate an individual's skills and qualifications for a position.

AT-WILL EMPLOYEE: An employee who serves at the pleasure of the City, who has no property rights in employment, no expectation or promise of the duration of employment with the City, and who may be dismissed without cause or hearing.

CALENDAR YEAR: Twelve (12) month period beginning January 1st and ending December 31st.

CENTRAL PERSONNEL FILES: Files maintained at City Hall and the Police Department that contains complete personnel records of all City employees.

CITY ADMINISTRATOR: The chief administrative officer of the City government who is directly responsible to the Mayor and the City Council for the proper administration of all affairs of the City.

COMPENSATORY TIME OFF: Time off work to compensate the employee for overtime worked.

CONTINUOUS SERVICE: Uninterrupted employment with the City less time off for leaves of absence without pay. Reasonable absences due to military service or extended leaves, such as State and Federal leaves (OFLA and FMLA) approved by the City Administrator do not constitute a break in continuous employment.

DEMOTION: Transfer of an employee from one position to another position which has a lower maximum salary.

DEPARTMENT: A major functional unit of the city government.

DEPARTMENT HEAD: A person in charge of a department of the City who is directly responsible to the City Administrator.

DISCIPLINARY ACTION: Imposition of certain personnel actions (i.e., suspension, demotion, or termination).

DUTY DAY: A day or shift when an employee is scheduled to be available for work.

EXAMINATION: A test for the purpose of evaluating an applicant for an employment vacancy, promotion, or for advancement or maintenance of position.

FISCAL YEAR: Twelve (12) month period starting July 1st and ending June 30th.

FULL-TIME EMPLOYEE: An employee who works the normal amount of working hours for the position assigned (to be not less than 40 hours per week).

GENDER: The masculine gender includes the feminine and the feminine gender includes the masculine.

HOURLY RATE: Rate of compensation for each hour of work performed. It is determined by dividing the annual regular monthly salary by the regular number of hours worked each month.

JOB RIGHT: A right to any job or benefit of employment established in the Stayton Personnel Manual.

IMMEDIATE FAMILY: The spouse, son, daughter, stepchild, father, mother, brother, sister, father-in-law, mother-in-law, grandparent, and grandchild of the employee. In addition, any other relative living in the employee's household will be considered a member of the immediate family to include a same-sex domestic partner for purposes of OFLA.

LAYOFF: A temporary or permanent separation from employment because of organizational changes, lack of work, lack of funds, or other reasons not reflecting discredit upon an employee.

LEAVE OF ABSENCE: Time off from work for reasons within the scope and purpose of these rules and regulations upon prior approval of the employee's supervisor, department head, or the City Administrator.

MAYOR: The highest ranking elected official of the City government.

MILITARY LEAVE: Leave of absence for an employee in active military training or active military duty.

MONTH: One calendar month.

NON-OCCUPATIONAL DISABILITY: Disability from an accident or sickness suffered or contracted by the employee which cannot be attributed to the performance of assigned duties.

OCCUPATIONAL DISABILITY: Disability from an accident or sickness suffered or contracted as a result of the performance of assigned duties.

OVERTIME: Overtime will be considered as time worked in excess of the regularly scheduled work day, work week, or work period unless an employee is exempted from overtime because of the executive, administrative, supervisory, or professional nature of his/her employment.

PARENT: An employee with parental rights and duties as defined by law who is responsible for the care and nurture of a child, and includes the adoptive mother or the adoptive father of a newly adopted child under six (6) years of age. The term "parent" does not include:

- a. an employee who has contracted to carry a child to term and to renounce parental rights at the birth of the child.
- b. an employee who has worked for the City for fewer than ninety (90) days prior to the first day of the requested parental leave.

PARENTAL LEAVE: An unpaid leave of absence for childbirth or adoption of a child as allowed by ORS.

PART-TIME EMPLOYEES: An employee who is employed regularly for less than forty (40) hours per week, and who normally follows a predetermined, fixed pattern of working hours.

PERSONNEL ACTION: Any action taken with reference to appointment, compensation, promotion, transfer, layoff, disciplinary action, termination, or other action affecting the status of employment.

PLURALITY: The singular will include the plural and the plural will include the singular.

PROMOTION: The change of position for an employee one position to another position that has a higher maximum salary.

REGULAR EMPLOYEE: An employee who has been retained in his appointed position after the completion of his trial service period.

REPRIMAND: A written statement from a supervisor to an employee which identifies violations of work rules or repeated deficiencies of performance or failures to improve, intended by the supervisor to be an admonishment and to be disciplinary rather than corrective in nature.

SEASONAL EMPLOYEE: An employee who has been appointed or hired for a full-time or part-time position for a limited season of the year (Example: Swimming pool employees working from June to September).

SENIORITY: The length of continuous service to the City since an employee's last date of hire.

SPLIT SHIFT: The division of a work day into two or more non-consecutive time periods (Example: work hours assigned 8:00 a.m. to noon; 4:00 p.m. to 8:00 p.m.);

SUPERVISOR: Any person who is responsible to a higher divisional or departmental level of authority and who directs the work of others.

SHIFT EMPLOYEE: An employee whose daily hours of work rotate from one shift to another periodically and whose duties are continuous from the start to the end of the shift.

SUSPENSION: Temporary separation of an employee from City service with or without pay for disciplinary purposes or purposes of an investigation which may lead to disciplinary action.

TEMPORARY EMPLOYEE: An employee who has been appointed for a job of limited duration arising out of special projects, abnormal workloads, or emergencies.

TERMINATION: Termination of employment with the City for cause or termination of an at-will employee.

TRANSFER: A change of an employee from one position to another within the City service.

TRIAL SERVICE PERIOD: A working test and training period during which an employee is required to demonstrate his or her fitness for the duties to which he or she is appointed by actual performance of the duties of the position.

WARNING: An oral statement which outlines violations of work rules or deficiencies in the employee's job performance for which a memorandum may be placed in the employee's personnel file.

WORK DAY: The regularly scheduled work day is eight (8) hours for employees working a five-day work week and ten (10) hours per day for employees working a four-day work week.

WORK PERIOD: The work period is defined as a maximum of one-hundred seventy-one (171) non-overtime hours in a twenty-eight (28) day period for certified police officers.

WORK WEEK: The regularly scheduled work week is forty (40) hours (Example: five 8-hour or four 10-hour shifts), and begins on Sunday at 12:01 a.m.

SECTION 2.
PERSONNEL POLICIES AND PROCEDURES

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.

2.1.1a Veterans' Preference in Hiring, all things being equal, the City may give preference to veterans, when making hiring decisions; the City does not discriminate against individuals based on current or prior military service.

2.1.2 APPLICATION PROCEDURES

2.1.2a The City Administrator will post a job announcement at City Hall for all job openings.

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 pursuant to Oregon State Archives City Records Retention Schedule. 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.

- 2.1.3 All original appointments to vacancies will be made solely on the basis of merit, efficiency, and fitness. The decision to hire an applicant will be made by the appointing power after a careful and impartial evaluation. The appointing power may consider, but is not limited to, any or all of the following criteria:
 - 2.1.3a The applicant's job related knowledge, skills, abilities, experience, education, training, and when appropriate, prior demonstrated performance, aptitude, and character.
 - 2.1.3b The applicant's ability to perform the primary functions of the position for which the applicant has applied, with or without accommodation;
 - 2.1.3c The results of an oral interview(s), written examination, or the applicant's performance in an assessment center.
 - 2.1.3d The results of a background investigation.
 - 2.1.3e Other criteria applicable to the position.
- 2.1.4 All statements submitted on the employment application or application materials may be subject to investigation and verification prior to appointment.
- 2.1.5 No question in any test or in any application form or by any appointing power will be so framed as to attempt to elicit information concerning age, race, color, sex, ancestry, disability, national origin, marital status, or political or religious affiliation for the purpose of discrimination except when a bona fide occupational qualification exists.

- 2.1.6 If required by the City, applicants may be finger-printed for the purpose of performing a criminal history check prior to appointment. An applicant's conviction for any felony within the past 10 years preceding the date of application or conviction for any crime of dishonesty, crimes against a person or crime against property within the past 5 years shall be grounds to deny City employment to the applicant.
- 2.1.7 The Employee Polygraph Protection Act of 1988 (EPPA) generally prevents employers from using lie detector tests, either for pre-employment screening or during the course of employment, with certain exemptions for government entities. Employers generally may not require or request any employee or job applicant to take a lie detector test, or discharge, discipline, or discriminate against an employee or job applicant for refusing to take a test or for exercising other rights under the Act.

2.2 APPOINTMENT

- 2.2.1 The Mayor must appoint and may remove the City Administrator with the consent of the council. The City Administrator will appoint all other department heads and will approve the appointment of all other employees.

2.3 MEDICAL EXAMINATIONS

- 2.3.1 For specific job classifications, an offer of employment may be contingent upon an applicant's successful completion of a medical examination, including a physical, and/or drug and alcohol testing by a doctor of the City's choice prior to appointment. If required, this examination will be provided at City's expense.
- 2.3.2 In order to ensure continued qualification for employment, the City periodically may request employees in specific job classifications to submit to a medical examination at City expense.

- 2.3.3 Genetic Information Non-discrimination Act (GINA). The City does not discriminate against applicants or employees based upon either the employee's or the employee's family genetic information; nor does the City use genetic information in employment decisions.
- 2.3.4 Once a condition manifests itself, the GINA no longer applies. More detailed information about GINA is available on the EEOC poster placed on the employee bulletin board.
- 2.3.5 Genetic Information and Wellness Programs: Employees may be asked to sign voluntary waivers, in which, the employee acknowledges that his/her genetic information will only be provided to licensed health care professionals or board-certified counselors involved in the wellness program. There is no penalty for non-participation.

2.4

DRIVING RECORD

- 2.4.1 The driving record of any job applicant will be checked by the City prior to being hired and as a condition of employment. Driving record must be acceptable to the City and its insurance companies coverage guidelines.
- 2.4.2 Employees who may be required to drive must possess a valid Oregon driver's license and must comply with any restriction. All employees who may be required to drive on City business may at any time have their driving record checked by the City. If the record indicates major traffic violations, the employee may be subject to warnings or sanctions and may not be permitted to operate a City vehicle.
- 2.4.3 Employees who may be required to drive will notify their department head of any change in license status and all major traffic violations. Failure to report a major traffic violation or change in license status to the department head is viewed as a violation of City policy.

The City monitors driving records as a component of risk management in order to identify needs of driver improvement.

2.5

ORIENTATION

- 2.5.1 Upon appointment, the department head or a designate will be responsible for the orientation of each new employee. Orientation will include, but will not be limited to, organization and services of the City, work rules, personnel manual and procedures, benefits, completion of payroll forms, and introduction to other City personnel.

2.6

TRIAL SERVICE PERIOD

- 2.6.1 All new, rehired, transferred, and promoted employees will serve a minimum six (6) month trial service period, commencing with the first day of employment in the position, except in the Police Department, where new employees will serve a minimum twelve (12) month trial service period.
- 2.6.2 The trial service period is considered a part of the selection process. It is used to confirm the initial employment decision and to reject those whose performance is not satisfactory. It is a period of evaluation. During this trial service period, the employee and the City will have an opportunity to determine whether further employment with the City is appropriate.
- 2.6.3 The City can extend the duration of the trial service period up to an additional six (6) months if, in its discretion, it determines that such an extension is in the best interests of the City.
- 2.6.4 During the trial service period, the employment relationship may be terminated by the employee or the City at any time for any reason, without appeal and without cause. An employee does not have any job right, nor any expectancy of job rights and is in all

respects an at-will employee during the trial service period. No statement, made orally or in writing, by any individual, and no policy will be construed by the employee as a circumvention of this policy, nor may it be considered as giving the employee any job rights except those specifically set forth in this personnel manual.

- 2.6.5 When the City determines that an employee has successfully completed the trial service period, the employee may be notified, in writing, that the employee has become a regular full-time or a regular part-time employee of the City.

2.7 EMPLOYEE STATUS

- 2.7.1 Regular Full-time Employee: An employee who regularly works a minimum of forty (40) hours a week on a continuing basis, and one who has completed the trial service period is considered a regular full-time employee.

- 2.7.2 Regular Part-time Employee: An employee who regularly works less than forty (40) hours a week is considered a regular part-time employee once the trial service period is successfully completed.

2.7.2a Benefits for Regular Part-Time Employees (25+ hours per week): The City will provide the following benefits to regular part-time employees who are regularly scheduled to work twenty-five (25) or more hours per week:

- i. Social Security
- ii. Workers' Compensation Insurance
- iii. Sick Leave
- iv. Vacation Leave
- v. Health, vision, and dental insurance if the employee meets eligibility requirements of the Plan.

- 2.7.2b Regular part-time employees will earn sick leave and vacation leave proportionate

to the minimum number of hours the employee is regularly scheduled to work (e.g., 25 hrs/wk = 5/8 time x 8 hrs sick leave = 5 hours sick leave per month).

2.7.2c The City and regular part-time employees will share insurance premium costs. The City will pay a share of the insurance premium costs proportionate to the number of hours the employee is regularly scheduled to work (e.g., if the employee works 25 hours per week, the City will pay 62.5 percent; 30 hours = 75 percent; 35 hours = 87.5 percent).

2.7.2d No other benefits will be provided to regular part-time employees who are regularly scheduled to work twenty-five (25) or more hours per week.

2.7.2e Benefits for regular part-time employees (one to twenty-four hours per week): the City will provide the following benefits to regular part-time employees who are regularly scheduled to work less than twenty-five (25) hours per week:

- i. Social Security
- ii. Workers' Compensation Insurance

No other benefits will be provided to regular part-time employees who are regularly scheduled to work less than twenty-five (25) hours per week.

2.7.3 Temporary Employee: Temporary employees are defined as those employees holding jobs of limited duration arising out of special projects, abnormal work loads, or emergencies. Temporary employees are ineligible for employer-paid benefits, with the exception of:

2.7.3a. Social Security

2.7.3b. Workers' Compensation Insurance

2.7.4 Seasonal Employee: Seasonal employees are defined as those employees holding jobs of limited duration during a limited season of the year. Seasonal employees are not covered

by these personnel policies and are ineligible for employer-paid benefits, with the exception of:

2.7.4a. Social Security

2.7.4b. Workers' Compensation Insurance

2.7.5 Volunteers: Volunteers are covered by these personnel policies and are ineligible for employer-paid benefits except Workers' Compensation Insurance coverage.

2.7.6 Inactive Status: An employee who is on an unpaid leave of absence (other than protected leave such as FMLA) for thirty (30) days or more. Inactive employees are covered by these personnel policies, but are ineligible for employer-paid benefits.

2.7.7 All employees except temporary or seasonal employees are hired for an unspecified duration. No position guarantees employment for any specific length of time. Employment is at the mutual consent of the employee and the City. Accordingly, either the employee or the City can terminate the employment relationship at any time in accordance with City procedures and applicable collective bargaining agreements.

2.8 RELATIVES IN THE CITY'S SERVICE

2.8.1 Relatives of employees may be hired by the City only if individuals concerned do not work in a direct supervisory relationship. Present employees who marry will be permitted to continue to work only if they do not work in a direct supervisory relationship with one another. Employees will be allowed to accept a demotion to an available and suitable position to avoid direct supervision by a relative. If this cannot be accomplished, the least senior employee will be terminated.

2.9 WORK WEEK AND WORKING HOURS

- 2.9.1 The normal work week consists of forty (40) hours and begins on Sunday at 12:01 a.m. Employees are expected to accomplish service priorities in a timely fashion within the normal work week to the greatest extent possible.
- 2.9.2 The hours of employment for each employee will be fixed by the department heads with regard to convenience of the public.
- 2.9.3 Supervisors will establish meal and break periods as required by law. Employees may take a fifteen (15) minute rest period during each half shift, scheduled at, or as nearly as feasible, to the middle of each half shift. Rest periods shall not exceed 15 minutes in total. Rest periods shall neither interfere with nor be detrimental to public safety. An uncompensated meal period not to exceed one (1) hour during each work shift shall be granted consistent with operational requirements.

2.10 TRANSFERS

- 2.10.1 Requests from employees for transfers from one department to another will be made in writing and will be directed to the employee's present department head and referred to the appropriate department head and the City Administrator. Such requests will be given consideration when a suitable vacancy occurs; with the submission of a completed employment application. However, no employee will be transferred to a position for which he does not possess the minimum qualifications.

2.11 PROMOTIONS

- 2.11.1 Job vacancies may but need not be filled by advertising the vacancy only within the City. The decision to promote qualified City employees without advertising the position to the general public may be made in the discretion of the City Administrator based on a determination that a qualified pool of applicants exists within the City work force.
- 2.11.2 Any promotional appointment to fill a position vacancy will be made on a competitive basis utilizing the criteria for appointments as established in the application procedures, Section 2.1.

2.11.3 In the case of promotional appointments, the promoted employee may be demoted at any time during the trial service period without appeal, provided that the employee is reinstated in the position from which he or she was promoted, even though this may necessitate the layoff of the employee occupying the position previously held by the demoted employee.

2.12 LAYOFF

2.12.1 The City Administrator may lay off employees if there are changes of duties in the organization, a reduction in the number of employees working for the City, lack of work, or lack of funds.

2.12.2 Whenever possible, qualified employees who are scheduled to be laid off in a department will be integrated into another department by transfer if vacant positions are available. When layoffs are required, the decision will be based on relative merit and will give due consideration to seniority in the City service only where the employees' qualifications and ability are relatively equal.

2.12.3 In the event a layoff is necessary, the City will advise the affected employee fifteen (15) working days in advance of the effective date of the layoff.

2.12.4 In the event the position from which an employee was laid off becomes available within twelve (12) months after the effective date of the layoff, the employee who was laid off will be rehired, if he or she is available and accepts the position within ten (10) days of notice by the City that the position is available. Notice of the position vacancy shall be sent by the City to the employee by certified mail, return receipt requested.

2.13 RESIDENCE REQUIREMENTS

2.13.1 Residency will not be a general condition of employment with the City. Employees are encouraged to live within the City; however, the City may require any employee to reside within ten (10) driving miles of City Hall if the employee's job responsibilities include

duties which are to be performed outside of the regular workday on an emergency basis. The positions requiring City residency will be specified at the time the job vacancies are announced.

2.14 VOLUNTARY RESIGNATION

2.14.1 To resign in good standing, an employee will give his or her supervisor not less than ten (10) working days prior notice of such resignation unless the department head waives the 10-day notice provision because of extenuating circumstances.

2.14.2 The notice of resignation will be in writing and will contain the reasons for leaving the City's service. The notice of resignation will be placed in the central personnel file.

2.14.3 Failure to comply with this section will be entered in the employee's personnel record and may be cause for denying future employment by the City.

2.15 RE-EMPLOYMENT

2.15.1 Employees with a satisfactory record of service who resign their positions will be allowed to apply for vacancies under the same conditions as set forth in the application procedures section of this manual.

2.16 VOLUNTEER SERVICES

2.16.1 Any services volunteered will be offered freely and without pressure or coercion, direct or implied, from any supervisor, department head, or council member.

2.16.2 No employee will be allowed to volunteer services for the City for work that is related to or is an extension of the employee's regular duties for the City.

2.16.3 Any voluntary service performed must be outside normal or regular working hours and it must be performed without any expectation or contemplation of payment for work performed.

2.17 PERSONNEL RECORDS

- 2.17.1 The City will maintain a central personnel file at City Hall for each employee in the service of the City.
- 2.17.2 The central personnel file will show the employee's name, social security number, home address, birth date, sex, title of position held, the department to which assigned, salary, change in employment status, emergency medical information and names of persons to contact in the event of an emergency, evaluations, training received, and such other information relating to the employee's qualifications for employment, promotion, compensation, termination, or other disciplinary action, and any other information or material the City deems relevant to the employee's City employment.
- 2.17.3 A Personnel Action Form will be used as the single document to initiate and update personnel records.
- 2.17.4 Personnel records will be considered confidential and will be accessible only to the City Administrator, supervisors, managers, and others authorized access by the City Administrator in accordance with Oregon law, or as required by the business and operational needs or interests of the City. Employees may examine their personnel records at a mutually convenient time upon request to the City Administrator or designee.
- 2.17.5 Employees will be notified of any Personnel Action Forms or adverse entries into the employee's central personnel file.
- 2.17.6 For each employee's benefit, it is important that all personnel records be kept up to date. If there is a change of name, address, telephone number, marital status, or number of dependents, the department head and Finance Director will be notified.

SECTION 3.

EMPLOYEE TRAVEL AUTHORIZATION AND REIMBURSEMENT

3.1 GENERAL EXPECTATIONS

- 3.1.1 All employees of the City are expected to use good judgment regarding the expenditure of the funds for travel expenses. Only through teamwork can the costs of travel on City business be minimized.

3.2 DOCUMENTATION OBJECTIVE

- 3.2.1 The procedures for documenting the expenses involved with employee travel on City related business activities are designed to provide accountability in two areas:
- 3.2.2 Pre-approval of all travel requests to insure that the travel is appropriate to the needs of the City and that budgeted funds are available for the specific travel request.
- 3.2.3 A complete accounting of the actual expenses for the travel to insure that the expenses being reported for reimbursement are appropriate and to provide documentation of the expenditure of City funds.

3.3 APPROVAL AND REIMBURSEMENT

- 3.3.1 When an employee anticipates submitting a request for travel reimbursement, the employee will obtain prior approval for the trip and the mode of travel from the employee's supervisor;
- 3.3.2 Travel on official business outside the City by a single individual should be by City-owned vehicle or private vehicle. If the employee is authorized to use a private vehicle, mileage will be reimbursed at **the applicable IRS rate at the time of travel.**
- 3.3.3 City vehicles will be used for authorized City uses and will not be used for private gain or benefit;

- 3.3.4 City vehicles will not be used by family members of employees.
- 3.3.5 Reimbursement for expenses on official trips will only be for expenses incurred during the performance of official duty as a City employee for the City's benefit. Meals and lodging expenses may be reimbursed up to the IRS reimbursement rates for meals and lodging in compliance with the Local Government employers' taxable fringe benefit guide:
- ❖ NOTE: The City will not reimburse an employee for the cost of any alcoholic beverage.
- 3.3.6 When the employee knows that expenses for an upcoming trip will exceed the IRS limits, the employee will request and the department head may approve the additional expenses.
- 3.3.7 Within one (1) week after the travel has been completed, the employee must turn in receipts for lodging and any other expenses which were paid on an actual basis. Receipts are required for meal reimbursement.

SECTION 4.
POSITION DESCRIPTIONS

4.1 POSITION DESCRIPTIONS

4.1.1 The City Administrator will prepare and maintain a list of all job positions in the City. Copies of the job list and individual position descriptions will be available at City Hall.

4.1.2 Position descriptions will include titles and written specifications. Job titles will refer to a particular position, not to the individual filling a position and will be used in all personnel, budget, and financial records.

4.1.3 Each position will be allocated to an appropriate department on the basis of the duties and responsibilities of the position.

4.1.4 Each position description will include a concise, descriptive title, a description of the duties and responsibilities, and the physical requirements. Position descriptions take into consideration the requirements of the job and are merely descriptive and explanatory of the work to be performed. They may not include all of the duties and are not intended to replace detailed work assignments.

4.2 NEW POSITIONS

4.2.1 The City Administrator will be responsible for keeping the position plan current through periodic studies of positions within the City service.

4.2.2 The City Administrator may, with the approval of the City Council, create new positions.

SECTION 5.

PAY PLAN, SCHEDULING, AND OVERTIME PRACTICES

5.1 PAY PLAN

- 5.1.1 The City policy is to pay fair, competitive wages which attract and hold qualified employees. Every job has been given a title and pay range. Wages are reviewed regularly to insure that City pay rates remain competitive.
- 5.1.2 The City Administrator will prepare a salary schedule and pay plan covering all positions in the City, showing the minimum and maximum rates of pay.
- 5.1.3 In arriving at such salary ranges, consideration is given to total compensation for comparable work in private places of employment, and other public employment in communities of similar size and location, including consideration of conditions of work and basic pay, current costs of living, the local economy and wage adjustments in the community, suggestions of department heads, and the City's financial condition.
- 5.1.4 The City does not discriminate when determining how much to pay an individual. Some examples of, but not limited to, considerations when determining pay: skills, effort, responsibility, working conditions, years of experience, education, impact of errors, job complexity, access to confidential information, tasks performed, number of staff supervised, certifications, contact with others, merit, and supervision received.

5.2 ANALYSIS OF PAY PLAN

- 5.2.1 At least once each fiscal year, the City Administrator will review the current City salary rates, compensation policies, and personnel regulations of the City.
- 5.2.2 The City Administrator may submit to the City Council recommendations for granting a cost of living wage adjustment, amending the personnel policies, compensation policies, and pay plan.

- 5.2.3 All salaries and approval of any salary increases are subject to funds being available in the City budget.

5.3 INITIAL COMPENSATION AND SALARY REVIEWS

- 5.3.1 Upon initial or promotional appointment to a position, the employee will receive the minimum salary for the position.
- 5.3.2 However, in cases where unusual difficulty in filling the vacancies is experienced or when the appointee is exceptionally qualified, the department head may recommend and the City Administrator may cause the appointment to be made at a salary level above the minimum, but not more than the maximum, for the position.
- 5.3.3 Compensation will be reviewed at the end of an employee's trial service period and on an annual basis concurrently with the employee's performance evaluation.

5.4 SALARY ADJUSTMENTS

- 5.4.1 Salary adjustments (increases or decreases) may be warranted and approved while an employee works for the City.
- 5.4.2 Salary decreases: Employees may receive salary decreases as follows:
 - 5.4.2a Across the board reduction in wages for all City employees due to a lack of funds in the City; or
 - 5.4.2b As part of a disciplinary action, in accordance with sections 12.1 to 12.4; or
 - 5.4.2c For unsatisfactory job performance, in accordance with section 11.2.8.
All salary decreases must be recommended by the employee's department head and approved by the City Administrator. Salary decreases approved by the City

Administrator will take effect on the date specified on the Personnel Action Form.

- 5.4.3 Salary increases: Employees may receive salary increases as follows:
 - 5.4.3a. For successful completion of the employee's trial service period; or
 - 5.4.3b. For satisfactory, above average, or outstanding job performance; or
 - 5.4.3c. For successful completion of job related training or education.
- 5.4.4 All salary increases are discretionary and may occur if funds are available in the City budget.
- 5.4.5 All salary increases must be recommended by the employee's department head and approved by the City Administrator, annually following a positive employee evaluation. COLA increases approved by the City Administrator will take effect on the first day of July unless otherwise specified on the Personnel Action Form.
 - 5.4.5a Successful Completion of Trial Service Period: The City Administrator may grant an employee a one-step merit salary increase upon the employee's successful completion of his/her trial service period if the employee receives a "satisfactory" or better performance evaluation.
 - 5.4.5b Satisfactory Performance: The City Administrator may grant an employee an annual one-step merit salary increase for satisfactory job performance when the employee receives a "satisfactory" or better performance rating. It is possible for an employee to receive a "satisfactory" evaluation and not receive a merit salary increase.

5.4.5c Superior Performance: The City Administrator may grant an employee a one-step merit salary increase for superior job performance when the employee receives one or more performance evaluations with an "outstanding" or "above average" performance rating. The City recognizes that an employee who receives an "outstanding," or "above average" rating has exceeded normal expectations for the position and warrants consideration for a merit increase.

5.4.5d Incentive Salary Increase for Education: The City Administrator may grant an incentive pay increase, in \$50.00 increments, not to exceed \$100.00 per month to an employee who successfully completes a significant amount of job-related educational courses on his/her own time and outside regularly scheduled work hours that increase the employee's productivity, improve work skills, and/or enable the employee to handle increased job responsibilities. Each department will prepare an incentive program which outlines the education or training required to obtain an incentive pay increase.

5.4.6 All salary step increases are discretionary and must be recommended by the employee's supervisor and/or department head and approved by the City Administrator. Salary increases approved by the City Administrator will take effect on the first day of July unless otherwise specified on the Personnel Action Form.

5.5 ACTING-IN-CAPACITY SALARY ADJUSTMENT

5.5.1 An employee may receive an immediate, temporary five (5) percent salary increase when he/she accepts additional job responsibilities due to the absence of twenty-two (22) or more consecutive work days of the employee's direct supervisor. Acting-in-capacity salary adjustments may be approved when:

5.5.1a The employee's supervisor is absent for twenty-two (22) or more consecutive works days due to education, training, vacation, illness, or other leave of absence.

5.5.1b The Department head recommends, and the City Administrator approves, the temporary salary adjustment on a Personnel Action Form.

5.5.1c The employee takes on the duties of the supervisor in an acting capacity (example: public works superintendent acting as public works director in the director's absence).

5.5.2 The salary adjustment will take effect on the date specified on the Personnel Action Form and will end on the date the supervisor returns to work.

5.6 BONUSES

5.6.1 The City Administrator may approve one-time salary bonuses to employees up to an amount of \$100.00 per bonus when an individual performs exemplary service for the City and the citizens of the community. Bonuses will be added to the regular monthly paycheck.

5.7 PAY PERIOD

5.7.1 The pay period will begin on the twenty-sixth (26th) of the month and end on the twenty-fifth (25th) of the month.

5.8 PAY DAY

5.8.1 Employees will be paid on the last day of the month. A draw day on the fifteenth day is optional to the employee. The draw will not exceed 50 percent of the employee's take-home pay or of the net salary earned to the day of the draw, whichever is less. If the payday of the month falls on a Saturday or Sunday, payday will be the preceding Friday. If the payday of the month falls on a holiday, payday will be on the last regular work day of the month.

5.9 PAYROLL DEDUCTIONS

- 5.9.1 Required Deductions: Federal and state laws require the following deductions from every paycheck:
 - 5.9.1a Federal Withholding Tax
 - 5.9.1b State Withholding Tax
 - 5.9.1c Social Security Taxes (FICA) and Medicare
 - 5.9.1d Oregon Employee Work Benefit
 - 5.9.1e Court ordered child support payments or garnishments

- 5.9.2 Optional Deductions: Other deductions may be made from the employee's paycheck with the employee's written request, including, but not limited to:
 - 5.9.2a Insurance contributions
 - 5.9.2b Deferred Compensation or retirement contributions
 - 5.9.2c United Way or other charitable contributions
 - 5.9.2d Any other deduction of general interest to City employees affecting five or more employees may be authorized by the employee, in writing, with approval of the Finance Director.

5.10 TIME RECORDS

- 5.10.1 Time cards must serve as an accurate record of the time for which each employee is paid wages and overtime. Each employee is expected to record accurately the time spent working on city business. The time card will be submitted to the employee's supervisor for approval at the end of each pay period. The supervisor will submit all approved time cards to the Finance Department. All time cards will be retained with payroll records.

5.11 SEPARATION PAY

- 5.11.2 A regular employee terminating employment with the City will be paid any earned and unpaid wages then due for work hours, earned vacation which the employee is eligible to take off, and compensatory time, which shall be paid at the employee's hourly rate (hereinafter "pay upon separation"). An employee who is involuntarily terminated will be paid no later than the end of the first business day after a discharge or termination. If

an employee resigns and fails to give at least forty-eight (48) hours advance notice prior to quitting City employment, pay upon separation shall be paid within forty-eight (48) hours of the termination excluding weekends and holidays.

5.12 OVERTIME

5.12.1 Department heads and supervisors will assign to each employee regular work duties and responsibilities which can normally be accomplished within the established workday or workweek.

5.12.2 For positions which are exempt, executive, or administrative positions under the FLSA, overtime is considered a part of the job responsibilities and overtime in addition to the regular salary is not provided. Compensation for overtime will not be paid in excess of salary to incumbents of the following positions:

5.12.2a City Administrator

5.12.2b Police Chief

5.12.2c Police Lieutenant

5.12.2d Public Works Director

5.12.2e Public Works Supervisor

5.12.2f Sewer System Supervisor

5.12.2g Finance Director

5.12.2h Library Director

5.12.2i City Recorder

5.12.2j Director of Planning and Development

5.12.2k Other supervisory or professionals where the position has been declared exempt from Federal Labor Standards Act (FLSA) standards by the City Administrator.

5.12.3 Overtime and compensatory time off for all non-FLSA exempt employees are covered by the following guidelines:

5.12.3a No employee will work in excess of the following limits unless approval is granted by the employee's supervisor.

- i. Eight (8) hours in one day; or
- ii. Ten (10) hours in one day if the employee is working on a regularly scheduled ten-hour shift; or
- iii. Forty (40) hours in one week; or
- iv. One-hundred seventy-one (171) hours in a 28-day period (police officers only).

5.12.3b When budgeted funds are available for approved overtime, the City will pay an employee at one and one-half times his/her regular hourly rate of pay. For employees working a regular ten (10) hour work day, overtime will be calculated based on hours worked in excess of ten (10) hours in any one day.

5.12.3c If budgeted funds are not available for the payment of overtime and it is consistent with the needs of the city, such overtime may be allowed in compensatory time off at the rate of one and one-half times the overtime hours worked.

5.12.3d Overtime and compensatory time off will be computed and rounded up to the nearest one quarter hour.

5.12.3e Compensatory time accumulation will not ordinarily exceed forty (40) hours. All compensatory time accumulated over forty (40) hours will be converted to overtime pay the following payday unless a written exception to accumulate more than forty hours is granted by the department head.

5.12.3f An employee may request compensatory time off by filing a written request to his or her Supervisor.

5.12.3g The supervisor may grant the request or may direct that the compensatory time off be taken at an agreed upon time.

5.12.3h At any time, the City may elect to provide an employee with a cash payment for any or all accumulated compensatory time off.

5.12.3i At the time of an employee's resignation or termination, the City will pay the employee for all accumulated overtime and compensatory time off.

5.12.4 Notwithstanding prohibitions in sections 5.12.3a through 5.12.3i, employees who in fact work overtime will be compensated regardless of whether that time was preauthorized. Employees who work overtime without authorization will be subject to discipline.

5.13 MANAGEMENT LEAVE

5.13.1 Federal Labor Standards Act (FLSA) exempt employees will be allowed time off with pay at a time approved by their supervisors. Department heads will regulate their own use of management leave, and will provide the City Administrator at least one day of advance notice of any day which they intend to take off. Management leave may be granted if the time off does not exceed the amount of time worked in excess of forty (40) hours per week. Any FLSA-exempt employees who leave city employment for any reason will not receive any compensation for hours worked in excess of forty (40) hours per week.

5.14 WEEKEND DUTY/HOLIDAY/STANDBY TIME

5.14.1 The City may pay Public Works employees a rate of pay for working on weekends or holidays when this work is in addition to a regularly scheduled 40-hour work week in accordance with a written department policy and procedure.

SECTION 6.
TIME OFF

6.1 HOLIDAYS

6.1.1 All regular and trial service employees of the City will be entitled to the holidays listed below with pay. Full-time employees will receive regular compensation for one (1) work day at the regular rate of pay.

6.1.1a New Year's Day

6.1.1b Martin Luther King Jr. Day

6.1.1c President's Day

6.1.1d Memorial Day

6.1.1e Independence Day

6.1.1f Labor Day

6.1.1g Veterans Day

6.1.1h Thanksgiving Day

6.1.1i Day after Thanksgiving Day

6.1.1j Christmas Day

6.1.2 If any such holiday falls on a Sunday, the following Monday will be given as a holiday. If a holiday falls on Saturday, the preceding Friday will be given as a holiday.

6.1.3 Holidays which occur during vacation or sick leave will not be charged against such leave.

6.1.4 Paid holidays will not be paid to employees on leave without pay.

6.2

VACATION

6.2.1 Upon satisfactory completion of the first six months of the trial service period, annual vacation will be computed from the first day of the first full month of employment (e.g., Employees starting on the first day of the month receive credit for that month; employees starting on the second day of the month receive credit for the month following), and shall be posted to the vacation balance on the first day of the first full month during which the employee serves as a regular employee.

6.2.2 Vacation leave will be earned on a monthly basis.

6.2.3 Vacation Accrual Schedule

6.2.3a Regular full-time employees will earn the following annual vacation leaves based on the number of continuous years of service the employee has worked for the City:

- i. 0 through completion of 5 years: Eighty (80) hours annually
- ii. 6 through completion of 10 years: One-hundred twenty (120) hours annually
- iii. 11 through completion of 15 years: One-hundred sixty (160) hours annually
- iv. 15 or more years: Two-hundred (200) hours annually

6.2.3b Regular full-time non-union employees of the Stayton Police Department will earn the following annual vacation leaves based on the number of continuous years of service the employee has worked for the City:

- i. 0 through completion of 3 years: Eighty (80) hours annually
- ii. 4 through completion of 7 years: One-hundred twenty (120) hours annually
- iii. 8 through completion of 12 years: One-hundred sixty (160) hours annually
- iv. 13 or more years: Two-hundred (200) hours annually

- 6.2.4 Regular part-time employees will earn vacation leave at a rate in proportion to the number of hours they are normally scheduled to work.
- 6.2.5 An employee will not be eligible to take vacation leave during the first six (6) months of employment.
- 6.2.6 Vacation leave is granted to give employees an opportunity to take time off from their job responsibilities and refresh themselves. The City believes it is important for employees to use vacation leave on a regular basis.
- 6.2.6a For the first five (5) years of employment, each employee is required to take a minimum of forty (40) hours of vacation leave annually. For each year after five years of employment, each employee is required to take a minimum of eighty (80) hours of vacation leave annually.
- 6.2.6b If an employee does not use up all accumulated vacation leave by the first day of January of any calendar year, the employee may carry over vacation leave up to the maximum number of hours listed:
- i. Upon completion of 0 to 5 years of service: 120 hours
 - ii. Upon completion of 6 to 10 years of service: 160 hours
 - iii. Upon completion of 11 to 15 years of service: 200 hours
 - iv. Upon beginning of 16+ years of service: 240 hours
- 6.2.6c Sworn Officers of the Stayton Police Department do not use accumulated vacation leave by the first day of January of any calendar year, the employee may carry over vacation leave up to the maximum number of hours listed:
- i. Upon completion of 0 to 3 years of service: 120 hours
 - ii. Upon completion of 4 to 7 years of service: 160 hours
 - iii. Upon completion of 8 to 12 years of service: 200 hours
 - iv. Upon completion of 13 or more years of service: 240 hours

- 6.2.6d On the first day of January of a calendar year, an employee will automatically lose any unused vacation the employee has accumulated over the maximum allowed in section 6.2.6b & c. No other compensation will be given to the employee unless granted by the City Council in accordance with Section 6.2.7.
- 6.2.7 In the event an employee anticipates his/her earned vacation will exceed the maximum hours allowed for carry over to the next year, the employee may file a written request with his/her department head prior to the first day of January, that the City convert forty-hour blocks of vacation time into pay. Approval or denial of the request is at the discretion of the city. The conversion of earned vacation to pay may be approved only by the City Council and only if it finds the following conditions exist:
- 6.2.7a The department head and the City Administrator have recommended approval of the request so that work priorities can be accomplished;
- 6.2.7b The City will benefit more from the employee's continued work than by his/her taking earned vacation time;
- 6.2.7c The employee has taken a minimum of eighty (80) hours of vacation during the preceding twelve months.
- 6.2.8 All vacations must be scheduled and approved by department heads in advance with due consideration being given to the desires of the employees and to the work requirements facing the department. Vacation schedules may be amended to allow the department to meet emergency situations.
- 6.2.9 Vacation leave will not be used in blocks of less than five (5) work days unless approved by the department head.

6.2.10 An employee who has completed six (6) months of employment and is terminated prior to using any or all of his or her vacation will be paid for the unused portion of the vacation time earned.

6.3 SICK LEAVE

6.3.1 Accrual: In order to minimize the economic hardships that may result from an unexpected short-term personal or dependent illness or injury, the City provides regular full-time employees with eight (8) hours of accumulated sick leave per month.

6.3.2 Part-time employees working twenty-five (25) or more hours per week will earn sick leave at a rate proportionate to the minimum number of hours the employee is normally scheduled to work.

6.3.3 Sick leave will be calculated from the first day of the first full month of employment (e.g., Employees hired on the first day of the month begin earning sick leave that month; employees starting on the second day of the month begin earning sick leave the following month).

6.3.4 Employees are eligible to use sick leave for the following reasons:

6.3.4a Personal illness or physical disability.

6.3.4b Quarantine of an employee by a physician for non-occupationally related disability.

6.3.4c Illness in the employee's immediate family when the employee is needed to care for a dependent living in the employee's household.

6.3.4d Medical or dental appointments which cannot be scheduled outside regular workday hours.

- 6.3.4e Disability or illness caused by pregnancy will be treated in the same manner as any other temporary physical condition requiring time off work as specified in section 6.9.
- 6.3.4f Funeral Attendance: The employee must actually attend the funeral. Sick leave will be granted on the day of the funeral and up to an additional two (2) days in order to travel to and from the funeral. Any additional bereavement leave must be charged to vacation.
- 6.3.5 Employees will be charged sick leave on the basis of one (1) sick leave hour for each duty hour absent.
- 6.3.6 Notification of Inability to Work: Employees who are unable to report to work due to personal or dependent illness or injury must contact the immediate supervisor on or before scheduled starting time. If an employee becomes sick during the day, the supervisor or designee must be notified before the employee leaves work. When sick leave is taken to care for a dependent, the City expects that other care arrangements will be made as soon as possible, except where leave for dependent care purposes is provided for by family leave laws and employee is eligible for such leave. The employee must comply with the notice requirements under family leave laws, which may provide for later notification of inability to work than is otherwise required by this policy if the need for the leave is unanticipated.
- 6.3.7 An employee who uses two (2) working days or less of sick leave, during a calendar year will be credited with a bonus of eight (8) hours of pay at the employee's regular rate of pay.
- 6.3.8 Unused sick leave benefits may accumulate from year to year.
- 6.3.9 An employee who has at least one-hundred twenty (120) hours of earned sick leave may, with the approval of the City Administrator, donate ten (10) hours sick leave to a fellow

employee twice during each calendar year. The Administrator's determination will be based on his judgment of the need of the individual to receive such sick leave, and his decision is not subject to appeal.

6.3.10 An employee who has at least five-hundred (500) hours of earned sick leave may, with the approval of the City Administrator, donate twenty (20) hours sick leave to a fellow employee once during each calendar year. The Administrator's determination will be based on his judgment of the need of the individual to receive such sick leave, and his decision is not subject to appeal.

6.3.11 An employee who has at least one-thousand (1000) hours of earned sick leave may, with the approval of the City Administrator, donate forty (40) hours sick leave to a fellow employee once during each calendar year. The Administrator's determination will be based on his judgment of the need of the individual to receive such sick leave, and his decision is not subject to appeal.

6.3.12 Employees are not paid for unused sick leave upon employment termination.

6.3.13 Concurrent Leaves: Sometimes more than one type of leave may apply to a situation. Where allowed by federal or state law, leaves will run concurrently. This means that sick leave, workers' compensation leave, leave as a reasonable accommodation for a qualified individual with a disability, federal family medical leave and state family leave, unpaid leaves of absence, may all run concurrently and be counted against the employee's family medical leave entitlement. The City may designate any type of leave as family medical leave if the leave is used for a qualified family medical leave purpose.

6.3.14 Medical Certification: An employee on sick leave that is running concurrently with another type of leave, for example, family medical leave or personal leave, must provide the medical certification required for any and all applicable types of leave. This means an employee on sick leave may be required to have their medical provider complete the

certification of physician or practitioner form required for federal or state family medical leave, obtain second or third medical opinions at the City's expense as provided by family medical leave laws, and provide fitness for duty medical certifications before return to work as provided by the family medical leave policy.

6.4

WITNESS OR JURY DUTY

6.4.1 When a City employee is called for jury duty or is subpoenaed as a witness, he/she will not suffer any loss and will receive his/her regular wages while serving on the jury or serving as a witness. Employees serving as jurors or as a witness will transfer to the City any payment he/she receives for the performance of this duty, except mileage reimbursement. The employee will provide a copy of the summons to their supervisor at least 2 weeks prior to the required appearance. The employee will be granted a reasonable time-off duty to serve as a witness or juror without loss of pay, earned vacation, or sick leave. Jury duty may require rescheduling if operations will be adversely effected. This provision does not apply to any absence when the employee is a plaintiff in the litigation, or a defendant in litigation which did not arise in the course of the employee's employment and does not relate to the performance of the employee's official duties.

6.5

RELIGIOUS ACCOMMODATION

6.5.1 The City may provide reasonable accommodation for religious observances or practices of employees, unless providing the accommodation would impose an undue hardship on The City; this may also include accommodating the wearing of religious clothing.

6.5.2 With management approval, an employee may use vacation or other available leave for religious activities; if accrued leave is not available, then an employee may request to take unpaid leave.

6.6 CONFERENCES AND CONVENTIONS

6.6.1 Decisions concerning attendance at conferences, conventions, or other meetings at City expense will be made by the department head with the approval of the City Administrator. Permission may be granted based on the costs to the City and the benefits to the City from the employee's participation in the conference or the direct relation of the employee's work to the subject matter of the meeting.

6.7 OREGON FAMILY MEDICAL LEAVE AND FEDERAL FAMILY MEDICAL LEAVE ACT

6.7.1 FMLA applies to employers with 50 or more employees in the current or previous year. To be eligible for FMLA leave, employees must have worked for the employer for at least 12 months (not necessarily consecutive), and have worked at least 1,250 hours during the 12-month period immediately preceding the leave.

6.7.1a FMLA is differentiated from OFLA as follows (FMLA and OFLA will run concurrently under most, but not all circumstances):

6.7.1b FMLA only provides for protected time off for the serious health condition of the employee or his or her spouse, child or parent (or one standing in the place of a parent or child of the employee). OFLA also extends to grandparents and grandchildren, parents-in-law, same-gender domestic partners and children and parents of same-gender domestic partners.

6.7.1c OFLA (but not FMLA) has sick child leave (non-serious health condition requiring home care) and the additional allotment of leave following pregnancy disability leave and sick child leave following 12 weeks of parental leave.

6.7.1d FMLA and Workers Compensation Leave may run concurrently.

- 6.7.2 OFLA applies to employers with 25 or more employees. Eligible employees are those who have been with the City for more than 180 days, working an average of 25 hours per week or more, are eligible to take twelve weeks leave within a twelve-month period for:
- 6.7.2a Birth of a child;
 - 6.7.2b Adoption of a child up to age 18 (or older if incapable of self care) or the placement of a foster child;
 - 6.7.2c Care of a sick spouse, same sex domestic partner, child, parent, or parent-in-law;
 - 6.7.2d The employee's own serious health condition;
 - 6.7.2e To care for a sick child other than a serious medical condition.
 - 6.7.2f For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.
- 6.7.3 An additional twelve weeks leave is available for an illness, injury, or condition related to pregnancy or childbirth that disables the employee. Further, employees who use parental leave may be entitled to additional leave to care for a sick child. For the purposes of this policy, a "serious health condition" is defined as:
- 6.7.3a An illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility; or
 - 6.7.3b An illness, disease, or condition that, in the medical judgment of the treating health care provider, poses an imminent danger of death, is terminal in prognosis

with a reasonable possibility of death in the near future, or requires constant care;
or

6.7.3c Any period of disability due to pregnancy, or period of absence for prenatal care.

6.7.4 Notice of Leave: An employee requesting an Oregon Family Leave must submit a written request at least thirty (30) days prior to the anticipated leave date. If a leave must begin in less than thirty (30) days, but is not an emergency, the worker must provide written notice as soon as possible. If an emergency arises, an employee is required to give oral notice within twenty-four (24) hours and submit a written notice within three (3) days of his/her return to work.

6.7.4a The City realizes that there may be circumstances where it is not possible for an employee to provide 24-hour oral notice. Therefore, the employee may designate a family member or friend to notice the City during that period of time.

6.7.4b If the Oregon Family Leave is taken for the birth of a child, adoption, or placement of a foster child, the time taken must be in one block of time. When leave is used to care for a seriously ill family member or for the employee's serious illness, the time can be taken in intermittent periods or a reduced work schedule where possible.

6.7.4c Failure to provide the required notice may result in the City deducting the amount of time the notice was delayed, up to three (3) weeks from the leave period.

6.7.5 Medical Verification: Concurrent with applying for an Oregon Family Medical Leave, the employee must provide medical documentation to support the request for time off. If the leave is unanticipated, medical verification is required within fifteen (15) days of the City's request for verification.

- 6.7.6 Employee Benefits and Reinstatement: An employee is responsible for paying whatever portion of his/her and dependents' medical/dental premium payments during the Oregon Family Leave. Employees will also be required to use whatever accrued sick leave and vacation time they have earned (in that order) before taking time without pay.
- 6.7.7 An employee will be returned to his/her former position following an Oregon Family Leave unless the position was eliminated. If the employee's former position has been eliminated, the employee will be reinstated on an available, equivalent position. No employment benefits earned prior to the employee's leave will be lost by taking an Oregon Family Leave.
- 6.7.8 Concurrent Leaves: Where allowed by law, all approved leave, whether paid or unpaid, and including leave designated as sick leave, vacation leave, personal leave, will be counted against their annual Oregon family medical leave entitlement. Workers' compensation leave will not be counted toward the OFLA entitlement.
- 6.7.9 Employees will not engage in outside employment while on Medical leave with the City. A violation of this policy is ground for termination.
- 6.7.9a Questions about this policy should be directed to the City Finance Director or the employee's manager or supervisor.
- 6.7.10 Military Exigency Leave: The FMLA and OFLA (OMFLA) provides for unpaid Military Exigency Leave. Military Family Leave is leave taken by the spouse or domestic partner of a member of the Armed Forces of the United States, the National Guard, or the military reserve forces of the United States who has been called to active duty or notified of an impending call or order to active duty, or who is on leave from active duty during a period of military conflict.
- 6.7.10a During a period of military conflict, an employee who is a spouse or domestic partner of a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States who has been notified of

an impending call or order to active duty or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment that may be taken:

- (1) After the military spouse or domestic partner has been notified of an impending call or order to active duty and before deployment; and/or
- (2) When the military spouse or domestic partner is on leave from deployment.

6.7.10b The 14 day entitlement is per deployment. If multiple deployments occur in an employee's OFLA leave year the employee is entitled to use all OMFLA leave until OFLA leave entitlement is exhausted.

6.7.10c An employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness is eligible for up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.

6.7.10d

- i. An eligible employee seeking Oregon Military Family Leave must provide the City with notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, or as soon as is practicable when official notice is provided fewer than five days before commencement of the leave.
- ii. The active duty orders of a covered military member will generally specify if the service member is serving in support of a period of military conflict by citation to the relevant section of Title 10 of the United States Code and/or by reference to the specific name of the military conflict.
- iii. An eligible employee's notice of intention to take OMFLA leave must follow the above procedures for requesting any kind of leave. The City may require in writing that the eligible employee provide a photocopy of the service member's orders to verify the purpose of the leave.

- Please Contact the City Recorder for Medical Leave Request Forms.

6.8 DOMESTIC VIOLENCE / VICTIM’S LEAVE

- 6.8.1 Employees who work an average of 25 hours or more per week for at least 180 days immediately before taking leave, and are victims of domestic violence, sexual assault or stalking, or are parents of victims (minor children), may be eligible for this leave.
- 6.8.2 The City may grant an eligible employee a reasonable leave of absence if the employee or the employee’s minor child or dependent needs time off to deal with issues of domestic violence, sexual assault, or stalking.
- 6.8.3 Employees may use accrued sick or vacation leave; or comp time, to pay for time off.
- 6.8.4 The City may provide reasonable safety accommodations for an employee who is a victim of domestic violence, sexual assault, or stalking, if the employee requests it, and if it does not impose an undue hardship on the City.
- 6.8.5 Examples of reasonable accommodation, but not limited to, may include: transfer, reassignment, modified schedule, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility or work requirement.

6.9 UNIFORMED SERVICES LEAVE AND RE-EMPLOYMENT

- 6.9.1 Overview: This policy covers leave and re-employment for employees in the uniformed services. It also contains non discrimination and non-retaliation provisions related to uniformed service. Regular employees requiring a leave of absence for service in the uniformed service shall, under certain defined conditions, be provided leave, continue their benefits during their leave, and be re-employed at the end of leave.

6.9.1a This policy is intended to be in full conformance with all federal and local laws regarding to rights of military personnel and re-employment of veterans. Nothing in this policy shall diminish rights under the applicable federal or local laws.

6.9.2 Definitions: The following definitions shall apply to this policy:

6.9.2a “Service in uniformed service” means performance of duty on a voluntary or involuntary basis in a uniformed service:

- i. Active duty
- ii. Active duty for training
- iii. Initial active duty training
- iv. Inactive duty training
- v. Full-time National Guard duty
- vi. Fitness for duty examination

6.9.3 General: This policy applies to all employees of the City.

6.9.4 Compensation and Benefits for an Employee on Uniformed Services Leave: The City shall excuse the employee for the uniformed services leave. During the leave, the City will not compensate the individual, but the individual may elect to utilize vacation pay accrued before commencement of the leave. Health care insurance coverage may be maintained at the employee rate for the first 30 days. At 31 or more days, insurance may be maintained through COBRA at no more than 102 percent of the full premium under the plan.

6.9.5 Required Notice of an Employee’s Need for Uniformed Services Leave:

6.9.5a Employees (or the uniformed services in which the employee is to serve) must provide written or verbal notification to the City of their obligation or intention to perform service in the uniformed services, unless notice is precluded by military necessity or otherwise unreasonable or impossible.

6.9.5b An employee's failure to provide notice may result in loss of re-employment rights and benefits and other employee benefits under law.

6.9.6 An Employee's Obligation to Report for Work or Request for Re-employment:

6.9.6a Employees must report back to work or request re-employment within the following time limits (extended by two years in case of disability):

- i. Service for one (1) to thirty (30) days uniformed service or a fitness for duty examination: Employee must report to work on the first regularly scheduled work day after return plus eight hours to rest.
- ii. Service for 31 to 180 days: Employee must submit an application for re-employment within fourteen (14) days after completion of service.
- iii. Service for 181 days or longer: Employee must submit an application for re-employment within 90 days after completion of service.

6.9.6b Employees may be required to provide documentation to verify their rights to re-employment, including separation papers.

6.9.6c Employees who fail to report to work or apply for re-employment within the required periods will be considered absent and unexcused.

6.9.7 Re-employment Rights

6.9.7a An employee returning from uniformed services of ninety (90) days or less who has met the requirements for re-employment will be reinstated to the job the employee would have had if continuously employed with the City without interruption for uniformed service as long as the person is qualified to perform the job.

6.9.7b An employee returning from uniformed services of ninety-one (91) days or longer will be reinstated to the job the employee would have had if continuously employed with the City without interruption of uniformed services or a position of like seniority status and pay, as long as the person is qualified to perform the duties.

6.9.7c Re-employment is not required in the following circumstances:

- i. Circumstances have changed to make re-employment impossible or unreasonable.
- ii. The employee has a disability incurred or aggravated during uniformed service and it would be an undue hardship on the City to re-employ the person.
- iii. The employment the employee left for uniformed service was for a brief, non-recurrent period and there was no reasonable expectation such employment would continue indefinitely or for a significant period.
- iv. The employee failed to give advance written or verbal notice of the need for uniformed service leave, as required by this policy and the law.
- v. The cumulative length of the uniformed services leave and all previous absences from a position with the City exceeds five (5) years. Some periods of uniformed service are excluded by law from the five-year calculation.
- vi. The employee was separated from uniformed services with a dishonorable or bad conduct discharge or other such discharge regarding character of service as permitted by law.

6.9.8 Nondiscrimination and Non-retaliation: The City will not discriminate in employment or take any adverse employment action against any person because the person has taken an action to enforce a legally protected right under the laws protecting this right for re-employment due to service in uniformed services.

6.10 UNPAID LEAVE OF ABSENCE:

The following policies apply to all unpaid leaves of absence including, but not limited to, maternity leave, military leave, and parental leave, except as otherwise provided for by law.

6.10.1 A regular employee who has been continuously employed with the City for at least one (1) year may request a personal leave of absence without pay for a reasonable period not to exceed ninety (90) calendar days.

6.10.2 Requests for personal leave and extensions of granted leaves must be in writing and must be approved in writing by the employee's department head and the City Administrator.

6.10.3 The City Administrator may approve or disapprove a personal leave on the basis of legal requirements, employee's length of service, performance, responsibility level, the reason for the request, whether other individuals are already out on leave, and the expected impact the leave will have on the operations of the City.

6.10.4 The City Administrator will notify the City Council of personal leaves which are granted.

6.10.5 The City will not pay for group health insurance, dental insurance premiums, retirement benefits, or long-term disability life insurance during any portion of an unpaid leave of absence. Accordingly, the premiums for such coverage are the complete responsibility of the employee. In order to keep insurance in force, premiums for the entire period of leave must be paid before the employee begins the approved leave of absence. Vacation time and sick leave will not be earned during an unpaid leave of absence. The employee's benefits will be reinstated upon the employee's return to work subject to eligibility requirements of the plans.

6.10.6 It is the employee's responsibility to report to work at the end of the approved leave. Failure to report to work on the day after expiration of the approved leave will be considered a voluntary resignation.

SECTION 7.
FRINGE BENEFITS

7.1 RETIREMENT

- 7.1.1 Those City employees qualified to participate in a City retirement plan (including sworn police personnel, but not including parties to a collective bargaining agreement) shall receive a salary increase in an amount equal to 6 percent of salary; such salary increase shall be deemed to be "picked up" on a pre-tax basis as contributions to the City's retirement plans pursuant to Section 414(h)(2) of the Internal Revenue Code. Participation in said retirement plans shall become effective in accordance with the City's retirement plans' criteria for eligibility and coverage.
- 7.1.2 Employees do not have the option of receiving the salary payment and paying the employee contribution directly.
- 7.1.3 Employees' reported salary on the W-2 form for tax purposes will be reduced by the amount of the employee's contributions.

7.2 SOCIAL SECURITY

- 7.2.1 The City will pay the employer's contribution in the Social Security Plan.

7.3 INDUSTRIAL ACCIDENT INSURANCE

- 7.3.1 The City provides Workers' Compensation Insurance through an insurance carrier for industrial accidents and diseases. Benefits include medical treatment, medical care, and disability compensation.
- 7.3.2 The City will pay the premium for medical, hospital, and dental insurance for up to six (6) months for employees who sustain an injury or illness compensable by Workers' Compensation and who are unable to perform their regular duties.

7.3.3 An employee who has sustained a compensable injury will be reinstated to the employee's former position of employment, if available, or to other employment which is available and suitable upon demand for such reinstatement, provided the employee is not disabled from performing the duties of such position and can provide written medical evidence of the ability to perform all job requirements.

7.3.4 An employee is not eligible to earn vacation or sick leave time while on workers' compensation leave for a period of longer than thirty (30) days.

7.4 MEDICAL AND RELATED INSURANCE

7.4.1 The City provides medical, hospitalization, dental, and related insurance benefits for all full-time employees and their eligible dependents. The City expects employees to cooperate in containing the costs of health care. Depending upon the design of the benefits package and the costs involved, the City Council may request employee contributions towards the cost of health care related benefits.

The City provides partial benefits for part-time employees as described in Section 2.7.2

7.5 COBRA

7.5.1 Employees and their families may be covered under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) which permits an employee and/or his/her family members to continue medical insurance benefits under certain conditions. The employee or eligible family members shall pay the total cost of health insurance premiums permitted under COBRA, plus 2% for administration.

7.5.2 As an employee covered by the city's health insurance, an employee has the right to choose continuation coverage for him/herself and dependents for up to eighteen (18) months if group health coverage is lost because of a reduction in hours of employment or because of termination of employment for reasons other than gross misconduct on the part of the employee as defined under COBRA.

7.5.3 In the event the employee is the spouse of another city employee who is also covered by the city's health care plan, the employee whose hours have been reduced or terminated has the right to choose continuation of coverage for him/herself for up to thirty-six (36) months should health insurance benefits under that plan be lost under any of the following circumstances:

7.5.3a The death of the spouse

7.5.3b Termination of the employee's spouse's employment (for reasons other than gross misconduct) or reduction in the employee's spouse's hours of employment

7.5.3c Divorce or legal separation from the employee's spouse

7.5.3d The employee's spouse becomes eligible for Medicare (the employee is responsible to check with the Finance Director regarding details of Oregon's law on retiree and retiree's spouse coverage).

7.5.4 In the case of a dependent child of an employee covered by the city's health plan, he/she has the right to continued coverage of health insurance under the city's health plan, according to federal guidelines, if lost under any of the following circumstances:

7.5.4a The death of a parent

7.5.4b The termination of a parent's employment (for reasons other than gross misconduct) or reduction in parent's hours of employment with the city or affiliate group.

7.5.4c Parents' divorce or legal separation

7.5.4d A parent becomes eligible for Medicare

- 7.5.4e The dependent ceases to be a "dependent child" under the city's health coverage (for example: the dependent, upon reaching the age of 26 years, no longer qualifies as a dependent).

- 7.5.5 Under COBRA, the employee, as the employee or as the family member, has the responsibility to inform the Finance Director of a divorce, a legal separation, or a child losing dependent status under the city's health coverage.

- 7.5.6 When the Finance Director is informed that one of the events listed in section 7.5.4 above has occurred, the employee will be notified that he/she has the right to choose continuation of coverage, what the premiums are, when the premiums are due, and any other special requirements. Under COBRA, the employee has sixty (60) days from the date coverage will cease to inform the Finance Director that he/she wishes to continue coverage. Premiums must be paid by the employee from the date when the group health coverage ended and employee contribution began.

- 7.5.7 COBRA provides that employee continuation coverage may be terminated for any of the following reasons:
 - 7.5.7a The City no longer provides group health coverage to any of its employees

 - 7.5.7b The employee does not make premium payments on the continued coverage on time

 - 7.5.7c The employee receives coverage under another group health plan

 - 7.5.7d The employee becomes eligible for Medicare

 - 7.5.7e The employee is divorced from a covered employee and subsequently remarries and is covered under the new spouse's group health care plan.

- 7.5.8 The employee is not required to prove that he/she is insurable to obtain continued coverage.
 - 7.5.9 If the employee decides to continue the group health plan, he/she has the right to convert to an individual conversion policy at the end of the continuation period.
 - 7.5.10 If the employee does not choose continuation coverage, the group health insurance coverage through the city will end.
- 7.6 Health insurance coverage for retired employees and dependents: A person who retires from city employment (retiree) may continue health coverage under the city's health insurance plan subject to the following conditions:
- 7.6.1 The same health insurance coverage offered to regular employees is available to eligible retirees.
 - 7.6.2 The retirees have the option as to whether or not to take advantage of the coverage.
 - 7.6.3 The retiree has the option of electing coverage for his/her dependents. Dependent coverage, if elected, for a spouse may continue until the spouse achieves Medicare eligibility; for a child, until the child reaches age 26.
 - 7.6.4 The retiree will pay the total cost of health insurance premiums.
- 7.7 MODIFICATION OF BENEFITS
- 7.7.1 Benefits for employees may be provided, modified, or changed at the discretion of the City. Employees will be notified in writing of all benefit changes which occur.

SECTION 8.
SAFETY AND ACCIDENTS

8.1 SAFETY POLICY STATEMENT

- 8.1.1 Nothing is of greater concern to the City than the safety of its employees and the public. For the employee's protection, job-related injuries or illnesses must be reported immediately in accordance with the City safety and accident policy. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices, and to bring any unsafe condition to the attention of a supervisor. Examples of safe work practices are as follows:

- 8.1.2 Use the safety equipment which has been provided for use.

- 8.1.3 Do not operate equipment while prescribed medication, drugs, or alcohol are present in the body without a doctor's written approval.

- 8.1.4 Operate only equipment for which training or orientation has been received.

- 8.1.5 Warn co-workers of unsafe conditions or practices. Accept with appreciation the warning of a co-worker as an expression of concern for your own well being.

- 8.1.6 Report dangerous or unsafe conditions that you observe at work.

- 8.1.7 Refrain from horseplay at all times.

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

8.2

UNSAFE CONDITIONS

- 8.2.1 Employee Responsibility. Every employee is responsible for safety. To achieve the City goal of providing a safe work place, everyone must be safety conscious. Employees should report any unsafe or hazardous condition directly to a supervisor immediately, if it cannot be corrected independently. Every effort will be made to remedy safety problems as quickly as possible. Employees will participate in all required safety training programs offered by the City.
- 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.
- 8.2.3 Managing Unsafe Conditions. It is every employee's responsibility to identify conditions which could pose a hazard to employees or to the general public. After identifying the problem, employees at the scene are expected to:
- 8.2.3a Eliminate the hazard and obtain whatever assistance is necessary;
 - 8.2.3b Control the hazard by enclosure or guard;
 - 8.2.3c Employ avoidance procedures;
 - 8.2.3d Use personal protective equipment as appropriate.

8.3 ACCIDENT REPORTING

8.3.1 Accidents involving the City must be reported in detail as soon after the occurrence as possible to the employee's supervisor and the Department head. All accident reports should be submitted to the Finance Director.

8.3.2 Vehicular Accidents. Accidents involving City-owned vehicles or personal vehicles being operated on City business must be reported to the Police Department for investigation. Any accident resulting in personal injuries must be reported immediately to the employee's supervisor and the Finance Director.

8.3.3 Other Accidents. Accidents involving City-owned equipment or City property, when personal injury or property damages results, must be reported to the appropriate department head immediately. The Department head will notify the Police Department to determine if there is a need to conduct an investigation.

8.4 EMPLOYEE INJURY REPORT

8.4.1 In the case of an accident involving personal injury to an employee, regardless of the seriousness, a supervisor and the Finance Director should be notified as soon as possible. Failure to report accidents can result in a violation of conditions of insurance coverage, and can lead to difficulties in processing insurance and benefit claims. Injured workers must fill out a Workers' Compensation Insurance Report form and submit it within forty-eight (48) hours or as soon as possible to the Finance Director. In case of serious injury to an employee, the supervisor and the Finance Director will complete and file the workers' compensation reports. All injuries must be reported in writing and in a timely manner to avoid risk of claim denial. The Finance Director will provide advice and assistance to any person filling out a Workers' Compensation Report.

8.5 WORKERS' COMPENSATION INSURANCE

8.5.1 If an employee is injured on the job, in most cases the injured worker will be entitled to benefits under the state workers' compensation law. The City carries Workers'

Compensation Insurance and will assist employees in obtaining all benefits to which they are legally entitled.

8.6 LIGHT DUTY ASSIGNMENTS

8.6.1 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 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

8.7.1 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:

8.7.2 All requests to return to work must be made in writing, must be dated, and must be signed by the employee.

8.7.3 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.

8.7.4 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.

- 8.7.5 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.
- 8.7.6 All requests to return to work must be directed to the department head.
- 8.7.7 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.
- 8.7.8 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.
- 8.7.9 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 9.

WHAT THE CITY EXPECTS OF YOU

9.1 PUBLIC SERVICE, TEAMWORK, AND EXCELLENCE

- 9.1.1 This section has been arranged to present a general overview of some of the City's expectations of its employees.
- 9.1.2 Public Service: Service to the community is the primary responsibility of the City and all employees. Each employee will strive to provide the highest quality service in a caring, responsive, and effective way. All employees should remember that to the public the individual employee represents and is the "City of Stayton."
- 9.1.3 Teamwork: Every employee should keep in mind that each is a part of a team of City employees. A cooperative spirit and teamwork are essential to high morale, productivity, and personal job satisfaction. Each employee should always strive to be a positive, constructive member of the city team.

9.2 PERSONAL CONDUCT

- 9.2.1 Personal Conduct: All employees will conduct themselves in a manner which is appropriate for an employee in the public's service. Employees will be courteous, considerate, efficient, and helpful to everyone in their work and will do the best job possible on every assignment. Each employee should strive to provide services that are a source of pride to the employee, fellow employees, elected officials, and the citizens of Stayton.
- 9.2.2 Public Relations: Public relations will be an integral component of each employee's job. When answering telephones or greeting the public, each employee will be courteous, considerate, efficient, and helpful. In addition, each employee will listen to questions and concerns and respond to the citizen in a friendly, professional manner. Each employee should actively work to serve the public and demonstrate that he or she is capable and

willing to help the citizen. Favorable impressions created by employees' public behavior can help develop good will and support for City services.

- 9.2.3 Meetings: The City does not take adverse employment action against employees who choose not to attend City sponsored meetings where the City's "position" regarding religious or political matters will be presented.

9.3 CODE OF ETHICS FOR CITY EMPLOYEES

- 9.3.1 Personal Interests Avoided: City employees may not use City time to participate in matters of personal interest. When giving testimony unrelated to their assigned City responsibilities, City employees should recognize their capacity as a private citizen and not use information or facts that have come to them by virtue of their employment which are not subject to disclosure to the public. In matters of personal interest, employees should conduct themselves so as not to impair their working relationship with other employees or with public officials.

- 9.3.2 Gifts and Gratuities: Employees will not accept any special favors, gifts, or gratuities resulting from or related to employment with the City. In this regard, the appearance of impropriety can be as damaging as actual impropriety and will be avoided.

- 9.3.3 Special Gifts: Department heads may allow acceptance of nonmonetary gifts of nominal value (e. g., under \$50.00) at holidays or special occasions which are available to be shared by all employees.

9.4 POLITICAL ACTIVITIES OF CITY EMPLOYEES

- 9.4.1 Official Position: Campaigning. Employees may not use their official authority or position with the City to further the cause of any political party or candidate for nomination or election to any political office.

- 9.4.2 Political Activity. Oregon law forbids any City employee, while on the job, from soliciting money, influence, service, or other article of value or otherwise aiding and/or

promoting any political cause or the nomination or election of any person for public office.

- 9.4.3 Off-duty Activity. During the term of their employment a City employee may not run for any elective office that creates a conflict of interest between the duties of that employee and the prospective duties of the elective office holder. An employee must obtain prior written approval of the department head and/or City Administrator before filing as a candidate for elective office. Failure to obtain prior written approval may be deemed by the City to constitute a voluntary resignation if the employee is elected to that position and the City Council determines that the election to the position creates a conflict of interest with the employee's position with the City. Nothing in this rule is intended to restrict the political actions or activities of employees outside of their regular working hours.

9.5 CIVIC INVOLVEMENT

- 9.5.1 The City Council encourages employees to participate in civic activities and non-profit organizations in the Stayton community.
- 9.5.2 The City will reimburse an employee for the amount of membership dues incurred by an employee provided that:
- 9.5.2a The employee has made application through his or her department head and has received written approval for city payment of the employee's membership dues.
- 9.5.2b The employee's attendance or participation is voluntary and he or she is advised that non-attendance or non-participation will not prejudice his or her working conditions or employment standing;
- 9.5.2c The employee is instructed not to perform services on behalf of the City while attending any meetings or activity sponsored by the organization;

9.5.2d Funds for such expenditures are available in the current budget;

9.5.2e The employee is not receiving reimbursement for membership dues from any other source.

9.5.3 Meetings or activities of the civic group or non-profit organization which are only offered during regular working hours may be approved by the department head provided time off may be arranged conveniently and reasonable arrangements can be made to make up time off.

9.5.4 City employees may provide services to civic and non-profit organizations on an assignment basis as part of an employee's regular duties for the City.

9.5.5 Authorized expenses incurred by an employee when performing an assigned task will be reimbursed in accordance with the Travel and Expense Reimbursement Policy.

9.6 COST AND ENERGY CONSCIOUSNESS

9.6.1 Every employee of the city, as a citizen and taxpayer, should practice every economy possible in the discharge of his/her duties. Failure to do so is not in the best interest of the City and may lead to discipline and/or discharge, as appropriate.

9.6.2 Turning off lights, electric heaters, motors, etc. when not in use contributes to both dollar and energy savings.

9.6.3 Employees are encouraged to recommend to their supervisors work procedures which will result in a cost saving, energy saving, or improved service to the public.

9.7 LEGAL LIABILITY

9.7.1 Employees are expected to abide by all laws and regulations which govern the performance of their duties and will perform their duties in a reasonable and prudent manner.

9.7.2 The City will indemnify and defend its employees, in accordance with the Oregon Tort Claims Act, in the event litigation is brought arising out of employee's performance of duty.

9.8 ATTENDANCE AND PUNCTUALITY

9.8.1 Each employee is important to the overall success of the City operation. When an employee is absent, his job must be done by someone else. Everyone is expected to be punctual, regular in attendance, and work as scheduled.

9.8.2 In accepting employment with the City, each employee is required to meet certain standards. Maintaining an acceptable level of job attendance is part of good work performance and is one of the standards by which an employee's overall contribution to the City may be measured.

9.8.3 Continued employment carries with it the personal responsibility of each employee to be on the job on time every scheduled work day. Recurring and excessive absences and/or tardiness is disruptive to work schedules, costly to the City and its residents, and detrimental to the morale and efforts of employees who maintain a good work record.

9.8.4 All employees will maintain a daily timecard which includes an accurate record of all hours worked.

9.8.5 No personal time will be spent in City offices outside regular working hours.

9.8.6 Repeated failure to meet these requirements may subject an employee to disciplinary action, which could include termination.

9.9 PERSONAL APPEARANCE

9.9.1 Both the employee's personal appearance and dress are essential to creating a favorable public image. All employees will dress in neat, clean, professional-looking attire appropriate to their daily job duties.

9.9.2 Each employee is responsible to present a proper appearance whether in an office environment, in a police patrol car, or on a maintenance site. Good taste and good judgment in personal attire is expected.

9.9.3 The City may provide, at City expense, clothes or uniforms, if required by the department. The City will schedule and pay for cleaning of city-issued clothing and uniforms, with the exception of certified police officer uniforms.

9.10 APPEARANCE OF WORK AREAS

9.10.1 The City's objective is to provide and maintain clean, safe and healthy work conditions. It is the responsibility of each employee to maintain a safe, neat work area and to insure that all working documents, desks, and cabinets are secured at the close of the work day.

9.11 PERSONAL TELEPHONE CALLS

9.11.1 City phones are to be used for City purposes. Telephone calls of a personal nature (incoming or outgoing) should be kept to an absolute minimum and made during breaks or lunch periods whenever possible. Under no circumstances should an employee charge a long distance call to the City unless it is work-related. Employees are requested to keep other personal phone calls to a minimum. Friends and relatives should be discouraged from calling during working hours except in emergencies.

9.12 ELECTRONIC COMMUNICATIONS

9.12.1 The City's systems, equipment, hardware, software and other information (hereinafter referred to as "systems") in any form are considered an asset of the City and thus must be properly used and adequately protected. This includes the transmission of information over computer communication networks.

9.12.2 Systems include but are not limited to, computers, software, electronic mail (e-mail), copiers, fax machines, telephones, voice mail, surface messengers, communication tools, various on-line services, and protected health information. All of these systems are operated and managed based upon this policy.

9.12.3 The City-provided systems are intended to be used primarily for business purposes. Without a Department Head's approval, you are not allowed personal use of City systems. Any approved personal use must not interfere with normal business activities, involve solicitation, be associated with any for-profit outside business activity, or potentially embarrass the City.

9.12.4 The City reserves the right to monitor employee use of City systems at any time. Employees should not consider their usage of City systems to be private. Within the bounds of current and future laws, the City reserves and intends to exercise the right to review, audit, intercept, access, and search any of these systems at will, monitor data and messages within them at any time for any reason, and disclose selected contents without notice or other restrictions. Messages sent through these systems remain the property of the City. All data and messages maintained on City systems may be subject to public records law and disclosed to the public upon lawful request.

9.13 PERSONAL CELL PHONE / ELECTRONIC DEVICES

9.13.1 Use of personal electronics during work hours must be kept to a minimum and may not interfere with the performance of work. Messages sent via personal media on or off duty may not contain information represented as being a spokesperson of the City; may not contain defamatory or confidential information regarding the City or its Management; and may not be used to harass or intimidate as outlined in the Harassment Policy.

9.13.2 Any improper use or violation of this policy may result in disciplinary action up to and including discharge. Any violation of this policy should be brought to the attention of the City Administrator.

9.14 SMOKING

9.14.1 For health and safety considerations, the City discourages smoking. State law prohibits smoking in buildings except in designated smoking areas. The City believes that smoking should not be permitted in general office areas where city employees work together or where they greet the public. Smoking is prohibited in all City facilities and buildings.

9.15 OUTSIDE EMPLOYMENT

9.15.1 City Comes First: When an individual accepts employment with the City, it is understood that the City has first call upon the services of its employees, regardless of any impingement upon secondary employment.

9.15.2 Incompatible Work: Employees will not engage in outside employment which is incompatible with City employment, which will detract from the efficiency of work performance, or which is in conflict with the interest of the City. The City asks that the employee think seriously about the affects that such extra work may have on his/her limits of endurance, overall personal health, and effectiveness of his/her job performance for the City. The employee will be held responsible by the City for the same performance standards and scheduling demands for which he was hired. Exceptions cannot be made for employees who choose to accept additional employment.

9.15.3 Notification: Employees will notify the department head, in writing, in advance of all employment outside the scope of their employment with the City.

9.15.4 Conflicts: The City Administrator, after consulting with the department head, will notify the employee in writing at any time outside employment is found to be in conflict with

the interests of the City or is likely to bring discredit upon the City. It will be up to the employee to choose which employment option is most desired.

9.16 SELLING AND PEDDLING AMONG EMPLOYEES

9.16.1 Peddling, soliciting, distribution of materials or sale for charitable or other purposes will not be allowed among or by employees during working hours without the approval of the City Administrator. Such activities will not be approved, except for bona fide charitable activities.

9.17 SUBSTANCE ABUSE

9.17.1 Policy: The City considers its employees its most valuable asset and is concerned for the safety, health, and well being of its employees, and the health risks and performance problems that substance abuse can cause. This drug and alcohol policy and procedure is established based on these concerns.

9.17.2 The misuse of alcohol and other drugs can impair an employee's performance and his physical and mental health. It may also jeopardize employee safety and the safety of the public, which relies on the ability of city personnel to respond in emergencies. The City is committed to maintaining a safe and healthy work place for all employees by identifying the misuse of alcohol and drugs and by assisting employees to overcome drug or alcohol related problems through appropriate treatment and, if necessary, disciplinary action. Each employee will be responsible for meeting performance, safety, and attendance standards.

9.17.3 The City has responsibilities pursuant to the Drug Free Work Place Act of 1988. The City expects and requires that employees will not report to a scheduled work shift under the influence of intoxicating liquor or illegal drugs and that on-call employees will not report to a call-out when intoxicated. The use, sale, possession, manufacture, distribution, and/or dispensation by an employee of an intoxicating liquor, controlled, or illegal substance, or a drug not medically authorized, or any other substances which

impair job performance or pose a hazard to the safety and welfare of the employee, other employees, or the public, is strictly prohibited, except for alcohol or medically prescribed controlled substances used off-duty, and except for lawful possession of evidence by police employees while on-duty. The parties recognize that conduct in violation of this policy may result in disciplinary action and/or criminal investigation if appropriate. This policy will be enforced and administered in a manner which is consistent with the value statements set forth in this section.

- 9.17.4 Nothing in this section shall be construed or applied to prevent a supervisor from responding in an on-call circumstance when, in the judgment of the supervisor who has recently consumed an alcoholic beverage, the supervisor is able to respond and discharge his or her duties appropriately.
- 9.17.5 Reports of Permitted Use: Each employee must report to his/her immediate supervisor the use of medically authorized drugs or other substances which the employee knows or should know can impair job performance and shall provide proper written medical authorization to work from a physician while using such authorized drugs. It is the employee's responsibility to determine from the physician whether or not the prescribed drug would impair job performance. Any failure to provide proper evidence of medical authorization can result in disciplinary action.
- 9.17.6 Reports of Drug Conviction: Each employee must report facts and circumstances to the department head no later than five (5) days after conviction for violating any criminal drug statute.
- 9.17.7 Employee Education: The City will afford employees an opportunity to deal with drug and alcohol related problems. The Finance Director maintains information relating to the hazards of and treatment for drug and alcohol related problems. Any employee may seek advice, information, and assistance voluntarily. Medical confidentiality will be maintained, consistent with this policy.

- 9.17.8 Employee Assistance: Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. The Finance Director (who will consult with health care providers as appropriate) will assist employees who wish to identify and select an appropriate treatment program.
- 9.17.9 If an employee seeks drug treatment voluntarily and not under adverse employment circumstances, earned sick leave benefits may be used while attending rehabilitation. After such accommodation, the discontinuation of any involvement with alcohol or drugs shall be an essential requisite for employment and is consistent with the City's policy of maintaining a drug free work place.
- 9.17.10 Discipline Related to Abuse: As a result of disciplinary action arising from a drug or alcohol problem, an employee may be directed to consult with or be evaluated by a health care provider. Such an employee may be required to participate in a drug or alcohol treatment program as a condition of continued employment.
- 9.17.11 A supervisor, based on reasonable suspicion that substance abuse is a factor in employment, may require an employee to be evaluated for drug and alcohol use and treatment. An employee may be required to participate in follow-up care as part of a comprehensive alcohol and drug treatment program based upon medical advice.
- 9.17.12 An employee may be required to authorize the Finance Director or department head to monitor treatment and satisfactory participation, and to submit to random blood and urine screening for alcohol and/or drugs for a specified period of time, not to exceed thirty-six (36) months in any situation when treatment is the result of City intervention. Medical confidentiality will be preserved, subject to rights granted by the employee to the supervisor and department head to monitor treatment and program compliance through the Finance Director or directly with a health care provider.

9.17.13 Drug Testing Upon Reasonable Suspicion: Where a supervisory employee of the City has a reasonable suspicion that an employee is under the influence of alcohol or drugs, the employee in question will be asked to submit to discovery testing including but not limited to urinalysis, a blood screen, breathalyzer, or multiple tests to confirm involvement with alcohol or drugs or that the employee is drug or alcohol free at the time in question. If drug use is confirmed, sick leave benefits will not apply if the employee seeks drug treatment, even if treatment is imposed as a condition of return to work or continued employment.

9.17.14 Consequence of a Positive Test: An employee who is found to be under the influence of or impaired by alcohol or illegal drugs as a result of a test requested by the City based upon reasonable suspicion will be subject to disciplinary action including suspension or termination.

9.17.15 Consequence of Refusal to Submit to Testing: An employee who refuses to submit to discovery testing for alcohol and drugs promptly upon request of the supervisor will be subject to suspension or discharge, or both. Alleged lack of reasonable suspicion is not grounds to refuse to submit to a test; however, it is reason to challenge discipline if discipline is imposed based on the test result alone.

9.17.16 Testing Procedure: When the employee is notified that he/she is required to consent and submit to such tests, he/she may request the presence of a witness to the test. The test may not be delayed unreasonably in order to wait for a witness. The absence of a witness will not be grounds for the employee to refuse to consent and submit to such tests or searches. The presence of a witness will not disrupt or interfere with the tests.

9.17.17 If requested, the employee will consent to blood, urine, or breathalyzer test(s), or any combination, by signing a consent form. The form will contain the following information:

9.17.17a Employee consent to release test results to the City

- 9.17.17b The procedure for confirming an initial positive test result for a controlled substance, including marijuana
- 9.17.17c The consequences of a confirmed positive test result for a controlled substance, including marijuana
- 9.17.17d The consequences of a positive test for alcohol, under the circumstances
- 9.17.17e A listing provided by the employee of legally prescribed and over-the-counter medications which may be in the employee's body
- 9.17.17f The right to explain a confirmed positive test result for a controlled substance, including marijuana, or a positive test for alcohol
- 9.17.17g The consequences of refusing to consent to the blood, urine or breathalyzer test.

9.17.18 In the event that the blood or urine test results are positive for controlled substance(s), including marijuana, the City will require that a second confirmatory test from the same sample be conducted, using gas chromatography, mass spectrograph techniques, or a qualitative equivalent, which also must be positive, before concluding the employee has such substance(s) present in the body.

9.17.19 If the blood or confirmed urine test is positive, the City will instruct the laboratory to retain the blood or urine sample for a period of not less than thirty (30) calendar days from the date the tests are complete for the purpose of allowing the employee to conduct an independent test at his or her own expense at a laboratory approved by the City.

9.17.20 The procedures to obtain, handle, and store blood and urine samples and to conduct

laboratory tests will be documented to establish procedural integrity and chain of evidence. Such procedures will be administered with due regard for the employee's privacy and the need to maintain the confidentiality of test results to an extent which is not inconsistent with the needs of this policy. The employee will be notified of the results of all tests conducted pursuant to this policy.

9.17.20a Definitions: For the purpose of this policy, the following definitions of terms are provided.

- i. Reasonable suspicion is defined as specific articulable observations by a supervisory employee concerning the work performance, appearance (including noticeable odor of an alcoholic beverage), behavior, or speech of the employee. Any accident or incident involving physical injury to any person may be considered to constitute reasonable suspicion for discovery testing for drugs and alcohol, where human factors contribute to the incident and where a question of sobriety short of reasonable suspicion exists.
- ii. Under the influence is defined as any detectable level of drugs (in excess of trace amounts which can be attributable only to secondary exposure) in an employee's blood or urine or any noticeable or perceptible impairment of the employee's mental or physical faculties, or any such impairment coupled with a blood-alcohol level of at least .02 percent.
- iii. Intoxicated is defined as being under the influence with a blood alcohol level of .08 percent or higher by weight of alcohol in the blood.
- iv. Controlled substances is defined as all forms of narcotics, depressants, stimulants, hallucinogens, and cannabis, the sale,

purchase, transfer, use, or possession of which is prohibited or restricted by law.

- v. Over-the-counter drugs are those which are generally available without a prescription from a medical doctor and are limited to those drugs which are capable of impairing the judgment of an employee to safely perform his/her duties.
- vi. Prescription drugs are defined as those drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

9.17.20b Searches: Employees have no expectation to be free from search of a patrol vehicle, locker, desk, or contents of other similar department-controlled spaces. A search of areas used exclusively by an employee (when directed at or against an individual employee due to suspicion of a violation of this policy) will be based on reasonable belief that the employee possesses any controlled substance. If possible, notice to the employee and an opportunity to be present will be given.

SECTION 10.

NON-DISCRIMINATION AND HARASSMENT

10.1 EQUAL EMPLOYMENT OPPORTUNITY

10.1.1 It is the policy of the City 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 the area. It is the policy of the City to comply with federal and state statutes on equal employment opportunities.

10.1.2 Employment opportunities are open to all qualified applicants on the basis of their training, experience, aptitudes, and abilities. Advancement to another classification is based on the individual's performance, ability, aptitude, and potential, and where two employees have identical qualifications, length of employment may be a determining factor.

10.2 NON-DISCRIMINATION CLAUSE

10.2.1 The City will rigorously enforce all of the laws relating to providing equal opportunities and non-discrimination in employment and in preventing any improper conduct on the job. If at any time an employee has any complaint or appeal in this area, the employee should immediately notify his or her supervisor. If the supervisor is the source of the problem, the employee should immediately notify the department head, City Administrator, or the Mayor.

10.3 AMERICANS WITH DISABILITIES ACT (ADA)

10.3.1 The Americans with Disabilities Act (ADA) is a comprehensive federal civil rights law that specifically protects individuals with physical and mental disabilities. Individuals still need to be “qualified” for the job, and not pose a “direct threat.” Individuals may be protected under the ADA if any of the following conditions exist:

10.3.1a They currently have a physical or mental impairment that substantially limits a major life activity.

10.3.1b They have a record of such an impairment, physical or mental, that substantially limits a major life activity; or;

10.3.1c They are perceived to have such impairment.

10.3.2 Episodic or in remission conditions may meet the definition of a disability if it would substantially limit a major life activity when active. Temporary, non-chronic impairments of short duration, with little or no residual effects usually are not considered disabilities under ADA. Examples of, but not limited to, impairments that typically would not meet the ADA definition of a disability: common cold, seasonal or common influenza, joint sprain, minor and non-chronic gastrointestinal disorders or broken bones that are expected to heal completely.

10.3.3 The use of ordinary eyeglasses or contact lenses that are intended to fully correct visual acuity or eliminate refractive error, typically are not considered disabilities under ADA. Pregnancy is not considered impairment under the ADA.

10.3.4 Individuals who currently engage in illegal use of drugs are excluded from ADA protection.

10.3.5 The ADA also prohibits discrimination on the basis of an individual's relationship to someone (parent, sibling, child, spouse/significant other, etc.) with a disability.

The City offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but are still able to perform the essential functions of the job. Essential functions are defined as the fundamental non-marginal duties of the position being held or sought by a disabled individual. A job function is essential if the position exists for the performance of the function, there are only a limited number of employees available to perform it, or the function is so highly specialized that an expert must be specially hired to perform it.

- 10.3.6 Reasonable accommodation may be available to employees and applicants, as long as the accommodation doesn't cause undue hardship for the City. Individuals protected by the ADA should discuss their need for possible accommodation with their manager or the Finance Director.

10.4 AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

- 10.4.1 The Age Discrimination in Employment Act prohibits the discrimination against employees age 40 and over with respect to any term, condition or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments and training. The City may ask an employee to waive his/her rights or claims under the ADEA either in the settlement of an ADEA administrative or court claim or in connection with an exit incentive program or other employment termination program. Specific minimum standards must be met in order for a waiver to be considered knowing and voluntary and, therefore, valid, including 21 days to consider the waiver and 7 days to rescind a decision. Affected employees will be notified of their rights when applicable.

10.5 WHISTLEBLOWER POLICY

- 10.5.1 The City does not discriminate against employees who report in good faith alleged violations of state or federal laws, rules, or regulations.

10.6 RETALIATION

10.6.1 If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you should report the matter immediately to any member of management or to the City Administrator, or Human Resources Representative. If the complaint is in regard to an alleged violation of these policies by the City Administrator, the complaint may be directed to the Mayor and City Council of the City. The City will not retaliate against you for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

10.6.2 The City will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity.

10.6.3 A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge.

10.6.4 Any act of retaliation by a manager and/or coworker may result in serious adverse disciplinary action up to and including termination. Any staff member may file a complaint with the City Administrator, or the Human Resources Representative or the Mayor and City Council of the City if an employee feels that they have experienced retaliation in any form.

10.7 HARASSMENT

10.7.1 Statement of Concern: The City seeks to eliminate and prevent harassment and to alleviate any effects such as harassment may have on the working condition of an employee. All such harassment is forbidden. Harassment includes unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures

derogatory towards either gender or towards racial, ethnic, or religious groups, or basing personnel decisions on an employee's response to such harassment. The City regards job related harassment as a serious transgression.

10.7.2 Policy: The City's policy is that every employee has a fundamental right to be free of such harassment. In response to formal reports of harassment, the City will seek to protect all parties involved from retaliation, false accusations, or future harassment, and where indicated, will take prompt and adequate remedial measures.

10.7.2a Should an issue of harassment be raised, all related matters will be kept confidential to the greatest extent possible throughout the investigation, counseling, and disciplinary stages. Any department head receiving notice of harassment will notify the City Administrator who will direct an investigation and insure that the charge is resolved appropriately.

10.7.3 Reporting Harassment: Any employee who feels harassed or is aware of harassment of another employee is urged to report this to an immediate supervisor, department head, or the City Administrator. The report may be informal or formal. A formal report will include a written statement or an appeal under a labor agreement.

10.7.4 Response to Reports of Harassment: Written reports concerning harassment will be forwarded to the City Administrator unless there is an allegation against that person; in that event, written reports will be forwarded to the City Attorney. This procedure will apply to written statements received from reporting employees or written records made by supervisory employees, including department heads. Whenever supervisory employees become aware of allegations of harassment, they will make a written record of the allegations and will forward the record to the City in accordance with this policy.

10.7.5 Investigation: The City Administrator or the City Attorney will begin an investigation if necessary. The first pre-investigation step will be to inquire of all persons reporting as to

whether the record now includes all allegations of harassment. The investigation will be conducted promptly on a priority basis.

10.7.5a The investigation will be directed at ascertaining the facts concerning the allegations. If, in the course of investigation, evidence of harassment involving other employees is found, the City will initiate separate investigations.

10.7.5b The person reported to have harassed an employee will be advised of the allegations and afforded an opportunity to reply verbally or in writing. The employee will also be advised that any retaliatory conduct will be subject to disciplinary action regardless of allegations of harassment.

10.7.5c The results of the investigation will be reduced to writing. A finding will be made that there is or there is not reasonable cause for disciplinary action. Nothing in this section will limit the authority of the City to modify policies or practices to correct any appearance of sexual harassment without finding reasonable cause for disciplinary action or taking any disciplinary action. The report will also include any recommendations to remedy any harm suffered if evidence shows the employee allegedly affected by sexual harassment was injured or harmed.

10.7.5d A report which finds reasonable cause for disciplinary action will be maintained in the personnel file of any employee subject to discipline. The employee may have placed in the personnel file a statement of rebuttal or correction. For the purpose of this section, a former employee may present such statement.

10.7.6 **Sealing of Records Relating to Harassment:** Records relating to harassment include written reports regarding alleged harassment, memos between City employees concerning investigation of such allegations, and City recommendations in response to allegations. Records relating to sexual harassment will be retained by the City for a minimum of six (6) years. All such records will be retained in a sealed file. Cross-referenced to the sealed file will be the reports of the reporting employee, the allegedly affected employee,

and the employee who was reported to have harassed another. Once the material in the sealed file is determined to have no reasonable bearing on job performance or on the efficient and effective management of the City, references to the alleged harassment contained in one or more individual personnel files may be removed.

10.7.6a No information from the sealed file nor any indication of the cross-reference to the sealed file will be disclosed to persons who do not have confidential access to the personnel affairs of the City, provided that there are two exceptions which permit some disclosure:

10.7.6b An employee who reported harassment and/or an employee who was allegedly affected by harassment may request that the City provide information to another regarding the investigation of harassment. On a case-by-case basis, the City, in its own discretion, may agree to release specified information;

10.7.6c Whenever the City would provide general information from the City's personnel file to persons who are not officers or employees of the City in regard to an employee or former employee and the employee's personnel file reflects a finding of reasonable cause for disciplinary action, the City will also send information regarding the investigation of harassment, except that no readily identifiable reference to other parties involved may be included, and any statement which the employee had requested be held in the file will accompany the disclosure.

10.8 COMMUNICABLE DISEASES AND RELATED SAFETY PROTOCOL FOR EMPLOYEES AND CLIENTS

10.8.1 This policy addresses employment and public relations issues arising from communicable diseases in the City workplace. It does not address communicable disease reporting or treatment.

10.8.2 For some diseases, workplace transmission is a real danger. For other diseases, such as

Acquired Immune Deficiency Syndrome (AIDS), according to the best medical evidence available, casual workplace contacts among employees and citizens who are infected will not transmit the disease. The nature of each disease will determine the City's response to infected employees and clients.

10.8.3 Policy for a Safe Working Environment: The City recognizes that its employees and clients are entitled to a safe working environment. Employees and job applicants who are communicable disease carriers or who are afflicted with disease symptoms are entitled to compassion and legal protection against unlawful discrimination. Work restrictions will be imposed only when a disease may be spread in the City workplace. Based on these principles, the City has formulated this policy to:

10.8.3a Prevent unlawful discrimination in hiring;

10.8.3b Educate employees about the ways communicable disease is and is not transmitted;

10.8.3c Designate a contact person to whom concerned employees can go for information;

10.8.3d Ensure the confidentiality of information about any employee who contracts a communicable disease;

10.8.3e Address employment concerns of infected employees;

10.8.3f Require medical assessment of employees with potentially dangerous diseases;

10.8.3g Assure that the public is accommodated and that risks to health are minimized;

10.8.3h Provide for technical assistance on infection control issues;

- 10.8.3i Protect the health of employees through a program of universal precautions for blood-borne diseases;
 - 10.8.3j Avoid disruption or interference with the City's business that could result from unfounded health concerns; and
 - 10.8.3k Specify the oversight of communicable disease issues regarding employees.
- 10.8.4 Non-discrimination in Hiring: The City will not unlawfully discriminate against persons with disease on the basis of their handicap. The following practices are to be followed:
- 10.8.4a 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 are able to 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.
 - 10.8.4b 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.
 - 10.8.4c 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.
- 10.8.5 Employee Education: Employees who are educated about the actual medical risks posed by communicable diseases will be safer and more comfortable at work. The City, in

coordination with the Oregon Health Division, will strive to provide the following sources of education about the transmission of diseases:

10.8.5a Informational materials designed to answer specific questions;

10.8.5b Videotaped and/or live presentations;

10.8.5c Confidential access to a designated contact person trained to answer questions or obtain additional information;

10.8.5d Training which will include personal preventive techniques such as immunization and good hygiene;

10.8.5e Training regarding hazardous materials which will specifically include information concerning the infectious risks associated with contact with blood and other bodily fluid spills. Employees are strongly urged to take advantage of these resources.

10.8.6 Designated Contact Person: The City will have a designated contact person who will be trained to address communicable disease concerns. At present, this person is the department head or their designate.

10.8.7 Confidentiality: The City recognizes that an employee's health concerns are confidential. Employees who have been infected with or who have been exposed to a communicable disease may notify the designated contact person confidentially. Medical information will be kept confidential, consistent with legal, medical, and management practices.

10.8.7a Employees infected with a communicable disease or afflicted with disease symptoms are expected to refrain from publicizing their condition in a manner likely to subject the City to adverse publicity or internal controversy. Failure to do so is grounds for discipline, wholly independent of the employee's underlying disability.

10.8.7b Employees who obtain knowledge that an employee is a communicable disease carrier or is afflicted with disease symptoms will maintain the confidentiality of such information. Failure to do so may result in discipline.

10.8.8 Employment of Infected Employees: Employees who are infected with a communicable disease or afflicted with disease symptoms may contact the designated contact person for confidential information about the potential impact of their condition on their employment. Upon request, the designated contact person will assist concerned employees in obtaining information about community resources and psychological counseling available to persons with a communicable disease and their families.

10.8.8a Any employee with a known infectious disease for which there is a known risk of transmission to co-workers or clients will be:

10.8.8b Given reasonable accommodation within the work organization which does not pose a risk of disease transmission, or

10.8.8c If no reasonable accommodation is possible, then he/she will be placed on medical leave, subject to the City's policies on such leave. Any employee with a known infectious disease for which there is no known risk of transmission in the workplace may continue in his or her position as long as the employee is able to perform his or her job duties safely. If complications of the employee's illness could be caused by ordinary workplace conditions, reasonable accommodations will be made in job assignment to avoid those complications.

10.8.8d The reasonableness of any proposed accommodation will be determined by management and will take into consideration the health and safety of all employees and clients. Supervisors are to consult the designated contact person to obtain City authorization before making any employment decision on the basis of an employee's actual or perceived infection. Discrimination against such employees on the basis of their handicap will not be tolerated, but no employee

will be permitted to work in a position which would create a risk of disease transmission to co-workers or the public.

10.8.9 Medical Assessment: If the department head has reasonable basis to believe that an employee has an infectious disease which may pose a hazard to co-workers or clients, the department head will request a medical assessment from the employee's physician. If, in the department head's judgment, the medical assessment by the employee's physician does not adequately resolve the issue of hazard, and following consultation with the Marion County Health Officer, the department head may require a second opinion from a physician selected by the City. Any leave taken under the terms of this section for medical examinations will be an administrative leave with pay. To the extent not covered by the employee's medical insurance, the cost for medical examinations required under this section will be borne by the city.

10.8.10 Technical Assistance: The Marion County Health Officer will provide technical assistance to the department head regarding medical issues which may arise from an infectious disease incident. Medical technical assistance will include providing a current list of infectious diseases which are transmittable in the workplace. This listing will be consistent with the rules of the Oregon Health Division.

10.8.11 Infected Citizens: As a public service organization, the City cannot discriminate against citizens on the basis of disability. If uniform health precautions are followed rigorously and routinely, then the risks of accidental infection when rendering aid to an infected person is minimized. Discrimination against citizens with or who are suspected of having a transmittable infection will not be tolerated.

10.8.12 Exposures: In the event of exposure to bodily fluids under circumstances that could present a risk of infectious exposure, a report will be made to the department head as soon as possible. If confirmed, the department head may solicit the cooperation of the source person through voluntary testing with informed consent. In order to protect the employee, a baseline test will be made within the week following exposure, and at three-

month intervals for one year. The department head will insure that the employee involved receives counseling appropriate for the circumstances. All testing will be preceded by informed consent and written authorization.

10.8.13 Universal Health Precautions: As recommended by public health authorities, the City will adhere to a program of universal precautions for protection against diseases spread by blood or bodily fluids ("bodily fluids" is defined as fluids that may contain blood or feces; not urine, sweat, saliva, or tears). This means that, for safety purposes, employees will operate on the assumption that all employees and citizens are potential carriers of blood-borne disease. Universal precautions protect against AIDS and many other diseases such as hepatitis B. The following general precautions will be followed:

- 10.8.13a Any employee cleaning up a spill of blood or bodily fluids or rendering emergency medical assistance will wear appropriate protective gear (such as latex gloves);
- 10.8.13b Protective gear for cleaning blood or spills of bodily fluids will be provided by the City and will be located near any area determined to be a site of such a spill, and in emergency response vehicles;
- 10.8.13c An employee rendering medical assistance which may expose the employee to blood or bodily fluids will take precautions against contamination (such as wearing latex gloves while bandaging a bleeding wound, or using a mouth- piece for mouth-to-mouth resuscitation). An employee exposed to blood or bodily fluids will scrub with soap and water;
- 10.8.13d Protective equipment for medical emergencies will be provided by the City and will be located in or near all first aid kits.

10.8.13e Any additional precautions applicable to specific job functions and any further general precautions will be conveyed through employee training sessions, educational material, or more specific departmental policy.

10.8.14 Business Disruptions Due to Unfounded Health Concerns: If an employee refuses to work with an infected co-worker or serve an infected citizen and if a supervisor should decide that the co-worker or citizen poses or posed no threat to the health of others, continued refusal or a failure to work with or other disruption of City services may result in discipline, including discharge. Harassment of known or suspected carriers is expressly prohibited and may result in discipline, including discharge.

10.8.15 Oversight: It will be the responsibility of the department head to:

10.8.15a Ensure the proper posting of work rules and operation procedures to ensure that each employee has advance notice of his/her obligations regarding providing of services to infected clients as well as safety procedures;

10.8.15b Ensure that safety procedures are in compliance with guidelines issued by the Centers for Disease Control (CDC) or the Oregon Health Division;

10.8.15c Arrange for any specialized training that may be necessary in operational areas in which special risks may exist;

10.8.15d Ensure that such equipment and materials are available to employees as are necessary to adhere to required procedures;

10.8.15e Ensure that the policy in this section is adhered to.

10.8.16 Complaints concerning any employee's failure to comply with this policy should be brought to the attention of a supervisor. Complaints may be raised by following procedures of Section 10.7, Harassment, or Section 11.3 related to the appeal process.

SECTION 11.

EMPLOYEE PERFORMANCE REVIEW PROCESS

11.1 EMPLOYEE PERFORMANCE REVIEWS

- 11.1.1 Purpose: Communication. Employee performance reviews are an essential communication process between the employee and the immediate supervisor. Such reviews provide information relating to merit, identify areas of training needs, target the strengths and weaknesses of the employee's work performance, and measure the relationship between goals and objectives and the individual employee's productivity. The purpose of evaluations is to inform employees of the supervisor's assessment of how well they are performing their duties and whether there are areas of performance needing improvement.
- 11.1.2 Goal: Desirable Behaviors. The goal of the employee performance review process is to establish a pattern of expected work habits. The performance review process gives employees and supervisors an opportunity to review and establish goals, to reward or acknowledge good performance, to create incentives, and to detect and correct improper behavior or activity and/or substandard work performance.
- 11.1.3 Review Process: Performance reviews will be completed at least annually and in accordance with the guidelines and instructions set forth in this manual.
- 11.1.4 Trial Service Review: Trial Service employees will participate in goal-setting interview/reviews as often as appropriate and will be evaluated before conversion to regular employee status.
- 11.1.5 Pay and Probation Recommendations: A recommendation for a merit or step increase and/or extension of probation, or passing probation to regular employee status, or termination will be set forth in a performance evaluation as appropriate.

11.1.6 Supplemental Evaluation: A supplemental performance evaluation may be submitted on any occasion deemed appropriate by a supervisor.

11.2 PERFORMANCE REVIEW PROCEDURES

11.2.1 A written evaluation of each employee's job performance will normally be completed by the employee's supervisor at the end of the employee's trial service and then the employee's performance will be reviewed annually from the date of the employee's successful completion of the trial service period.

11.2.1a Forms: The supervisor will use performance evaluation forms approved by the City Administrator. Each evaluation will be completed, dated, and signed by the supervisor.

11.2.1b Employee Review: The supervisor and employee will review the evaluation in detail. Each employee will sign the performance evaluation after the review and may attach a written response to the evaluation within five (5) days of the date of the evaluation.

11.2.1c Personnel Record: The performance evaluation will become a permanent part of the employee's personnel record and will be placed in the central personnel file.

11.2.1d Review: After an evaluation is completed, the employee's supervisor will review the performance evaluation with the supervisor's next immediate supervisor.

11.2.1e Job Performance Goals and Objectives: The employee and supervisor may establish, in writing, specific job performance objectives and completion dates as part of each evaluation.

11.2.1f Rating Scale: An employee's job performance will be rated by, needs improvement, performing adequately, and exceeds expectation:

- i. Needs Improvement: Overall employee performance is satisfactory. Deficiencies are noted in one or more areas and improvements are required to achieve satisfactory performance, and/or the employee has accomplished less than 75 percent of the job objectives for previous year; those completed are satisfactory to good.
- ii. Average: Good to excellent performance on 80 percent of work assignments. The employee works independently and initiates improvements in the operation of the City. Employee has completed all job objectives for the previous year at a skill level of above average.
- iii. Exceeds Expectations: Excellent performance. All job skills are performed at a superior level. The employee works independently and initiates improvements in the operation of the City. Employee has completed all job objectives for the previous year and has performed numerous other work assignments and/or professional development training, demonstrating a superior skill level on most assignments.

11.2.2 Merit Salary Adjustment

11.2.2a The City Administrator may grant an employee a merit salary increase for satisfactory or superior job performance in accordance with policy 5.4, Salary Increases.

11.2.2b The City Administrator may approve a reduction in salary if employee performance needs improvement.

11.2.3 Re-Evaluation and Follow-up Action Related to Performance

11.2.3a Where the employee's work needs improvement, the supervisor will work with the employee to establish an employee improvement program. The supervisor and employee will establish, in writing, a work program which defines the areas

where the employee's performance has not met standards, what improvement is necessary to bring the employee's work up to a satisfactory performance level, and the date by which the employee's work must be brought up to standard.

11.2.3b A supervisor will re-evaluate an employee three (3) months after the employee receives an "needs improvement" performance rating to determine if the employee has met the agreed upon requirements of the employee improvement program.

11.2.3c If the employee fails to meet the agreed upon performance standards within the time specified, the employee may be subject to transfer, demotion, reduction in salary, or termination.

11.3 PROBLEM SOLVING PROCESS FOR NON-BARGAINING UNIT EMPLOYEES

11.3.1 City Policy: While the City strives for fair treatment of all employees, misunderstandings and problems do occur in any organization. The City's intent is that such matters be resolved as early as possible. Disagreements relating to a work assignment, pay, promotional opportunity, or any other aspect of the work relationship should be discussed with the immediate supervisor openly. Supervisors and employees, including employees covered by a collective bargaining agreement, should make a genuine attempt to understand each other's perspective and to make every effort to resolve differences.

11.3.2 Steps to Solution: If at any time an employee feels he/she is not being treated fairly, the employee may report the problem to the department head or to the City Administrator.

11.3.2a Employees are encouraged to talk with their department heads as soon as possible after becoming aware of the problem. The department head is the person responsible for what goes on in the immediate work area. He/She will review reported problems, and will keep the employee informed of progress.

11.3.2b If the employee feels the problem has not been resolved satisfactorily, the employee can file a written complaint or appeal as outlined in the complaint or appeal procedure.

11.3.2c The City cannot guarantee that an employee's point of view will be accepted. However, supervisors and the City Administrator will always listen and will make every effort to ensure that the problems are resolved fairly and in the public interest.

11.3.3 Complaint or Appeal Procedure: When problems arise which cannot be resolved informally, the following process should be followed in submitting and processing an appeal:

11.3.3a If an employee wishes to express a formal complaint related to employment conditions, relationships, or any other type of appeal other than disciplinary matters, the employee will submit to his/her supervisor a written statement describing the complaint or appeal within seven (7) working days of the event(s) upon which the appeal is claimed. The supervisor will reply to the employee in writing within seven (7) working days of the filing of the appeal, not including the date of presentation of the appeal.

11.3.3b If the employee is not satisfied with the supervisor's decision, the employee may appeal the matter to the supervisor's department head by filing a written appeal within seven (7) working days of the supervisor's decision. The department head will review the written appeal, all pertinent correspondence, records, and information accumulated to date and then meet with the employee. The department head will reply to the employee in writing within seven (7) working days of the filing of the appeal, not including the date of the presentation of the appeal.

11.3.3c If the employee is not satisfied with the department head's decision, the employee may appeal the matter to the City Administrator by filing a written appeal within seven (7) working days of the decision. The City Administrator will review the written appeal, all pertinent correspondence, records, and information accumulated to date and meet with the employee. The City Administrator will reply to the employee in writing within seven (7) working days of the filing of the appeal, not including the date of the presentation of the appeal. The City Administrator's decision will be final.

11.3.3d An appeal against the City Administrator will be filed with the Mayor and City Council at the next regularly scheduled council meeting, the appeal will be heard or scheduled for consideration within fourteen (14) days. The City Council will meet, hear the appeal, and respond to it by the end of its meeting unless it votes to extend the response time. After hearing the appeal, the Council may extend the response time to thirty (30) days. The City Council's decision will be final.

11.3.4 Follow process: All employees will follow the informal problem solving process or complaint and appeal process. No employee may present his or her appeal to a department head, the City Administrator, or the City Council without first presenting the matter to that employee's supervisor, except as provided in Section 9.3, Harassment. If the appeal procedures are not followed, the appeal will be considered not to have existed. Any appeal not taken to the next step in the appeal process will be considered resolved on the basis of the last reply made and received.

11.3.5 No employee will be disciplined or discriminated against in any way because of his or her proper use of the appeal procedure.

11.3.6 Any employee who is covered by a collective bargaining agreement may elect to pursue any matter under the problem-solving process; however, by so doing the bargaining unit employee waives the right to bring the grievance under the collective bargaining agreement.

11.4

VIOLATION OF RULES WHICH MAY LEAD TO DISCIPLINARY ACTION

- 11.4.1 This section and the appeal procedure set forth in Section 12. do not alter the "at-will" status of employees. Section 11.4 is intended to provide employees with forewarning of the kinds of behavior which the City will consider as the basis for corrective or disciplinary action, and Section 11.4, read together with Section 12., is intended to provide employees with procedural rights relating to disciplinary action.
- 11.4.2 Although City employees do not have a proprietary interest in continued employment and the employment relationship is terminable at any time at the will of either the employee or the City, without the need to indicate a specific reason or cause, the City has identified certain conduct which is grounds for imposition of discipline, including termination. The City has also developed certain procedures which the City Administrator and supervisors are expected to follow when exercising the City's right to discipline or dismiss employees. These procedures are set forth in this manual, but do not constitute terms of any employee's contract of employment.
- 11.4.3 The orderly and efficient operation of the City requires that employees maintain discipline, proper standards of conduct, and competent performance of job responsibilities. Supervisors will resort to corrective action or disciplinary action when an employee fails to perform in accordance with the expectations of the City. Discipline may be initiated for many proper reasons, including but not limited to violation of work rules, insubordination, or poor job performance. The severity of the disciplinary action will depend upon the nature of the offense or misconduct, the employee's work record, and other factors deemed relevant by the City.
- 11.4.4 An employee may receive corrective action or disciplinary action when the employee's performance falls below desirable standards. In addition, an employee who commits misconduct or violates standards of conduct will be subject to disciplinary action. The City may issue verbal or written warnings, suspend, demote, dismiss, or take other actions it deems appropriate for violation of work rules or for poor performance. Meetings with supervisors, performance reviews, and counseling sessions are intended to assist an employee to do well and improve, and do not constitute disciplinary action.

11.4.5 Although specific work rules cannot be listed to cover every situation, employees are expected to exercise sound judgment and to act in the public interest at all times. Employees failing to do so will be subject to counseling or discipline as deemed appropriate by the supervisor. Certain behaviors are considered particularly serious and will result in an appropriate level of disciplinary action. These include but are not limited to:

11.4.5a Drinking intoxicating beverages or abusing prescription or non-prescription drugs on the job; arriving on the job under the influence of intoxicating beverages or drugs; or working while under the influence of intoxicating beverages or drugs.

11.4.5b Violation of lawful duty;

11.4.5c Insubordination;

11.4.5d Breach of discipline;

11.4.5e Being absent from work without first notifying and securing permission from the employee's supervisor in accordance with the sick leave policy contained in this manual;

11.4.5f Unwarranted absenteeism or tardiness;

11.4.5g Offensive conduct toward the public or fellow employees, including but not limited to the use of abusive, profane, or obscene language, or argumentative, rude, or discourteous behavior.

11.4.5h Conviction of a felony or of a misdemeanor involving moral turpitude;

11.4.5i Accepting fees, gifts, or other valuables in the performance of official duties for the City beyond the limits established in these personnel policies;

11.4.5j Misuse and/or being wasteful of material, property, or working time;

11.4.5k Inability or unwillingness to perform his or her assigned duties or to assist others;

- 11.4.5l Violation of the provisions of any rules or regulations prescribed by the City Council, City Administrator, department head or supervisor;
- 11.4.5m Falsification of records;
- 11.4.5n Theft, destruction, or abuse of city property;
- 11.4.5o Dishonesty;
- 11.4.5p Unauthorized possession of firearms or explosives on city property and/or during working hours;
- 11.4.5q Deliberately restricting work output;
- 11.4.5r Unauthorized use of city tools, equipment, or materials;
- 11.4.5s Any conduct or action which tends to bring the city into discredit or which would affect the employee's ability to perform his or her official duties;
- 11.4.5t Outside employment which affects the employee's efficiency or which results in a conflict of interest;
- 11.4.5u Verbal abuse, physical abuse, physical intimidation, fighting, provoking or instigating a fight during working hours;
- 11.4.5v Misuse of sick leave or other benefits;
- 11.4.5w Working unauthorized overtime or failing to report hours worked on the employee's timecard;
- 11.4.5x Repeated violations of safety rules or the conduct of unsafe activities while on the job or in the workplace;
- 11.4.5y Multiple uncorrected violations of one or more work rules, personnel policies, departmental rules, or standard operating procedures of the City;

11.4.5z Inability or unwillingness to work cooperatively and courteously with other employees, city officials, or the public;

11.4.5aa Conduct which deviates from generally acceptable standards of personal behavior, public relations, and public service;

11.4.5bb Conduct which is inconsistent with performance expectations and the legitimate interests of the City in delivering public services;

11.5.1 These rules are clear and require little explanation. However, if an employee has any questions concerning the application or intent of these rules, the employee should consult his/her supervisor. Employee cooperation in observing the City work rules will make it unnecessary for the City to invoke the disciplinary standards or procedures.

11.5.2 Obviously, rules cannot be listed to cover every situation. Conduct not specifically addressed by this manual will be disciplined in a manner the supervisor decides is equivalent to the misconduct.

SECTION 12.

DISCIPLINARY PROCEDURES FOR NON-BARGAINING UNIT EMPLOYEES

12.1 PURPOSE OF DISCIPLINARY ACTION

12.1.1 The purpose of disciplinary action is to maintain discipline, maintain proper standards of conduct, and to improve the performance, efficiency, and morale of the employee. Employee misconduct or any action which reflects discredit on the City is a direct hindrance to the effective performance of city government functions and will be considered good cause for disciplinary action.

12.1.1a Disciplinary actions, administered according to the frequency or severity of the offense, can include:

12.1.1b Verbal Warning;

12.1.1c Written reprimand;

12.1.1d Temporary salary reduction;

12.1.1e Suspension;

12.1.1f Demotion;

12.1.1g Termination from the City service.

12.1.2 Discipline will be of progressive severity whenever possible and will depend on the seriousness of the offense involved. However, suspension, demotion, or termination may be deemed appropriate for a first offense because of the seriousness of the offense. If an employee fails to perform job duties and/or fails to meet job performance goals and objectives, suspension, demotion or termination may be immediately considered.

- 12.1.3 Written notice of all disciplinary actions other than verbal warnings will be made a part of the employee's personnel records and the employee will receive a copy of all disciplinary actions or memoranda placed in the central personnel file.
- 12.1.4 Letters of warning will be considered temporary contents of the central personnel file and will be removed and then retained in a separate file by the employer no later than eighteen (18) months after they have been placed in the employee's personnel file.
- 12.1.5 An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case.
- 12.1.6 Aggravating or mitigating circumstances, such as an employee's past record, length of service with the City, and other relevant facts may be considered by the City in imposing discipline.

12.2 DISCIPLINARY ACTION PROCEDURE

- 12.2.1 When disciplinary action is necessary, it will be administered by the employee's supervisor. Supervisors will be disciplined by the supervisor's department head. Department heads will be disciplined by the City Administrator. The City Administrator will be disciplined by the City Council.
- 12.2.2 In order to establish an accurate record of the procedure and to ensure that discipline is imposed in a consistent and lawful manner, it is important to make an adequate initial investigation. Before any disciplinary action is taken, the supervisor must determine:
 - 12.2.2a What rule or performance standard was violated;
 - 12.2.2b Who was involved;
 - 12.2.2c When the violation or deficiency occurred;
 - 12.2.2d Who the witnesses were, if any;

12.2.2e The past record of the employee.

12.2.3 Verbal warnings and written reprimands are appropriate for employees who have not had prior disciplinary problems and for minor rule infractions. The supervisor should attempt to fit the warning or reprimand to the individual employee and particular situation. Such verbal warnings and written reprimands will be handled in private. The supervisor should record even verbal warnings in his/her supervisory diary or log book. There are no additional procedures and no further appeals from either a verbal warning or a written reprimand.

12.2.4 An employee who receives a written reprimand will be given written notice of the following:

12.2.4a The factual allegations, performance standards, and/or rule violated;

12.2.4b Specific information on how the employee's performance does not meet standards;

12.2.4c A work plan including the steps the employee needs to take to comply with the established rule and/or steps needed for the employee to meet required standards, including a specific timeline for meeting established goals;

12.2.4d A statement of the consequences to the employee if he/she fails to correct the deficiency and/or accomplish the goals within the timeframe given;

12.2.4e A statement that the employee may file a written response within two (2) working days of receipt of the written reprimand.

12.2.4f A statement that there are no additional procedures to be followed and no further appeals which may be filed for a written reprimand.

Written reprimands will be placed in the employee's central personnel file. The employee will be provided a copy of a written reprimand and a place is to be provided for him/her to acknowledge its receipt. An employee may prepare a response which will be attached to the reprimand and placed in the central personnel file within two (2) working days of receipt of the reprimand. There are no additional procedures and no further appeals from a written reprimand.

12.2.5 An employee whose demotion, temporary salary reduction, suspension without pay, or termination is sought will be given the following:

12.2.5a Written notice of:

- i. The factual allegations and rule violated;
- ii. The sanctions being considered (i.e., temporary salary reduction, suspension, demotion, or termination, and when the sanctions will take effect);
- iii. A statement that the employee has a right to refute the allegations by filing a written response by a specified time and date as set forth below;
- iii. A statement that the employee has a right to a meeting with the supervisor during which he/she may verbally or in writing respond to the allegations at a specified date, time, and place;
- iv. The date by which the supervisor will make a final decision and when it will be communicated to the employee;

12.2.5b The employee should have at least two (2) working days but in no case more than seven (7) working days, in which to hold the personal meeting with his/her

supervisor and/or to file a written response to the charges, including supporting affidavits.

12.2.5c The reviewing individual's final decision will be communicated to the employee within two (2) working days from the time the written response is filed or the personal interview is held, whichever is earlier.

12.2.6 The City is not required to give the employee a formal hearing or to extend the right to examine witnesses prior to the imposition of discipline; however, such a procedure may be permitted at the discretion of the City if the supervisor believes that such a process would advance the supervisor's pre-disciplinary investigative and fact finding process.

12.2.7 In the event of a serious problem or of disruptive misconduct, it may be necessary to suspend an employee immediately. The suspension must be with pay until the "due process" requirements are met. Any actions should be as prompt as possible.

12.2.8 When the disciplinary action is resolved, any monies owed to the employee will be promptly paid to the employee.

12.3 DISCIPLINARY ACTION OF TRIAL SERVICE EMPLOYEES

12.3.1 During the trial service period an employee may be disciplined or discharged without appeal. Trial service employees are not entitled to the procedures and rights set out in this section.

12.4 APPEAL PROCEDURE

12.4.1 All regular employees will have the right to appeal a disciplinary action other than verbal warnings or written reprimands. Written notice of the appeal will be filed with the department head within two (2) working days after the effective date of disciplinary action. The appeal will specifically state the reason for the appeal and areas of disagreement between the supervisor and the employee. Department heads must respond to the appeal within seven (7) working days.

- 12.4.2 If the employee is not satisfied with the department head's decision, he or she may appeal the matter to the City Administrator within seven (7) working days of receipt of the department head's decision. The City Administrator will take action on the appeal within seven (7) working days of the filing of the appeal. If the City Administrator feels that the issues involved will take more than seven (7) working days to review, the City Administrator may set additional time by which a decision must be reached. The City Administrator may establish rules and procedures to review the appeal on a case-by-case basis.
- 12.4.3 The City Administrator's decision will be final for all employees except department heads, who may appeal a suspension without pay and termination, but not other decisions.
- 12.4.4 If a department head is not satisfied with the City Administrator's decision regarding disciplinary action taken against him/her, the department head may appeal the matter to the City Council by filing a written appeal with the Mayor within two (2) working days of the City Administrator's decision. The Council will meet, hear the appeal, and respond to it by the end of its next regularly scheduled Council meeting following the filing of the appeal unless the Council votes to extend the response time. The Council may extend the response time up to thirty (30) days.
- 12.4.5 All hearings before the City Council which are held under the appeal procedures may be conducted either in meetings open to the public or in executive session at the discretion of the Council, unless the employee making the appeal requests a hearing open to the public. The employee is entitled to attend the hearing.
- 12.4.6 The Council's decision will be final.

SECTION 13.
SUGGESTION, INCENTIVE AND EDUCATION PLANS

13.1 SUGGESTION POLICY

13.1.1 The City supports the use of an employee suggestion program to bring dollar saving ideas to the attention of the City Administrator and encourages employees to take an increased interest in the operation of the City.

13.2 RECOGNITION

13.2.1 The City will recognize length of service for employees through longevity awards, and outstanding accomplishments and work performance.

13.3 IN-SERVICE TRAINING

13.3.1 The City Council encourages employees and supervisors to take advantage of training opportunities in order that services rendered to the City will be more effective. The City Administrator will assist department heads in meeting training needs in their departments, in developing training programs designed to meet immediate city-wide personnel needs, and in preparing employees for promotion to positions of greater responsibility.

13.3.2 Training sessions may be conducted during regular working hours at the discretion of department heads. Prior to employee participation in a training session conducted outside the employee's regularly scheduled work hours, the department head will be contacted and a determination will be made as to whether or not such sessions are to be approved for additional overtime.

13.4 EDUCATIONAL OPPORTUNITIES

13.4.1 The City will reimburse an employee for the cost of tuition for courses and degree programs directly related to the employee's work offered at any accredited institution for higher education (e.g., Chemeketa Community College, Linn-Benton Community

College, Western Oregon University, Portland State University, etc.) which courses are conducted outside the employee's regularly scheduled work hours, provided that:

13.4.1a Attending or taking such courses is voluntary and the employee is advised that non-attendance will not prejudice his or her working conditions or employment standing;

13.4.1b The employee is instructed not to perform services on behalf of the City while attending any such session;

13.4.1c Funds for such expenditures are available in the current budget;

13.4.1d The employee has made application through their supervisor to the City Administrator prior to registration, and has received written approval for participation in the educational program;

13.4.1e The employee submits evidence of a passing grade of "C" or higher or "Pass", and satisfactory completion of the course;

13.4.1f The employee is not receiving reimbursement for tuition from any other source.

13.4.1g The employee is eligible for reimbursement for no more than eight (8) credit hours per semester.

13.4.1h Prior to approval of an eligible educational class or program, the City Administrator may require the employee sign an agreement or professional growth plan related to the educational costs and the employee's future employment with the City.

- 13.4.1i The City Administrator must grant prior approval for out-of-state training or educational classes or programs, which last longer than three (3) work days or which cost the city more than \$1,000.00.
- 13.4.2 Courses which are only offered during regular working hours may be approved by the department head provided time off may be arranged conveniently and reasonable arrangements can be made for the employee to make up time off.
- 13.4.3 The City will reimburse an employee for the expense of attending classes, lectures, conferences, or conventions when the employee has been directed to attend on an assignment basis. The assignment will have prior approval of the employee's department head.
- 13.4.4 Normally the cost of textbooks and technical publications required for such courses will be the responsibility of the employee. If the City purchases any of the textbooks and publications for such courses, said textbooks and publications will become the property of the City.
- 13.4.5 The City may require employees to attend courses or training seminars as part of regularly scheduled work duties and will reimburse an employee for the expenses of attending classes, lectures, conferences, or conventions when attendance is on an assignment basis.
- 13.4.6 Employees are advised that educational and in-kind benefits from the City to an employee may be counted as part of the employee's compensation by the Federal Internal Revenue Service (IRS) and will be reported on W-2 forms at the end of the year as income.