

RESOLUTION NO. 428

A RESOLUTION ADOPTING PERSONNEL POLICIES
FOR CITY EMPLOYEES

WHEREAS, Stayton City Code 2.52.060 requires the City to adopt personnel policies; and

WHEREAS, it is in the best interests of the citizens of the City of Stayton and the employees of the City of Stayton that certain policies relating to employment by the City of Stayton be clearly set forth; and

WHEREAS, the City Administrator has prepared and presented to the City Council a manual of personnel policies for employees; and

WHEREAS, the City Council finds that the adoption of these policies is in the best interest of the City and its employees;

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


Section 1. That the personnel policies of the City of Stayton dated, 1 July 1990, are hereby approved and adopted as the policies for all employees of the City of Stayton, Oregon effective July 1, 1990.

ADOPTED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 16th day of July 1990.



WAYNE L. LIERMAN, MAYOR Date

ATTEST



DAVID W. KINNEY, City Administrator Date 7-17-90

**CITY OF STAYTON
PERSONNEL MANUAL**

**Adopted by the Stayton City Council 16 July 1990
Stayton Resolution No. 428**

July, 1990

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 can be terminated with or without cause, at any time, at the option of either the City or myself, subject however only to such restrictions as may appear in this manual or in a collective bargaining agreement.

I further understand that no one except the Stayton City Council, in writing, has the authority to enter into any agreement contrary to the personnel policies and procedures of the City.

Employee Signature

Date

Date Filed in Central Personnel File: _____

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SECTION 1.

INTRODUCTION AND GENERAL POLICIES

1.1 PURPOSE

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, 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 will apply to all regular full-time and regular part-time employees. These rules will not apply to seasonal employees, temporary employees, or persons under personal service contract or 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 1 July 1990.

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 acknowledgement 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 in writing the authority for the enforcement of rules and policies.

- 1.3.3 Department Rules and Procedures: 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:

1. **Advancement:** A salary increase within the limits of a pay range established for a position;
2. **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.
3. **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.
4. **Appointing Power:** The City Administrator or a department head to whom authority is delegated to make the appointment to fill a vacant position;
5. **Appointment:** The hiring of a person to fill a vacant position;
6. **Assessment Center:** A structured interview and testing process designed to evaluate an individual's skills and qualifications for a position;
7. **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;
8. **Calendar Year:** Twelve (12) month period beginning January 1st and ending December 31;
9. **Central Personnel File:** A file maintained in City Hall which contains complete

personnel records of all City employees;

10. **City Administrator:** The chief administrative officer of the City government who is directly responsible to the Mayor and the Common Council for the proper administration of all affairs of the City;
11. **Compensatory Time Off:** Time off work to compensate the employee for overtime worked;
12. **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 approved by the City Administrator or City Council do not constitute a break in continuous employment;
13. **Demotion:** Transfer of an employee from one position to another position which has a lower maximum salary;
14. **Department:** A major functional unit of the city government;
15. **Department Head:** A person in charge of a department of the City who is directly responsible to the City Administrator;
16. **Disciplinary Action:** Imposition of certain personnel actions (i.e., suspension, demotion, or dismissal);
17. **Dismissal:** Termination of employment with the City for cause or termination of an at-will employee;
18. **Duty Day:** A day or shift when an employee is scheduled to be available for work;
19. **Examination:** A test for the purpose of evaluating an applicant for an employment vacancy, promotion, or for advancement or maintenance of position;

20. **Fiscal Year:** Twelve (12) month period starting July 1st and ending June 30th;
21. **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);
22. **Gender:** The masculine gender includes the feminine and the feminine gender includes the masculine.
23. **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;
24. **Job Right:** A right to any job or benefit of employment established in the Stayton Personnel Manual;
25. **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;
26. **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;
27. **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;
28. **Mayor:** The highest ranking elected official of the City government;
29. **Military Leave:** Leave of absence for an employee in active military training or active military duty;
30. **Month:** One calendar month;

31. **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;
32. **Occupational Disability:** Disability from an accident or sickness suffered or contracted as a result of the performance of assigned duties;
33. **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;
34. **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;
35. **Parental Leave:** An unpaid leave of absence for childbirth or adoption of a child as allowed by ORS 659.360;
36. **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;
37. **Personnel Action:** Any action taken with reference to appointment, compensation, promotion, transfer, layoff, disciplinary action, dismissal, or other action affecting the status of employment;

38. **Plurality:** The singular will include the plural and the plural will include the singular.
39. **Promotion:** The change of position for an employee one position to another position that has a higher maximum salary;
40. **Regular Employee:** An employee who has been retained in his appointed position after the completion of his trial service period;
41. **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;
42. **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);
43. **Seniority:** The length of continuous service to the City since an employee's last date of hire;
44. **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.);
45. **Supervisor:** Any person who is responsible to a higher divisional or departmental level of authority and who directs the work of others;
46. **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;
47. **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;

48. **Temporary Employee:** An employee who has been appointed for a job of limited duration arising out of special projects, abnormal workloads, or emergencies.
49. **Transfer:** A change of an employee from one position to another within the City service;
50. **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;
51. **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;
52. **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.
53. **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.
54. **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 APPLICATION PROCEDURES

- 2.1.1 The City Administrator will post a job announcement at City Hall for all job openings (see appendices for form).
- 2.1.2 An applicant for a vacant position will file a completed application for employment, letter of application, personal resume, or other information as required in the job announcement. 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 physical fitness relative to the requirements of the position for which the applicant has applied;
 - 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, handicap, 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.

2.2 APPOINTMENT

The City Council will appoint the City Administrator and the Police Chief. 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 An offer of employment may be contingent upon an applicant's successful completion of a medical examination, including physical, psychological, 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 expense.

2.3.2 In order to ensure continued qualification for employment, the City periodically may request its employees to submit to a medical examination at the City's expense.

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.

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 will 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

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 (20+ hours per week): The City will provide the following benefits to regular part-time employees who are regularly scheduled to work twenty (20) or more hours per week:
- a. Social Security
 - b. Workers' Compensation Insurance
 - c. Sick Leave
 - d. Vacation Leave

- e. Health, vision, and dental insurance if the employee meets eligibility requirements of the Plan.

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., 20 hrs/wk = 1/2 time x 8 hrs sick leave = 4 hours sick leave per month).

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 20 hours per week, the City will pay 50 percent; 30 hours = 75 percent; 35 hours = 87.5 percent).

No other benefits will be provided to regular part-time employees who are regularly scheduled to work twenty (20) or more hours per week.

2.7.2b Benefits for regular part-time employees (one to nineteen hours per week):

the City will provide the following benefits to regular part-time employees who are regularly scheduled to work less than twenty (20) hours per week:

- a. Social Security
- b. Workers' Compensation Insurance

No other benefits will be provided to regular part-time employees who are regularly scheduled to work less than twenty (20) 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 not covered by these personnel policies and are ineligible for employer-paid benefits.

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.

2.7.5 Volunteers: Volunteers are not 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 for thirty (30) days or more. Inactive employees are covered by these personnel policies, but are ineligible for employer-paid benefits.

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

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

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; 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 workforce.
- 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

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

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, birthdate, 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, dismissal, 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.
- 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 Officer will be notified.

SECTION 3.
EMPLOYEE TRAVEL AUTHORIZATION AND REIMBURSEMENT

3.1 GENERAL EXPECTATIONS

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

The procedures for documenting the expenses involved with employee travel on City related business activities are designed to provide accountability in two areas:

3.2.1 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.

3.2.2 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 paid at the rate of 25 cents per mile.

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 following limits:

MEALS: Breakfast \$ 6.00
Lunch \$ 9.00
Dinner \$15.00

The City will not reimburse an employee for the cost of any alcoholic beverage.

LODGING: \$75 per night, single occupancy.

3.3.5 When the employee knows that expenses for an upcoming trip will exceed the listed limits, the employee will request and the department head may approve the additional expenses.

3.3.6 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 plan listing all job positions in the City. Copies of this plan 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, and a description of the duties and responsibilities. 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 for review and approval by the City Council.
- 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.*

5.2 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 will then examine the salary range for each position to ascertain whether current minimum and maximum salaries should be maintained, increased, or decreased during the succeeding fiscal year, and upon the basis of this analysis, 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 to which the position is allocated.
- 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:
 - a. Across the board reduction in wages for all City employees or a group of City employees due to a lack of funds in the City; or
 - b. As part of a disciplinary action, in accordance with sections 12.1 to 12.4; or
 - c. 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:

- a. For successful completion of the employee's trial service period; or
- b. For satisfactory, above average, or outstanding job performance; or
- c. For successful completion of job related training or education.

All salary increases are discretionary and may occur if funds are available in the City budget.

All salary increases must be recommended by the employee's 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.

5.4.3a **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.

5.4.3b **Satisfactory Performance:** The City Administrator may grant an employee an annual one-step merit salary increase for satisfactory job performance when the employee receives two or more consecutive performance evaluations with a "satisfactory" or better performance rating. It is possible for an employee to receive a "satisfactory" evaluation and not receive a merit salary increase.

5.4.3c **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.

5.4.3d 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. During the employee's term of employment with the City, the maximum amount of incentive pay which may be added to an employee's base salary is \$100.00. Each department will prepare an incentive program which outlines the education or training required to obtain an incentive pay increase to be approved by the City Council.

5.4.2 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 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

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. The City Council will be informed of bonuses awarded in a timely manner.

5.7 PAY PERIOD

The pay period will begin on the 26th day of the month and end on the 25th day of the month.

5.8 PAY DAY

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 to 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 fifteenth or last day of the month falls on a Saturday, payday will be the preceding Friday. If the fifteenth or last day of the month falls on a Sunday or holiday, payday will be on the next regular work day.

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)
- 5.9.1d Workers' Compensation
- 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 Officer.

5.10 TIME RECORDS

Timecards 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 timecard will be submitted to the employee's supervisor for approval at the end of each pay period. The supervisor will submit all approved timecards to the Finance Officer. All timecards will be retained with payroll records.

5.11 SEPARATION PAY

A regular employee terminating employment with the City will be paid on the date of separation any earned and unpaid wages when due plus any accumulated and unused vacation pay and compensatory time. Work hours, vacation, and compensatory time will be paid at the employee's hourly rate at the date of separation. The hourly rate of pay will be determined by dividing the employee's monthly pay by 173.33 hours. If the employee fails to give at least forty-eight (48) hours' advance notice prior to resigning from City employment, separation pay will be paid within forty-eight (48) hours of the effective date of the resignation, 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 Police Sergeant
 - 5.12.2e Public Works Director
 - 5.12.2f Public Works Superintendent
 - 5.12.2g Finance Officer
 - 5.12.2h Library Director
 - 5.12.2i 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.
 - 5.12.3a(i) Eight (8) hours in one day; or
 - 5.12.3a(ii) Ten (10) hours in one day if the employee is working on a regularly scheduled ten-hour shift; or
 - 5.12.3a(iii) Forty (40) hours in one week; or

- 5.12.3a(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. The supervisor may grant the request or may direct that the compensatory time off be taken at an agreed upon time.
- 5.12.3g At any time, the City may elect to provide an employee with a cash payment for any or all accumulated compensatory time off.
- 5.12.3h At the time of an employee's resignation or dismissal, the City will pay the employee for all accumulated overtime and compensatory time off.

Notwithstanding prohibitions in sections 5.12.3a through 5.12.3h, 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

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

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. The rate of pay for weekend call-out duty will be set by the City Council as part of the pay plan.

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 President's Day
- 6.1.1c Memorial Day
- 6.1.1d Independence Day
- 6.1.1e Labor Day
- 6.1.1f Veterans Day
- 6.1.1g Thanksgiving Day
- 6.1.1h 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:

0 through completion of 5 years: Eighty (80) hours annually

6 through completion of 10 years: One-hundred twenty (120) hours annually

11 through completion of 15 years: One-hundred sixty (160) hours annually

15 or more years: Two-hundred (200) hours annually

6.2.3b Regular full-time 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:

0 through completion of 3 years: Eighty (80) hours annually

4 through completion of 7 years: One-hundred twenty (120) hours annually

8 through completion of 12 years: One-hundred sixty (160) hours annually

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:

Upon completion of 0 to 5 years of service: 120 hours

Upon completion of 6 to 10 years of service: 160 hours

Upon completion of 11 to 15 years of service: 200 hours

Upon completion of 16+ years of service: 240 hours

6.2.6c 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. 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 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 All full-time City employees will earn sick leave with full pay at the rate of eight (8) hours for each calendar month of service.

6.3.2 Part-time employees working twenty (20) 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. The City expects that other care arrangements will be made as soon as possible to minimize the time lost from work. An employee may take sick leave up to a maximum of fifteen (15) work days in a calendar year to care for members in his/her immediate family who are living in the employee's household. If additional time off is needed, a written request must be submitted to the department head, who will recommend approval or denial to the City Administrator. The city administrator's decision to approve/deny a request for additional time off will be based on:
- 6.3.4c.i The impact the absence will have on city work priorities.
 - 6.3.4c.ii The ability of the employee to secure outside care
 - 6.3.4c.iii The ability of the employee to be productive at work if he/she returns to work in lieu of caring for the dependent.
- 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 Misuse of the sick leave privilege will be cause for disciplinary action. An employee who is unable to report to work because of any of the reasons set forth in this section

will report the reason for his absence to his supervisor prior to the start of the work day or within the first two (2) hours of the work day. Sick leave with pay will not be allowed unless such report has been made. A physician's statement confirming illness may be requested of the employee by the department head.

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 Sick leave 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 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.

6.3.10 Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee.

6.4 WITNESS OR JURY DUTY

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 be granted a reasonable time-off duty to serve as a witness or juror without loss of pay, earned vacation, or sick leave. 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 VOTING

When an employee's work schedule is such that the employee would not be able to vote prior to or after his normally scheduled working hours, the employee will be granted a reasonable time off duty to vote. Time not worked because of such absences will not affect pay, vacation, or sick leave earned.

6.6 CONFERENCES AND CONVENTIONS

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 MATERNITY LEAVE

6.7.1 Disability or illness caused by pregnancy will be treated the same as any other temporary physical condition requiring time off from work.

6.7.2 An expectant mother may continue to work as long as she performs her job satisfactorily, attends work regularly, and is physically able to perform her job. She should leave work when her doctor advises her to do so. Her leave should be coordinated with her supervisor. The portion of her leave during which she is unable to work for physical reasons will be covered under the City's standard employee sick leave or disability pay programs.

6.7.3 Additional unpaid leave, up to three (3) months, may be arranged with the City Administrator's approval where work circumstances permit.

6.8 PARENTAL LEAVE

- 6.8.1 Employees who request parental leave will be granted unpaid time off for a period of up to twelve (12) weeks in accordance with the conditions of this policy.
- 6.8.2 An employee may take leave for up to twelve (12) weeks starting from the birth of the child, or the time the employee takes physical custody of a newly adopted child under six years of age. In cases of premature birth, parental leave will be granted until the infant has reached a developmental age equal to twelve (12) weeks as determined by the employee's physician.
- 6.8.3 If both parents are employed, the leave may not exceed a total of twelve (12) weeks between them. The City is not required to grant parental leave if an employee's spouse is taking leave during the same period of time.
- 6.8.4 Parental leave is available only to full-time regular employees. In order to be granted this leave, an employee must notify the department head in writing on a Parental Leave Request Form at least thirty (30) days before the leave begins. The request must identify both the beginning and the ending dates of the parental leave period. If both parents are employed and both intend to take parental leave, the request must indicate those dates when each parent will be taking parental leave. This information will be given to the spouse's employer and confirmed.
- 6.8.5 Failure by an employee to comply with these written notification rules may result in a delay to commence the leave of up to three (3) weeks and in a reduction of available parental leave time by a total of three (3) weeks.
- 6.8.6 Once the dates have been established the dates cannot be changed unless:
 - 6.8.6a The birth is premature
 - 6.8.6b The mother is incapacitated due to the birth and is unable to care for the child
 - 6.8.6c The employee takes physical custody of the newly adopted child at an unantic-

ipated time and is unable to give thirty (30) days' notice in advance

- 6.8.6d The City agrees with the employee's request to alter the dates originally requested.
- 6.8.7 In cases of premature birth, incapacity of the mother, or unanticipated custody, written notice by the employee to the department head giving notice of the revised dates is required within seven (7) days after birth or taking custody.
- 6.8.8 Parental leave will be granted without pay. However, an employee may use accumulated sick leave and/or vacation time during the parental leave, unless Oregon's Parental Leave Law is construed as not requiring application of sick leave.
- 6.8.9 The parental leave will be unpaid and there will be no accumulation of benefits for hours not worked. Any legal holidays which occur during the leave will not be paid.
- 6.8.10 Upon termination of the parental leave, the employee will be reemployed in his or her former job or an equivalent job without loss of benefits which had been earned at the time of the leave of absence. However, benefits will be reduced by any paid leave that the employee used during the parental leave of absence.

CITY OF STAYTON
PARENTAL LEAVE REQUEST

Check one: () Thirty (30) day Notice of Request for Parental Leave
 () Seven (7) day Alteration of Parental Leave

1. City Employee _____ SS# _____-_____-_____

2. Job Title _____

3. Department _____

4. Date Hired _____

5. Expected Date of Birth of Employee's Child _____

or

6. Expected Date of Physical Custody of Adopted Child under 6 years _____

7. Dates of Requested Leave by City Employee:

from _____ to _____ to work.
starting date date returning

("start" must be within 12 weeks after items 5 or 6)

("return" may not be later than 12 weeks after items 5 or 6)

(Dates may not include dates requested by other parent in item 8)

8. Spouse's Name _____ SS# _____-_____-_____

Job Title _____

9. Spouse's Employer _____

Address _____ Phone (____) _____

Street

City _____ State _____ Zip _____

10. Dates of Requested Leave by spouse:

from _____ to _____ to work.
starting date date returning

Signature of Parent #1: _____

Signature of Parent #2: _____

Date request presented to City by Parent #1 _____

Date request presented to employer of Parent #2 _____

6.9 MILITARY LEAVE

Upon application, the City will grant a leave of absence to members of the reserve components of the Armed Forces of the United States or the State of Oregon, or to an employee who leaves his/her employment with the City, whether voluntarily or involuntarily, to perform extended military duty. Such employees will be accorded all rights to which they are entitled under Oregon and federal law, as may be amended periodically. Military leave will be without loss of benefits or seniority for up to a total of fifteen (15) days per year, and the City will maintain insurance benefits ordinarily provided by the City to the employee during any military leave period which does not exceed fifteen (15) continuous days in a single calendar year. Employees electing to do so may take earned vacation while serving on annual training duty to make up the differential, if any, between military pay and the employee's regular salary. In no event will this differential be paid for more than fifteen (15) days of training duty.

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.

- 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 in writing of all 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

After six (6) months' employment, retirement benefits will be provided to all eligible employees under an approved retirement program at city expense. Coverage will become effective in accordance with the retirement program's eligibility and coverage.

7.1.1 The City encourages employees to plan their retirement and notify the City sixty (60) days before the effective date of retirement to enable the City to appoint a new person to the position in a timely manner.

7.2 SOCIAL SECURITY

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 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

The City provides medical, hospitalization, dental, and related insurance benefits for all full-time employees and their eligible dependents. Benefit plans and costs will be reviewed and approved annually by the City Council. 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.

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 officer 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 for up to thirty-six (36) months if group health insurance under the city's health plan is 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 23 years, no longer qualifies as a dependent for income tax purposes).
- 7.5.5 Under COBRA, the employee, as the employee or as the family member, has the responsibility to inform the finance officer of a divorce, a legal separation, or a child losing dependent status under the city's health coverage.
- 7.5.6 When the finance officer 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 officer 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 23, becomes independent, or is married.

7.6.4 The retiree will pay the total cost of health insurance premiums.

7.7 MODIFICATION OF BENEFITS

Benefits for employees may be provided, modified, or changed at the discretion of the City Council. Employees will be notified in writing of all benefit changes which occur.

SECTION 8.
SAFETY AND ACCIDENTS

8.1 SAFETY POLICY STATEMENT

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:

- 8.1.1 Use the safety equipment which has been provided for use.
- 8.1.2 Do not operate equipment while prescribed medication, drugs, or alcohol are present in the body without a doctor's written approval.
- 8.1.3 Operate only equipment for which training or orientation has been received.
- 8.1.4 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.
- 8.1.5 Report dangerous or unsafe conditions that you observe at work.
- 8.1.6 Refrain from horseplay at all times.

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. 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

Accidents involving the City must be reported in detail as soon after the occurrence as possible. All accident reports should be submitted to the finance officer.

8.3.1 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 Officer.

8.3.2 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 determine if the Police Department needs to conduct an investigation.

8.4 EMPLOYEE INJURY REPORT

In the case of an accident involving personal injury to an employee, regardless of the seriousness, a supervisor and the Finance Officer 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 Report form and submit it within forty-eight (48) hours or as soon as possible to the Finance Officer. In case of serious injury to an employee, the supervisor and the Finance Officer 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 officer will provide advice and assistance to any person filling out a Workers' Compensation Report.

8.5 WORKERS' COMPENSATION INSURANCE

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.

SECTION 9.
WHAT THE CITY EXPECTS OF YOU

9.1 PUBLIC SERVICE, TEAMWORK, AND EXCELLENCE

This section has been arranged to present a general overview of some of the City's expectations of its employees.

9.1.1 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."

9.1.2 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.

9.3 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. The City Administrator may authorize city payment of membership dues for no more than one (1) city employee per organization.
- 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 to the City Administrator 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 dismissal.

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

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

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 SMOKING

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 the following city buildings:

- 9.12.1 Stayton City Hall
- 9.12.2 Stayton Public Library
- 9.12.3 Stayton Community Center
- 9.12.4 Stayton Police Department (excluding interview rooms)

Departments may adopt additional rules which identify non-smoking and designated smoking areas in other city buildings and city vehicles.

9.13 OUTSIDE EMPLOYMENT

- 9.13.1 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.
- 9.13.2 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.
- 9.13.3 Notification. Employees will notify the department head, in writing, in advance of all employment outside the scope of their employment with the City.
- 9.13.4 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.

9.14 SELLING AND PEDDLING AMONG EMPLOYEES

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.

9.15 SUBSTANCE ABUSE

9.15.1 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.

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.

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.

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.

9.15.2 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.

9.15.3 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.

9.15.4 Employee Education. The City will afford employees an opportunity to deal with drug and alcohol related problems. The Finance Officer 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.

9.15.5 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 Officer (who will consult with health care providers as appropriate) will assist employees who wish to identify and select an appropriate treatment program.

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 may be an essential requisite for employment and is consistent with the City's policy of maintaining a drug free work place.

9.15.6 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.

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.

An employee may be required to authorize the Finance Officer 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 Officer or directly with a health care provider.

9.15.7 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.

9.15.8 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 dismissal.

9.15.9 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.

- 9.15.10 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.

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:

- 9.15.10a Employee consent to release test results to the City
- 9.15.10b The procedure for confirming an initial positive test result for a controlled substance, including marijuana
- 9.15.10c The consequences of a confirmed positive test result for a controlled substance, including marijuana
- 9.15.10d The consequences of a positive test for alcohol, under the circumstances
- 9.15.10e A listing provided by the employee of legally prescribed and over-the-counter medications which may be in the employee's body
- 9.15.10f The right to explain a confirmed positive test result for a controlled substance, including marijuana, or a positive test for alcohol
- 9.15.10g The consequences of refusing to consent to the blood, urine or breathalyzer test.

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.

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.

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.

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

9.15.11a 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.

9.15.11b 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.

9.15.11c 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.

- 9.15.11d 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.
- 9.15.11e 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.
- 9.15.11f Prescription drugs is 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.
- 9.15.11g 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 of Stayton that all persons are entitled to equal employment opportunities and benefits regardless of age, race, religion, color, sex, marital status, political affiliation, or national origin. Discrimination on the basis of mental or physical disability is also prohibited except where a particular provision requires a bona fide occupational qualification. The City will take affirmative action to ensure that the City work force is representative of the work force in our area.

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

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 HARASSMENT

10.3.1 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.

- 10.3.2 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.

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.

- 10.3.3 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.

- 10.3.4 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.

- 10.3.5 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.

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.

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.

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.

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.

- 10.3.6 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.

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:

10.3.6a 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;

10.3.6b 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.

10.4 COMMUNICABLE DISEASES AND RELATED SAFETY PROTOCOL FOR EMPLOYEES AND CLIENTS

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.

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.

10.4.1 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:

- 10.4.1a Prevent unlawful discrimination in hiring;
 - 10.4.1b Educate employees about the ways communicable disease is and is not transmitted;
 - 10.4.1c Designate a contact person to whom concerned employees can go for information;
 - 10.4.1d Ensure the confidentiality of information about any employee who contracts a communicable disease;
 - 10.4.1e Address employment concerns of infected employees;
 - 10.4.1f Require medical assessment of employees with potentially dangerous diseases;
 - 10.4.1g Assure that the public is accommodated and that risks to health are minimized;
 - 10.4.1h Provide for technical assistance on infection control issues;
 - 10.4.1i Protect the health of employees through a program of universal precautions for blood-borne diseases;
 - 10.4.1j Avoid disruption or interference with the City's business that could result from unfounded health concerns; and
 - 10.4.1k Specify the oversight of communicable disease issues regarding employees.
- 10.4.2 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:
- 10.4.2a Job applicants are not to be asked whether they have any disease or are infected with a disease agent. They are to be asked if they have any physical or mental

impairments (including communicable diseases) which would prevent them from doing the job for which they are applying. If they are impaired, they may be asked what sort of accommodation would enable them to perform the job. If accommodation is required, its reasonableness will be assessed by management under Section 10.4.6, Employment of Infected Employees.

10.4.2b Job applicants who disclose that they have a disease or are infected will be asked if they can do the job applied for and whether any sort of accommodation is required. The reasonableness of any requested accommodation will be determined by management under Section 10.4.6, employment of infected employees.

10.4.2c Any applicant known by the City to be handicapped but capable of performing the duties of the job sought, with or without reasonable accommodation, will be given the same consideration as other equally qualified applicants.

10.4.3 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:

10.4.3a Informational materials designed to answer specific questions;

10.4.3b Videotaped and/or live presentations;

10.4.3c Confidential access to a designated contact person trained to answer questions or obtain additional information;

10.4.3d Training which will include personal preventive techniques such as immunization and good hygiene;

10.4.3e 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.

10.4.4 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.

10.4.5 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.

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 handicap.

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.

10.4.6 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.

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

10.4.6a Given reasonable accommodation within the work organization which does not pose a risk of disease transmission, or

10.4.6b 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.

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.

10.4.7 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.

10.4.8 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.

- 10.4.9 Infected Citizens. As a public service organization, the City cannot discriminate against citizens on the basis of handicap. 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.
- 10.4.10 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.
- 10.4.11 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:
- 10.4.11a 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);
 - 10.4.11b 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;
 - 10.4.11c 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;

10.4.11d Protective equipment for medical emergencies will be provided by the City and will be located in or near all first aid kits.

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.

10.4.12 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.

10.4.13 Oversight. It will be the responsibility of the department head to:

10.4.13a 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;

10.4.13b Ensure that safety procedures are in compliance with guidelines issued by the Centers for Disease Control (CDC) or the Oregon Health Division;

10.4.13c Arrange for any specialized training that may be necessary in operational areas in which special risks may exist;

10.4.13d Ensure that such equipment and materials are available to employees as are necessary to adhere to required procedures;

10.4.13e Ensure that the policy in this section is adhered to.

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 10.3, 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

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.

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

11.2.2 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.

11.2.3 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.

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

11.2.5 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.

11.2.6 Rating Scale: An employee's job performance will be rated on a five-point rating scale:

11.2.6a Outstanding: 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.

11.2.6b Above 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.

11.2.6c Satisfactory. Employee performance is satisfactory to good in most areas. No major deficiencies noted, but improvements can be made as noted by supervisor. Employee has accomplished 80 percent or more of the job objectives for the previous year at an average to good skill level.

11.2.6d 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.

11.2.6e Unsatisfactory: Overall performance is unsatisfactory and work does not meet acceptable standards. Deficiencies are noted in one or more areas and improvements are necessary to achieve satisfactory performance, and/or the employee has accomplished less than 50 percent of job objectives for the previous year; those completed meet basic standards or need improvement.

11.2.7 Merit Salary Adjustment

11.2.7a 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.

11.2.7b The City Administrator may approve a reduction in salary if employee performance needs improvement or is unsatisfactory.

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

- 11.2.8a Where the employee's work is unsatisfactory or 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.
- 11.2.8b A supervisor will re-evaluate an employee three (3) months after the employee receives an "unsatisfactory" or "needs improvement" performance rating to determine if the employee has met the agreed upon requirements of the employee improvement program.
- 11.2.8c 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 dismissal.

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 she/he 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 the his/her supervisor a written statement describing the complaint or appeal within seven (7) working days of the events 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 the 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 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

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.

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 dismissal. 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.

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.

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.

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:

- 11.4.1 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.
- 11.4.2 Violation of lawful duty;
- 11.4.3 Insubordination;
- 11.4.4 Breach of discipline;
- 11.4.5 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;
- 11.4.6 Unwarranted absenteeism or tardiness;
- 11.4.7 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.
- 11.4.8 Conviction of a felony or of a misdemeanor involving moral turpitude;
- 11.4.9 Accepting fees, gifts, or other valuables in the performance of official duties for the City beyond the limits established in these personnel policies;
- 11.4.10 Misuse and/or being wasteful of material, property, or working time;
- 11.4.11 Inability or unwillingness to perform his or her assigned duties or to assist others;
- 11.4.12 Violation of the provisions of any rules or regulations prescribed by the City Council, City Administrator, department head or supervisor;

- 11.4.13 Falsification of records;
- 11.4.14 Theft, destruction, or abuse of city property;
- 11.4.15 Dishonesty;
- 11.4.16 Unauthorized possession of firearms or explosives on city property and/or during working hours;
- 11.4.17 Deliberately restricting work output;
- 11.4.18 Unauthorized use of city tools, equipment, or materials;
- 11.4.19 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;
- 11.4.20 Outside employment which affects the employee's efficiency or which results in a conflict of interest;
- 11.4.21 Verbal abuse, physical abuse, physical intimidation, fighting, provoking or instigating a fight during working hours;
- 11.4.22 Misuse of sick leave or other benefits.
- 11.4.23 Working unauthorized overtime or failing to report hours worked on the employee's timecard.
- 11.4.24 Repeated violations of safety rules or the conduct of unsafe activities while on the job or in the workplace;
- 11.4.25 Multiple uncorrected violations of one or more work rules, personnel policies, departmental rules, or standard operating procedures of the City;

- 11.4.26 Inability or unwillingness to work cooperatively and courteously with other employees, city officials, or the public;
- 11.4.27 Conduct which deviates from generally acceptable standards of personal behavior, public relations, and public service;
- 11.4.28 Conduct which is inconsistent with performance expectations and the legitimate interests of the City in delivering public services.

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.

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 Dismissal 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 dismissal 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 dismissal 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 an 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 dismissal 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 dismissal, 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;
- iv. 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;
- v. 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 predisciplinary 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

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 dismissal, 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

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

13.2 RECOGNITION

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 State College, 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 six (6) 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. The City Council must approve all educational agreements

or professional growth plans.

- 13.4.1i The City Council 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 \$500.00.

- 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.

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