

# **CITY OF BOARDMAN**

## **PERSONNEL POLICY**



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## **CHAPTER 1 – GENERAL**

### **1.1 SCOPE**

- A. The City of Boardman Personnel Policy Manual (the “Manual”) is a general informational guide to the City’s current employment policies and shall not be construed as a contract. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as the City deems necessary and appropriate. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, or to achieve its primary mission of providing orderly and cost-efficient services to its citizens.
- B. These personnel policies shall apply to all City employees. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining agreement (CBA), the CBA shall govern. In all other cases, these policies shall govern.
- C. Unless specific rights are granted to them in employment contracts, or elsewhere, all employees of the City are subject to termination from City employment at any time, for any lawful reason, including those reasons set forth in this Manual. Employees at the City of Boardman are employed “at will,” unless they are employed subject to a collective bargaining agreement or an express employment contract with the City that provides otherwise.
- D. These policies are the basic personnel policies of the City. Individual departments may request Manager/Council approval of additional departmental policies and/or operating procedures. Individual department policies and operating procedures must be consistent with the policies in this Manual and may be subject to budgeting and fiscal limitations of the City.

### **1.2 EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

- A. The following EEO Policies (See Section 1.3) apply to all employees. Members of management and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee’s failure to do so may result in discipline, up to and including termination.
- B. All employees are encouraged to discuss these EEO Policies with the City Manager at any time if they have questions relating to the issues of discrimination, harassment, or bullying.
- C. This EEO policy applies to all aspects of the employment relationship, including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

D. Statement Regarding Pay Equity

The City supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees, on the basis of a protected class (as defined by Oregon or federal law), in the payment of wages, or other compensation for work of comparable character. Employees who believe they are receiving wages, or other compensation, at a rate less than that at which the City pays wages or other compensation to other employees, for work of comparable character, are encouraged to discuss the issue with Human Resources.

See also Section 4.7 - Statement Regarding Pay Practices.

**1.3 NON-DISCRIMINATION, NO-RETALIATION POLICY**

The City provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under federal, Oregon, or local law. The City also recognizes an employee's right to engage in protected activity under federal and Oregon law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

For purposes of this and all other City policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyles. Further, "protective hairstyles" is defined as a hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs, and twists).

**1.4 NO-HARASSMENT POLICY**

The City prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, the City prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and are to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with Human Resources, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits, sexual or other forms of harassment, that occur during working hours, during City-related or -sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of the City's employees.

A. Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment or unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

B. Other Forms of Prohibited Harassment

City policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

City policy also prohibits harassment such as verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs; or
- Negative stereotyping; or
- Displaying racist symbols anywhere on City property; or
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability; or
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them; or
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status; or
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style. Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of unprofessional conduct.

C. Complaint-Reporting Procedure

Employees, volunteers or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of Human Resources, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop.

D. Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the City cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City, the employee must provide a written notice of the claim within 180 days of the act or omission the employee claims have caused him/her harm. When an employee can prove harm, as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

E. Protection Against Retaliation

The City prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to Human Resources or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy, will be subject to disciplinary action up to and including termination of employment.

See also the Non-Discrimination, No-Retaliation Policy, above, and the Reporting Improper or Unlawful Conduct Policy.



F. Other Resources Available to Employees

The City provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in the City's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [canopywell.com](http://canopywell.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information:  
<https://www.osbar.org/public/>.

G. Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing their/their experience.

The City is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City regarding their experience and/or employment status, the employee should contact the City Manager. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City and employee do reach an agreement, the City will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City or making comments that would lower the City in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

H. No Bullying

The City strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" includes repeated verbal and/or non-verbal conduct that is malicious, vindictive, cruel, or deliberately hurtful, etc. It also has the effect or purpose of threatening, embarrassing, humiliating, intimidating, insulting, offending or sabotaging/undermining another employee; and/or interfering with an employee's performance. Bullying does not include legitimate workplace discipline or other corrective action by your supervisor or management. Examples of bullying include:

- Verbal Bullying: slandering, ridiculing or maligning a person or their family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.

- Physical Bullying: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
- Gesture Bullying: non-verbal threatening gestures, glances that can convey threatening messages.
- Exclusion Bullying: socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
- Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyber-bullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on web sites for co-workers, managers or supervisors or elected officials.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

## **1.5 DISABILITY ACCOMMODATION POLICY**

The City is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

### **A. Accommodations**

The City will make reasonable efforts to accommodate a qualified applicant, or employee with a known disability, unless such accommodation creates an undue hardship on the City's operations.

### **B. Requesting an Accommodation**

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, the City) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities.

Employees should request accommodation as soon as it becomes apparent that reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position or participate in the employment process. All requests for accommodation should

be made to the City Manager and should specify which essential functions of the employee's job cannot be performed without reasonable accommodation. In most cases, an employee will need to secure medical verification of their need for reasonable accommodation. If the employee feels that the accommodation made is not effective, they should notify their supervisor/manager promptly. It may be concluded that no reasonable accommodation is available that will enable the employee to perform their current job in a safe and satisfactory manner. In that case, the City will explore other options consistent with applicable law.

## **1.6 PREGNANCY ACCOMMODATION POLICY**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact Human Resources to discuss their options for continuing to work and, if necessary, leave of absence options. The City will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City's operations.

Although this policy refers to "employees," the City will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth or a related medical condition.

### **A. Requesting Pregnancy-Related Accommodation**

Employees who are concerned that their pregnancy, childbirth, or related medical condition will limit their ability to perform their duties should request accommodation as soon as it becomes apparent that reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made to Human Resources and should specify which essential functions of the employee's job cannot be performed without reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City and the employee to find effective accommodation, or to verify the employee's need for accommodation. Both the City and the employee must monitor the employee's accommodation situation and make adjustments as needed.

### **B. No Discrimination, No Retaliation**

The City prohibits retaliation or discrimination against any employee who, under this policy: (a) asked for information about or requested accommodation; (b) used accommodation provided by the City; or (c) needed accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave, or OFLA leave if reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City. Also, no employee will be denied employment opportunities if the denial is based on the need of the City to make reasonable accommodations under this policy.

C. Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, Paid Leave Oregon, the Oregon Family Leave Act and the Family Medical Leave Act. Please speak with Human Resources for more information.

**1.7 REPORTING IMPROPER OR UNLAWFUL CONDUCT — NO RETALIATION**

Employees may report concerns about the City's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City; or
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment; or
- Mismanagement, gross waste of funds, abuse of authority; or
- A substantial and specific danger to public health and safety resulting from actions of the City or one of its employees; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City will not prohibit an employee from discussing the activities of a public body, or a person authorized to act on behalf of a public body, with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county, or metropolitan service district.

A. Employee Reporting Options

In addition to the City's Complaint Reporting Procedures (see section 8.13) employees who wish to report improper or unlawful conduct should first talk to their supervisor. If employees are not comfortable speaking with their supervisor, or are not satisfied with supervisor's response, they are encouraged to speak with Human Resources. Supervisors and managers are required to inform Human Resources about reports of improper or unlawful conduct they receive from employees. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

B. Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to:

(1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

C. Policy Against Retaliation

The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City policy).

In addition, the City prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of federal, Oregon, local, or other applicable law, or regulations. The City may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of their misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

## **1.8 AUTHORITY/CHAIN OF COMMAND AND THE ROLE OF MANAGER AND COUNCIL**

The City Manager is the Chief Executive of the City and as such is responsible for the overall administration of the City. The City Council is a policy-making body only. Council members may not direct the actions of City personnel. The City Manager is responsible to the mayor and council for the proper administration of all city business. All other employees report through the Chain-of-Command to the City Manager as indicated in the City's organizational chart and job descriptions.

## **1.9 DEFINITIONS**

- A. DEPARTMENT HEAD: An employee who has responsibility for directing one or more departments.
- B. REGULAR FULL-TIME EMPLOYEE: An employee who has completed their probationary period and who regularly works a minimum of forty (40) hours per week on a continuing basis.
- C. REGULAR PART-TIME EMPLOYEE: An employee who regularly works less than thirty (30) hours but at least twenty (20) hours per week on a continuing basis is not eligible for pro-rated City benefits unless otherwise required by law.

- D. TEMPORARY EMPLOYEE: An employee who holds jobs of limited duration arising out of special projects, abnormal workloads, or emergencies. Temporary employees are not eligible for City benefits unless otherwise required by law.
- E. VOLUNTEER: Non-paid staff recruited to assist with specific City programs/services.

### **1.10 EMPLOYEE PERSONNEL RECORDS**

- A. A personnel file for each employee is kept in the Human Resources office and access is limited. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee (including discipline), and other information the City is required by law to maintain.
- B. An employee has the right to review and or request a copy of their file with proper administration staff. The employee may not remove anything from their respective personnel files, but they may file a written rebuttal statement regarding anything in the personnel file, and the written rebuttal will be placed in their file.

### **1.11 REFERENCES**

- A. The City does not give references, other than to confirm the dates of employment, title and/or position(s) held, and the last salary without the express written consent of the employee.
- B. Only the City Manager or Human Resources will provide employment references on current or former regular City employees or volunteers. The Chief of Police will provide employment references on current or former police department employees or volunteers. No manager, supervisor, or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination.

## **CHAPTER 2 - HOURS AND ATTENDANCE**

### **2.1 WORKING HOURS**

- A. The City's standard work week is Monday through Friday from 8:00 a.m. – 5:00 p.m. with a one-hour unpaid meal period. The law requires an uninterrupted meal period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform their supervisor before the end of the shift so that the City may pay the employee for that work. See also "Breaks and meal periods" below.
- B. Different work schedules, such as in the case of Police employees, may be established by the City to meet job assignments and provide necessary City services. Each employee's department head will advise the employee regarding their specific working hours.
- C. A normal working schedule for regular, full-time employees consists of forty (40) hours each work week.
- D. Part-time and temporary employees will work hours as specified by their department heads.

### **2.2 HOURS OF WORK AND OVERTIME**

- A. All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations.
- B. For City employees, the established work period is forty (40) hours within a seven (7) day work week, which shall be considered Sunday (12:00 am) through Saturday (11:59 pm). Shift employees' work week shall be assigned by their Supervisor.
- C. Non-represented non-exempt employees are entitled to overtime wages when they work more than 40 hours in a work week, or as offered in writing to the employee. There is no pyramiding of overtime.
- D. All overtime is subject to authorization in advance by the employee's department head. Employees who work unauthorized overtime may be subject to discipline up to and including termination.
- E. Overtime pay is calculated at one and one-half times the employee's regular rate of pay.
- F. When computing overtime, holidays, sick leave, and vacation time are not counted as hours worked.
- G. Exempt employees do not receive neither overtime pay nor compensatory time regardless of the number of hours worked.
- H. Employees may be required to work overtime hours and on holidays.

### **2.3 COMPENSATORY TIME**

- A. At the election of the City, a non-represented non-exempt employee may be entitled to receive compensatory time off instead of additional overtime wages. This is approved on a case-by-case basis by the employee's department head. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. The annual maximum accrual of compensatory time shall be limited to forty (40) hours or as offered in writing to the employee. Any compensatory time not used by the end of the calendar year will be paid out to the employee, in the pay period following year-end. Compensatory time shall not be carried over from one calendar year to the next.
- B. Employees may use compensatory time with approval of the department head unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work, during times mutually agreed to by the employee and their department head. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.
- C. If an employee is unable to use accrued compensatory time within a reasonable timeframe, usually ninety (90) days, the employee will be paid the original overtime wage.

### **2.4 ATTENDANCE**

- A. Punctual and consistent attendance is a condition of employment. Department heads are responsible for maintaining an accurate attendance record of their employees.
- B. Employees unable to work, or unable to report to work on time, should notify their supervisor as soon as possible, ordinarily before the workday begins or within thirty minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting each day. If the supervisor is unavailable, the employee may leave a message with the manager or their designated representative, stating the reason for being late or unable to report to work. A doctor's certificate may be required when an employee is absent in excess of three (3) workdays, due to illness, or if the City believes sick leave abuse is occurring.
- C. Employees are expected to be at work even during inclement weather. Department heads may allow employees to be absent, late or leave early during severe weather conditions. However, non-attendance may be counted as absence from work and may be charged to accrued vacation time.
- D. An employee who is absent without authorization or timely notification is subject to disciplinary action, up to and including termination.

### **2.5 OCCASIONAL REMOTE WORK (NON-REPRESENTED EMPLOYEES ONLY)**

Occasional remote work arrangements for short periods (i.e., partial days or 1 – 2 days) allow non--represented employees to work at home or at some other off-site location for all or some of their regularly scheduled work hours. Determination of eligibility will be made by the City Manager.

- A. Employees may be allowed occasional remote work, only if their job duties permit it (i.e. specific project or time sensitive task).



- B. Employees must be able to carry out the same duties, assignments, and other work obligations at their off-site location (i.e. home office) as they do when working on the City's premises.
- C. Employees are expected to be available to their supervisors, managers, and co-workers during agreed upon work hours.
- D. Employees will need to ensure that they can be reached through telephone (office, home, mobile) instant messaging, or other communication tools (i.e. e-mail, etc.)
- E. Employees are expected to maintain all city devices, documents, and pertinent information with highest regard to confidentiality and security.

## **2.6 BREAKS AND MEAL PERIODS**

- A. Nonexempt employees must take one (1), fifteen-minute (15) rest break, for every four (4) hours worked. All rest breaks shall be arranged so they do not interfere with City business or service to the public. Meal periods shall be scheduled by the employee's supervisor. The scheduling of meal periods may vary depending on the department's workload. Meal periods are unpaid and usually one hour in length.
- B. Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped," in order to come in late or leave early. An employee who fails to abide by this policy and applicable laws may be subject to discipline, up to and including termination. For non-exempt employees required to work during a meal period due to an unforeseen or unanticipated circumstance requiring an employee's attendance, the employee will either be provided with a delayed lunch period, paid for the meal period, or relieved of duty early.
- C. Rest breaks for expression of breast milk
  - 1. The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.
  - 2. The City will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.
  - 3. If an employee takes unpaid rest breaks, the City may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

4. The City will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.
5. If a private location is not within close proximity to the employee's work area, the City will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.
6. Notice: An employee who intends to express milk during work hours must give their supervisor or Human Resources reasonable oral or written notice of her intention to do so, in order to allow the City time to make any preparations necessary for compliance with this rule.
7. Storage: Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work, to store the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

## **2.7 CALLBACKS**

All employees are subject to callbacks, in emergencies or as needed by the City, to provide necessary services to the public. A refusal to respond to a callback, without acceptable reasoning, as determined by the City Manager, is grounds for disciplinary action. Non-exempt employees who are called back to duty will be paid their appropriate rate of pay for hours worked.

## **2.8 PAYROLL RECORDS**

- A. The Payroll Office keeps the official payroll records.
- B. All non-exempt employees must accurately record time worked on an electronic timesheet for payroll purposes (as directed by their Department Head).
- C. Each department head shall review their employees' electronic timesheets noting hours worked, leave taken, and overtime worked. At the end of each pay period, and after having been reviewed, the timesheets shall be approved electronically by the department head.
- D. The Payroll Office will review the electronic timesheets for accuracy and submit them to the City Manager, or their designee, for final review and approval. The Payroll Office will then process payroll.
- E. Filling out another employee's timesheet, allowing another employee to fill out your timesheet, or altering any timesheet will be grounds for discipline up to and including termination. An employee who fails to record their own time may be subjected to discipline as well.

## **CHAPTER 3 – EMPLOYEES**

### **3.1 TEMPORARY EMPLOYEES**

- A. With approval of the City Manager, temporary employees may be used for special projects, during emergencies, peak workload periods, or to temporarily replace regular employees absent due to disability, illness, vacation, or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- B. Temporary employees may be hired without competitive recruitment or examination.
- C. Temporary employees may not work more than the equivalency of “full-time” for twelve weeks, in a twelve (12) month period.
- D. Temporary employees are eligible for overtime pay as required by law.
- E. Temporary employees accrue sick leave at the rate of one hour per every twenty-five hours worked.
- F. Temporary employees are not eligible and do not receive retirement, vacation, health insurance, holiday, or any other benefits during their employment unless otherwise required by law.
- G. An employee promoted or hired to fill a vacancy, created by a person on military or other leave, is appointed to the position subject to the return of the absent employee. A replacement/temporary employee is subject to layoff.

### **3.2 PROBATIONARY PERIOD**

- A. All newly hired employees, or former employees who have been rehired, or employees promoted to a new classification, enter a probationary period which is considered an integral part of the selection and evaluation process. During the probationary period, an employee is required to demonstrate suitability for the position through actual work performance.
- B. The normal probationary period is six months from the employee’s date of hire, re-hire, or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual, or unique skills or qualifications.
- C. An employee’s probationary period may be extended, for up to an additional six months, when needed, due to circumstances such as extended illness or a need to properly evaluate the employee’s performance. The probationary period will not be shortened for any reason.
- D. During, or at the end of the probationary period, the employee may be terminated at any time without recourse. Employees are not guaranteed any length of employment upon hire, transfer, or promotion.

- E. When a department head determines an employee has successfully completed the probationary period, the department head shall prepare a written performance evaluation, that will be reviewed by the City Manager.
- F. If the probationary period is satisfactorily completed, the employee may be certified to regular employment status. Completion of the probationary period or continuation of employment after the probationary period does not entitle you to remain employed by the City of Boardman for any definite period of time. Both you and the City are free to terminate the employment relationship at any time, with or without notice, and for any reason not prohibited by law or applicable collective bargaining agreement.

### **3.3 EMPLOYMENT OF RELATIVES (NEPOTISM)**

An employee's relatives will not be employed by the City under any of the following circumstances:

1. Where one of the parties would have authority or practical power to supervise, appoint, remove, or discipline the other; or
2. Where one party would be responsible for auditing the work of the other; or
3. Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
4. Where one of the parties is a policy level official of the City. These are the City Manager and Chief of Police.

"Relatives" include an employee's parent, child, spouse, domestic partner (regardless of registration status), brother, sister, in-laws, and step relatives.

If two employees marry, become related, or begin sharing living quarters with one another, and in the City's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City unless an adjustment, as determined by the City Manager or the designee, can be made to eliminate the potential conflict. The decision as to which relative will remain with the City must be made by the two employees within thirty calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time the City reserves the right to terminate either employee.

### **3.4 PROMOTIONS AND TRANSFERS**

- A. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the department head's recommendation, workforce requirements, performance evaluations, job descriptions, and related City requirements.
- B. Regular employees are eligible for promotion, transfer, or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed their probationary period and possessed the qualifications for the vacant position, unless such requirements are waived by the City Manager in the best interests of the City.

## **CHAPTER 4 – COMPENSATION**

### **4.1 SALARY CLASSIFICATION AND GRADES**

Each job title within the City is classified into one of the City's classifications for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision given and received for the specific job title. Each classification is designated a particular salary or salary range shown on the City salary and wage schedule.

### **4.2 EMPLOYEE PAY RATES**

- A. Employees shall be paid within the limits of the wage range to which their positions are assigned. Law, council policy, and collective bargaining agreements shall establish the type and amount of benefits paid for each position.
- B. Usually, new employees will start their employment at the entry level wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum, when the employee's relevant experience, education, training, or proven capability warrant a starting rate greater than the entry level. This determination is made by the City Manager and in compliance with Oregon's Pay Equity Law.
- C. Pay increases are contingent on satisfactory performance. If an employee's performance is unsatisfactory, the City Manager may defer a scheduled pay increase, for a stipulated period of time, or until the employee's job performance is satisfactory.
- D. The City provides additional compensation to employees who attain certain city and department pertinent certifications. Employees who attain these certifications must submit a copy of their certification to Human Resources. The additional compensation will be effective the pay period after submission of the certificate.
- E. The City Manager may propose, and the City Council may grant an across-the-board pay adjustment or cost-of-living increase from time to time, raising the salaries of all positions by a specified amount within a defined group of classifications. Such adjustments, if any, will not change an employee's employment anniversary date. (Represented employees should consult their collective bargaining agreement.)
- F. Employees temporarily assigned to positions, with a higher pay range, for a period of five (5) consecutive work days or more, and who perform all the job duties of such a position, shall be paid at the first step of the higher pay range or may receive a one-step increase, whichever is higher, for the full period worked in the temporary assignment.
- G. Employees are not paid for absences during their workweek, when they perform no work. The City offers paid leave banks for a determined amount of time off work, as a benefit to the employees, up to their regular rate weekly wage. An employee must charge their paid leave banks (i.e. Sick Leave for an illness, Vacation Leave for personal time, etc.) up to their 40-hour wage equivalent, in thirty (30) minute increments.

### **4.3 PAYDAY**

- A. City employees are paid monthly, through pay period ending December 21, 2024, on the last business day of each month. If a regularly scheduled payday falls on Saturday or Sunday or on a Holiday, payroll vouchers and checks will be distributed on the previous scheduled working day.
- B. As of December 22, 2024, the City will pay employees bi-weekly, on the Friday following the end of the first bi-weekly period, and every other Friday, from then on. If a regularly scheduled payday falls on a federal holiday, payroll vouchers and checks will be distributed on the previously scheduled working day.
- C. The City does not provide advance payments of salary or loans from salary to be earned.

### **4.4 TRAVEL AWAY FROM THE CITY**

Travel time will be considered hours worked for approved work-required travel (regardless of whether the employee is the driver or passenger). Work-required travel expenses should be considered the lowest reasonable travel expense and avoid impropriety or the appearance of impropriety. If available, employees will check out a credit card for these purposes.

### **4.5 TRAVEL EXPENSE REIMBURSEMENT**

- A. City employees will be reimbursed for meals (breakfast, lunch, dinner) expenses, including tips not to exceed 18%, if the trip includes an overnight stay. Alcoholic beverages do not qualify for reimbursement.
- B. Employees are reimbursed for actual expenses incurred for the meals deemed "business meals." Reimbursement requests need to specify the date, amount, and purpose of the meeting, accompanied by detailed receipts.
- C. Reasonable and customary travel expenses including lodging, taxis or ride-share services, baggage handling, and other travel expenses are reimbursable.
- D. Requests for reimbursement require detailed receipts and shall be submitted to the department head. Upon approval, they shall be submitted to accounts payable for processing.

### **4.6 COMPENSATION UPON TERMINATION**

- A. When an employee's employment with the City is terminated, whether voluntary or involuntary, the employee will receive the following compensation in their final paycheck:
  - 1. Regular and overtime wages for all hours worked up to the time of termination, which have not been previously paid; and
  - 2. Any compensation time or holiday pay due; and
  - 3. Any paid time off (PTO) due; and
  - 4. A lump sum payment of any accrued but unused vacation.

#### **4.7 STATEMENT REGARDING PAY PRACTICES**

The City makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event an employee believes that the City has made any improper deductions, has failed to pay them for all hours worked or for overtime, has failed to pay them in accordance with the law, or has failed to properly calculate their wages in any way, the employee must immediately report the error to the Payroll Specialist. The City will investigate all reports of improper pay practices and will remediate the employee, in their next paycheck, for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City's pay practices.

See also Section 1.2 (D) - Statement Regarding Pay Equity.

#### **4.8 DI MINIMUS BENEFITS**

As part of each employee's compensation, the City may, at its discretion, provide di minimis fringe food and beverages for work related functions and for work purposes. Such provisions are considered insubstantial. This provision will also include elected and appointed officials.

## **CHAPTER 5 - PERFORMANCE EVALUATIONS, TRAINING AND RECOGNITION**

### **5.1 PERFORMANCE EVALUATIONS**

- A. To achieve the City's goal to train, promote, and retain the best qualified employee for every job, the City conducts periodic performance evaluations for all positions.
- B. The City Manager is responsible for developing and maintaining the City's performance evaluation program.
- C. Employees are to be formally evaluated by their department heads at least once prior to completion of their probationary period and department heads should strive to provide a performance evaluation at least once every 12 months thereafter.
- D. The evaluation of an employee's performance shall be one of the factors in determining a temporary employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

### **5.2 TRAINING POLICY**

- A. The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge, and abilities that are directly related to City employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to, on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations.
- B. For "work required" certification/training, the City, after approval by the City Manager, will pay all costs associated with coursework, testing, and wages for employees while attending classes and testing, as well as any travel and meal related expenses. See 4.5 Travel Expense Reimbursement.
- C. For "work related/relevant" certification/training, related to potential future advancement, the employee, with the approval of the City Manager, may treat the time attending classes and testing as time worked, however, it won't result in overtime pay and the employee may be required to flex their schedule. The employee shall be responsible for their own costs associated with coursework, testing, and any travel and meal-related expenses incurred.

### **5.3 EMPLOYEE RECOGNITION PROGRAM**

The City may establish an employee recognition program to be administered by the City Manager or their designee.



## **CHAPTER 6 – BENEFITS**

### **6.1 RETIREMENT BENEFITS**

- A. The City makes contributions on behalf of all eligible employees to the Social Security system in addition to those contributions made by the employee through FICA payroll deductions.
- B. All regular full-time and eligible part-time employees are covered under the Public Employees Retirement System (PERS). The State of Oregon sets contribution rates, benefit levels, and participation requirements.
- C. The City contributes, on behalf of all eligible employees, to a 457 Plan (deferred compensation plan). The contribution is a percentage of the employees' base salary or hourly rate for their normally scheduled hours (2080 hours), per calendar year. The contribution is set by the City, as available resources permit, but no less than 1%. Overtime hours, premium pay, certification pay, etc. are not eligible for this contribution. Employees may pay additional pre-tax contributions at their election, subject to plan rules.
- D. Employees intending to retire are requested to notify their department head, of their intent to retire, at least three (3) months prior to the date of retirement.

### **6.2 WORKERS COMPENSATION AND SAFETY ON THE JOB**

All City employees are protected by Worker's Compensation Insurance under Oregon law. This insurance covers the employee in case of occupational injury or illness by providing, among other things, medical care, compensation, and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

#### **A. Steps to take if you are injured**

To ensure that you receive any worker's compensation benefits to which you may be entitled, you must do all of the following:

- 1. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens and no later than 24 hours after injury.
- 2. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.
- 3. Seek medical treatment, if needed, and follow-up care, if required.
  - If medical treatment is obtained, you will need to complete a Worker's and Health Care Provider's Report for Worker's Compensation Claims (Form 827), at the treating medical facility.
- 4. Failure to timely follow these steps may negatively affect your ability to receive benefits.

## B. Return to work

1. If you require worker's compensation leave, under most circumstances and consistent with the law, you will be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit an approved medical certificate demonstrating your ability to return to work.
2. When returning from a workers' compensation leave, you have no greater right to reinstatement than if you had been continuously employed in lieu of leave. For example, if you would have been laid off or if your position would have been eliminated and no equivalent or comparable positions were available, then you may not be entitled to reinstatement. These are only examples, and all reinstatement/reemployment decisions are subject to applicable law and the terms of any applicable collective bargaining agreement. The City of Boardman does not discriminate against employees who suffer a workplace injury or illness.

## C. Workers' compensation leave

1. The City will grant you a leave of absence for an illness and injury incurred on-the-job, in accordance with applicable law. If you are absent from work due to an accepted work-related illness or injury, you will be eligible to receive workers' compensation benefits. And if so, you may use any accrued paid leave benefits to supplement the difference between workers' compensation benefits and your regular wages. (See Section 6.3 below for more information regarding continuation of insurance benefits while on a workers' compensation leave.)
2. While you are on a workers' compensation leave of absence, you will be required to report to Human Resources on your status, progress, and anticipated date of return to work at least once a week, unless, you have received written approval to be absent until a specific date or report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement.
3. When you are released to return to work from an on-the-job injury or illness, you must request return-to-work, as soon as possible, but no later than seven (7) calendar days after receipt of notice, by certified mail, from the City's workers' compensation insurer that you have been released to return-to-work by your doctor. The City complies with applicable reinstatement and reemployment laws for any employee who is absent due to a work-related illness or injury.

## D. Early return-to-work program

1. Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time, after you have suffered an on-the-job injury or illness, that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job, in a reasonable period of time.
2. The Return-to-Work Program for job-related injuries consists of a team effort by the City, the injured/ill employee, their treating physicians, and our Worker's Compensation

Insurance Carrier Claims staff. The goal is to return the employee to full employment, at the earliest possible date, that is consistent with their medical condition, and the advice of the treating physician.

3. If the employee's attending physician determines that an employee is able to perform modified work, the City will attempt to provide the employee with a temporary job assignment for, a reasonable period of time, until they can resume regular duties. If, due to a work-related injury/illness, employees are offered a modified position that has been medically approved, failure to phone in, or report at the designated time and place, may affect compensation and employment with the City. While the employee is on modified or transitional work, they are still subject to all other City rules and procedures.

E. Overlap with other laws

1. The City will account for other leave and disability laws that might also apply to the employee's situation, such as the Americans with Disabilities Act ("ADA") and Family and Medical Leave Act ("FMLA").
2. The City provisionally designates all workers' compensation-related absences as family leave under FMLA (FMLA leave), for all eligible employees, in accordance with applicable FMLA rules. All workers' compensation and FMLA leaves run concurrently with accepted workers' compensation absences. Please contact Human Resources for further information about family leaves leave.
3. If, after returning from a workers' compensation leave, it is determined that the employee is unable to perform the essential functions of their position because of a qualifying disability, they may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace and leaves of absence.
4. Employees are ineligible for Paid Leave Oregon benefits if eligible to receive Workers' Compensation benefits, according to applicable law.

### **6.3 INSURANCE BENEFITS**

- A. Regular and probationary period employees are eligible to participate in the City's insurance programs. The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.
- B. The City participates in a Voluntary Employee Benefit Association (VEBA) for employee medical reimbursements. VEBA is made available to all eligible, regular full-time employees. Police Department employees are required to contribute \$150 per month, through a payroll deduction, prorated by pay period and the City will match the employees' contributions. For all other employees, the City will contribute \$150 per month, to each employees' individual HRA/VEBA account, prorated by pay period. No additional employee contributions are allowed.

- C. The City provides a free, confidential Employee Assistance Program (EAP), through Canopy, to employees and dependents who are enrolled in the City's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [canopywell.com](http://canopywell.com). The EAP program provides confidential counseling services for concerns such as marital conflict, conflict at work, depression, stress management, family relationships, anxiety, alcohol or drug abuse, and grieving a loss, and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and others. You may contact Canopy directly at 1-800-433-2320 or at [my.canopywell.com](http://my.canopywell.com).
- D. Life Insurance and AD&D Insurance. The City covers the premium of providing a \$10,000 benefit for Standard Term Life Insurance and Accidental Death & Dismemberment Insurance, each, to regular and probationary full-time employees.
- E. Long Term Disability. The City provides to its regular and probationary full-time employees, Long Term Disability coverage. The coverage has a 90 day exclusion period, 50% of salary up to \$3,000 monthly, subject to carrier eligibility requirements.
- F. Life Flight. The City provides to its regular and probationary full-time employees and their household members, annual Life Flight membership, subject to carrier requirements.
- G. While an employee is receiving Worker's Compensation benefits, the City will continue to pay the employee's health insurance premiums while they are off from work for up to three (3) months. Employee will remain responsible for the employee portion of the premiums.
- H. If an employee is on approved FMLA, OFLA, or PLO leave, the City will continue the employee's health insurance, on the same terms as if the employee had continued to work. The employee will remain responsible for the employee portion of the premiums.
- I. In cases where employees are no longer eligible for health insurance (i.e. after three (3) months on Worker's Compensation leave) or upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA.
- J. An administrative handling fee over and above the cost of the insurance premium may be charged to the employee or their dependents who elect to exercise their COBRA continuation rights.

#### **6.4 ADDITIONAL INSURANCE**

The City participates in additional voluntary/supplemental insurance, at employee's option and expense, through CIS and AFLAC. More information is available with Human Resources.

## **CHAPTER 7 - LEAVES OF ABSENCE AND TIME OFF**

### **7.1 VACATION**

- A. Each regular full-time employee who has completed the probationary period of service is entitled to vacation leave as follows:

<u>Years of Employment</u>	<u>Vacation Hours Earned</u>
0 - 5 years (60 months)	8.0 hours per month
6 years - 10 years (120 months)	10.0 hours per month
11 years – 15 years (180 months)	12.0 hours per month
16 years +	13.33 hours per month

- B. Vacation leave is for use by employees when they are absent for a partial or full day of employment for personal reasons other than sickness or disability. Employees wishing to take vacation leave must schedule it with their supervisor. Vacation leave shall be taken in half-hour (30 minute) increments.
- C. Each department head is responsible for scheduling its employees' vacation without undue disruption of department operations. Leave requests shall be submitted by employees at least two (2) weeks prior to the vacation dates requested. Employees may be denied permission to take vacation if it would unduly disrupt operations.
- D. Employees are encouraged to use vacation time annually, upon approval from their department head. The maximum number of accrued vacation hours, at any time, is 300 hours (unless otherwise provided in a collective bargaining agreement). In cases where City operations have made it impractical for an employee to use vacation time, the City Manager may authorize a two (2) month extension from the date the maximum number of accrued hours is reached. Employees may be paid for unused vacation time upon termination of employment. See Section 4.6, "Compensation Upon Termination".
- E. Employees who fail to return to work on the date specified on the leave request, without receiving an extension in advance, are subject to disciplinary action up to and including termination.
- F. Vacation Accrual compensation: In November each year, employees may request compensation for up to 40 hours from their vacation accrual per year, so long as the employee retains at least 80 hours. Payment is made in the normal payroll process.

### **7.2 PAID TIME OFF (NON-REPRESENTED EMPLOYEES ONLY)**

- A. Out of recognition that non-represented employees may be required to work irregular and extended hours, non-represented employees will be eligible to receive paid time off, granted on a fiscal annual basis, per City Manager discretion.
- B. Paid time off is meant to be used and will not be carried over into the next fiscal year.

- C. Up to 40 hours of paid time off may be cashed out annually, if not used by the end of the fiscal year by the employee, or upon separation from employment.
- D. Paid time off must be scheduled in such a way to avoid undue disruption of department operations.
- E. Paid time off requests of greater than forty (40) hours shall be submitted by an employee at least two (2) weeks prior to the dates requested off. An employee may be denied permission to take paid time off if it would unduly disrupt operations.

### **7.3 SICK LEAVE**

- A. The City provides eligible employees with sick leave in accordance with Oregon's Paid Sick Leave Law.
- B. Employees with questions about this policy may contact their immediate supervisor. Please also refer to the Oregon Sick Leave Law poster that is posted in the break room and is incorporated here by reference.
- C. Eligibility, accrual, and use of paid sick leave
  - 1. Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt, and non-exempt employees.
  - 2. Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91st day of employment. Sick leave is accrued at 8 hours per month, prorated amongst the pay periods. After the 91st day of employment, paid sick leave may be used as it is accrued.
  - 3. The sick leave accrual cap is 960 hours with no accrual occurring past the cap. Paid sick leave shall be taken in half-hour (30 minute) increments.
  - 4. Except as otherwise provided in a collective bargaining agreement, sick leave hours will not count toward hours worked for purposes of overtime.
- D. Pay rate and carryover
  - 1. Paid sick leave will be paid at the employee's regular rate of pay. Exempt employees are presumed to work 40 hours in each workweek, for purpose of their sick time accrual, unless their normal workweek is less than 40 hours, in which case, sick time is accrued based on the employee's normal workweek. Employees will not be paid for lost overtime. Generally, sick time pay will be included in the paycheck for the next payroll period after sick time is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as allowed by law.
  - 2. Sick time is meant to be used or carried over; any unused sick time has no compensable value upon separation and will not be cashed out upon separation from employment.
- E. Use of sick leave
  - 1. Accrued paid sick leave may be used for the following reasons:

- For the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or need for preventative medical care. This is available for the employee or their covered family member. (As defined by applicable law).
  - For the diagnosis, care, treatment, or preventive medical care of a family member (as defined by applicable law) with an illness, injury, or health condition.
  - If the employee or the employee's minor child or dependent is the victim of domestic violence, harassment, sexual assault, or stalking as defined by Oregon Law and requires leave for any of the purposed under Oregon's Domestic Violence Leave Law (ORS 659A.272).
  - In the event of certain health emergencies or other reasons specified under Oregon's Sick Leave Law (ORS 653.601-653.661).
  - For any other purpose allowed under applicable law, including Oregon Family Leave Act ("OFLA"), bereavement leave, FMLA, or under Paid Leave Oregon ("PLO"). Consistent with the Paid Family Leave and Medical Insurance Act, PLO contributions will be paid by both the City and employees. The City will pay 40% and employees will pay 60% of the contribution rate to the state fund as provided in ORS 657B.150.
2. Employees absent from work for a qualifying reason, must use accrued sick time hours for that reason, and on each subsequent day of absence, for that reason, until all accrued sick time has been used.

F. Employee notice – need for sick leave

1. Foreseeable Sick Leave. If the need for sick leave is foreseeable, an employee must notify their immediate supervisor, as soon as practicable before the leave, using the City's call-in/notification procedures (see Policy 2.4, "Attendance"). Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the city. Employees must notify their immediate supervisor of any change in the expected duration of sick leave as soon as is practicable.
2. Unforeseeable Sick Leave. If the need for sick leave is unforeseeable, the employee must notify their immediate supervisor as soon as practicable and comply generally with the city's call-in procedures. See 2.4(b). Generally, an employee should notify their immediate supervisor of unforeseeable sick leave at least 30 minutes prior to the beginning of their shift, unless physically unable to do so, at which time notice should be given as soon as possible.
3. An employee must contact their supervisor daily while on sick leave, unless, an extended period of sick leave has been prearranged with the supervisor or when off, on protected leave. The employee shall inform their supervisor of any change in the duration of sick leave as soon as practicable.
4. The consequences for failing to provide proper notice or to make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the business and

operations, are that the city may require verification of the employee's need to use sick leave, prior to paying any sick time.

G. Sick leave verification

The City may seek verification of an employee's need to sick leave for the following reasons:

1. If an employee takes more than three consecutively scheduled workdays as sick leave, the city may require reasonable documentation showing that the employee was absent for an approved reason.
2. If the city has reason to suspect an employee of sick leave abuse, including but not limited to repeated use of unscheduled sick time or repeated use of sick time adjacent to weekends, holidays, vacations, and paydays, the city may require reasonable documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.
3. For any other purpose allowed under applicable law or collective bargaining agreement.
4. Reasonable documentation for purposes of this section includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, or stalking.

#### **7.4 LEAVE WITHOUT PAY**

- A. The City Manager, at their discretion, may grant leaves of absence without pay for absence from work not covered by protected leave laws (such as, FMLA, OFLA, PLO) and if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as illness or injury, parenting, caring for an ill family member, pursuing an education, or fulfilling a military obligation in excess of twenty-one (21) days per year.
- B. Only regular full-time and part-time employees who have satisfactorily completed their probationary period are eligible for leave without pay for non-medical issues; all employees may request leave without pay for medical reasons, once the employee has exhausted all available leave under FMLA, OFLA, or PLO. The following requirements apply:
  1. Leave may be granted to an employee for a period of up to ninety (90) days upon the approval of the City Manager.
  2. An employee's benefits are suspended during the period of unpaid leave until the employee returns to work.
  3. Vacation, sick leave, holiday accrual, and/or any other leave benefits do not accrue while an employee is on leave without pay.
  4. In certain circumstances, self-payment of benefits may apply. See Section 6.3 on "Insurance Benefits".



5. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning at the end of the unpaid leave may, at the City's option, return to the same position or similar position at a comparable rate of pay.
6. If the leave without pay is due to an employee's own disability, the City may require medical verification of the need for unpaid leave. (The scope of the inquiry will be to confirm the employee is disabled and to determine whether the employee could be provided other accommodations instead of leave.) At the end of the approved leave, the employee will be required to submit a doctor's certificate confirming that the employee is capable of returning to work and performing the essential functions of the employee's position, with or without accommodation, before the employee will be allowed to return to work. Requests for leave without pay, due to the employee's disability, may be granted in periods for longer than 90 days depending on the employee's situation, the availability of other accommodations, and whether the additional time off would create an "undue hardship" for the City.

## **7.5 JURY AND WITNESS LEAVE**

Employees may be granted time off with pay to serve on a jury or as a court witness. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from jury duty. The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep their supervisor or department head informed about the amount of time required for jury duty.

## **7.6 ADMINISTRATIVE LEAVE**

On a case-by-case basis, the City may place an employee on administrative leave with or without pay, as determined by the City Manager, to be in the best interests of the City, whether it be during an investigation or other administrative proceeding, or other reason consistent with the policies in this Manual.

## **7.7 NATIONAL SERVICE & MILITARY LEAVES**

- A. Employees who serve in the U.S. Armed Forces, National Guard or Reserves, Commissioned Corps of The Public Health Service, or other qualifying military/services branches are granted leaves of absence for the period of their military service, including training and other duties, as well as reinstatement of employment in accordance with applicable law. Except as provided below, military leaves are unpaid. Employees may, however, elect to use any earned and unused paid vacation, compensatory time, like-time and/or paid personal day benefits during military leaves. Employees who need a military leave of absence should notify the City as far in advance as reasonably possible under the circumstances. For more information, please contact Human Resources. The City appreciates the contributions of those who serve in the military and encourages anyone who serves to exercise their reinstatement rights.

- B. An employee who has completed six continuous months of service with the City and who is absent from work for active duty or inactive duty for training, state active duty and duty under Title 10 or 32 of the United States Code as a member of the National Guard, National Guard Reserve or any reserve component of the Armed Forces of the United State or of the United States Public Health Service, is provided with a paid leave of absence for such training as required by law. Each training year (the federal fiscal year for any particular unit of the National Guard or reserve component), eligible employees are provided paid time off for up to 21 workdays, in accordance with applicable state law.
- C. OREGON MILITARY FAMILY LEAVES. Employees who work an average of at least 20 hours per week are eligible to take time off to spend time with a spouse or registered domestic partner who is a member of the Armed Forces of the United States, the National Guard, or the military reserve forces of the United States and has been notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. Eligible employees may take up to 14 workdays of Family Military Leave per deployment, which may be taken intermittently. Periods of Family Military Leave are counted against an employee's entitlement to OFLA when the employee is also eligible for OLFA and are unpaid. Employees may, however, elect (but are not required) to use any earned paid leave benefits during periods of Family Military Leave. Employees who need Family Military Leave must request leave within 5 business days of receipt of the official notice of a call to duty or leave. If official notice is provided less than five business days in advance, you must request the leave as soon as practicable. A copy of the call or leave orders is required.

## **7.8 BEREAVEMENT LEAVE**

The City defines bereavement leave for an employee who is absent because of a death in the immediate family (defined as spouse, domestic partner, child, parent, brother, sister, parent of present living spouse, grandparents, grandchildren, step children, step parent, step brother, step sister, brother-in-law and sister-in-law), the employee shall be reimbursed for such lost work for a period of three (3) days (total of 24 hours), which may be extended to five (5) days (total of 40 hours), should extensive travel in excess of five hundred (500) miles one-way is required.

Leave provided under this section is concurrent with any leave taken under OFLA. Employees who wish to extend their period of bereavement may also use other accrued leaves for bereavement leave, consistent with OFLA. Please contact Human Resources for more information.

## **7.9 HOLIDAYS**

- A. The City of Boardman recognizes eleven (11) paid holidays for eligible employees each year. Established holidays are as follows:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25

- B. Any holiday on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated the following Monday.
- C. Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the supervisor.
- D. Temporary employees are not eligible for paid holidays. If scheduled to work on the day of the recognized holiday, they will be paid at their regular straight-time rate for any hours worked.
- E. The City will make, upon request, accommodation for the religious beliefs and observances when reasonable accommodation is available that does not create an undue hardship on the City's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with your supervisor/manager.

## **7.10 LEAVE OF ABSENCES GENERALLY**

The City recognizes that personal circumstances occasionally require employees to take temporary periods of absence from employment. Employees who believe they need a leave of absence from employment are encouraged to contact Human Resources. Leaves of absence must generally be requested by the employee in writing and approved by the City Manager and Department Head to allow the department to plan for proper staffing during the employee's absence.

The following rules apply to all types of leave except as expressly outlined below or required by applicable law:

1. During any unpaid leave of absence, no wages or benefits are accrued or paid, unless specifically stated in this Manual, required by an applicable CBA, or applicable law.
2. Employees must use all earned and unused paid leave benefits during periods of leave, except when provided otherwise by applicable law.
3. Employees who wish to continue their medical insurance benefits during an unpaid leave of absence should consult Human Resources and review the Health Insurance section of this Manual and their collective bargaining agreement for an explanation of how long the City continues to pay its portion of the insurance contribution.
4. An employee may be entitled to more than one type of leave for the same absence (e.g., OFLA, PLO, Sick leave, etc.). If so, all leave under these, and any other applicable policies (whether paid or unpaid) will automatically run concurrently unless prohibited by law.
5. Employees who do not notify the City and do not obtain approval for leaves of absence are generally considered absent without authorization and subject to discipline or discharge except as otherwise protected by applicable law.

### **7.11 FMLA/OFLA POLICY**

The City provides Family and Medical Leaves to employees in accordance with applicable law. Family leave benefits provide unpaid leave to eligible employees who have a qualifying need for family, medical, safe, sick child and/or bereavement leave(s), etc. The City also complies with the requirements of the Oregon Family and Medical Leave Insurance program, also known as Paid Leave Oregon (PLO), a mandatory statewide insurance program that provides eligible Oregon employees with paid time off to give or receive care during certain family, medical, and safe leave circumstances.

This policy has been developed to provide employees with important information about the City's current Family and Medical leave policies and procedures as well as resources to obtain additional information. In all circumstances, the City interprets and applies its policy in accordance with applicable law, including updates as they occur.

#### **A. Oregon Family Leave Act (OFLA)**

1. Eligibility: Except as outlined below during a public health emergency, to be eligible for OFLA leave, an employee:
  - Must have been employed by the City for at least one hundred eighty (180) days before the date on which the leave would begin; and
  - Must have worked\* an average of twenty-five (25) hours per week during that time.
  - Eligibility requirements during a period of a public health emergency. Different eligibility requirements apply during a period of a "public health emergency." For purposes of this policy, "public health emergency" means a public health emergency declared by the Governor pursuant to ORS 433.441, or a state of emergency declared by the Governor under ORS 401.165 that is related to a "public health emergency."

- To be eligible for OFLA leave under this section, an employee need only have been employed at least thirty (30) days before the date on which the leave would begin. An employee also must have worked\* an average of twenty-five (25) hours per week during those thirty (30) days.
- Eligibility for Employees Who Are Re-employed or Rehired by the City. An employee is also eligible for OFLA leave if:
- The employee separated from employment with the City for any reason, was eligible for OFLA leave at the time of separation, and is re-employed by the City within 180 days; or
- The employee began a temporary cessation of scheduled hours, was eligible for OFLA leave when the temporary cessation began, the temporary cessation ends within 180 days, and the employee returns to work for the City within that time.

*\*Note: Hours worked for purposes of determining OFLA eligibility includes all hours actually worked as well as hours of protected leave taken, including OFLA leave to the extent required by applicable law.*

2. Any family leave taken by the employee under this section within the leave year continues to count against the length of family leave time to which the employee is entitled. The amount of time that an employee is deemed to have worked for the City prior to a separation from employment or a temporary cessation of scheduled hours is credited to the employee for purposes of OFLA eligibility requirements if the employee is reemployed or returns to work within 180 days.

3. Amount and Qualifying Reasons for OFLA

The City uses a *Measured Forward* leave year for OFLA, (measured forward from the Sunday before the date the employee first takes leave) and provides eligible employees with the following amounts of OFLA each leave year:

- a. Up to 2 workweeks of time off to effectuate the legal process required for placement of a foster child or the adoption of a child (Note: this leave is available under OFLA, only until January 1, 2025), and
- b. Up to 12 workweeks of time off due to pregnancy disability, including prenatal care, recovery from childbirth, and childbirth related conditions, and
- c. Up to 12 workweeks, *combined* for:
  - Sick Child Leave, and
  - To care for a child of the employee who requires home care for an illness, injury or condition; or
  - To care for a child of the employee who requires home care due to the closure of the child's school or childcare provider as a result of a public health emergency.

4. For Bereavement purposes. This means leave to attend bereavement services for a family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. OFLA for bereavement purposes is limited to 2 weeks per death (up to 4 weeks per leave year) and must be completed within 60 days after the date on which the employee receives notice of the death. Family member means:
- The spouse or domestic partner of the employee.
  - A child of the employee or the child's spouse or domestic partner.
  - A parent of the employee or the parent's spouse or domestic partner.
  - A grandparent of the employee or the grandparent's spouse or domestic partner.
  - A grandchild of the employee or the grandchild's spouse or domestic partner.
  - A sibling or stepsibling of the employee, or the sibling's or stepsiblings' spouse or domestic partner.
  - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship as provided by applicable law and regulations. Attestation of the relationship is required.

In addition, the City also provided city-paid bereavement leave upon the death of certain family members. City-paid bereavement leave, if used, runs concurrent with OFLA bereavement leave.

5. For Oregon Family Military Leaves. (See Section 7.7)  
For more information, please contact Human Resources.
6. Leave Usage
- a. Continuous or Intermittent: OFLA leave may be taken intermittently whenever needed.
  - b. Concurrent Leaves: OFLA leaves do not run concurrently with Paid Leave Oregon (PLO) or workers' compensation leaves. Please contact Human Resources for more information. All other types of leave that apply to the same absence, whether paid and unpaid (e.g., FMLA, OFLA, PLO, Sick Leave, etc.) will run concurrently unless prohibited by law.
7. Requesting OFLA  
Request for OFLA must generally be made in the same way that an employee requests time off for FMLA leaves:
- a. If the need for the leave is known in advance, the employee must give 30 days' advance notice in writing. If the leave is not known 30 days in advance, the employee must give notice as soon as possible before the beginning of the leave.
  - b. For unplanned/unanticipated leave (such as for incidents of unanticipated intermittent leave or OFLA sick child leave), the employee must follow the normal attendance call-in/reporting procedures for their department.

- c. If an employee is not able to contact the City directly, the employee is encouraged to have their personal representative call Human Resources.
  - d. Employees needing OFLA leave must provide sufficient information for the employer to determine if the leave may qualify for OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee's child is sick, etc.
  - e. Employees must also notify the City if the requested leave is for a reason that has already been approved/designated as OFLA. This includes when calling out or leaving early for unplanned absences under the attendance reporting policy.
8. Medical Certification Requirements During OFLA  
Employees who are absent for reasons that may qualify for OFLA are generally required to provide medical certification of the need for leave in accordance with applicable OFLA rules. This includes medical verification of the need for sick child leave (note: verification is not required until after the 3rd absence for sick child leave in a leave year in accordance with applicable OFLA rules).

Medical information relating to OFLA leaves, whether verbal or written, is kept confidential and maintained in the employee's confidential medical file.

9. Wages and Benefits During OFLA  
Like FMLA, OFLA Leaves are not paid by the City and employees must generally use their accrued paid leave benefits during a period of OFLA leave in accordance with City policy and applicable CBA provisions. Accrued sick leave must be used first.

Note: The use of paid leave does not increase, in whole or in part, the amount of OFLA leave available to an employee. All OFLA leave runs concurrently with any paid leaves as well as PLO, FMLA and other forms of leave in accordance with applicable law.

Employees (including salaried exempt employees) who have exhausted their accrued paid leave benefits will not be paid by the City except when required by applicable law.

Time taken for leave covered under OFLA must be entered on the employee's timesheet regardless of how the employee is being paid for that time. For additional information on how to record OFLA leave on the timesheet, contact the Payroll Department.

The City also maintains group health insurance coverage for an employee on OFLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. In some instances, the City may recover premiums they paid to maintain health coverage for an employee who fails to return to work from OFLA leave.

10. Reinstatement and Return From OFLA  
In order to have reinstatement rights when returning from family leave, employees must request reinstatement immediately upon the expiration of leave. Employees who timely returning from OFLA leaves are reinstated to their former position in accordance with applicable law. Employees who cannot be reinstated to their former position because

that position no longer exists are reinstated to an available, equivalent position (if one exists) in accordance with applicable law.

**B. Family Medical Leave Under Federal Law (FMLA)**

As a public employer, the City is a covered employer for federal FMLA purposes. However, due to our size, City employees are not eligible for federal FMLA benefits. For more information on the FMLA, please see the Appendix for more information.

**C. Paid Leave Oregon Benefits (PLO)**

City employees may be eligible to receive full or partially paid family and medical leave time off from work through a statewide paid family leave insurance program. The following policy has been developed to provide employees with additional information about this benefit and how it interacts with other City leaves. Please be aware however, that Paid Family Leave (PLO) benefits are administered by and through the State of Oregon and not by the City directly. Consistent with the Paid Family Leave and Medical Insurance Act, PLO contributions will be paid by both the City and employees. The City will pay 40% and employees will pay 60% of the contribution rate to the state fund as provided in ORS 657B.150. Consistent with the Paid Family Leave and Medical Insurance Act, PLO contributions will be paid by both the City and employees. The City will pay 40% and employees will pay 60% of the contribution rate to the state fund as provided in ORS 657B.150.

**1. Eligibility**

Generally, to receive PLO benefits through the Oregon paid family leave program, employees must:

- Earn at least \$1,000 in subject wages during the base year or alternative base year (as determined by the state) and have contributed to the state fund in accordance with applicable law (e.g., through payroll withholdings),
- Apply for paid family and medical leave benefits with the State of Oregon for a qualifying reason, and
- Be approved by the State for those benefits.

**2. Amount and Qualifying Reasons for State PLO**

Oregon PLO provides eligible employees with up to 12 weeks of paid leave benefits each leave year (Measured Forward from the Sunday of the week the employee first takes leave) for the following purposes:

**a. Family Leave, which includes:**

- Leave taken to care for or bond with a child during the first year after the child's birth or the first year after placement through adoption or foster care.
- Child includes the biological, adopted, foster, stepchild, legal ward, or in loco parentis child of an employee or the child of an employee's registered domestic partner.
- Leave taken to care for a family member with a Serious Health Condition.

**b. Family member means:**

- The spouse or domestic partner of the employee.



- A child of the employee or the child's spouse or domestic partner.
  - A parent of the employee or the parent's spouse or domestic partner.
  - A grandparent of the employee or the grandparent's spouse or domestic partner.
  - A grandchild of the employee or the grandchild's spouse or domestic partner.
  - A sibling or stepsibling of the employee, or the sibling's or stepsiblings' spouse or domestic partner.
  - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship as provided by applicable law and regulations.
- c. Medical leave means: to recover from, or seek treatment for, an employee's own serious health condition, including periods of disability related to pregnancy or childbirth. *Note:* the PLO program also allows an employee to take an additional two weeks of paid leave for pregnancy, childbirth, or related medical conditions.
- d. To take leave covered by Oregon domestic violence leave rules. For more information, see Section 7.13 or speak with Human Resources.

*Note:* Employees are not eligible to receive workers' compensation time loss and state PLO benefits for the same absence. However, as noted above, eligibility for PLO benefits and leave, weekly PLO benefit amounts, and the number of weeks of benefits and leave an employee may receive under PLO are determined by the State of Oregon.

### 3. Coordination of Other Benefits During State PLO Leaves

- a. While on approved PLO leave, employees may use accrued paid leaves not in excess of the value of a workday.
- b. While on approved PLO leave, employees receiving PLO benefits are considered on "authorized paid leave" for purposes of seniority accrual regardless of whether the employee uses accrued leave to supplement their PLO benefit.
- c. Employees on any type of unpaid leave during which they are not using accrued paid leaves are not eligible to accrue sick or vacation benefits. This includes but is not limited to time off under family leave, PLO, or other unpaid leaves for any reason.
- d. The City will report all supplemental benefits paid to employees to the state in accordance with applicable rules. It should also be understood that the City is not responsible for an employee's PLO repayment obligations, penalties, or reduction in benefits assessed by the State due to the employee's decision to use City leave accruals.
- e. Health Insurance Benefits During PLO Leave: The City maintains group health insurance coverage for an employee on an approved PLO leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work in accordance with applicable PLO requirements.

#### 4. How to Request PLO Leave

Employees who wish to request Oregon PLO benefits are required to comply with all of the following:

- a. Notify the City.
- b. Notice must be provided, in writing, at least 30 days before the leave is scheduled to begin if the need for leave is known in advance. If the need for leave is not known at least 30 days in advance, the employee must give written notice as soon as possible before the leave is scheduled to begin.
- c. For unplanned/unanticipated leave, the employee is expected to follow the normal attendance call-in/reporting procedures for their department.
- d. If notice is not possible prior to beginning leave, then verbal notice is required within 24 hours of the beginning of the leave, followed by confirmation in writing within 3 working days after the employee's return to work.
- e. If an employee is not able to contact the City themselves, the employee is encouraged to have their personal representative call Human Resources.
- f. Notice to the City must include an explanation of the need for leave.
- g. *Penalties under PLO for Failure to Timely Notify City.* If the Oregon Employment Department (OED) determines that the employee did not provide the required leave notice to the City, the OED may impose a penalty by issuing a decision and reducing the first weekly benefit amount payable by 25%. The penalty is taken from the first payment (or considered an overpayment that must be repaid if the first payment has already been made). If the first payment is less than the entire amount of the reduction, subsequent payments will be reduced until the entire reduction has been subtracted.
- h. Apply for PLO benefits through the state of Oregon and comply with any medical certification or other verification requirements as directed by the state. For more information, please see: <https://paidleave.oregon.gov/Pages/default.aspx>

#### 5. Job Restoration & Verification of PLO Leaves

Employees who have been employed with the City for at least 90 days and are approved for state PLO leave benefits leave are eligible to be reinstated to their former position in accordance with applicable law. Employees who cannot be reinstated to their former position because that position no longer exists are eligible to be reinstated to an available, equivalent position (if one exists) in accordance with applicable law.

Verification of the dates and amount of PLO benefits used/claimed with the state may be required as the City determines necessary to ensure compliance with its policies, procedures and legal obligations including but not limited to leave tracking, reinstatement, and other benefits obligations.

More Information: For more information about Oregon Paid Family Leave benefits, please contact Human Resources or visit:

<https://paidleave.oregon.gov/Pages/default.aspx>

#### D. ADDITIONAL INFORMATION

For additional information and assistance with these leave of absence policies as well as clarification of how they may apply to your individual situation, please contact Human Resources or the City Manager.

### **7.12 SHARED LEAVE**

The purpose of the Shared Leave Program is to allow an employee to aid a fellow city employee who is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition and has already exhausted their accrued leave and/or any benefits available under Paid Leave Oregon or other available disability benefit. In order to receive Shared Leave for the employee's own illness or injury, the employee must also not be receiving disability benefits from any other source.

#### A. When An Employee May Receive Shared Leave

Human Resources, with the City Manager's approval, may permit an employee to receive shared leave under this chapter, if at the conclusion of the employee's PLO leave (or upon exhaustion of all accrued leaves, whichever comes later), the employee is not cleared to return to work. The employee's request is subject to the following requirements:

1. The employee has completed six months of employment with the city.
2. The employee suffers from an illness, injury, impairment, or physical or mental condition that is PLO qualifying and has exhausted any benefits available under PLO. (See Section 7.4 "Leave Without Pay")
3. The employee has depleted or will shortly deplete their total of accrued vacation, sick leave, compensatory time, holiday time and/or other paid leave.
4. Prior to the use of shared leave, the employee has abided by the City's sick leave policy.
5. The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.

#### B. Shared Leave Use

1. Human Resources, with the concurrence of the City Manager, or in the case of the City Manager, the Mayor, shall determine the amount of leave, if any, which an employee may receive under this section.
2. An employee shall not receive a total of more than two hundred sixty-one days of shared leave throughout the employee's employment with the city and may not use more than 90 days of shared leave at any one time.
3. To the extent possible, shared leave should be used on a consecutive basis.
4. Human Resources, or Mayor in the case of the City Manager, shall require the employee to submit, prior to approval or disapproval, a medical certificate from a healthcare

provider verifying the employee's need to remain off work, which may require providing an explanation of how the employee's illness or injury prevents them from performing the essential functions of their position (with or without accommodation), and the expected date of return-to-work status.

C. Conditions For Employees Who Wish to Donate Shared Leave

1. Employees may request the transfer of a specified amount of accrued sick leave or accrued vacation leave to an employee who has been authorized to receive shared leave, subject to the following conditions:
  - a) Transfers shall be in increments of one (1) day leave, equivalent to the recipient employee's regularly scheduled workday.
  - b) To be eligible to donate vacation time, the donating employee must retain a total of more than ten (10) days of accrued vacation leave or have taken at least ten (10) days of vacation leave within the calendar year, or have a total of accrued and used vacation leave of greater than ten (10) days for the calendar year, after the transfer of shared leave.
  - c) To be eligible to donate sick leave, the donating employee must retain 25% of their accrued sick leave, but not less than ten (10) days for the calendar year, after the transfer of shared leave.
  - d) The transfer of leave from a donating employee shall not exceed the amount specified by the employee requesting leave.
  - e) All donations of shared leave shall be entirely voluntary.

D. Interdepartmental Transfers of Leave

Shared leave may be transferred without regard to the department in which donating employees and donor employees may be assigned.

E. Employment Status of Employees Using Shared Leave

While an employee is using shared leave, they shall continue to be classified as a city employee and shall receive the same treatment, with respect to salary and benefits, as the employee would otherwise receive if they were using their own sick leave or vacation leave.

1. All salary benefit payments made to the employee on a shared leave basis shall be made by the department employing the person using the shared leave.
2. The employee's regular rate, total wages, and earned leave shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's wages and other benefits (including, but not limited to, City County Insurance Services or any other benefit received as a result of payments by the city to an insurer or pension system), exceed the total of wages and benefits which the employee would have received had they been in a regular pay status.

F. Leave Transfer Rate

1. Sick leave and vacation leave shall be transferred on a dollar-for-dollar basis.
2. The value of the leave shall be determined by the current hourly wage of the transferor and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

G. Return Of Unused Shared Leave

The value of any leave transferred, which remains unused, shall be returned to the donating employee, at a rate determined by the Finance Director. Human Resources shall determine when shared leave is no longer needed.

H. Monitoring Of Program

The Payroll Specialist shall monitor the use of shared leave to ensure equivalent treatment for all employees of the city. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave.

### **7.13 CRIME VICTIM LEAVE POLICY**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or their immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation or sick leave during the leave period; and
- Provide as much advance notice as is practicable of their intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to the City Manager as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.
- In all circumstances, the City may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

## **7.14 DOMESTIC VIOLENCE LEAVE (SAFE LEAVES) AND ACCOMMODATIONS POLICY**

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his or her minor dependents.

- A. Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.
- B. Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave. (The employee may also be eligible to apply for PLO benefits while on leave. This is referred to as "Safe Leave." See also Section 7.11)
- C. Requesting Leave: Employees should provide as much advance notice as is practicable of their intention to take leave (unless giving advance notice is not feasible).
  - Employee should submit a request for the leave in writing to the City Manager as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.
  - The City will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.
  - If more leave than originally authorized needs to be taken, the employee should give the City notice, as soon as is practicable, prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice, as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.
- D. Reasonable Safety Accommodation: Employees who are victims of domestic violence, harassment, sexual assault or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the City. Please contact the City Manager immediately with requests for reasonable safety accommodation.

## **CHAPTER 8 - EMPLOYEE RESPONSIBILITIES AND CONDUCT**

### **8.1 GENERAL POLICY**

- A. All City employees are expected to represent the City in a professional manner which is courteous, efficient, and helpful. Employees must maintain a clean, neat, and professional appearance appropriate to their work assignment, as determined by their position and their department head. Fridays may be designated as a casual day for administrative staff. Department heads will ensure all employees treat all members of the public in a civil manner and represent the city in a professional manner.
- B. Dress Standards: Public relations are an integral part of each employee's job. All employees are expected to present themselves in a way that helps generate trust, confidence, and respect from the public they serve. As a result, all employees are required to be neatly groomed and wear clothing that is clean, in good repair, fits properly (including properly covering chest, stomach, back and other intimate areas), and is professional and appropriate for their position and job duties, whether in the office, a City vehicle, or other worksite.

Some positions within the City may be required to wear a uniform or other job specific attire. An employee will be informed if their position has any specific uniform or dress code requirements. For positions that are required to wear a uniform, the City provides employees with uniforms at City expense. City uniforms and attire (with City logo, etc.) may not be worn off-duty except in the normal course of travel to and from work. All City uniforms and attire must be returned on separation from employment.

In the event a concern arises regarding employee compliance with this policy, the City will make the final determination regarding what is appropriate dress for the workplace in its discretion. In addition to discipline, employees arriving for work with an appearance that significantly disregards City standards or creates a safety hazard may be asked to return home for immediate correction. If you have any questions regarding the specific standards for your job, please contact your supervisor.

- C. Because, the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of conduct. Among the City's expectations are:
  - 1. Basic tact and courtesy towards the public, fellow employees, and elected officials
  - 2. Comply with directions from supervisors
  - 3. Preserve and protect the City's equipment, grounds, facilities, and resources
  - 4. Provide orderly and cost-efficient services to the public
- D. City of Boardman employees will not collect any money from residents wishing to pay bills or sums owed to the City outside normal business hours. If a resident or citizen needs to pay any fees, employees must advise that individual to come to the City Hall during normal business hours.

## **8.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

- A. Employees shall not, directly or indirectly, engage in outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform their assigned City job. Examples include, but are not limited to, outside employment which:
  - 1. Prevents the employee from being available for work beyond normal working hours, such as for emergencies or peak working periods, when such availability is a regular part of the employee's job; or
  - 2. Is conducted during the employee's working hours; or
  - 3. Utilizes City telephones, computers, supplies, or any other resources, facilities, or equipment paid for or owned by the City; or
  - 4. Is employed with a firm or company which has contracts with or does business with the City; or
  - 5. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.
- B. An employee who chooses to hold outside employment (including an additional job, contractual commitment, or self-employment), must obtain written approval from the City Manager prior to accepting or starting the outside employment. The City Manager reserves the right to rescind a previously granted approval of outside employment.

## **8.3 POLITICAL ACTIVITIES**

- A. City employees may participate in political or partisan activities of their choosing, provided that, City resources and property are not utilized, and the activity does not adversely affect or prevent employees from performing the responsibilities of their positions. Employees may not campaign on City time, or in a City uniform, or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.
- B. City employees may not wear or display any campaign or candidate button, badge, or sticker during working hours, while performing work-related activities, or while wearing City provided clothing
- C. Employees shall not solicit on City property or City time for a contribution for a partisan political cause.
- D. Except as noted in this policy, city employees are otherwise free to fully exercise their Constitutional First Amendments Rights.



#### **8.4 NO SMOKING POLICY**

- A. The City provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars, vape pens, and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. This policy applies to employees, contractors, volunteers, and any visitors to City of Boardman property, vehicles, facilities, or buildings.
- B. City buildings and vehicles are tobacco-free areas. Further, the City prohibits tobacco use in or around City vehicles and equipment or machinery. Employees may smoke during non-working hours, such as during rest breaks or meal periods.
- C. If employees wish to smoke, they must do so outside of the City's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings including second-story windows. The City has established employee smoking areas that are located outside the back of the building, by the fence.

#### **8.5 USE OF ELECTRONIC EQUIPMENT AND SOCIAL MEDIA**

The City uses multiple types of electronic equipment, facilities, and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging), the Internet, and any new technologies used in the future. This policy governs employee use of the City's property. This policy does not supersede Police Department policy.

A. Ownership

All information and communications in any format, stored by any means on or received, via City's electronic equipment, facilities, or services is the sole property of the City.

B. Use

All of City's electronic equipment, facilities, and services are provided and intended for City business purposes only and not for personal matters, communications, or entertainment. Access to the Internet, websites, and other electronic services, paid for by the City, are to be used for City business only. This means, for example, that employees may not use the City-provided Internet, or the City's electronic equipment, facilities, and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate the City's no-harassment, no-discrimination or no bullying policies; or
- Play games (including social media games) or use apps of any kind; or
- Engage in any activity that violates the rights of any person or the City, and that is protected by copyright, trade secrets, patent, or other intellectual property (or similar laws or regulations); or
- Engage in any activity that violates the rights to privacy of protected healthcare information or other City-specific confidential information; or
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g. viruses, worms, Trojan horses); or

- Download or view streaming videos for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.
- City equipment, including vehicles, shall be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.
- Further, employees may not use City-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City email addresses for professional-based social media accounts, such as LinkedIn, may be allowed with the approval of the employee's supervisor.

C. Inspection and Monitoring

Employee communications, both business and personal, made using City electronic equipment, facilities, and services are not private. Any data created, received, or transmitted using City equipment, facilities, or services are the property of the City and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on the City's electronic equipment, facilities, or services are subject to inspection at any time, without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the City's ownership of the electronic information, electronic equipment, facilities, or services, or the City's right to inspect such information. The City reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail, location features, and other such material to monitor the use of all the City's electronic equipment, facilities, and services including all communications and internet usage and resources visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

D. Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems without prior written authorization from the City Manager. All software installed on the City's computer systems must be licensed. Copying or transferring City-owned software may be done only with the written authorization of the City Manager. Employees must make their request to the City Manager, in writing.

E. Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City management. No employee can examine, change, or use another person's files, output, or username unless they have explicit authorization from the City Manager to do so.

F. Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications, or email sent over the Internet should be aware that such forms of communication are subject to interception and these methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

G. Inappropriate Web Sites

The City's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate the City's policies on harassment and discrimination.

H. Use of personal electronic devices for work purposes

If using a personal electronic device (i.e. cell phone, tablet, or computer) for communications in a manner reasonably related to the business of the City, those communications are subject to public records disclosure, and inspection and review, by the City. Employees should have no expectation of privacy, in electronic communications reasonably related to the business of the City, regardless of using a personal or work issued electronic communication device.

If an employee is issued an electronic communication device (i.e.: cell phone or similar, laptop, etc.) for work purposes, the employee is directed to use the City issued device and not their personal device for work duties and/or communications.

Use of a personally owned electronic communication device for at work or for work-related business constitutes consent for the City to access the device to inspect and copy data to meet the needs of the City, which may include litigation, public records retention, and release obligations, and internal investigations.

All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned electronic device should be transferred to the City and deleted from the member's own device as soon as reasonably practicable. (for example: work related photos, emails (not already cc'd to the City), voicemails, etc.)

When using a personal electronic communication device for work purposes, the City accepts no responsibility for loss or damage to the device. The employee is solely responsible for any costs associated with the purchase, use, and service plan costs when using a personally owned device.

I. Off-Duty Communications

Except with prior express authorization from a department head, FLSA non-exempt employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned device while off-duty, with the exception of an "on-call" assignment for public works. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their department head, the member may engage in department business-related communications.

Should employees engage in such approved off-duty communications or work, FLSA non-exempt employees, entitled to their regular hourly compensation, will promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Compensation may not apply for an occasional *di minimis* call (i.e. a call about a change in work schedule). Exempt and non-represented (non-union) employees may be required to respond to calls and work duties outside of regular work hours without further compensation.

Using a City issued or personal electronic device for work purposes to harass, threaten, coerce or otherwise engage in inappropriate conduct with any City employee, volunteer, member or City associated third party is prohibited. Any employee having knowledge of such conduct will promptly notify the Department Head.

When using a personal electronic communication device for work purposes, the City accepts no responsibility for loss or damage to the device. The employee is solely responsible for any costs associated with the purchase, use and service plan costs when using a personally owned device.

- J. Personal Phone Payment: A non-represented (non-union) employee may be eligible for a monthly payment for use of their personal electronic communication device (phone) when approved for the purposes of work. The payment is \$40 per month, subject to change at the sole discretion of the City.

K. Use While Driving

The use of a personal electronic communication device while driving is regulated by state law and can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Except in an emergency where you cannot stop safely, employees will not use a personal electronic communication device while driving when engaged in City business unless the device is specifically designed and configured to allow hands-free use (ORS 811.507).

## **8.6 EMPLOYEE PHOTOGRAPHS**

Employee photographs may be posted in publications for local events, up to and including, City websites. Photo release forms will be provided for employee signatures and placed in their personnel files.

## **8.7 BULLETIN BOARDS**

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the City Manager.

## **8.8 CONTACT WITH NEWS MEDIA**

The Mayor, City Manager, or Police Chief shall be responsible for all official City contacts with the news media, including answering questions from the media. The Mayor, City Manager, or Police Chief may designate specific employees to give out procedural, factual, or historical information on particular subjects.

## **8.9 DRIVERS LICENSE REQUIREMENTS**

- A. As part of the requirements and essential functions of certain City positions, an employee may be required to possess a valid driver's license.

- B. For employees in a job that requires driving as an essential function, if an employee's license is revoked, suspended, or lost, or is in any way not current, valid, and in the employee's possession, the employee shall notify their department head within 48 hours of the license revocation/suspension/loss and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to their department head. Said employee may be suspended without pay until the license is renewed or be subject to the provision of Section (c) below.
- C. Depending on the duration and circumstances of the license suspension, revocation or other inability to drive, an employee who is required to possess a valid driver's license may be subject to disciplinary action, including termination. Alternatively, an employee may be terminated for failure to perform the essential functions of their job (i.e. being unable to drive City-owned vehicles).

### **8.10 DRIVING WHILE ON BUSINESS**

- A. The City of Boardman may provide a City-owned vehicle for purposes of conducting City business. The City vehicles are for business purposes only. Vehicles are not to be used for personal use, excluding de minimus use.
- B. Employees using a private vehicle to conduct City of Boardman's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized City of Boardman business use should make any necessary arrangements with their insurance carriers.
- C. The City receives automated reports from the Department of Motor Vehicles (DMV). The reports notify the City of Boardman when there are transactions on employees' driving records, such as speeding tickets and citations. As part of the requirements and essential functions of certain City positions, an employee may be required to possess a valid driver's license and such reports will be generated.
- D. While on City of Boardman business, employee-drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Employee-drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Employee-drivers are to ensure that the use of prescribed or over the counter drugs do not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 48 hours of the change or new restrictions/limitations, if their job requires driving as an essential function.
- E. Employees who receive a ticket or citation while driving a City-owned vehicle or while on City business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.
- F. Oregon law prohibits cell phone use while driving a vehicle, regardless of whether the driver is moving, or stopped at a traffic signal, or stuck in a traffic jam. City of Boardman

employees may not use cell phones while in City vehicles, or in personal vehicles on City time, unless the employee uses Bluetooth/hands-free technology to make and receive calls and text messages.

### **8.11 SAFETY**

Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to their department head. The City will make every effort to resolve safety problems as quickly as possible.

When at City Hall, in case of an emergency or the need of immediate assistance, a panic button is available on all desktop phones listed as "city hall paging".

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor.

### **8.12 SUBSTANCE ABUSE**

#### **A. Alcohol/Drug Use, Abuse, and Testing**

The City works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to the City's reputation.

The City expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and/or alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and/or drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or the collective bargaining agreement). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

#### **B. Prohibited Conduct**

Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations, or safety, or City employees, or others. This prohibition does not apply to employees engaged in law-enforcement work.

1. The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree or the employee's blood alcohol content exceeds .02%, the employee will be deemed "under the influence" for purposes of this rule.

2. Possession, distribution, dispensing, sale, attempted sale, use, manufacture, or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees. (This prohibition does not apply to employees engaged in law-enforcement work.) Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance in their system while on City property or on City time.
3. The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
4. As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana regardless of recreational or medicinal use that is otherwise lawful to use under Oregon, Washington, or any other state's law.
5. Bringing to City property, or possessing items or objects on City property, that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to employees engaged in law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in City property.
6. Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and/or other drug paraphernalia are strictly prohibited. This prohibition does not apply to employees engaged in law-enforcement work.
7. Bringing equipment, products, or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property is strictly prohibited. This prohibition does not apply to employees engaged in law-enforcement work.

**C. Prescription Drugs and Medical Marijuana**

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or City operations.

Employees must inform their supervisor about any prescription or over-the-counter drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. The employee is not required to present the name of the medication to the supervisor/manager, only information about the side effects is required. If an

employee's use of such prescription or over-the-counter drugs could adversely affect City operations or safety of City employees or other persons, the City may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report the side effects of prescription or over-the-counter drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.

The use of marijuana, which is a Schedule I controlled substance under Federal Law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as the City will not agree to allow an employee to use medical marijuana as an accommodation. (See Section 1.4 - "Disability Accommodation Policy")

#### D. Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol, during work hours, or has used drugs or alcohol in violation of this policy, the City may require the employee to undergo testing for controlled substances or alcohol.

1. The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, psychoneurological examinations and other tests of saliva, blood, and urine. No testing shall be performed under this rule without the approval of the City Manager or the City Manager's designee.
2. "Reasonable cause," as used in this policy, means an articulable belief, based on specific facts, and reasonable inferences drawn from those facts, that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
  - A pattern of abnormal or erratic behavior
  - Information provided by a reliable and credible source
  - A work-related accident (described below)
  - Direct observation of drug or alcohol use
  - Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes)
  - Unexplained significant deterioration in individual job performance
  - Unexplained or suspicious absenteeism or tardiness
  - Employee admissions regarding drug or alcohol use
  - Unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity

Supervisors should detail in writing the specific facts, symptoms, or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or



controlled substance testing of an employee or a search. This documentation shall be forwarded to the City Manager. Whenever possible, supervisors should locate a second supervisor or management employee to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results, in writing, by the City Manager. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification but such testing will be paid for by the employee.

E. Post-Accident Testing

Employees are subject to testing when they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment, or property, or result in an injury to themselves or another person requiring offsite medical attention.

F. Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City property, or has otherwise violated provisions of this rule regarding possession, sale, or use of controlled substances or alcohol, the City may search the employee's locker, desk, and any other equipment or storage areas provided by the City for the employee's use. Employees should have no expectation of privacy in any items they bring to City property, or in property, equipment, or supplies provided by the City to the employee.

G. Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any and all tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, refusing to test, tampering with, or attempting to tamper with a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs, or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

H. Crimes Involving Drugs and/or Alcohol

Employees shall report any criminal arrest or conviction for drug or alcohol related activity within 48 hours of the arrest or conviction, entry into a drug court or diversion program, or loss or limitation of driving privileges, when the employee's job is identified as requiring a valid driver's license (regular or CDL). Failure to report as required will result in disciplinary action up to and including termination.

I. Drug and Alcohol Treatment

The City recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City is willing to help such employees obtain appropriate treatment.

An employee who believes that they have a problem involving the use of alcohol or drugs should ask a supervisor or the City Manager for assistance.

The City will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and the City to the extent its existing benefits package covers some or all of the program costs.

Although the City recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance before drug or alcohol problems lead to disciplinary action. Once a violation of the City's policy is discovered, the employee's willingness to seek the City or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

J. Discipline and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol, in accordance with this policy, will be subject to either termination or a last chance agreement. A last-chance agreement is an agreement, whereby an employee who would otherwise be terminated is provided an opportunity to address their substance abuse issue and/or performance or safety issues. The Last Chance Agreement shall be written to inform the employee of the problems noted with their performance, and to specify the performance required for the employee to achieve, in order to continue to be employed by the City. Violation of the provisions of a Last Chance Agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

K. Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need-to-know are to be informed of test results. Disclosure of such information to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

### **8.13 COMPLAINT-REPORTING PROCEDURES**

The City recognizes that sometimes situations arise in which an employee feels that they have not been treated fairly or in accordance with City rules and procedures. For this reason, the City provides its employees with procedures for resolving complaints. This complaint procedure should not be construed as, and may not be used as, an appeal process for employees who disagree with a discipline or termination decision. This section does not apply to represented employees.

1. Step 1: An employee should first try to resolve any problem or complaint with their supervisor.

2. Step 2: If Step 1. is not successful, or when an employee has a problem or complaint regarding their supervisor, or when an employee disagrees with the application of City policies and procedures, the employee shall file a written complaint within ten (10) working days of the occurrence to their department head. The department head will respond to the employee in writing within five (5) working days after receipt of the complaint and after meeting with the employee, if possible. The written complaint must be filed within ten (10) working days of the occurrence leading to the complaint. If the complaint is not timely filed, it is forever waived and lost.
3. Step 3: If the employee is not satisfied with the response from the department head, the employee may submit the complaint in writing within ten (10) working days of the Step 2 response from the department head described in Step 2 to the City Manager. The written complaint must contain, at a minimum:
  - A description of the problem; and
  - A specific policy or procedure which the employee believes has been violated or misapplied; and
  - The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances; and
  - The remedy sought by the employee to resolve the complaint; and
  - The department head's response to the complaint
4. Step 4: The City Manager may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten (10) working days of the meeting. The City Manager's response and decision shall be final and binding.
5. Employees represented by a bargaining unit should follow grievance procedures set out in their respective labor contracts. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

#### **8.14 VIDEO SURVEILLANCE IN THE WORKPLACE POLICY**

The City uses video surveillance in public areas of City Hall to provide safety and security to its employees and to monitor activity that may be in violation of City policy or Oregon or federal law. Video cameras are posted in public areas and do not record sound; they are in open view.

#### **8.15 WORKPLACE VIOLENCE POLICY**

This policy applies when an employee is "on duty". For purposes of this policy, "on duty" means when an employee is being paid by the City to perform City work, while representing the City in their capacity as a City employee, or while in or on City owned, leased, managed, or controlled premises or vehicle for reasons related to their employment.

A. Prohibited Weapons

No employee (other than those employed in the City's Police Department) may possess, carry, or have in their physical possession a loaded or unloaded firearm or any other dangerous weapon while on duty, or at any other time while in any City owned, leased, managed, or controlled premises, which includes City buildings and properties, indoor and outdoor job sites, and vehicles. While on duty, employees may not possess a loaded or unloaded firearm in their personal vehicle when it is parked on a City parking lot that is adjacent to a City building or while at another worksite for a reason related to their employment. This policy takes precedence over any employee's permit to carry a concealed handgun.

B. Definitions

For purposes of this policy, the following definitions apply:

1. Dangerous weapon. Any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury, which includes but is not limited to a loaded or unloaded firearm.
2. Possess. To have physical possession or otherwise to exercise dominion or control over property (e.g., a weapon located in an employee's car parked on City property, City desk or locker, etc.).
3. Workplace Violence. Any act of physical, verbal, or written aggression by an individual in or related to the workplace. This includes, but is not limited to, verbal or physical threats or intimidation, assault or battery, and destruction or abuse of property. "Aggression" means more extreme, malicious, hostile behavior that can take the form of violent action, or place others in reasonable fear of violent action. Aggression is not to be confused with "aggressiveness" by an employee or supervisor and does not take the form of violent action, or place others in reasonable fear of violent action. For example, an employee who puts their face within two inches of a co-worker's face during a heated exchange is acting aggressively in violation of this policy. An employee who engages in a spirited disagreement with a co-worker, while staying seated across the table, who does not physically invade the co-worker's personal space, make any physical gestures toward the co-worker, or otherwise engage in threatening behavior does not violate this policy.
4. Threat. An expression by word or conduct, of intent to commit violence, that reasonably places the listener or reader in fear of imminent bodily harm or is of such a character that another individual could be reasonably placed in fear of imminent or future bodily harm. The overall context of a statement, including nonverbal communications, will be taken into account to determine if such an expression is a threat covered by this rule. There are generally three types of threats recognized by the City: veiled, conditional, and direct.
  - Veiled Threat: A veiled threat involves reference to a violent act and an association with the present situation.
  - Conditional Threat: A conditional threat contains words such as "if" or "or" and

references a violent act with the condition.

- Direct Threat: A direct threat is a warning of a pending violent act.

Employees will be subject to discipline up to and including discharge for violations of this policy.

Again, this prohibition on possessing dangerous weapons does not apply to those employees having specific statutory and City authority to possess Department approved weapon(s) in the performance of their job duties.

#### C. Search of Property

When reasonable suspicion exists to believe an employee possesses a dangerous weapon on City property or has otherwise violated provision(s) of this policy regarding possession of a dangerous weapon on City property or at a City worksite, the City may request to search the employee's locker, toolbox, desk, and any other storage areas provided by the City for the employee's use, including City-provided vehicles.

However, the City will not ask to search a private vehicle. Employees shall have no expectation of privacy in any property, furniture, equipment, vehicle, or supplies provided by the City to its employees, which includes, but is not limited to desks, files, file cabinets, offices, drawers, toolboxes, lockers, City-provided clothing, and City-owned vehicles. Such items are subject to inspection by the City or its agents at any time and without notice.

Reasonable suspicion exists when an employee admits they are in possession of a dangerous weapon; the City has reports of first-hand observations by other employees who saw the employee with a dangerous weapon in violation of this policy; or other credible and reliable information exists that gives rise to suspicion that an employee is in violation of this policy. If an employee refuses an appropriate request under this policy to search their person or personal belongings for a dangerous weapon, the employee will be sent home for the remainder of the day (possibly longer, on either paid or unpaid Administrative Leave, while the City conducts an investigation).

#### D. Prohibition of Workplace Violence

The City recognizes the importance of a safe workplace for employees, customers, volunteers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, friend, significant other, or property are a serious violation of this policy and will be dealt with accordingly. In the event the City determines that an employee has violated this policy, appropriate disciplinary action up to and including discharge will be taken.

For the purposes of this rule, workplace violence does not include the appropriate use of force or weapons by law enforcement officers, duly assigned security guards, or others acting lawfully and within City/Department policy to protect and defend life and property.

## **CHAPTER 9 - DISCIPLINE AND TERMINATIONS**

### **9.1 DISCIPLINE**

The City is an at will employer. Employees may be separated from employment at any time, for any lawful reason, with or without cause and/or notice given (other than those employees represented by a union or association).

- A. All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to members of the public.
- B. Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline and termination.
- C. The City Manager or Police Chief, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- D. The following are examples of the type of behavior which may result in disciplinary action including termination:
  - 1. Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances or having drugs or alcohol, or controlled substances in one's system as detected by drug testing or alcohol testing.
  - 2. Violation of a lawful duty or directive from a supervisor.
  - 3. Insubordination.
  - 4. Absence from work without first notifying and securing permission from the supervisor.
  - 5. Repeated absence or tardiness for any unexcused reason.
  - 6. Sexual harassment or other forms of harassment and bullying as prohibited by these policies.
  - 7. Unsatisfactory job performance, including untruthfulness, or other, as determined by the City.
  - 8. Conviction of a felony or a misdemeanor, which could affect work performance or reflect negatively on the City, as determined by the City Manager.
  - 9. Acceptance of fees, gratuities, or other valuable items in the performance of the employee's official duties for the City, in violation of Oregon's ethics laws.
  - 10. Inability, refusal, or failure to perform the duties of the assigned job.
  - 11. Employees who fail to return to work, on the date specified on the leave request, without receiving an extension in advance.
  - 12. Violation of duties or rules imposed by this manual, or by any other City rule, regulation, or administrative order.

This list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons not stated above.

- E. In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation. These actions do not have to be taken in the sequence written and all will be documented and added to the employee's personnel file.
  - 1. A coaching and counseling session is a conversation (which may be documented) between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or their failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, habits, or work methods. (A coaching and counseling are not considered disciplinary.)
  - 2. Reprimand. A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions.
  - 3. Last Chance Agreements. In lieu of terminating employment of an employee for serious violations of City policies, procedures, and rules, and for other inappropriate behavior or conduct, the City may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement.
  - 4. Suspension without pay. This type of suspension is a temporary unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions.
  - 5. Suspensions with pay. When the employee is placed on Administrative Leave, which may be utilized by the Police Chief or City Manager, pending the results of an investigation or disciplinary action, where the department head determines that factors such as public confidence, the safety of the employees, or the efficient functioning of the City, call for such a suspension.
- F. In all cases, the City retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, the City reserves the right to proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City deems such action appropriate. The City retains the right to terminate any employee's employment, at any time and for any reason, with or without advance notice, or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

## **9.2 LAYOFF**

The City Manager may lay off employees for lack of work, budgetary restrictions, re-organization, or other changes that have taken place.

In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for the remaining jobs. Seniority will be considered when performance and qualifications are equal.

Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified. Such recall opportunity is for a maximum of six (6) months.

### **9.3 RESIGNATION**

In order to be considered having resigned in good standing, an employee should provide two (2) weeks' notice of resignation. This time limit may be waived by the City Manager.

### **9.4 DEATH**

Upon death of an employee, all compensations due shall be paid to the surviving spouse or the estate of the employee.