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CITY RECORDER USE ONLY:

AGENDA ITEM #: Work Session

MEETING DATE: 05/23/2022

FINAL ACTION: _____

STAFF MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*
Brenda Camilli, Human Resources Director

SUBJECT TITLE: *City Council Work Session: Employee Handbook Revision Draft*

DATE: *May 23, 2022*

BACKGROUND:

The Employee Handbook (Handbook) is a compilation of the general personnel policies governing employment with the City of Forest Grove for all employees. The Handbook is superseded by collective bargaining agreements for union represented employees in any area where there is a duplication of policy or the Handbook does not cover.

For non-represented employees, the Handbook delineates their benefits. For represented employees, benefits are negotiated and delineated in their collective bargaining agreement. The Handbook governs all personnel matters and is thoroughly covered with each new employee during orientation to assure all employees are familiar with its provisions.

As is common with cities that have a Council-Manager form of government, the City Council approves the policies contained in the Employee Handbook by resolution. The Handbook is an evolving document that requires periodic updates to reflect changes in state law, address areas that may be confusing or not otherwise addressed, and clarify areas of ambiguity. The Handbook has been updated every 5 – 7 years with the current version being approved by City Council in 2016.

The purpose of this work session is to receive comments and input on the Handbook from the City Council prior to beginning the employee review process. The employee review process includes sending out the draft Handbook to all employees and their bargaining unit representatives for comment. The Handbook was reviewed through the value lens established by City Council, mindful of financial stewardship, community engagement, and equity, diversity, and inclusion.

The draft Handbook is attached for review. Proposed revisions are tracked changed. The substantive changes to the policies are summarized below:

CITY OF FOREST GROVE
EMPLOYEE HANDBOOK

Original Issue January 23, 2006
Revised April 26, 2010
Revised September 14, 2015
Revised April 11, 2016
RevisedXXX

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Employee Handbook
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CHAPTER 1

INTRODUCTION

1.51 Form of Government

City Council

The City Council is responsible to the citizens of Forest Grove to establish and direct the policies governing the administration and management of the City. The City Charter states, "Except as this charter provides otherwise, all powers of the City are vested in the Council." The Council consists of the Mayor and six Councilors each elected to four-year terms.

The Mayor is a voting member of the Council. The Mayor represents the City at ceremonial functions, presides over Council meetings, consults with the City Manager on Council Agendas, appoints and consults with City boards and commissions as approved by the Council, and routinely discusses questions and concerns with the City Manager.

Each year the City Council evaluates and sets broad goals to help guide City administration and departments as they plan for the upcoming year. They also establish values that serve to guide policy and service to our community. This information is available on the City's website.

The City Council also establishes the personnel policies that are contained in this Handbook, with consultation from the City Manager.

City Manager

The City of Forest Grove operates under the Council-Manager form of government as created by the City Charter. The Council adopts policy and the Manager is charged with implementing it. The Manager functions similar to a CEO in carrying out the adopted policy set by the Council.

The City Manager is responsible for personnel administration and may delegate any of these powers and duties to another City employee. For purposes of daily administration, the City Manager delegates responsibility in the following manner:

Human Resources ManagerHuman Resources Director:

- Recruitment process
- New employee orientation
- Benefits plan administration
- Retirement plan administration
- Classification and compensation
- Labor and employee relations
- Review and auditing of personnel actions
- Personnel records administration
- Affirmative action

Department Directors:

- Selection and appointment
- Performance management
- Creation of a positive environment
- Retention
- Corrective (disciplinary) action
- Personnel budgeting through the budget process

The City Manager reserves the right to modify the delegation of authority when operational requirements necessitate.

1.2 Organizational Philosophy Statement

The essence of our organization is a sincere commitment to public service. We provide quality public service based on high ethical and professional standards. Courtesy, honesty, equity, and patience are characteristics that we strive for in our relations with the public. We also strive for open and honest communications with people in our community. Our business is public service and we're proud of it.

We value and strive to create a work environment in any individual will feel welcomed, respected, supported and valued. We believe that each employee brings a unique perspective and benefit to our organization. We welcome the ideas, contributions and diversity of opinions brought by each employee because it benefits our decision making and the achievement of community goals. Our goal is that every employee will have the same opportunities to be heard and be an equal part of our team.

Mission Statement

To provide responsible leadership in governing the City and to effectively manage resources while responding to essential community needs.

Responsive and Responsible

As an organization, we are both responsive and responsible to the public we serve. We strive to provide leadership that is innovative and able to anticipate, accept and adjust to change in a positive manner. Requests for our services get a prompt and courteous response. We welcome public suggestions about improving our services. We realize that we are an integral part of a unique community.

We are responsible in that our professional knowledge and ethics guide us, offering our best advice to City policy makers. We value and participate in the establishment of community goals. We recognize that community goal setting is a process requiring public involvement. Once community goals are established, our primary purpose is to effectively and efficiently work toward carrying out the adopted City policies and programs.

We accept our stewardship role and recognize accountability for our actions.

Respect for the Individual

The individuals within our organization are our most valuable resource.

We recognize our obligation to provide the best possible working environment. Toward that end, we shall assist individuals in their professional development and encourage and support them in their quest for self-improvement. We encourage physical and mental well being of the individual. We are committed to offering support to our employees in return for their demonstrated commitment to the City of Forest Grove.

By treating each other with mutual respect and encouragement, by recognizing individual performance, and by keeping a sense of humor, we create a supporting environment that will enhance our service to the public.

Commitment to Teamwork

We work as a team as the City's greatest and trusted resource and asset. Our teamwork emphasizes:

Communication – We value communication both within our organization and with the public we serve. Open, candid communication increases understanding and builds trust. Friendly, service oriented employees are vital to our success.

Fiscally Responsible Management – We act as stewards of the resources that we are entrusted to manage.

Cooperation – We help each other. We demonstrate respect for co-workers by showing regard for their time, responsibilities, efforts, and feelings.

Collaboration – We value the contribution of everyone involved in a project. Active participation of all team members' skills, diverse backgrounds, and aspirations leads to better results.

Principle-Based Leadership – We provide direction and purpose in the achievement of the community's mission.

Recognition – We believe in celebrating our achievements and those of others that support the goals of the community.

We are partners with the citizens and elected officials in the process of maintaining and improving the quality of life in Forest Grove. We fulfill our portion of that partnership by providing high quality services through high quality individuals.

1.3 Equal Employment Opportunity

The City is an equal opportunity employer and, as such does not discriminate against qualified employees or applicants on the basis of race, color, religion, sex, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, veteran's status, medical condition, sexual orientation, genetics, gender identity, pregnancy or membership in any other protected class. Equal employment opportunity will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, transfer, discipline, layoff, recall, termination or any other term or condition of employment. Except to the extent that may be provided for differently by a collective bargaining agreement, employment opportunities are based solely on the abilities and capabilities of the individual to perform the essential functions of each job assignment. All employment requirements mandated by State and Federal regulations will be observed.

In keeping with our philosophy and Federal and State law, our advertising and recruiting material will contain the following statement to encourage qualified applicants to apply: "Equal Opportunity Employer". Our policy, as an equal opportunity employer, is to employ persons legally entitled to work in the United States without regard to citizenship, ethnic background, or place of national origin. However, our policy, in conformity with the Immigration Reform and Control Act of 1986 (IRCA), is to hire only those who are eligible to work in the United States. Verification documentation is required of all new hires.

Employment decisions shall be consistent with the principles of EEO. Selection decisions will rely on valid qualifications. Other personnel actions or programs such as, but not limited to, compensation, benefits, transfers, layoffs, returns from layoff, City sponsored training, education, tuition assistance, social, and recreational programs will be administered in a nondiscriminatory manner.

The passage and implementation of the Oregon Equality Act in 2008 applies to all organizations regardless of size and prohibits discrimination on the basis of sexual orientation including gender identity. No individual will be discriminated against based upon the individual's publicly and exclusively asserted gender identity, or any declaration of intention to change the individual's perceived gender.

Reporting Policy Violations

Any employee or prospective employee who believes they (or a co-worker) have been denied equal employment opportunity, may have been the subject of unlawful discrimination; or may have witnessed some violation of this policy should promptly report the facts to the immediate supervisor.

An employee who is not comfortable discussing the matter with the immediate supervisor may utilize other management representatives in the reporting structure or report it directly to the ~~Human Resources Manager~~ Human Resources Director. Human Resources will ensure that claims are investigated promptly and that appropriate corrective action is taken, including notification to the City Manager.

Any supervisor or other employee, who after appropriate investigation, is found to have engaged in unlawful discrimination, will be subject to appropriate sanctions, which may, depending upon the circumstances, include termination.

Employees who report possible incidents of unlawful discrimination or Equal Employment Opportunity violations will be treated courteously and all such reports will be swiftly and thoroughly investigated in as confidential a manner as is possible under the circumstances. No employee will be discriminated or retaliated against in any way for bringing a question or complaint to the City's attention.

The City believes that fair treatment and respect are proper concerns of business and we encourage each employee to sincerely support this policy.

1.4 ~~Americans with Disabilities Act~~ Workplace and Disability Accommodations

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

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are comprehensive federal civil rights laws that specifically protect individuals with physical and mental disabilities.

Individuals are protected if any of the following conditions exist:

- They currently have a physical or mental condition that substantially limits their ability to normally conduct a major life function (e.g., walking, seeing, hearing, breathing, etc.);
- They have a history of such impairment; and/or,
- They are perceived to have such impairment.

These laws prohibit discrimination on the basis of an individual's relationship (parent, sibling, child, spouse/significant other, etc.) to someone with a disability.

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

~~Reasonable accommodation is available to employees and applicants, as long as the accommodation doesn't cause undue hardship on the organization.~~

Reasonable accommodation is available to employees and applicants with known physical or mental disabilities as well as known limitations related to pregnancy, childbirth or a related medical condition, such as lactation, unless the accommodation would cause an undue hardship. Among other possibilities, reasonable accommodations could include:

- Acquisition or modification of equipment or devices;
- More frequent or longer break periods or periodic rest;
- Assistance with manual labor; or
- Modification of work schedules or job assignments.

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. Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. Individuals protected by these laws should discuss their need for possible accommodation with their supervisor, manager, or Human Resources and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her need for a reasonable accommodation. Both the City and employee must monitor the employee's accommodation situation and make adjustments as needed

Individuals protected by these laws should discuss their need for possible accommodation with their supervisor, manager, or the **Human Resources Manager**.

1.6 Open Door Policy

The City of Forest Grove's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. The City of Forest Grove's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are surfaced early and shared without the fear of retaliation (when the employee provides the input in good faith).

If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, please talk to the ~~Human Resources Manager~~Human Resources Director.

1.7 Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report reasonable concerns about the City of Forest Grove's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Forest Grove 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 of Forest Grove;
- Mismanagement, gross waste of funds, abuse Of authority, or substantial and specific danger to public health resulting from action of the City of Forest Grove;
- A substantial and specific danger to public health and safety resulting from actions of the City of Forest Grove; 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 of Forest Grove 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 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.

Policy Against Retaliation

The City of Forest Grove will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful.

In addition, the City of Forest Grove prohibits retaliation against an employee because he or she participates in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Forest Grove employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City of Forest Grove 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.

“Retaliation” is broadly construed and includes conduct such as giving an employee the cold shoulder, changing their duties, treating an employee rudely, etc. In short, we expect all employees to respect the right of other employees to raise harassment concerns and cooperate with investigations. By doing so you will help us resolve such concerns at an informal level.

This policy is not intended to protect an employee from the consequences of his/her own 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 the City of Forest Grove 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.

Employee Reporting Options

In addition to the City of Forest Grove’s Open Door policy (see Chapter 1.6) employees who wish to report potential improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor’s response, you are encouraged to speak with the ~~Human Resources Manager~~Human Resources Director or designee. Supervisors and manager are required to inform the ~~Human Resources Manager~~Human Resources Director or designee 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 of Forest Grove 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.

CHAPTER 2

PROGRAM ADMINISTRATION

2.1 About this Handbook

This Employee Handbook is a compilation of the personnel policies adopted by the Council under the City Charter, and replaces all personnel policies issued prior to its adoption by the Council. It is intended to help you understand the employment provisions and expectations of the City. This Handbook applies to all employees working for the City, regardless of representation or affiliation. If you are a member of a labor union, please refer to your current labor agreement for additional information regarding the terms and conditions of your employment.

There are several things about this Handbook that are important to keep in mind. It contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications or exceptions to the policies and procedures described herein. The policies outlined in this Handbook are based on the belief that common sense, good judgment, and consideration of the rights of others are paramount to our ability to serve the citizens and each other. We have tried to anticipate many of your questions, but in no way do we believe that this document will provide every answer. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific question to your supervisor or the [Human Resources Manager](#)[Human Resources Director](#).

We recognize that employees differ in their skills, goals, perceptions and values and that conditions may arise because of that diversity which may not be sufficiently addressed within this Handbook or which may result in conflict. When that occurs, the City will endeavor to make decisions that are fair and equitable, while at all times ensuring the best interests of the City are served.

Please note that the policies, procedures, and regulations in this manual are not intended to contradict any provision of a current labor agreement, nor will any section of this manual supersede any provisions of such agreement.

The procedures, practices, policies and benefits described herein may be modified or discontinued from time to time. We recognize our responsibility to keep employees informed of changes that may affect them and as changes are made to the Handbook, we will endeavor to see that you are promptly informed. You may always review the current Handbook on the Citywide drive in the HR Info folder.

Some subjects described in this Handbook such as the benefit and retirement plan information are covered in detail in official policy documents. You should refer to these documents for specific information since this Handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies are controlling.

You are encouraged to offer suggestions for improvements to these policies, employment practices or working conditions. Please read through the Handbook carefully and share it with your family members so that they will also understand your new work environment. Should you have additional questions, or need further detail, please talk with your supervisor or the [Human Resources Manager](#)[Human Resources Director](#).

2.2 Employment Relationship

Employment At Will Positions

Appointments into the positions of Department Director (Police, Fire, Library, Public Works, Administrative Services, Parks & Recreation/Aquatics, Community Development, Light & Power, and any future Departments created by the City), ~~Human Resources Manager~~Human Resources Director, City Manager, Municipal Court Judge, and any temporary, intermittent, seasonal and initial probationary appointments to any position will be considered "at will". At will employees may be terminated at any time, with or without cause and without right of appeal. Employment for at will employees is for no definite period of time and may, regardless of the time and manner of payment of wages and salary, be terminated at will.

At will employees, as defined in this policy, whose position is eliminated are deemed terminated.

All Other Employees

All other employees of the City who are not represented by a labor organization are subject to the City Appeals & Dispute Resolution procedure and covered by the terms contained in Chapter 6 of this Handbook after successful completion of the Initial Probation; see Chapter 3, Types of Appointments.

No one in the organization has the authority to enter into any agreement contrary to this and it cannot be altered except by union contract or in writing and signed by the City Manager and you. The City of Forest Grove is also not bound by any oral promises.

The City recognizes that all employees have the right to form, join, and participate in the activities of labor organizations of their choosing for the purpose of representation on matters within the scope of collective bargaining for the State of Oregon.

2.3 Confidentiality

City employees have access to highly confidential and proprietary information, including such information about our business plans and citizens. Our citizens trust the City with confidential information. The unauthorized disclosure of such information would have a material adverse impact on the integrity of the City and would have an adverse impact on our relationships with our customers. No employee should disclose any information pertaining to the organization or customers without prior explicit approval of their manager/supervisor.

No City records and information including without limitation, documents, files, records, computer files or similar materials, except in the ordinary course of performing duties on behalf of the City, may be removed from our premises without permission from the City Manager. Additionally, the content of the organization records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose or legal public records request. For additional assistance concerning public records request, please contact the City Recorder. Employees are subject to appropriate corrective action, up to and including termination for revealing information of a confidential nature.

The City recognizes our employees' rights to privacy. In achieving this goal, the organization adopts these basic principles:

1. The collection of employee information will be limited to information the organization needs for business and legal purposes.
2. The confidentiality of all personal information in our records will be protected, except where required by law.
3. Internal access to employee records will be limited to those employees having an authorized, business related need-to-know. Access may be given to third parties, including government agencies, as a result of a court order or subpoena.
4. The organization will refuse to release personal information to outside sources without the employee's written approval, unless legally required to do so. Verifications of employment dates, position, salary, and title may be provided without prior approval of the employee.
5. Employees are permitted to see the personal information maintained in their personnel file, and may correct inaccurate factual information or submit written comments in disagreement with any material.
6. All employees involved in record keeping will be required to follow these policies and practices. Violations of this policy will result in corrective action up to and including termination.

2.4 Nepotism

State law (ORS 244.175) prohibits nepotism in public employment. Former employees, relatives of current employees, or individuals involved in an intimate personal or financial relationship or living in the same household with a current employee, are eligible for hire at the City of Forest Grove subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, the City retains the right to refuse to hire or promote someone into a position in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, or a person living in the same household would fall under the direct line of supervision of the other employee. "Direct line of supervision" is defined as being in the chain of command and/or scope of authority of supervision of someone who has authority to implement or recommend tangible employment benefits such as hiring, promotion, work assignments, pay increases, corrective action and termination of employment. Factors that will be considered in this evaluation include, but are not limited to, whether the hire or promotion of the person may create an adverse effect on supervision, safety, security, work environment or morale.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the aforementioned relationship is established after employment as a result of organizational restructure, marriage, domicile change or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor, or Human Resources. The employees and the City of Forest Grove will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to

decide who will resign. If a decision is not made within 30 days, the City of Forest Grove will make the final decision, based on the City of Forest Grove's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, member of household or an intimate personal or financial relationship, will be investigated by the City of Forest Grove. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

2.5 Organization Hours

The City's general office hours vary by Department; please refer to your Departmental rules for specific information.

Specific workday and workweek schedules for each employee will be determined from time to time by your supervisor based on the operational needs of the City. The City will attempt to notify you of any changes in workdays or workweek schedules two weeks in advance of the effective date of change. Management reserves the right to modify schedules consistent with the needs of the City.

The normal workday is eight hours. The total hours in a normal workweek is forty (40), Sunday through Saturday. If you are a nonexempt employee, you should not begin work before your normal starting time nor continue working beyond the normal quitting time without advance approval from your supervisor. Working through a lunch period is also not permitted unless approval from your supervisor is obtained prior to the scheduled lunch break.

If you are represented by a collective bargaining agreement, please refer to the specific language contained in it.

Overtime

You may be required to work overtime. Overtime hours will be paid to non-represented, non-exempt employees at one and one-half times the basic straight time hourly rate for all hours worked in excess of forty (40) in a regular workweek, or as otherwise required by State and/or Federal laws. Paid leave will be considered in computing the forty hours after which overtime is paid, excluding sick leave. Your department supervisor must approve any overtime work hours prior to their being worked. Supervisors/managers are to ensure that no unauthorized overtime hours are worked. Working unauthorized hours in excess of forty (40) in the workweek may be grounds for corrective action.

Time spent checking and/or responding to work-related email, texts, and/or voicemail on electronic communication devices (including, but not limited to desktop and laptop computers, mobile electronic devices, cellular phones, smart phones, tablets, etc.) by employees who are not exempt from the provisions of the Fair Labor Standards Act (FLSA) (see Section 3.4), during off-duty time is not permitted and will be considered unauthorized work subject to disciplinary action. Any exceptions to this policy must be approved by the employee's supervisor in writing.

Meal and Rest Periods

Meal and rest periods will be provided for you according to Federal and State law. Supervisors will review these and set scheduled times. Nonexempt employees are not permitted to work through a meal period unless approval from a supervisor is obtained prior to the scheduled meal break.

All nonexempt employees are entitled to a half-hour unpaid lunch break each day and a 15 minute paid rest period for each four hours worked. Employees are required to notify their supervisor in the event that they are unable to take their required 15 minute paid rest period.

Social and Recreational Activities

Participation in all off-duty social or recreational activities such as City or Departmental picnics and Holiday parties is entirely voluntary. Participation or nonparticipation will not have any effect on your wages, hours, working conditions, or present/future employment opportunities.

Work from Home

Employees are only permitted to work from home in two situations:

- 1) Long term/recurring schedule: Employees may work from home on a recurring schedule if approved for a telecommuting arrangement. The agreement must be in writing and approved by the City Manager prior to the employee commencing work at home.
- 2) Short term/non-recurring: Employees may work on short term, non-recurring projects with prior permission from their Department Director.

Before granting permission for short-term work at home arrangements, supervisors should know the specific work to be performed and the projected amount of time expected. If the work at home will cause a non-exempt employee to work enough hours per day or week to become eligible for overtime under federal and state law then the supervisor should consult the overtime policy before granting permission. Department Directors should also consult with the ~~Human Resources Manager~~ Human Resources Director regarding other issues related with work at home arrangements prior to the employee commencing work at home.

Under no circumstances are employees permitted to work at home without prior permission. Any attempt to do so, with or without reporting such time, may result in corrective action.

Emergency Closing

The City will make every effort to maintain normal Departmental work hours even during inclement weather. City employees, particularly those with emergency responsibilities, are expected to make every effort to come to work to serve the public.

The City reserves the right to determine whether or not an event qualifies as "inclement weather".

Department Directors are responsible for determining which positions are considered "emergency" and "non-emergency" during inclement weather events.

The City Manager is responsible for determining when to close specific City operations, or to allow employees to leave work early, due to inclement weather or in the event of a natural disaster.

The City Manager will communicate operational closures for non-emergency staff through the following methods:

- Telephone Contact with the Department Directors
- Voicemail message on the City's Main Line (503) 992-3200 by 0700 AM the morning of the closure and/or the City's website: www.forestgrove-or.gov
- Public announcements through local media releases.

It is the responsibility of the Department Directors to notify all personnel under their supervision. Department Directors may reassign employees when hazardous environmental conditions that interfere with normal operations exist. If such a decision is made, the Department Director shall provide notice to the City Manager.

Employees who are working and, subsequently, Departmental operations are suspended will normally receive their regular pay for the remainder of their scheduled shift, subject to approval by the City Manager. Employees who are on an approved leave of absence (e.g., vacation, personal holiday, compensatory time, sick leave, unpaid leave of absence) will not be eligible to receive regular pay for any hours that are deemed paid to employees who are at work when operations are suspended.

In the event of inclement weather without City closure, the following rules apply:

- **Reporting to Work:** Employees are encouraged to use their best judgment in determining environmental conditions related to their commute. Non-emergency personnel who decide that road conditions are a threat should contact their supervisor and notify them that they will be absent. In this event, the employee may charge time not worked to vacation leave, compensatory time off, or saved personal holiday.
- **Early Departure and Late Arrival:** After receiving approval from a supervisor, an employee may charge any time not worked to vacation leave, compensatory time off, or saved personal holiday, at the employee's discretion.
- **Unpaid leave** is only available upon exhaustion of the above accrued leave balances (vacation, compensatory time off, or saved personal holiday). Sick leave may not be used for this purpose.
- **Persons with Disabilities:** Employees who are disabled pursuant to the Americans with Disabilities Act may require reasonable accommodations in order to help such employees get to work during periods of inclement weather or in the event of a natural disaster. Employees who feel they need this type of assistance should contact Human Resources to identify an appropriate manner in which the City can help the employee get to work.

2.56 Employee-Incurred Expenses and Reimbursement

The City will pay all actual and reasonable business-related expenses you incur in the performance of your job responsibilities. All such expenses incurred must be pre-approved by your Department Director before payment will be made.

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Expense reports are to be submitted and supported by evidence of proof of purchase, e.g., receipts. Expense reports are due to the Department of Administrative Services within five days following end of month.

Mileage Reimbursement

Please refer to Vehicle Usage and Safety, Chapter 5.

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CHAPTER 3

RECRUITMENT & SELECTION

3.1 Recruitment and Selection

It is the goal of the City to fill employment vacancies with the most qualified applicants, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to race, color, religion, sex, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, veteran's status, medical condition, sexual orientation, genetics, gender identity or membership in any other protected class.

The City's policy is to always try to select the most qualified person for each available job, giving preference, whenever possible, to existing employees over outside applicants. External recruiting may be initiated concurrently with the internal posting process, but no hiring commitment for a regular position can be made until the position has been internally posted for a minimum of five working days.

~~Former employees and relatives of current employees will be considered for employment in the same manner as any other applicant. The City retains the right to refuse to place one spouse or immediate family member under the direct supervision of the other spouse or family member, where such placement creates an adverse effect on supervision, safety, security or morale.~~

Former employees and relatives of current employees, members of an employee's household, or individuals involved in an intimate personal or financial relationship with a current employee are eligible for hire at the City of Forest Grove subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant in accordance with Chapter 2.4.

The ~~Human Resources Manager~~Human Resources Director is responsible for the oversight and implementation of City recruitment and selection process. They will determine when a recruitment will be opened for application, and in conjunction with the hiring Department, whether the recruitment will be limited to internal candidates or open to the public. If a recall list exists for a classification, it will be exhausted in compliance with any collective bargaining provisions.

All Regular vacancies will be posted for a minimum of five (5) working days during which time applications will be accepted. The ~~Human Resources Manager~~Human Resources Director will develop a recruitment plan and ensure that a fair, valid, and competitive method of selection is utilized and documented. Recruitment efforts will incorporate the City's commitment to diversity, competitiveness, and organizational excellence. Recruitment practices will include a process whereby all applicants are aware of the requirements of the position and applicable deadlines. The ~~Human Resources Manager~~Human Resources Director will determine the application requirements. All application materials will become property of the City. Where recruitment is limited to internal candidates only, Temporary, Seasonal and/or Intermittent employees are eligible to apply, depending upon the nature of the applicant pool.

The ~~Human Resources Manager~~Human Resources Director will be responsible for overseeing each phase of the selection process. The ~~Human Resources Manager~~Human Resources Director may establish a hiring list of qualified applicants that may be used to fill other anticipated vacancies. The ~~Human Resources Manager~~Human Resources Director will determine the

duration of the hiring list, but in no case will a list be utilized beyond a one-year date from the date it was created. The ~~Human Resources Manager~~Human Resources Director may discontinue the use of an established list at any time; however all applicants on the list will be notified if the list is discontinued prior to the original expiration date established.

Application, testing, and background documents will be deemed confidential and will not be open to inspection by the applicant, other applicants, or the public except as otherwise required by law or legal process.

All job offers in the City are contingent upon a review of the applicant's driving record pursuant to Chapter 5, a criminal background check, and any other specific requirements of the position, which may include a pre-employment drug screen, physical and/or psychological evaluation, background investigation, and/or credit history check for certain positions.

Department Directors may hire temporary, seasonal and/or intermittent employees for positions which are seasonal, project oriented, designed to cover work for an absent employee, manage a temporary shift in workload, or for other business reasons. Temporary employees will typically be utilized only when the need for the position is originally estimated to be twelve months or less, unless otherwise approved by the City Manager. Temporary positions originally designated to exceed twelve months or which are extended beyond twelve months require the approval of the City Manager. Department Directors should seek consultation with Human Resources and the Administrative Services Director prior to recruiting for temporary, seasonal and/or intermittent positions.

3.2 Orientation and Introduction

In order to ensure a positive integration into the City's operations and get new employees started on a productive and satisfying employment relationship, all new employees will be scheduled for a thorough orientation, administered by the ~~Human Resources Manager~~Human Resources Director. This orientation will normally be conducted during the first week of work. You will receive detailed information about general policies, procedures and benefits and basic information on pay and leave policies. Orientation sessions are documented using the New Employee Orientation checklist, which is signed by both you and the staff member conducting the orientation, and it is retained in your employee personnel file as a permanent record.

Department Directors are responsible to ensure that new employees are oriented to any specific Department, position, and work environment requirements and expectations.

As a new employee, you are hired on an initial probationary period of one year, see Chapter 3. The initial probationary period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your supervisor. Evaluation of your adjustment to work tasks, conduct, and other work rules, attendance and job responsibilities will be conducted during the initial probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to see if your abilities and the requirements of the position match. It is also a chance to see if the City will meet your expectations as an employer.

Your performance will be evaluated at six months and at the end of your initial probationary period, and a decision about your employment status will be made. If you successfully complete

the initial probationary period, you will be moved to regular status. If expectations are not met or skills are not satisfactory, it is unlikely that employment will be continued.

3.3 Types of Appointments

Appointment Type:

- **Volunteer:** An appointment, as defined in ORS 657.015, to which the appointee volunteers or donates services without receiving or expecting remuneration. Volunteer appointments are not eligible for benefits unless specifically authorized in a written agreement by the City Manager. Terms and conditions of volunteer appointments are contained within the City's Volunteer Handbook and any specific rules promulgated by the Department for which the Volunteer appointment is made. Please refer to the Volunteer Handbook for additional information.
- **Temporary:** An appointment which has a duration of less than one year and less than 2080 hours. This type of appointment is considered "at will." Temporary appointments are eligible to accrue sick leave, but are not eligible for any other benefits unless specifically authorized in this policy manual or in a written agreement by the City Manager.
- **Seasonal:** An appointment which has a duration of six or less months and is intended to cover a particular period of time; e.g. parks maintenance during the summer months, when additional employees are required due to increased work related to that season. This type of appointment is considered "at will" and is eligible to accrue sick leave but is not eligible for any other benefits unless specifically authorized in this policy manual or in a written agreement by the City Manager.
- **Intermittent:** An appointment that does not require a regularly scheduled workweek and is less than one-thousand forty (1040) hours in a year. This type of appointment is considered "at will" and is eligible to accrue sick leave but is not eligible for any other benefits unless specifically authorized in this policy manual or in a written agreement by the City Manager.
- **Initial Probation:** All new employees, excluding "at will", shall serve an initial probationary period of twelve (12) months. Employment during the initial probation period is considered "at will". Represented employees should refer to your collective bargaining agreement. Please refer to Chapter 8 for benefit information.
- **Regular:** Appointment commencing after successful completion of the Initial Probation. Employees will automatically achieve regular status at the end of their initial or transitional probationary period unless the ~~Human Resources Manager~~Human Resources Director receives written notification from the Department Director prior to the conclusion of the probationary period that the probationary period will be extended, or in the case of an initial probationary

period, that the employee has not been successful in completing the probationary period. Please refer to Chapter 8 for benefit information.

- Transitional Probation: Employees who have completed their Initial Probationary Appointment and are subsequently promoted or who request a lateral transfer or reassignment will serve an additional transitional probationary period of twelve (12) months. Employees who are not successful in completing their transitional probationary appointment may, at the City's discretion, be transferred or reassigned to another vacant position. The ~~Human Resources Manager~~Human Resources Director will be responsible for determining if the employee is qualified for the transfer or reassignment. The employee will serve an additional transitional probationary period of six (6) months following transfer or reassignment.

When an employee's position has been re-designated to a higher level position, and the employee is assigned to the position without a competitive recruitment process, the employee will not be required to serve a transitional probationary period.

Employees who are promoted or who request and are granted a transfer or reassignment while serving their initial probationary period will have the remainder of their initial probationary period run concurrently with the new transitional probationary period.

Initial probationary periods may be extended up to six (6) months at the discretion of the Department Director.

3.4 FLSA Classification

FLSA (Fair Labor Standards Act) Status

Employees are further classified according to Federal and State wage and hour laws into two additional categories of exempt and non-exempt as defined below. The ~~Human Resources Manager~~Human Resources Director will make appropriate designation regarding the status of each City position or when a position changes substantially. If you are uncertain as to your status, please contact the ~~Human Resources Manager~~Human Resources Director.

- Exempt: An employee who is exempt from the overtime pay requirements under federal and state laws. Exempt employees include managers, executives, supervisors, and professional staff and others who are paid a salary and whose duties and responsibilities allow them to be exempt under federal and state law.
- Non-Exempt: An employee who is paid an hourly wage, assigned a regular work shift of not more than forty (40) hours per week, and whose job calls for overtime payment as appropriate under state and federal regulations.

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CHAPTER 4

CLASSIFICATION & COMPENSATION

4.1 Position Designation

Position Designation

Every position in the City will be allocated to a Council approved classification and salary range. Each position designation will be accompanied by a position description containing the specific duties and responsibilities assigned to the position designation. Position descriptions will include the title, a narrative on the duties, the level and scope of responsibility, the minimum qualifications, and the knowledge, skills, and abilities required in order to successfully carry out the responsibilities and working conditions of the position. Position descriptions are intended to be explanatory and not restrictive. Department Directors are responsible for the content of the descriptions and retain the ability to modify specific and/or daily tasks as required including the assignment of higher level duties for limited periods of time.

Except under exceptional circumstances as determined by the City Manager, no new Regular position will be filled until a position designation has been determined by the ~~Human Resources Manager~~Human Resources Director. In the event that a position designation results in the need for a new City salary range, the Council must approve of the new range prior to position establishment in the budget. The ~~Human Resources Manager~~Human Resources Director will ensure that all employees are notified of their position designation and will maintain the official City record of all active position descriptions.

Department Directors are responsible for ensuring that the number of current employees does not exceed the number of budgeted positions.

Position Re-designation

Employees who believe that their duties and responsibilities have changed significantly since their position was designated may request a review of their position designation by making a written request to their Department Director. Once received from the Department Director, the ~~Human Resources Manager~~Human Resources Director will conduct an analysis of the duties and responsibilities of the position and determine the appropriate designation.

When an incumbent's position has been re-designated to a classification that is lower in salary, the employee will have the option of taking a voluntary reassignment. If the incumbent does not elect to take a voluntary reassignment and no other position is available for which they are qualified and is within their salary range, they may:

1. Request a voluntary transfer into another vacant position for which they are qualified.
2. Accept termination.
3. If part of a bargaining unit, they may exercise any specific rights under the current collective bargaining agreement.

When an incumbent's position has been re-designated to a classification with a higher salary, the Department Director will have the option of promoting the incumbent or conducting a recruitment process. Promotion of the incumbent will be dependent upon the ~~Human Resources Manager~~Human Resources Director's determination that the incumbent meets the requirements as defined in the new or revised position description. For incumbents to be promoted without a recruitment process, the Department Director must demonstrate that the duties and responsibilities of the position evolved over a significant period of time, typically greater than 18

months. The ~~Human Resources Manager~~Human Resources Director will determine if the change in position designation is due to a gradual increase in duties and responsibilities over a significant period of time. If the Department Director conducts a recruitment for the re-designated position and the incumbent is not selected, and there are no other positions available for which the employee is qualified that are within the same salary range, the incumbent may:

1. Request a voluntary transfer into another vacant position for which they are qualified.
2. Accept termination.
3. If part of a bargaining unit, they may exercise any specific rights under the current collective bargaining agreement

When a re-designation of a position is the result of a City wide classification study, the incumbent of the position may retain the position and any applicable compensation policies as described in this Handbook.

4.2 Classification and Compensation Plan

The City Manager is responsible for the creation and maintenance of a classification plan. The classification plan will consist of a comprehensive listing and definition of all Council adopted classifications and salary ranges in City service. The purpose of the classification plan will be to:

- Establish qualification standards for employment eligibility,
- Assess parity in compensation for similar positions,
- Develop standards of work performance,
- Establish job families and career tracks,
- Provide a framework for analysis of organizational relationships or position designations (see Position Designations),
- Assist in the budget development process,
- Provide flexibility in the assignment of personnel.

The ~~Human Resources Manager~~Human Resources Director will administer a review of all City classifications and assigned compensation levels on a regular schedule. The ~~Human Resources Manager~~Human Resources Director will submit their findings to the City Manager for review. The City Manager will provide a report to the City Council for review and adoption. Compensation levels are typically reviewed every three years or, concurrent with contract negotiations.

The City Council has adopted the following compensation philosophy:

- Compensation and benefit levels will be evaluated against current labor market comparables for each employee group (bargaining unit, management, non-represented, etc.). It is the Council's policy to maintain City compensation within plus-or-minus five (5) percentage points of the labor market median. Compensation and benefit levels will be based on all relevant information including, but not limited to, internal equity, salaries paid by other employers for comparable work, fringe benefit packages, the City's financial condition, and unusual problems of recruitment and/or turnover.

It is the Human Resource Manager's responsibility to determine the relevant labor market comparables when conducting a review of compensation. The ~~Human Resources~~ Human Resources Director will analyze classifications in terms of duties and responsibilities, knowledge, skills, and abilities, minimum qualifications, changes in labor market forces and competition, and other relevant factors.

The City Council has ultimate authority to approve and/or revise the proposed salary and compensation adjustments as submitted by the City Manager. Compensation levels will be viewed as total compensation, including an analysis of salary, fringe benefit levels, cost of living changes, and other relevant factors.

In exceptional circumstances, the City Manager may initiate a review of compensation earlier than the three-year schedule in order to meet immediate organizational needs such as a rapid change in competition, labor market forces, or other factors. In this event, the City Manager will report findings to the City Council for review and adoption.

4.3 Pay Administration

The City values employees and is committed to compensating employees for their efforts and results. It is our intent to provide a competitive compensation package that will attract, retain and motivate employees. It is also our intent that policies and pay practices be administered consistently throughout the City.

The City of Forest Grove 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 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 of Forest Grove pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with their supervisor or Human Resources.

Your pay as a new employee is established based on the pay level of current employees in the same or similar positions, and your previous experience and skills. The City Council adopts the salary schedule from which all City employees are compensated, see Classification and Compensation Plan.

You will be eligible for future pay increases based on your performance, contributions and success. This policy is to be interpreted in accordance with applicable federal and state laws and regulations.

Cost of Living Adjustments (COLA's)

If the City Council approves an annual cost-of-living adjustment, you will receive it as a modification to your base salary.

Merit Salary Increases

It is the City's policy to reward you with increases in pay for your dedication in your work, extra effort, and contributory performance. Management does not award increases on an automatic

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basis or at any preset interval. Your supervisor will determine if an increase is warranted at the time of your performance review. Step increases will be awarded based on satisfactory performance as documented in your performance appraisal. Exceptional performance may be rewarded with accelerated advancement through the steps. Prior written approval from the City Manager is required for accelerated advancement.

Paydays

You will be paid at least monthly, according to the City's payroll cycle. If the payday falls on either a Saturday or Sunday, paychecks will be distributed on the Friday prior to the payday. If a City holiday falls on a designated payday, you will receive your check on the last workday prior to the holiday.

Payroll Deductions

Certain mandatory and elective deductions are made from employee pay, and are noted on the paycheck stub. Only those deductions mandated by law or those you have authorized in writing are made, provided such deductions are not otherwise prohibited by state regulations.

Delivery of Paychecks

Your paycheck will be delivered to you each payday or directly deposited to your account as authorized. No paychecks will be delivered to any person other than you except upon your written request to do so.

Method of Payment

A statement of earnings and deductions showing gross earnings, deductions and the net salary amount will accompany each paycheck or notice of direct deposit. Employees are normally paid by check, but you may request payment by direct deposit to a checking or savings account at a financial institution, provided your financial institution has that capability.

Employee Withholding Allowance Certificates Form W-4

You are required under Federal law to furnish the organization with an Employee Withholding Exemption Certificate (W-4) at the date of hire. You must file a new W-4 form at any time the number of entitled exemptions decreases to less than the number being claimed. New W-4 forms may be filed when the number of entitled exemptions increases if desired, but it is not required. You may increase withholding by claiming fewer exemptions than entitled or by requesting additional withholding to be made if you find that insufficient tax has been withheld to meet your year-end tax liability.

Time Records for Nonexempt Employees

The timesheet is a record of time worked and must be filled out. It provides a permanent record of the time spent on the job, indicating the exact time worked. Each nonexempt employee will be issued a timesheet at the start of the pay period. Nonexempt employee pay is calculated from this record.

You should review your timesheet at the end of each week for completeness and accuracy. Supervisors will review timesheets each pay period and authorize them by signature. Timesheets must be completed in ink. If an error is to be corrected or time clarified, the timesheet should be taken to your supervisor who will take the appropriate action. All corrections must be made, reviewed, and initialed by the supervisor. Timesheets should be reviewed, signed, and turned in

at the end of the pay period. Your signature on the timesheet each pay period verifies that the times and dates are true and accurate to the best of your knowledge. You should never allow someone else to make entries on your timesheet. Willfully falsifying a time card will be grounds for corrective action, up to and including termination.

Time Records for Exempt Employees

Employees classified as exempt report only absences from work on their timesheets. No deduction of pay will be made for hours worked less than your regular daily work schedule, typically eight (8) hours per day. Exempt employees may be required to use paid accrued leave (sick leave, vacation, leave, personal holiday or administrative leave) to cover full or partial day absences in accordance with City policy. While exempt employees are not paid by the hour, it is generally expected that the duties of their position will require a minimum of forty (40) hours per week to achieve optimal performance. By signing the timesheet, you are certifying, by default, that you have worked an average of forty (40) hours in each week in the pay period.

Improper Deductions from Pay for Exempt Employees

The City will reimburse any exempt employee whose pay is reduced in violation of this policy. If you feel your pay has been improperly reduced, please notify the ~~Human Resources~~ Human Resources Director.

Final Paycheck

While we request that you give us at least ten days advance notice prior to departure when resigning from the organization, if you provide us with at least 48 hours notice (excluding holidays and weekends) you will receive your final paycheck on the last day worked. If less notice is given, the final paycheck will be provided within five business days or on our next regularly scheduled payday, whichever occurs first. Final paychecks will include all wages earned through the last workday plus payment for any accrued and vested benefits that are due and payable at separation.

4.4 Salary Administration

The ~~Human Resources Manager~~ Human Resources Director will provide consistency and guidance in the management of salary administration. This includes the approval of beginning salaries, performance-based salary adjustments, increases at time of promotion and the provision of pay options in the event of a transfer, demotion, reassignment or leave of absence.

All salaries will be set within the Council adopted salary range and in compliance with applicable federal, state, and local laws. Payment of salaries for employees covered under the overtime provisions of the Fair Labor Standards Act or state law will be for hours worked except where these policies permit otherwise. Hours worked include holidays and any paid leave time, excluding sick leave.

Salaries for New Employees

Employees will normally be hired or reinstated at the beginning of the salary range. When the City Manager deems it is appropriate, they will have the authority to approve a higher starting salary. In any event, a beginning salary may not exceed the salary range approved by the Council for that position.

Salaries for Promotional Appointments

Employees will normally be promoted to a salary rate at least one step higher than his or her base pay in the lower classification, unless such an increase puts him or her beyond the top of the higher range. A one step increase is defined as the percentage difference between the final two steps of the lower range. If the employee's base pay in the lower range plus one step increase is lower than the first step in the higher range, the employee will be paid at the first step rate. If the employee's base pay in the lower range plus one step increase is higher than the top step in the higher range, the employee will be paid at the top step rate. If the employee's base pay in the lower range plus one step increase falls within the higher range, the employee will be paid at the step rate which represents at least a one step increase, but less than a two step increase in base pay.

When the City Manager deems it is appropriate, they will have the authority to approve a higher promotional starting salary.

The employee's anniversary date for wage increases will be the date of appointment to the promotional classification.

Overtime & Compensatory Time

Overtime for FLSA non-exempt, non-represented employees will be paid for time worked in excess of forty (40) hours in the employee's designated workweek. Time worked will include any paid leave taken during the week in which the overtime is being calculated, excluding sick leave. Only those employees who are not exempt under the provisions of the Fair Labor Standards Act or state law, unless otherwise designated by the City, will be eligible to receive overtime pay and/or compensatory time. Overtime will be paid at the rate of one and one-half times the employee's regular rate of pay. Time worked as overtime will not be considered when determining eligibility for benefits, retirement, or completion of either an initial or promotional probationary period.

Non-represented employees who are eligible for overtime pay may, with the mutual consent of their supervisor, accrue compensatory time in lieu of overtime. Compensatory time will be earned at one and one-half times the number of hours worked and may be accrued up to a maximum of eighty (80) hours. Compensatory time off will be considered the same as time worked when determining eligibility for benefits, retirement, or completion of either an initial or promotional probationary period.

Temporary, seasonal and intermittent employees are eligible for overtime under the same conditions as regular employees, however; they may not earn compensatory time.

Annual Salary Adjustments and Special Increases

All salary adjustments will be based on performance as documented in an employee's performance appraisal. Annual salary adjustments will occur every twelve months on the employee's anniversary date from appointment into the position. When an employee has performed at or above the satisfactory level, as determined by their supervisor, the employee may be granted a one step salary increase. Salary increases will be commensurate with performance ratings; however, in no case may an increase cause the employee's salary to exceed the top of the salary range established by Council.

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When exceptional performance is documented in an employee's performance appraisal, a supervisor may recommend an acceleration of advancement through the salary range, normally a two-step increase. Department Directors must submit a written recommendation for approval to the City Manager prior to initiating the increase.

Employees who experience any leave of absence without pay, excluding military service or Family Medical Leave, which exceeds thirty (30) calendar days, will have their annual salary adjustment prorated to reflect the actual number of months in paid status during the evaluation cycle.

The City Manager will have the authority to approve individual salary increases outside of the annual adjustment should special circumstances warrant such action.

Represented employees will receive annual salary adjustments in conformance with their collective bargaining agreement.

Higher Classification Work

When an employee is assigned in writing to assume the majority of the duties (greater than 50%) of a position in a higher pay range for a period of more than 8 continuous hours, they will be awarded higher classification pay. The premium will normally be five (5) percent over their base rate of pay for all hours worked at the higher level position. This premium does not apply in situations where an employee is performing higher level duties for the purposes of training.

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When the ~~Human Resources Manager~~ Human Resources Director deems it is appropriate, they will have the authority to approve a higher premium.

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CHAPTER 5

STANDARDS OF CONDUCT

5.1 Work Rules

The City believes that policies and procedures are essential for the orderly operation of our business and for the protection and fair treatment of all employees. As a result, we have clearly identified performance expectations so that everyone can act in accordance with our workplace standards. Courtesy and common sense should always prevail. The following work rules are not all-inclusive, but serve as guidelines to demonstrate work behaviors considered important to the City.

1. You are expected to be at work on time, stay until your workday ends, and to do the work assigned or requested of you. If you are unable to be at work on time, you are expected to contact your immediate supervisor promptly. Please refer to Departmental attendance guidelines for additional information.
2. You are expected to regard your workplace with respect and attention. City of Forest Grove records, equipment, and property are to be treated carefully and appropriately. You are responsible for those items in your custody and will be held accountable for their maintenance, appropriate use and/or accuracy.
3. You are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory bodies.
4. You are expected to conduct yourself in a professional manner, exhibiting a high regard for our customers, vendors, business associates, and co-workers. No breach of professional behavior (abusive language, harassment, personal business during work time, etc.) will be condoned. This also applies to alcohol consumption when representing the City in a business or social capacity.
5. You are expected to maintain the confidentiality of organization information or customer information in your possession (i.e., personnel information, etc.).
6. Clothing you wear to work should be neat in appearance and be consistent with a professional atmosphere, keeping in mind the impression made on the public, visitors, and other employees and the need to promote organization and employee safety. Good individual judgment is the best guideline, but the City retains the right to decide what dress is appropriate. Please speak with your supervisor for Department specific dress standards.
7. Public relations is an integral part of each employee's job. Employees represent the City to those with whom they come in contact or by whom they are observed. All employees should remain cognizant of this responsibility in carrying out their duties in a professional and efficient manner.

The information regarding appropriate behavior may help in providing guidance for employee actions. You are urged to use reasonable judgment at all times and to seek supervisory advice in any doubtful or unclear situation. By everyone doing their best to meet both the spirit and intent of these guidelines, employee disciplinary issues should be minimal. As a matter of policy, the City seeks to resolve conduct and performance problems in the most informal and positive manner possible. However, when someone does not conduct themselves with the intent of the work rules, action will be taken to correct the situation promptly and completely. Violations of workplace rules will result in corrective action, up to and including termination.

The City also believes that employees should be given an opportunity to be heard in matters involving discipline and we have adopted formal procedures. Please refer to chapter 6 of this

manual. Employees who are covered under collective bargaining provisions are encouraged to refer to the specific language contained in their agreement.

Department Directors are responsible for the establishment of rules and procedures, which regulate the specific work activities, and conduct of employees in their department. Department work rules may be more restrictive than City rules due to their specific operational requirements.

5.2 Ethics

At the City of Forest Grove, we believe in treating employees with respect and adhering to ethical and fair practices. We expect employees to avoid situations that might cause their personal interests to conflict with the interests of our organization or to compromise its reputation or integrity. Employees may not use their position as a public employee to gain a financial benefit, nor avoid a financial cost to themselves, their families, or their personal businesses if the opportunity is available only because of the position held by the employee. Employees who conduct themselves inappropriately or who create a detrimental impact on the City may be subject to corrective action up to and including termination.

Employees are responsible for carrying out their duties in a manner that contributes to a positive and productive work environment and further achieves the City's goals and objectives. Employee behavior should reflect favorably on the City and serve the public interest as opposed to individual interest.

Supervisors, managers, and Department Directors will have the added responsibility of providing leadership that makes such performance and conduct possible and holds employees accountable for their actions.

Conflict of Interest

Employees may not solicit, obtain, accept, or retain any personal benefit from any supplier, vendor, customer/client, or any individual or organization doing or seeking business with the City. This means you may not maintain an outside business or financial interest, or engage in any outside business or financial activity which conflicts with the interests of the City, or which interferes with your ability to fully perform your job responsibilities. For example, if your job responsibilities include purchasing, or someone is in a position to influence such purchases, the individuals should have no proprietary or financial interest in any business that furnishes products, materials, or service to the organization or in any related transaction. Nor may they benefit directly or indirectly from a third party who furnishes products, materials, or services to the organization.

Misrepresentation

As an employee, you should consider how you represent the City in your transactions and interactions. You should be careful not to misrepresent the City policies, practices, procedures, or misrepresent your status and authority to enter into agreements. You should also avoid using the City's name, likeness, facilities, assets, or other resources or using the authority of your position with the City for personal gain or private interests.

Gifts/ Gratuities

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No employee may receive, give, pay, promise, or offer to our suppliers or agents anything of value, whether cash or any other property, for the purpose of securing or appearing to secure preferential treatment. This also includes any form of gratuity to or from employees of our suppliers or agents or members of their families.

In the event that you are offered a gift, gratuity, recognition item, or other item of personal benefit, you must notify your Department Director. If such offer does not violate the spirit of this policy, the employee may accept it on behalf of the City as long as the item may be used for the public good. In no event will the City accept any item whose value is determined to be in excess of fifty dollars (\$50.00).

Travel Awards

Travel awards including frequent flier miles, compensation for being displaced and related items accrued or earned by officials and employees on official City business are considered to be part of the salary and benefits to which such officials and employees are entitled as compensation. Officials and employees shall make decisions regarding travel arrangements and expenses in the best interest of the City rather than to maximize accrual of this benefit. Abuse of this benefit, including but not limited to influencing travel arrangements so as to maximize accrual of awards to the detriment of the City or public is prohibited and is cause for discipline. Employees shall be responsible for ensuring that this compensation is reported as income for tax purposes to the extent required by law.

Examples of travel awards are coupons, discounts, credit card rebates, frequent flyer miles, and tickets and vouchers for being bumped from an airline flight. Employees should be aware of provisions of the Oregon public employee ethics statutes (ORS 244.040). This statute prohibits a public employee from using or attempting to use his/her official position to receive a financial gain or avoid a financial detriment that would not be available but for the person's employment by a public agency.

Outside Employment

While employed with the City, you may not engage in outside employment that conflicts with the nature of the City's business, conducts business with the City, or otherwise interferes with your ability to perform according to established standards of performance and work rules. Also, you may not conduct business connected to outside employment during hours you are scheduled to work for the City.

Off-Duty Conduct

As a general rule, the City regards the off-duty activities of employees to be their own personal matter. However, there are certain types of off-duty activities that are of concern because of the potential negative impact on the City's reputation within the community we serve. For that reason, employees who either engage in or are associated with illegal or otherwise harmful conduct, the nature of which adversely affects the City or their own ability or credibility to carry out their employment responsibilities, may be subject to corrective action up to and including termination.

Solicitation and Bulletin Boards

In order to ensure that employees are not disturbed, interrupted or disrupted while at work, the City has established the following no solicitation policy:

- Individuals who are not employed at the City may not solicit our employees or distribute literature on City property at any time.
- If you wish to solicit or distribute literature to other employees by or on behalf of any individual, organization, club or society, you may do so only during times when you are on a break or lunch period. You may solicit or distribute literature only to those employees who are also on their break or lunch period. The distribution of literature in work areas is prohibited at all times, but you may place it in established break areas or lunchrooms.
- Certain types of material such as obscene, profane or inflammatory items and political advertisements or solicitations are strictly prohibited.
- You may not solicit, expect or accept contributions from vendors, clients or anyone doing business with the City.
- You may not sell merchandise or collect funds of any kind without prior approval from your Department Director.

The City bulletin boards keep you up to date and are used to post notices and information required by law. If you are covered by a collective bargaining agreement, there may also be union bulletin boards in your Department. Please refer to your collective bargaining agreement for additional details. City bulletin boards are to be used only for posting or distributing notices or announcements of a business nature that are equally applicable and of interest to employees or are directly concerned with City business.

Political Activities

City employees are entitled to exercise their rights to hold membership in or support a political party, to participate in political campaigns, to vote, and to privately express their opinions on political subjects or candidates. Any political activity is prohibited during the workday, this includes soliciting money, prepare or distribute written materials, post website information, transmit emails, influence, service, or other things of value or otherwise aid or promote or oppose any of the following during working hours:

- Political committees; or
- Election petitions; or
- Nomination or election of any person to public office; or
- Passage or defeat of any ballot measure.

Additionally, The City Council has determined that having an employee serving on or campaigning for the Council would unnecessarily create the appearance of conflict of interest, would create management difficulties in supervision, discipline and maintenance of confidentiality, and would cause governmental inefficiencies resulting from the above. Therefore, employees are not permitted to be a candidate for, or serve on, the City Council.

5.3 Electronic Communications

The enhancement of external and internal communication through the use of electronic communication equipment is a goal of the City of Forest Grove. Electronic communication

devices and systems include, but are not limited to: cell phones, desk phones, voice mail, smartphones, desktop and laptop computers, computer software, email systems, texting devices and the Internet. This policy outlines the City's expectations for employees regarding access, use and disclosure of information when using these communication systems.

All electronic communication devices purchased by the City of Forest Grove are considered property of the City, and employees shall have no expectation of privacy in connection with the transmission, receipt or storage of information on these devices. The City, within the bounds of current and future laws, reserves the right to review, audit, intercept, access and search these business systems at will, monitor data and messages within them at any time for any business-related reasons, and disclose selected contents without notice or other restriction. Personally owned electronic communication devices used by employees for City business may be subject to public records search in accordance with applicable laws and/or court orders. Additionally, all electronic communication devices used for City business are governed by the standards and practices set by the Oregon Government Ethics Commission.

This Electronic Communication Policy applies to all City of Forest Grove employees and their use of personally owned and/or City-provided electronic communication devices, computers, software and network systems during work hours. Inappropriate use of such equipment, including use that violates any code, law, regulation or policy set by the City of Forest Grove or outside regulatory bodies, or failure to comply with any part of this policy, may result in disciplinary action up to and including termination of employment.

Telephones, Smartphones and Voice Mail

The ability to make and receive telephone calls is an essential element of the services the City of Forest Grove provides to the public. The City's telephones, voice mail systems, and all other electronic communication devices are intended for official business only, but may be used incidentally for personal reasons in accordance with this policy. All calls on City-owned phones, including any personal calls allowed by City policy, and voicemail are subject to being monitored, accessed, retrieved or deleted without permission of the employee. This tracking may include the phone numbers of incoming and outgoing calls and text messages, as well as their duration.

The City of Forest Grove may provide cellular phones and/or smartphones to employees to facilitate City work. Smartphones include devices with traditional telephone functionality and additional features typically found on a desktop, laptop and/or tablet computer. These devices should not be used for an employee's personal convenience. All personal calls and/or texts should be brief and infrequent, and personal cell phones calls conducted away from work areas.

(a) Use of City-provided Desk Phones, Cellular Phones and Smartphones

The City does not prohibit personal use of the City phone system provided that the use is infrequent and brief. The City recognizes that employees occasionally have a need to talk to family members, schedule service technicians, confer with children's schools, and take care of a variety of other matters during "regular" working hours.

Personal long distance calls may only be made on City phones using a pre-paid calling card. No personal call resulting in a charge to the City may be made on City-owned phones, even if the employee reimburses the City for the cost.

(b) *Use of Personal Cellular Phones and Smartphones*

If approved by the employee's department director, personal electronic communication devices may remain on during work hours in vibrate or silent mode only unless employee has received authorization from their supervisor to have their phone on ring mode. However, based on individual work environment circumstances, department directors may prohibit employees from carrying personal electronic communication devices in the workplace.

(c) *Schedules/Appointment Calendars kept on Cellular Phones and Smartphones*

The City recognizes the benefit of keeping a comprehensive schedule on an electronic communication device that may include both work and personal appointments. However, employees who choose to combine work and personal calendars on a work-related electronic device acknowledge that these devices may be subject to record searches in accordance with applicable laws.

(d) *Personal Features on Cellular Phones and Smartphones*

The City also recognizes that employees may desire personal features such as web browsing, texting capabilities or access to social media sites on personal and/or City-owned devices during work hours. This type of access should be brief and infrequent, and must follow the "Use of City Network: Computers/Internet/Email" section that follows. Additionally, all devices that contain sensitive City data, or have applications that can access sensitive City data, should be kept locked when not in use. These devices must be equipped with a password or authentication system to unlock the device, and if possible, the data should also be password-protected in case the device is lost or stolen.

(e) *Loss, Theft or Damage to Cellular Phones*

If a City-owned smartphone is lost, stolen or broken, the department director will determine whether this occurred as a result of employee negligence when deciding if the City will replace the device. If a personally owned smartphone or cellular phone is lost, stolen or broken, the City will not replace the device, nor assist with replacement costs.

Use of City Network: Computers/Internet/Email

The City of Forest Grove's computer system is provided to assist employees in the performance of their job duties and is for authorized users only. The City has the ability to capture and store all data and email sent, received, placed or accessed on its computer network and related systems. Any message or communication sent through our systems is subject to the City's harassment, equal employment opportunity, workplace violence and non-solicitation policies. You are expected to carefully compose and review the wording, tone and content of your communications prior to transmission. Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or

inappropriate may not be sent by email or other form of electronic communication or displayed on or stored in City computers or other portable devices. If you encounter or receive this kind of material, you should immediately report it to your supervisor.

Use of the network without authority, or in excess of an employee's authority, is subject to monitoring by an authorized person or persons, including law enforcement. The City may take action related to inappropriate use of its network, without prior notice, if an employee is determined to have generated, sent or received such material.

Employees who access networks and computer systems administered by other agencies to perform their work are expected to comply with all usage policies of both the City of Forest Grove and of the agency administering the network or computer systems.

Personal Use of City Network: Computers/Internet/Email

The City does not prohibit personal use of the communication system (i.e., sending email over the Internet, accessing sites on the Internet, or typing a letter) provided that the use is infrequent and brief. The City recognizes that employees occasionally have a need to schedule service technicians, confer with children's schools, and take care of a variety of other matters during "regular" working hours. In today's electronic environment, use of electronic communication systems for these purposes may be more efficient. The City believes that personal use for these purposes during regular working hours is less disruptive than requiring employees to take formal breaks or leave work, provided that the use is brief, infrequent, and in compliance with the following guidelines and understandings.

Personal use of the City's computer system may not interfere with the employee's work, another employee's work, or have an undue impact on the network. Employees should have no expectation of privacy in connection with the transmission, receipt or storage of information, even if the computer is for approved personal use. Employees may not store personal files, folders, pictures, music or videos on the City's network systems and the City reserves the right to remove any personal items from the City's network systems without notice to the employee.

Employees are not prohibited from storing personal files or pictures on City-owned devices or desktop/laptop hard drives, but are discouraged from doing so for several reasons, including 1) all data on City-owned devices and networks is the property of the City and is discoverable under public records law; 2) any personal items stored on the employee's hard drive or City-owned device that are not in accordance with City policies contained in this handbook may subject the employee to corrective action; and 3) the City will not be responsible for recovering non-work related items that are lost.

The City's computers, email system and Internet connections may *NOT* be used to:

- Send email anonymously or without authorization.
- Send offensive messages ("Offensive" for the purposes of this Policy is broadly defined as containing information or images that would be considered inappropriate in the City workplace or that would contribute to creating a hostile work environment. Examples include, but are not limited to, content which could make others feel uncomfortable because of their treatment of topics involving gender, race, disabilities, or sexual matters.)
- Increase personal gain, do personal business, or support political ventures;

- Support charitable, religious or political activities or causes (other than City-approved activities).
- Play games, stream music or stream personal videos.
- Download or install new programs; this requires departmental and IT approval.

City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, gambling and hate group sites are examples of inappropriate sites. Accessing these sites is a misuse of City property unless required by job responsibilities and explicitly authorized by supervisor (e.g. police detectives).

Use of Non-City (Personal) Computers/Tablets that are not covered by the City's stipend
Personal computer/tablet use in the workplace is permitted only:

- During an employee's lunch period.
- During an employee's break period.
- If authorized by the employee's supervisor for performing City work during work hours under the following conditions:
 1. The City will not compensate employee for lost, stolen or damaged device;
 2. The employee will not receive a stipend or other compensation for the device;
 3. IT staff will not support or troubleshoot problems with the device; and
 4. The employee understands that if their personal device is used for work-related purposes, it may be subject to public records disclosure laws.

City-owned, Stipend and Personal Cell Phone Use
In the Workplace

Type of Activity	City-owned Cell Phone	Personal Cell Phone (Covered by City Stipend)	Personal Cell Phone (Not covered by City Stipend) (Applies during work hours, which excludes break and lunch periods)
On during work hours?	Yes.	Yes.	Yes – in silent or vibrate mode unless otherwise authorized.
Personal calls?	Yes – away from work area so as not to disrupt others; and brief and infrequent at all times.	Yes – away from work area so as not to disrupt others; and brief and infrequent during work hours.	Yes – away from work area so as not to disrupt others and brief and infrequent.
Personal Web searches?	Yes – brief and infrequent at all times.	Yes – brief and infrequent during work hours.	Yes – brief and infrequent.
Social media?	Yes – work related.	Yes – work related during work hours; otherwise brief and infrequent.	Yes – brief and infrequent.
Texting?	Yes – work related.	Yes – Work related or brief and infrequent during work hours if personal.	Yes – brief and infrequent.
Work calendar/email sync?	Yes.	Yes.	With department director approval.
Install applications?	Yes – work related.	Yes – all.	Not Applicable.

NOTE: Based on individual work environments, supervisors shall have the ability to prohibit use of cellular phones for personal reasons during work time; and, if allowed, to determine if usage of such devices for personal reasons meets the “brief and infrequent” requirement. Employee’s productivity, efficiency and disruption to the work environment or other staff will be some factors supervisors will consider in making these determinations.

City-owned Desktop, Laptop and Tablet Computers

Personal Web searches?	Yes – brief and infrequent for information like maps, weather or phone numbers.
Install applications?	No – please contact IT for application installations.
File sharing?	No, unless approved by IT.
Streaming music and videos?	No, unless approved by IT.
Social Media?	Yes – Work-related and personal use on lunch or break time
Games?	No.
New programs/executable?	No. IT must install all new programs.

Approval is not required to download work-related documents in formats such as PDF or Word.

Information Sharing

Employees are not allowed to use code (e.g. “hack into”), access unauthorized files, or retrieve any stored information unless given clearance in advance by an authorized supervisor. City property or information that is confidential and/or proprietary cannot be shared with individuals outside the City without prior clearance from a department director. Any employee who leaves employment with the City is prohibited from taking or copying any City property or information unless specifically authorized in writing by their department director.

Information Technology Access Policy

Information technology includes but is not limited to: all individual computers, computing and electronic communication devices and services, telecommunication devices, email, networks, telephones (including cellular), voice mail, fax transmissions, video, multimedia, applications and instructional materials.

Access rights to information/data stored on City-owned equipment will be granted on an as-needed basis. Only those rights needed to accomplish tasks related to an employee’s job function will be granted. Authorized users of the City’s computer network include City employees and other individuals who are contracted to help support the City systems. Any other use is strictly prohibited.

Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

City of Forest Grove Information Technology (IT) staff is granted access to information technology resources to facilitate their job activities. However, IT staff agrees to abide by all relevant City of Forest Grove policies and procedures, as well as all current federal, state and local laws. These include but are not limited to: personnel policies and procedures related to harassment, plagiarism, commercial use, security, unethical conduct; and laws prohibiting theft, copyright and licensing infringement, unlawful intrusions and data privacy laws.

Information Technology staff is responsible for reviewing, understanding and complying with all policies, procedures and laws related to access, acceptable use and security of the City of Forest Grove information technology resources.

The City of Forest Grove recognizes the importance of preserving the privacy of users and data stored in information technology systems. Staff and third-party contractors must honor this principle by neither seeking to obtain unauthorized access to information technology systems, nor permitting or assisting others in doing the same. Furthermore, staff and third-party contractors must not make or attempt to make any deliberate, unauthorized changes to data on an information technology system. Staff must not intercept or attempt to intercept or access data communications not intended for that staff member, for example, by “promiscuous” network monitoring, running network sniffers, tapping phone or network lines, or any other means of intercepting data communications.

Even though the City reserves the right to retrieve and read any email messages, those messages are to be treated as confidential by other employees and accessed only by the intended recipient. We expect that employees will respect others’ privacy and unless authorized to do so, will not retrieve or read electronic messages not intended for them. The use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to your Department Director upon request.

There may be occasions when a user’s data will need to be accessed without the user’s permission. When these occasions arise the IT staff member must obtain written permission from the department director or city manager prior to accessing the data. Staff must not conceal their identity when using information technology systems, except when anonymous access is explicitly authorized. Staff is also prohibited from masquerading as or impersonating others, or otherwise using a false identity, unless expressly given permission from a supervisor for the purpose of performing official job duties, such as police department detectives.

Without specific authorization, staff may not remove or modify any City of Forest Grove owned or administered equipment or programs from information technology systems (e.g. City’s network, servers, storage, cloud programs, etc.).

Off-site Information Technology Equipment and Data Use Policy

Information technology equipment and data includes but is not limited to: all individual computers, computing and telecommunication devices, telephones, City records and instructional materials.

Employees are required to obtain permission from their supervisor prior to taking computer equipment off-site. Department directors are responsible for knowing who within their respective departments has possession of any information technology equipment that is taken off-site.

If the equipment has been kept off-site for more than one month, and the equipment has been used on the Internet and/or files loaded or any external devices attached to the computer equipment, it shall not be reconnected to the City's network without first being examined by IT staff. This will allow IT to ensure virus and other updates are current on the equipment.

Employees are responsible for taking reasonable precautions against theft or damage to computer equipment. Data of a confidential nature must be protected and must not be disclosed without authorization. Confidential data or information should be transferred using a secure device that requires authentication to access. If possible, the data should also be encrypted. Unauthorized access, manipulation, disclosure, or secondary release of such data constitutes a security breach.

Software installations are to be performed by Information Technology (IT) staff only. Only software owned by the City and approved by IT staff shall be installed on City computers. Installation of personal software on any City-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder. The City allows music and videos to be played from the DVD/CD player, but the music or video may not be copied to the computer or network.

Any theft or damage to computer equipment is to be reported immediately to the IT staff and your supervisor.

When computer equipment assigned to an employee is returned to the City, the user is required to notify his/her supervisor, and to send a "help desk ticket" to IT staff notifying them of the change of status of the computer equipment if it has been off site for more than thirty days.

Working from a Non-City Computer

Using a personal electronic device such as a smartphone, netbook, other mobile device, laptop or personal computer to access City electronic communications and documents for work may make the personal electronic device subject to a records search. Personal electronic devices should not be used for working directly on City documents without approval from your department director.

A thumb drive (also known as a flash drive, jump drive, pen drive or memory stick) used to transport electronic communication and documents for work on personal electronic devices may make the thumb drive subject to a records search.

No personal thumb drives should be used on City computers without approval from IT. Sending electronic communications or documents to a personal email account or other online account may make the email account or other online account subject to a records search.

Virtual Private Network (VPN)

When using the City's VPN (a secure Internet connection that connects outside computers to the City's network), no electronic work communication or documents should be downloaded to a personal device. If documents are downloaded to a personal device, this may subject the personal

device to a records search. If work needs to be done on a local device outside of work, a City device should be borrowed after getting approval from your department director.

Even if an employee follows all City policies and does not download any documents to their device (personal computer, smartphone and any other electronic device) used to access the City's network or information, the employee's device may still be subject to a records search if required by public records law or by court order to confirm that no data was downloaded to the device.

Social Media (Facebook, Twitter, Texts or Other Social Networks)

1. City of Forest Grove employees must follow the City's policies when posting to blogs, wikis or any other form of user-generated media on behalf of the City. Information posted is public information.
2. Employees must obtain approval from their department director to post to social websites on behalf of the City.
3. Messages sent or received via social networking sites may fall under the public records law. Check with the City Recorder for records retention requirements.
4. Employees must follow copyright, fair use and public disclosure laws.
5. Employees may not post materials related to political activities, parties or candidates.
6. Employees may not provide or post confidential information. Permission must be obtained from the appropriate person or department before publishing information.
7. Members of the public and City vendors or contractors may not be referenced without their approval.
8. Any use of City equipment and/or time to post personal items or access social media sites for personal use shall be brief and infrequent. Department Directors shall have the authority to prohibit employees from accessing social media sites on City equipment and/or time if such use is deemed to be disruptive in the workplace and/or if an employee is deemed to have violated any part of the policies contained herein.
9. Employees must respect their audience and City policies when posting on behalf of the City. Employees may not use ethnic slurs, personal insults, obscenity, material that is harassing, defamatory, fraudulent or discriminatory; or engage in any conduct that violates City policies and/or would not be acceptable in the City's workplace.

Laws and Licenses Compliance

Users are required to comply with all software licenses, copyright laws, Oregon Government Ethics Commission guidelines, City policies and state and federal laws when using the City's computers, sending or receiving email or accessing or downloading information from the Internet.

Unauthorized duplication of copyrighted computer software violates the law and is contrary to the City's standards of conduct. Employees will not engage in nor make or use unauthorized software copies under any circumstances. Legally acquired software in sufficient quantities for all computers will be provided by the City's Information Technology staff to meet the legitimate

software needs for City work. The City and its employees will comply with all license and purchase terms regulating the use of any software acquired or used.

Copyright infringement is an unlawful act. The City will maintain strong internal controls to prevent the making or using of unauthorized software copies. Compliance with software licenses and copyright laws is required.

System Security

All employees have a responsibility to take reasonable precautions to protect the City's computer system. Reasonable precautions include but are not limited to: updating anti-virus software when requested by IT, not allowing unauthorized access to the computer system and safeguarding the employee's password.

If an employee becomes aware of a virus or the threat of a virus, the employee should immediately contact IT with the information. Information Technology will evaluate the risk and, if warranted, notify all employees of the precautions that need to be taken.

Email as a Public Record

Under Oregon's public records law, most electronic mail messages created for business purposes are public records. Although some messages may not fall under the definition of public record, it is safest to assume all messages created could be considered public record. The only privacy an employee can expect is that afforded through disclosure exemptions. The privacy afforded government employees using government email systems is minimal and an employee should have no expectation of privacy. Email that does not meet the definition of a public record may still have to be released as part of litigation.

Public Access and Exemption from Disclosure

Email, like other forms of public records, must be made available to any member of the public upon request unless it falls within one of the specific exemptions described in the public records statute. A person need not demonstrate a "legitimate" need for public records to be entitled to inspect them.

The City requires that all public records requests be made in writing. A request form is available on the City's website. Please check with your supervisor or City Recorder if you have a question about whether an electronic mail message should be provided to the public.

Retention and Disposition

The retention of records stored in electronic records systems, including email systems, is governed by the City's retention schedule. No single retention period encompasses all email. Email is only a method of communication, so employees must evaluate each message to determine where it fits into the City's retention schedule. The City has adopted Oregon Administrative Rule 166-200, "City General Records Retention Schedule." The schedule is available online at http://arcweb.sos.state.or.us/rules/OARS_100/OAR_166/166_200.html. If you have a question about the retention of a message, please contact the City Recorder.

An email mailbox should not be used for long-term storage. If an email falls within the definition of a public record it should be kept with the appropriate file. Printed messages should include any

attachments and all header information, i.e., time and date, routing information, etc. It is the responsibility of the holder of the official record to make sure the file is updated. For example:

- An updated records policy is emailed to all employees. It is the responsibility of the person sending the email to keep the record copy.
- A citizen calls and leaves a detailed message regarding a pending file. The receptionist forwards the message through the email system. It is the responsibility of the person receiving the message to add the message to the file.
- Email related to a current project or issue may be retained on the system as a reference tool. Once the project has been completed or the issue resolved, the employee should verify that all relevant email is in the file and then delete the email from their email account in accordance with the City's records retention policy.

Policy Compliance

Employees who violate any part of this Electronic Communication Policy may have email access, Internet and other privileges suspended, and may be subject to disciplinary action up to and including termination of employment.

5.4 Employment Recordkeeping

It is the City's policy to establish and maintain records of employment for employees in all organizational units consistent with State and Federal regulations.

Your employee records are property of the City and the City will determine contents. At a minimum, your employment record will contain legally mandated documents pertinent to pay, benefits, working conditions, performance, training and other terms and conditions of employment. A separate "confidential" file will be maintained to store medical, benefits, worker's compensation and other sensitive material, including background check information for applicable positions. Management of official employment records for employees of the City is centralized in Human Resources. Please contact the [Human Resources Manager](#) [Human Resources Director](#) regarding employment records requests.

To the extent required for day-to-day management, your supervisor may keep files on employee training, performance plans, notes on counseling sessions, etc. This file is considered confidential and stored in a secure file. The Department file will not contain sensitive material, e.g. medical information. Performance management data, i.e. notes illustrating performance accomplishments or shortfalls, customer complaints or commendations, notations of verbal counseling sessions, etc. may be incorporated in the performance evaluation for the period to which it is applicable. Thereafter, it will be purged from the supervisor's desk file. Generally, discipline documents such as interview notes or other associated and relevant material will be sent to the [Human Resources Manager](#) [Human Resources Director](#) upon disposition of the issue for review, retention or destruction as appropriate.

No material that can be considered derogatory may be placed in your personnel file unless you have been given an opportunity to read it and be advised it will be placed on file. You will be asked to sign and date the file copy to acknowledge receipt of the material. Your signature does

not indicate concurrence with the information presented, merely that the employee has had an opportunity for review. You may prepare written comments regarding the information believed to be derogatory, incorrect or a misrepresentation of facts. Your comments will be included as part of the file and retained until the referenced document is destroyed.

To the extent there is a discrepancy between this policy and a collective bargaining agreement, the collective bargaining agreement will govern.

Your records are confidential and access shall be managed as set forth in law and by City policy. Contents of your record may be reviewed by you, your immediate supervisor, your Department Director and your designated representative. Authorized individuals should contact the ~~Human Resources Manager~~Human Resources Director in advance to arrange a review appointment. You have the right to review and receive copies of the records maintained.

Separated employees may request a copy of employee records for up to one year from the date of separation. The City may charge a reasonable fee to defray reproduction costs.

Recruiting supervisors of the City are allowed to review the employee record in conjunction with internal reference checking. Again, contact the ~~Human Resources Manager~~Human Resources Director to schedule an appointment for the review.

Your employee file contents will be minimally retained as provided for by laws governing retention of City government records, as they may be revised from time to time. The City may elect to extend the retention period. The current retention schedule is available from Human Resources.

Public access to employee records will be managed in accordance with State and Federal laws regarding the release of public information. All requests for employee data should be directed to the ~~Human Resources Manager~~Human Resources Director. Normally, Human Resources will confirm employment, dates worked, rate of pay and eligibility for rehire by telephone. This will frequently meet the needs of other employers or lending institutions. All other requests for data must be submitted in writing with an accompanying employee release. Absent the release, Human Resources will review the request and, if permissible by law, provide the information. Otherwise the request will be denied. The employee will be advised of the request and its disposition. Subpoenas will be honored consistent with law as confirmed by the City's legal counsel.

You must notify Human Resources in the event that you have a change in your name, marital status, address, telephone number, dependents, emergency contact, or any job related physical or other limitations which would impact your employment.

It is the City's policy to release only a current/former employee's position title, dates of employment, and salary range to outside agencies when conducting reference checks. If you wish the City to release any additional information, please contact Human Resources and complete a Reference Release form. The City will maintain this form in your personnel file.

5.5 Harassment

The City of Forest Grove recognizes that its strength lies in its employees. It is our policy that all employees have the right to work in an environment where the dignity of each individual is respected. For that reason, we expect all employees to conduct themselves in a manner that complies with our Harassment Policy. Any harassment of employees by fellow employees is not permitted, regardless of their working relationship or supervisory status. As an employer, the City encourages employees to report conduct that may violate our Harassment Policy so that concerns can be addressed and resolved as soon as possible.

The City will not tolerate harassment of any kind or sexual assault inside or outside the workplace nor conduct by any employee, non-employee (including elected officials, members of the community, volunteers, interns and vendors) that harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment. We desire to maintain a working environment free from all forms of harassment, whether based upon race, sex, color, religion, ancestry, national origin, age, marital or family status, veteran status, sexual orientation, gender identity, physical or mental disabilities, genetic information, on-the-job injuries, sex, pregnancy, domestic violence victim status, or any other legally protected characteristic or status.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's race, age, national origin, sexual orientation, gender identity, disability, or mimicking one's speech, accent or disability, are examples of prohibited conduct and will not be tolerated. Employees are also prohibited from retaliating against anyone who complains about harassment or cooperates in a harassment investigation.

While all forms of harassment are prohibited, it is our policy to emphasize that sexual harassment is specifically prohibited. As a starting point, it is important for employees to understand what kind of conduct is prohibited "sexual harassment". Under the law sexual harassment includes any unwelcome sexual advances, requests for sexual favors or other verbal/physical conduct of a sexual or gender-based nature when:

- Submission to such conduct is explicitly or implicitly made a term or condition of employment; OR
- Submission to or rejection of such conduct is used as the basis for making an employment decision; OR
- Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment. (EEOC Guidelines issued 1980).

The first requirement in determining whether sexual harassment has occurred is that the behavior in question must be based on gender. The behavior may or may not be sexual in nature. The types of conduct which qualify as sexual in nature take a wide variety of forms, ranging from overt serious harassment, such as sexual assaults, rapes and propositioning, to insulting gender-related comments to subtle harassment such as complimenting an employee on his/her physical appearance and flirting.

Between these extremes, virtually any type of conduct that is sexual or gender-based in nature can become a form of prohibited sexual harassment. However, the most common forms of sexual harassment include:

- Dirty jokes;
- Sexual innuendoes;
- Talking about your sex life;
- Sexual gestures;
- Displaying calendars or printed materials of a sexual nature;
- Making offensive or stereotypical comments about members of one sex or the other;
- Making derogatory comments about sexual orientation or gender identity;
- Using E-mail or other City communication systems to transmit information of a sexual nature;
- Sexual touching, including any type of contact with intimate body parts;
- Making graphic comments about another employee's physical attributes; and
- Making any type of comment that is sexual or gender-based in nature.

Even if this type of conduct occurs between employees off duty, it should be reported if it is offensive to you. This is because sexually offensive conduct that occurs between employees off the job may "carry over" to the job environment.

Similarly, if a non-employee subjects you to this type of conduct during your working time and it is offensive to you, please report it. We will investigate during your working time and address sexual harassment concerns regardless of who is engaging in the reported behavior.

The second requirement is that the conduct in question must be "unwelcome" to you. Often a person can stop sexually offensive conduct (dirty jokes, sexual comments, etc.) by simply telling the person who is engaging in this behavior that it is offensive and requesting that they stop. We encourage you to take this approach, if it is comfortable to you. However, no employee is required to complain directly to the offending employee. If you are more comfortable reporting the offensive conduct to your supervisor, department director or the ~~Human Resources Manager~~ Human Resources Director, you may go directly to any of them.

As a practical matter, employees have a wide range of sensitivity levels . . . what one person considers offensive, another may not consider offensive. The best approach for any employee is to assume that sexual conduct, whether physical, verbal or otherwise, is likely to be offensive to someone. It is not necessary that the offensive conduct be directed at the particular person who raises a complaint. Often sexual harassment claims arise from one person overhearing or overseeing something not intended for them. The "bottom line" is that if you engage in this type of behavior you assume the risk that someone will be offended. Consequently, you assume the risk of being disciplined or discharged for violating the City's Harassment Policy.

It is your responsibility to act in a manner that is consistent with our harassment policy. This includes any messages or communications sent or received through our electronic communication systems. The use of information systems (including e-mail, Internet, text messages ~~Intranet~~) for the display or transmission of sexually explicit images, messages, off-color jokes, or anything that may be construed as harassment or showing disrespect for others, is prohibited.

It is your second responsibility to report conduct that you believe violates our Harassment Policy. If you are subjected to any type of harassment by an employee or anyone you come into

contact with through your job or you have observed behavior or overheard comments that raise concerns regarding compliance with this policy, you should promptly contact either of the following people:

- Your supervisor;
- Your Department Director; or
- The ~~Human Resources Manager~~ Human Resources Director.

Complaint 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 Staff or a supervisor or member of management as soon as possible. We encourage employees to report claims and work with us to informally resolve problems involving harassment. Employees are also encouraged to document the information or incident in any written or electronic form, or with a voicemail message (or phone call). Our ability to resolve these kinds of problems is dependent on your cooperation in reporting incidents that create an offensive work environment for you. We believe that all our employees have an affirmative obligation to promptly report harassment.

In the event an incident or complaint is reported, an investigation will be undertaken immediately. Investigations will be kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our obligations. If you are not satisfied with the handling of a complaint or the action taken, you should bring the complaint to the next higher level of authority. Violators will be subject to appropriate disciplinary or other corrective action. Each manager/supervisor has the responsibility to maintain the workplace free from any form of harassment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the 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 of Forest Grove 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 of Forest Grove, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has 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).

It is ~~also~~ important ~~for you~~ to understand that the City respects the right of its employees to raise harassment concerns and participate in investigations. We do not allow supervisors, managers or employees to retaliate against employees who report harassment or cooperate with investigations. (See 1.7 - Reporting Improper or Unlawful Conduct – No Retaliation Policy)

"Retaliation" is broadly construed and includes conduct such as giving an employee the cold shoulder, changing their duties, treating an employee rudely, etc. In short, we expect all employees to respect the right of other employees to raise harassment concerns and cooperate with investigations. By doing so you will help us resolve such concerns at an informal level.

Any employee who feels they have been retaliated against should promptly bring complaints or concerns about retaliation to their supervisor, Department Director, or the ~~Human Resources Manager~~Human Resources Director. These types of complaints will also be immediately investigated and violators will be subject to appropriate disciplinary or other corrective action.

Other Resources Available to Employees

The City of Forest Grove provides an Employee Assistance Program (EAP) to employees and dependents who are enrolled in the City of Forest Grove's medical coverage. For access to confidential help 24 hours a day, seven days a week as well as educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, and identity theft. Information regarding the EAP program can be found on the Citywide drive, under Human Resources.

The City of Forest Grove 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/>.

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 his/her experience.

The City of Forest Grove 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 of Forest Grove 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 of Forest Grove regarding his/her experience and/or employment status, the employee should contact the ~~Human Resources Manager~~Human Resources Director. 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 of Forest Grove and employee do reach an agreement, the City of Forest Grove will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her 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 of Forest Grove or making comments that would lower the City of Forest Grove 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 of Forest Grove and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

5.6 Substance Abuse

General Provisions

The City is committed to establishing and maintaining a work place free from the effects of alcohol or drug use and abuse. In support of this policy, the City's drug-free awareness program provides employees information about the dangers of alcohol and drug abuse. City employees may also have access to dependency and rehabilitation counseling through City employee benefits programs.

In addition to this policy, employees whose position requires the possession of a commercial driver's license (CDL) shall also be subject to the City of Forest Grove's DOT Regulated Drug and Alcohol Policy, which will be provided to employees at the time of hire and can also be found on the Citywide network drive.

It is a condition of employment with the City that all employees work drug and alcohol free. Employees must report any violations occurring on City premises or off City premises while conducting City business. A report of a criminal drug statute conviction must be made to your Department Director and the ~~Human Resources Manager~~Human Resources Director within five (5) days after the conviction. (This requirement is mandated by the Drug Free Workplace Act of 1988.) Employees are expected to report any suspected violations of this policy to their Supervisor.

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 City of Forest Grove will not agree to allow an employee to use medical marijuana as an accommodation. (See "Workplace and Disability Accommodation Policy.")

The City recognizes drug and alcohol use may escalate to a serious illness and will provide reasonable support to employees who are working to overcome their dependence. Employees suffering from alcohol and/or drug dependency or abuse are encouraged to seek substance abuse counseling and rehabilitation through the employee assistance program or health plan providers. All treatment information is confidential. The employee's voluntary disclosure of treatment will not be the impetus for corrective action nor will it absolve the employee from discipline if disclosed after the discipline process has commenced.

A City employee may not knowingly possess, use, transfer, offer, share, attempt to sell or obtain, manufacture, or be under the influence of drugs or alcohol or the metabolite of the substance in any situation during which the employee is engaged in a job-related activity including, but not limited to, the following situations:

- While on or in City property, including but not limited to buildings, parking lots, or City leased or rented space;
- Driving or a passenger riding in any vehicle or equipment used to facilitate or conduct City business; and
- In any other circumstance in which the safety of employees, customers, clients, or the public at large; or the productivity, quality of work products or services, or security of property or information can be impacted.

Drug and alcohol possession or use of the metabolite of such substances are prohibited during any hours during which the employees are engaged in or conducting City business regardless of whether such time falls within normal work hours or the work week. This includes but is not limited to time off-duty when wearing a City uniform, or in conjunction with City-authorized activities except where the City Manager has authorized the moderate consumption of alcoholic beverages.

A City employee may not possess on City premises, in City vehicles or when otherwise representing the City any alcohol containers (e.g., cans, bottles, etc.) or drug paraphernalia. "Drug paraphernalia" means equipment, products, and materials of any kind that are marketed, designed for use, or used in connection with anything from the planting to the manufacturing, packaging, selling, concealing, or introducing into the body any illegal drug. City maintenance employees will not be in violation of this policy for clean-up and disposal of such material discarded by others.

Violations of this policy may result in corrective action up to and including termination and may result in legal charges.

The City reserves the right to inspect or search any employee's personal property on City premises, including City-owned parking structures and parking facilities, if the employee is reasonably suspected of having violated this policy. Employees do not have an expectation of privacy as to City premises. City areas subject to search include, but are not limited to desks, file cabinets, lockers and offices spaces, whether or not the employee is afforded the ability to lock such spaces. All City employees are deemed to consent to a search made under this policy. Refusal to cooperate in any such inspection or investigation may result in corrective action up to and including termination.

All City employees called to work in an emergency must notify the duty supervisor of alcohol consumption, ingestion of prescription or other drugs, or the metabolite of such substances, during off duty hours that result in substance presence in their systems when called to work. The supervisor will determine the individual's suitability for work. If approved by the supervisor to work, assignments may be off the front-line, administrative in nature as to free other employees for the safety-sensitive assignments. A Public Safety employee authorized to work will not be deemed to have violated this policy.

The Chief of Police or designee may suspend any or all of the provisions of this Policy as required to accommodate an on-going investigation, or other authorized police activity. Officers party to such an investigation must secure policy suspension authorization in advance of the anticipated consumption.

Prescription medication or other therapeutic substances authorized for use in emergency medical care or storage in City facilities are exempted from this Policy.

Definitions

Drug: substance(s) considered unlawful under Drug-Free Workplace Act of 1988 or the metabolite of the substance including but not limited to marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP) and:

- Prescription or non-prescription drugs which may impair judgment or job performance.
- Drugs which may be illegal to use when not prescribed by a physician and shared prescription drugs for which the employee is not the patient.
- Prescription drugs which are prohibited are those which have either not been prescribed for the employee to treat an existing circumstance or those which, although prescribed for the employee, may impact the individual's ability to function safely at work and have not been brought to the attention of the employees' immediate supervisor. Drugs for personal health management for which side effects are not the norm, e.g. vitamins, birth control pills, etc., need not be disclosed if in fact no side effects are experienced. However, the employee is responsible for updating the supervisor if drug reaction varies from the norm and has the potential for impacting workplace performance.

Alcohol: ethanol, isopropanol, or methanol;

Drug Testing: checking for drug or alcohol use;

Conditional employment offer: delivering an invitation to work for the City which conditions acceptance upon a negative drug test;

Random: scientifically valid method of selecting employees for drug testing that ensures all covered employees have an equal chance of being chosen;

Reasonable suspicion: noticeable behavior or appearance that would lead a reasonable person to suspect drug or alcohol use or other activities prohibited by this policy that would warrant drug testing, work place search, EAP referral or all of the preceding. Reasonable suspicion testing must be accompanied by identifiable conditions including but not limited to: unkempt or disheveled appearance, staggering, slurred speech, odor of alcohol or other controlled substance emanating from the employee or inadequate or inappropriate work performance.

Sample: urine or breath specimen obtained from the person being tested.

Required Testing

The City may require the collection and testing of a sample of an employee's or prospective employee's urine or breath for any job-related purpose consistent with business necessity and the terms of this policy, including:

Pre-employment.

Pre-employment drug tests are conducted on applicants if warranted by their position or required by state or federal law after a conditional employment offer has been made.

Reasonable Suspicion.

Reasonable suspicion drug and alcohol tests may be performed if there is evidence that would lead a reasonable person to suspect that the employee's ability to perform job functions is impaired or that the employee is otherwise engaged in the unlawful behavior defined in law or Policy. The employee will be given the opportunity to offer an alternate explanation if behavior triggers suspicion; however, the City reserves the right to determine whether reasonable

suspicion exists. Only supervisors trained in the signs and symptoms of drug and alcohol use may order reasonable suspicion testing.

Post-accident.

Any accident in the workplace involving a City employee performing City business or driving a City vehicle may also be considered as constituting reasonable suspicion for testing.

Random.

City employees holding a Commercial Driver's Licenses (CDL), as required for their work activity, shall be subject to random drug and alcohol testing as mandated by the U.S. Department of Transportation (USDOT) as outlined in this policy and the City's Department of Transportation (DOT) Regulated Drug and Alcohol Policy, which will be provided to employees at the time of hire and is also available on the Citywide drive under Human Resources.-

In addition to tests required of this section the City may require employees or groups of employees to undergo drug testing on a random or chance basis. For represented employees, this provision shall be subject to advanced bargaining with the union.

Employees shall notify the supervisor immediately upon beginning work when taking any medication (prescription or non-prescription) or other drugs which may interfere with performance, mental functioning, motor skills, judgment, and/or cause a safety hazard in operating City vehicles or equipment. The supervisor will keep such information confidential to the extent possible. Management, Human Resources or other appropriate parties may be consulted for guidance on leave and/or other employment concerns.

The City will arrange and pay for the cost of testing. Sample collection shall be performed in a manner that guarantees the individual's privacy to the maximum extent consistent with ensuring that the sample is not contaminated, adulterated, or incorrectly identified.

A USDOT drug test conducted under this Policy shall be considered to have yielded a positive result if the test establishes the presence of the drug at levels equal to or greater than the cutoff level prescribed by applicable legislation. Testing not subject to USDOT provisions shall be managed in accordance with cut off levels established by the U.S. Department of Health and Human Services for on-site testing.

The City shall normally schedule a drug test or an alcohol impairment test of employees during, or immediately before or after, a regular work period. A supervisor shall accompany the employee to the test site. If necessary, a family member will be contacted to escort the employee home or another employee will do the same to insure the safe transportation of the employee.

Alcohol or drug testing required by the City is considered to be work time for the purposes of compensation and benefits for current employees.

Upon request, the employee has the right to obtain the written test results and the City will comply within five days after receipt of the written request, so long as the written request is made within six months after the date of the test.

An employee shall have the opportunity to explain a positive result in a confidential setting before the City takes adverse employment action.

A communication received by the City relevant to drug test or alcohol impairment test results and received through the City's testing program is a confidential and privileged communication and may not be disclosed except:

- To the tested employee, prospective employee or another person designated in writing by the employee or prospective employee;
- To individuals designated by the City to receive and evaluate test results or hear the explanation of the employee or prospective employee; or
- As ordered by a court or governmental agency.

5.7 Vehicle Usage and Safety

The purpose of this policy is to ensure that employees and volunteers who drive on City business or as part of their regularly assigned job duties are properly licensed and maintain an acceptable driving record; and to provide guidance on the proper use of vehicles with the goal of preventing accidents and injuries. Vehicle crashes are costly to the City, but more importantly, they may result in injury to employees or members of the public. It is the driver's responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. The City expects each driver to drive in a safe and courteous manner pursuant to the Driver Safety Rules section of this administrative procedure. The attitude employees take when behind the wheel is the single most important factor in driving safely.

The ~~Human Resources Manager~~ Human Resources Director is responsible for general administration of this policy including verifying the validity and history of employees' driving records and verifying job applicants and employees meet driving record standards established by this policy.

The City Risk Manager is responsible for the overall administration of the City's risk management program.

Applicability

This policy applies to all City employees, volunteers, and elected officials who drive as part of their official duties and responsibilities as an employee of the City. Police and Fire employees should also refer to Department specific rules and regulations regarding vehicle use related to their specific responsibilities and driving environment/ conditions. Departments with employees who are required to possess Commercial Driving Licenses (CDL's) are required to verify and monitor the endorsement qualifications to ensure compliance with legal requirements.

Vehicle Safety Committee

The Vehicle Safety Committee is comprised of the ~~Human Resources Manager~~ Human Resources Director and a minimum of one additional Department Director appointed by the City Manager. The committee is responsible for:

- Reviewing crashes and the City's overall driver safety record to determine if there should be changes in policy or procedure; or if other corrective action (such as training, equipment changes, etc.) should be implemented to enhance the safe operation of City vehicles and/or personal vehicles on City business.

- Reviewing driving records of employees and making recommendations to Department Directors when persons should be disqualified from driving City vehicles and/or using personal vehicles for City business.
- Reviewing all other issues that arise with respect to compliance with this policy including providing an annual update to Department Directors.

City Risk Manager

The City Risk Manager will receive copies of all recommendations contained in reports forwarded by the Vehicle Safety Committee to Department Directors. It is the City Risk Manager's role to evaluate compliance with recommendations forwarded by the Vehicle Safety Committee. Additionally, the City Risk Manager may consult directly with the Department Director and/or the City Manager regarding the loss experience, recommendations, or any other issue that has the potential to result in future loss exposure to the City.

Driver Guidelines and Reporting Requirements

City vehicles are to be driven by authorized persons only, except in the case of repair testing by a mechanic or other authorized agent of the City.

Any employee who has a driver's license revoked or suspended shall immediately notify their supervisor the next business day and *immediately discontinue operation of the City vehicle*. Failure to do so may result in corrective action, including termination of employment.

All crashes in City vehicles, regardless of severity, must be reported to the police in the jurisdiction where the crash occurs and to the employee's immediate supervisor. Crashes are to be reported immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible). Crashes in personal vehicles while on City business *must* follow these same crash procedures. Crashes involving the employee's personal injury must be reported to Human Resources for Worker's Compensation purposes. Failing to stop after a crash and/or failure to report a crash may result in corrective action, up to and including termination of employment.

Drivers must report all ticket convictions received and/or no contest pleas made during the operation of a City vehicle, or while driving a personal vehicle on City business, within 72 hours to their supervisor. Employees are personally responsible for all fines imposed due to convictions and/or no contest pleas.

Motor Vehicle Records will be obtained on all drivers prior to employment and on an ongoing basis if an employee's driving record posts a conviction, crash, and/or suspension. A driving record that is considered by the Vehicle Safety Committee to be in violation of the intent of this policy will result in a loss of the privilege of driving a City vehicle.

City business is defined as driving at the request, or for the benefit, of employer. It does not include normal commuting to and from work.

Driver Criteria & Administration

Employees must have a valid and current Driver's license to operate a City vehicle or a personal vehicle with current auto insurance while on City business.

Employees are expected to drive in a safe and responsible manner and to maintain a good driving record. The Vehicle Safety Committee is responsible for reviewing records, including crashes, moving violations, etc., to determine if an employee's driving record indicates a pattern of unsafe or irresponsible driving, and to make a recommendation to Department Directors for disqualification of City vehicle driving privileges.

All employees who drive vehicles as a part of their employment will have their driving records monitored in compliance with the Department of Motor Vehicles, State of Oregon automated reporting system (A.R.S.).

Criteria that may indicate an unacceptable record includes, but is not limited to:

- Three or more minor moving violations within a three-year period.
- Two or more chargeable crashes within a three-year period. Chargeable means that the driver is determined to be the primary cause of the crash through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration. Any citation issued at the site of a crash will be considered a single incident.
- Any combination of crashes and/or moving violations based on the Driver Screening Guidelines.
- Suspension of Driver's License.

Violations include any ticket, charge, or other law enforcement proceeding relating to these, as well as independent evidence of violations.

If an employee is required to drive as part of their regularly assigned job duties and their driver's license becomes invalid or their driving record becomes unacceptable, the employee may be subject to disciplinary/corrective action as provided by the applicable collective bargaining agreement or the current City of Forest Grove Employee Handbook.

Driver Screening Guidelines

This information is intended to provide guidance for screening and approving City drivers. The Vehicle Safety Committee will take into account the particular job responsibilities of the position, the driving history of the employee, and the potential future exposure to the City.

Types of driving violations listed by risk category, are as follows:

Class 1 – Major Violations

- DWI/ DUI
- Refusing a substance test
- Fleeing or eluding a police officer
- Commission of a vehicular felony
- Vehicular manslaughter
- Hit and run
- Reckless driving
- Drag/ street racing

Class 2 – Crashes

- Crashes regardless of fault

Class 3 – Minor Violations

- Speeding
- Failure to yield
- Improper lane change
- Running red light or stop sign
- Suspension of driver's license
- Various moving violations

Driver Safety Rules

The use of a City vehicle while under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for discipline, up to and including termination of employment.

No driver should operate a City vehicle when his/her ability to do so safely has been impaired by illness, fatigue, injury, or prescription medication.

All drivers and passengers operating or riding in a City vehicle *must* wear seat belts, even if air bags are available.

Drivers are responsible for the security of City vehicles assigned to them. Unless explicitly authorized by the employee's supervisor (e.g. Emergency Vehicles in Fire Department), the vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

The use of head lights and/or driving lights is encouraged at all times, or during inclement weather or at anytime when a distance of 500 feet ahead of the vehicle cannot be clearly seen. Emergency vehicles may be exempted due to Departmental operating policies.

All State and Local laws must be obeyed, including relevant Oregon Revised Statutes (ORS) Traffic Codes.

Mobile Communication Devices

The City promotes safe driving practices to prevent motor vehicle crashes due to the use of Mobile Communication Devices (MCDs) while driving. A mobile communication device is defined as a cellular phone, text messaging device or wireless two-way communication device designed to receive and transmit voice or text communication. Employees who drive City vehicles or who drive personal vehicles while conducting City business must comply with all federal and state laws that govern the use of MCDs while driving. The City encourages drivers to keep MCD use at a minimum while their vehicle is in motion and to always use a hands-free accessory if he or she absolutely must utilize an MCD while driving. If doing so, please follow these recommendations:

- Familiarize yourself with the device features for easy dialing.
- Place your hands-free device in an accessible location, preferably in a fixed holder in front of you.
- Keep your conversations short.
- Inform the person on the phone that you are speaking from the car.

- Avoid conversations that involve concentration. If you must engage in a conversation that demands your concentration, pull to the side of the road and stop your vehicle in a safe place.
- Avoid or terminate stressful or emotional calls while driving.
- Avoid using MCDs in unsafe or high risk situations while driving, e.g., construction sites, near heavy machinery, school zones, areas of greater foot traffic, etc.
- Never look up phone numbers while driving.
- Never use an MCD in adverse weather or in difficult traffic conditions.

Departments engaged in public safety operations are responsible for developing and enforcing departmental work rules related to the use of MCDs while driving and shall provide clear expectations for safe approved use.

Calls for emergency help, reporting illegal activity or to prevent injury to people or property are allowed if no other person in the vehicle is capable of doing so, but drivers shall make every effort to safely park the vehicle if possible before making such calls.

Employees who use two-way radios are permitted to monitor the radio and to briefly respond. If a longer response is needed, the driver is expected to park the vehicle before making the call.

Crash Procedures

In an attempt to minimize the results of a crash, the driver must prevent further damages or injuries and obtain all pertinent information and report it accurately.

Call for medical aid if necessary.

Call the police. All crashes, regardless of severity, must be reported to the police. If the driver cannot get to a phone, he/she should write a note giving location to a reliable appearing motorist and ask him to notify the police.

Record names and addresses of driver, witnesses, and occupants of the other vehicles and any medical personnel who may arrive at the scene.

Do not discuss the crash with anyone at the scene except the police. Do not accept any responsibility for the crash. Do not argue with anyone.

Provide the other party with your name, address, driver's license number, and insurance information.

Immediately report the crash to your supervisor. Provide a copy of the crash report and/or your written description of the crash to the City Risk Manager.

There will be a formal crash review conducted on each crash to determine cause and how the crash could have been prevented.

General Rules and Regulations for the Use of City Vehicles

Vehicle Priority

#1 – 24-Hour assigned vehicle

#2 - Used during work day

#3 - Pool vehicle

A vehicle assigned to an employee under priority #1 may be used for personal transportation only as specifically defined in the *Personal Use, Passengers & Authorized Drivers of City Vehicles* section at the end of this policy.

An employee to whom a 24-hour vehicle is assigned shall be fully responsible for the coordination of general maintenance and proper care of the vehicle.

The vehicle color, factory options and equipment are standardized and shall not be altered, except as authorized by the City.

It is the responsibility of the assigned driver to inform the Office Manager for Administrative Services of any pool vehicle maintenance needs or safety problems they become aware of.

Employees shall drive vehicles with reasonable prudence to conserve fuel and sustain them at the highest operating efficiency.

Employees to whom a 24-hour assigned vehicle is issued will be held accountable for maintaining proper fluid levels and tire air pressure, present the vehicle for repair, service, or adjustment whenever such is needed, and preventative maintenance when time is due.

City vehicles are provided to eligible employees to enable them to efficiently perform their job functions for the City. They are not intended to be fringe benefit items.

No employee will be allowed the use of a City vehicle and/or fuel credit card for their personal use or gain.

No vehicle will be used for transporting any bulk material that protrudes from trunk/cargo area or interior compartment without properly securing based on the loading requirements.

Assigned City fuel credit cards are to be used for fuel and/or required maintenance products only, and for the assigned vehicle only, unless otherwise authorized by their supervisor. Employees are to use the self-service fuel island and to use regular unleaded gas only, unless otherwise specified. Department Directors may authorize the use of personal vehicles and reimburse fuel expenses at a rate established by the City Manager.

City vehicles must not be taken out of the State of Oregon without prior supervisor approval.

Copies of the Vehicle Registration, a Copy of the Insurance Card, and a Vehicle Crash Report Packet must be kept in the vehicle at all times.

Use of Pool Vehicles

The City will maintain a small pool of vehicles which may be used by employees for travel on City business.

City Vehicles should be reserved and are available on a first-come, first-served basis. Out-of-town travel receives priority if a conflict exists.

The pool vehicles are to be used only for City business. When the pool vehicles are not in use, they are to be left at their assigned location. Pool vehicles are not to be taken home at night unless authorized by prior supervisory approval.

Assigned City fuel credit cards are to be used only with the assigned pool vehicle.

Pool vehicles are to be left with no less than a half a tank of fuel when returned.

Pool vehicles are meant to be used in place of a personal vehicle for business trips.

Pool vehicles are to be kept clean. Trash should not be left in the pool vehicles.

Smoking is not allowed in any City vehicles.

Personal Automobiles

The City's insurance coverage only extends to the City for liability that may arise as a result of a crash in excess of your personal auto insurance while a personal automobile is being used by the employee for official City business. Damage to employee-owned personal autos (including an employee's personal auto deductible), as well as injury to passengers and/or third parties, are the responsibility of the employee. Employees who use personal vehicles for City business must maintain all insurances required under State law.

Those employees who occasionally use their personal vehicle for City business will be reimbursed on a mileage basis pursuant to the current Federal Government reimbursement rate. Reimbursed mileage is defined as mileage driven over and above the employee's normal commuting mileage.

Personal Use, Passengers, & Authorized Drivers of City Vehicles

The use of a City-owned auto must be within the course and scope of an employee's employment. Personal use of City-owned vehicles is not allowed unless the employee has an emergency response role and is on call at the time of use. Any liability that may result from the personal use of a City-owned auto outside the course and scope of employment is the sole responsibility of the employee.

City vehicles are to be driven by authorized employees only, or in case of repair testing, by a mechanic. Spouses, other family members, or other non-employees, are not authorized to drive City vehicles.

Passengers are normally limited to those individuals who need to ride in the vehicle to conduct City business, or as approved by the Department Director.

5.8 Workplace Violence

The City understands the importance of a safe and secure environment for its employees and recognizes the need to create a violence-free workplace for both its employees and the public. This policy is intended to prevent workplace violence from occurring and therefore describes prohibited conduct, warning signs identified with potentially violent behavior, procedures for reporting violations of this policy, and other pertinent information that is necessary to help deter violence in the workplace.

The City has a “zero tolerance” policy for any actions that threaten its employees or customers in the workplace. All violent behavior is considered inappropriate in the workplace, on both the part of employees and customers, and will not be tolerated. Violence, as defined by this policy is strictly and specifically prohibited by the City. No existing policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life threatening situation from developing.

The policy applies to all departments of the City with respect to the conduct of all employees. For the purpose of this policy ‘employees’ of the City includes volunteers in all departments of the City, while independent contractors and community service workers are excluded.

Weapons in the Workplace

Bringing a deadly weapon to the workplace or carrying a deadly weapon while at work is strictly prohibited. For the purpose of this policy, “workplace” is defined as the facility where an individual is working and the parking lot where employees are designated to park their cars. This prohibition does not apply to persons authorized to carry weapons as part of their job responsibility, such as police officers and specifically identified persons within the fire department. For the purpose of this policy, “deadly weapon” means a device, instrument or object that is specifically designed for causing death or serious physical injury. The prohibition applies to employees who have a concealed weapon permit. Under no circumstances shall an individual who has not already been exempt from the prohibition have a weapon stored in a City-owned vehicle or facility. The prohibition does not apply to personal defense devices, such as personal attack alarms, nor to chemical defense sprays, such as mace.

Reporting

All employees are responsible for notifying their supervisor if they become aware of any threat or violent act in the workplace or on City property. An incident assessment report should be completed by the supervisor or the ~~Human Resources Manager~~ Human Resources Director upon notification that such an incident has occurred. Under some circumstances, the Police Department may be informed of the contents of a report for the safety and well-being of employees.

Confidentiality

While the City cannot promise complete confidentiality due to the need to investigate, information about any complaint will be treated as confidentially as possible, consistent with proper investigation and responsive action. Generally, this means confidential information will be shared on a need-to-know basis.

Police Intervention

Since members of the Police Department are employees of the City, it is pertinent to outline when they are to be involved in any situation that might arise. The role of the Police is to enforce

the law, and they will be asked to intercede in situations when a law may be broken, or if an employee feels it is necessary to contact them concerning their safety on the job. Where criminal wrongdoing is apparent, the matter will be reported to the Police Department.

Domestic Violence

Incidents of domestic violence at work shall be reported and investigated the same as other violent incidents. The City may become involved and take action if or when there is violent behavior which takes place while the employee is on the job or at the workplace.

Restraining Order

All individuals who apply for or obtain a protective or restraining order which lists their place of work or makes a reference to a person not being within a certain yardage of the employee are encouraged to inform their supervisor so as to assist in eliminating any chance of this person causing them or any fellow employees harm at the workplace.

Searches

The City reserves the right to search any property owned by the City when there are reasonable grounds. For the purpose of this policy, "reasonable grounds" includes when the City has reasons for suspecting that the search will turn up evidence that the employee is in violation of this policy. Therefore, employees should have no expectation of privacy concerning City property, i.e. desks and lockers. This is for the welfare and well being of City employees and to prevent any unauthorized persons from bringing a deadly weapon into the workplace.

Workplace Violence Defined

For the purpose of this policy, 'workplace violence' is defined as any act of physical, verbal, or written aggression by an individual or by a group, that occurs in the workplace or arises out of work activities. This includes any and all infliction of bodily injury or the attempt to make harmful physical contact, verbal and physical harassment, verbal and physical threats, and any actions that cause others to feel unsafe in the workplace.

Warning Signs of Potentially Violent Individuals

There is no exact method to predict when a person will become violent. One or more of these warning signs may be displayed before a person becomes violent but does not necessarily indicate that an individual will become violent. A display of these signs should trigger concern as they are usually exhibited by people experiencing problems. The signs are not limited to the following:

- Irrational beliefs and ideas
- Displays of unwarranted anger
- Verbal, nonverbal or written threats or intimidation
- New or increased source of stress at home or work
- Fascination with weaponry and/or acts of violence
- Inability to take criticism
- Feelings of being victimized
- Expressions of a plan to hurt oneself or others
- Intoxication from alcohol or other substances
- Externalization of blame
- Unreciprocated romantic obsession

- Expressions of hopelessness or heightened anxiety
- Taking up much of supervisor's time with behavior or performance problems
- Violence towards inanimate objects
- Productivity and/or attendance problems
- Reaction of fear among co-workers or clients
- Stealing or sabotaging projects or equipment
- Drastic change in belief systems
- Lack of concern for the safety of others

Categories of Workplace Violence

Violence by "strangers": This type of violence is committed by a person who is a "stranger" to the workplace and the persons working there; a person who enters the facilities with the purpose of committing a robbery or other violent acts, such as rape or murder.

Violence by "customers or clients": This type of violence is committed by a person who is either the recipient, or the object, of a service provided by the workplace or the victim.

Violence by "co-workers": This type of violence is committed by a person who has a work-relationship with the workplace. This designation includes employees, supervisors, and managers. This could result from a corrective action, unsatisfactory review, unfavorable grievance resolution, denied promotion, or contract negotiations. In addition, the violent act could be due to the individual's thoughts and feelings that are going on inside which may not necessarily be related to anything in the external world. If an individual feels persecuted or abused, even without any basis in reality, that person could become agitated or violent.

Violence by "personal relations": This type of violence is committed by an individual who has some personal relationship with a worker in the workplace, such as a current or former spouse, lover, or friend, or by an individual with difficulties at home, with the family, or with finances.

Threats

A threat is defined as an expression of intent to commit violence that places the listener in fear of imminent bodily harm, or is of such a nature that a reasonable person could be placed in fear of imminent bodily harm upon perceiving the expression of intent. The overall context of a statement, including nonverbal communications, should be taken into account to determine if such a statement is a threat covered by this policy. Threats are typically defined in three (3) categories: veiled, conditional, and direct.

- Veiled Threats - A veiled threat involves reference to a violent act and an association with the present situation. A veiled threat may be made to sound innocent, such as "I sure hope that what happened in Oklahoma City does not happen to you" or it may be more subtle, such as "They're pushing me so hard, I'm not sure what I might do."
- Conditional Threats - A conditional threat contains the words "if," or "or". For example, "If you do that, I'm going to shoot you" or "Approve my application or I'll get even with you later".
- Direct Threat - A direct threat is a warning of a pending violent act. "I'm going to punch you in the nose" is an example of a direct threat.

Results and Repercussions

The City will deal with corrective action on an individual basis. In determining the appropriate corrective action (if any), the City will consider all of the circumstances, including the nature of the complaint and the context in which events occurred. If evidence exists to support the allegations, corrective action, up to and including discharge, will be taken against the offender and a record of any corrective action taken will be included in the employee's personnel file. Individuals who lodge good faith complaints or who participate in a City investigation will not be retaliated against or otherwise treated adversely relating to the reporting of the situation or participation in an investigation.

5.9 Employee Health and Safety

The City is committed to providing our employees with a safe and healthy work environment. To accomplish this goal, both management and employees must diligently undertake efforts to promote safety.

The City has established a Safety Committee to bring employees and management together in a non-adversarial, cooperative effort to promote safety and health. The Safety Committee has representatives from each Department and meets monthly to review workplace hazards and make recommendations for change.

The committee is charged with the responsibility to define problems and obstacles for loss prevention; identify hazards and suggest corrective actions; help identify employee safety training needs; and to develop accident investigation procedures.

The City, through its supervisory personnel, develops and implements safety rules and regulations. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. The organization also educates employees as to hazards of the workplace and trains employees as to such hazards and the proper and safe method to perform job tasks.

You are expected to give your full-time skill and attention to the performance of your job responsibilities utilizing the highest standard of care and good judgment. You are also expected to follow all safety rules and regulations at all times including the use of protective clothing and equipment, attendance at all training sessions related to your job description, and follow the directions of warning signs or signals and/or directions of supervisory personnel.

Safety rules and regulations will be issued or modified from time to time and shall be effective immediately. Rules and regulations will be distributed to you and posted on the safety bulletin board.

If an injury occurs you are required to:

1. Take remedial first aid actions
2. Report injury as soon as possible
3. Seek emergency care if necessary

4. Fill out accident form
5. Provide supervisor with a medical release from Doctor
6. Review incident with your Departmental Safety Coordinator

Smoking in the Workplace

The City is dedicated to providing a healthy, comfortable and productive work environment for all employees. The health risks of exposure to secondhand smoke have been well established and smoking can also be a cause of material annoyance and discomfort to those who are present in the same or confined places. There are additional sanitation risks associated with smokeless tobacco in terms of spitting and disposal of tobacco in open containers, sinks or walking surfaces. As a result all City facilities and property are designated as non-smoking and tobacco-free.

The use of tobacco and/or nicotine-related products and smoking are prohibited during work time and within any City-owned, leased or managed property, including but not limited to buildings, vehicles, parks and temporary work areas. Prohibited products include:

- Cigarettes
- Cigars
- Pipes
- Plant-products
- Electronic smoking devices
- Smokeless tobacco

Employee Right to Know/Hazard Communication Program

The City provides a Hazard Communication Program so that all employees are aware of chemical hazards in the workplace. By becoming knowledgeable about this information, you can help prevent injuries and illnesses from chemical exposure. If you have any questions regarding chemical hazards, do not delay in asking your supervisor, the Safety Officer, or the Human Resource Manager.

The following safety precautions have been taken to prevent injuries and illnesses from chemical exposure:

Container Labeling

Each Department Director will verify that all containers received for use will:

- Be clearly labeled as to the contents.
- Note the appropriate hazard warning.
- List the manufacturer's name and address.

It is the policy of this organization that no container will be released for use until the above data is verified.

The supervisor in each section will ensure that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with generic labels that have identification and hazard warning blocks.

Safety Data Sheets (SDS)

Copies of safety data sheets for all hazardous chemicals that employees of this organization may be exposed to will be kept in each Department. Data sheets will be available to all employees in their work area for review during each work shift. If data sheets are not available, or new chemicals in use for which you do not have Safety Data Sheets, you should immediately contact your supervisor before using the chemical or the machine containing it.

Employee Information and Training

When you begin work, your supervisor will conduct a health and safety orientation and you will receive information and training about the following:

- An overview of the requirements contained in the Hazard Communication Rules;
- Chemicals present in your workplace operations;
- Location and availability of our written hazard communication program;
- Physical and health effects of the hazardous chemicals;
- Methods and observation techniques used to determine the presence or release of hazardous chemicals in the work area; and,
- How to reduce or prevent exposure to these hazardous chemicals through the use of control/work practices and personal protective equipment.

After receiving this training, you will sign a form to verify that you attended the training, received any applicable written materials, and understood the organization's policies on hazard communication.

Prior to a new hazardous chemical being introduced into any section of this organization, each employee of that section will be given information as outlined above. The Department Director is responsible for ensuring that Safety Data Sheets (SDS) on new chemical(s) are available.

5.10 Security Identification (ID) Badge Program

The safety of employees, visitors, and facilities is a top priority for the City of Forest Grove. The Security ID Badge Program establishes parameters for the issuance and use of Security ID Badges and is the primary way to communicate affiliation and authorization to be in non-public areas of the City's facilities.

This policy defines the Security ID Badge Program and the related procedures for the City to help ensure public and employee safety within City facilities and grounds. The reasons for this policy include the following public safety objectives:

- The personal safety of staff, visitors, and the public.
- The protection of the City's physical assets from potential harm, including theft, damage, or other potential risks.
- The protection of the entire community from any compromise of the select agents entrusted to the City.
- The protection of people, work product, infrastructure, and physical assets from intentional acts of disruption or terrorism.

To help achieve the City's safety and security goals, the following individuals are required to wear Security ID Badges:

- Persons who enter non-public space to provide service
- Persons working in targeted high-risk areas
- Persons who must wear identification to meet legal requirements

All Security ID Badges are the property of the City and are intended to provide official employee and visitor identification for access to non-public spaces. The Security ID Badge is not transferable and is valid for the period specified on the badge. Any misuse, alteration or fabrication of the badge will subject the holder to corrective action by the City. An expiration date is required and will be printed on the ID badge.

The Security ID Badge shall be worn and displayed face-up at all times, and presented and/or surrendered to City officials upon request. Failure by employees to wear and display the Security ID Badge may result in corrective action. Badges issued to employees and individuals affiliated with the City must be returned to the appropriate department upon separation from the assignment. Badges issued to volunteers and visitors must be returned to the issuing department at the end of the authorized period.

The Security ID Badge helps to create and promote a safe and secure environment for the City Community by:

- eliminating concerns about non-affiliated/unauthorized persons accessing restricted City spaces,
- increasing accountability of visitors to the City,
- providing a greater impetus to call attention to suspicious persons, and
- encouraging City staff to verify authorization before allowing access to non-public City spaces.

Department Responsibilities

Provide education on Security ID Badge program; provide departmental management and oversight of department activities related to the Security ID Badge Program.

- Ensure that all employees are aware of and adhere to this policy.
- Counsel any member of their staff who fails on a regular or repeated basis to comply with this policy.
- Ensure visitor compliance with this policy through check-in / check-out procedures.

All Badge Recipients

Responsible to know and comply with the Security ID Badge Program and related procedures and instructions, including the following protocol:

- Know and comply with the Security ID Badge Program.
- Provide one of the following forms of photo ID when picking up a badge: drivers license, state ID, Passport, Birth Certificate, or military ID.
- Wear the Security ID Badge at all times while in City facilities and/or during working hours.

- Wear the Badge above the waist, on the front of the person, and in a manner such that the photo and name are readily and easily visible to others.
- Do not loan or transfer the Security ID Badge to anyone, for any reason, and under no conditions.
- Do not deface or in any way alter, or duplicate the Security ID Badge in any manner.
- Immediately report the loss of the Security ID Badge to your supervisor.
- Upon termination or leave from assignment on which the Badge was issued, return the Badge according to policy for termination, leave, etc.

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CHAPTER 6

PERFORMANCE MANAGEMENT

6.1 Performance Management

To accomplish a meaningful performance evaluation system upon which the City can continuously monitor the effectiveness of the organization and its operations, all employees will receive regularly scheduled formal performance evaluations prior to the employee's anniversary date. Performance evaluations are required at least annually regardless of the employee's eligibility for an increase in pay. New employees during their initial probationary period will be evaluated at least once every six (6) months.

The objectives of our Performance Management and formal appraisal process are:

- To ensure that each employee knows how they are performing against established performance standards;
- To determine how well the City is performing in assisting with employee work performance and organizational objectives;
- To encourage communication and two-way feedback;
- To provide a consistent, objective, and fair method of making compensation decisions;
- To provide a tool for career planning; and
- To provide a permanent record of employee performance and contribution.

Managers and supervisors are accountable for providing employee development actions designed to improve and enhance employee performance such as:

- Reasonable employee training;
- Assigning, directing, monitoring and reviewing employee work;
- Assisting employees in correcting deficiencies; and
- Objectively evaluating employee performance during the evaluation period.

Our performance appraisal program is intended to be participatory, involving your input as much as that of your supervisor, thereby helping you to contribute to the growth and improvement of your career and the City. You are encouraged to:

- Inquire about your performance from time to time;
- Accept additional responsibilities and show initiative;
- Review opportunities for advancement within the organization;
- Ask for assistance in developing a goal-oriented path for advancement within the department or City; and
- Learn about training available to assist you in improving your skills, qualifying for a promotion, or lateral transfer.

Performance evaluations serve as one factor in decisions related to employment such as training, merit pay increases, job assignments, employee development, promotions and retention. Written evaluations are to identify specific performance levels as compared to established standards, to acknowledge the merit of above standard performance and to prescribe the means and methods of correcting performance deficiencies to the required level of performance.

6.2 Corrective Action

The City has high performance expectations because we strongly believe that everyone benefits when we all work together and conduct ourselves in a manner that mutually reflects the best interests of co-workers and the City. It is the philosophy of the City to take corrective action measures when needed for the purpose of correcting areas of performance deficiency or to deal with violations of policies and work rules. The purpose of corrective action is to both correct the situation and avoid repetition.

You are expected to carry out your duties in a manner that contributes to a positive and productive work environment and supports the goals and objectives of the City. Any action or behavior that detracts from this goal or that detracts from encouraging an environment based on professionalism and respect will be considered cause for corrective action.

Examples of cause for corrective action include, but are not limited to:

- Performing any unlawful act while on duty; or any conviction of a felony or misdemeanor, particularly those that are related to the position you hold.
- Indulging in conduct that reflects discredit upon the City or impedes the effective performance of City functions.
- Using position as a City employee to gain financial benefit or avoid financial cost for self, relatives or personal business.
- Indulging in offensive conduct, disrespectful treatment of other employees, public officials or members of the public, or any conduct prohibited by City policies, including all those referenced herein, safety policies, and any other policies established by your Department.
- On duty or off duty use of social media to post statements that disclose confidential information obtained through City employment; discriminate against, harass or defame City employees; or otherwise violate City of Forest Grove policies.
- The use of alcoholic beverages, illegal drugs or the misuse of prescription drugs while on duty. Being under the influence of intoxicants or illegal drugs. Being under the influence of prescription drugs that affect the performance of your duties.
- Failure to disclose a family relation, member of household, or an intimate personal or financial relationship with another City employee when employee is in a supervisory relationship to or is in the chain of command of the other employee.
- Insubordination or failure to meet the stated expectations of your supervisor, in situations where the instruction is lawful and does not pose a risk of harm to you.
- Performing duties in an inefficient manner or intentionally wasting time in the performance of duties. Inattention to duty or failure to be productive.
- Inability to perform or intentionally failing to perform the duties and responsibilities of your assigned position.
- Inability to perform or intentionally failing to perform the required job competencies.
- Unauthorized use of, damage to or negligence in, the care and handling of City property or equipment.
- Absence without authorization or misuse of City leave, repeated tardiness, which are not protected by law.
- Untruthfulness, whether verbal or written, regarding any employment matter related to your position or application for employment. Falsification of City documents or records.

- Willful violation of any provisions of ordinance or policy adopted by the City Council or City Manager.

You will be informed if corrective action is necessary as soon as possible after any performance problem has been identified. Your manager or supervisor will discuss the situation with you, explaining the policy and the necessity of corrective action to avoid other corrective actions and ensure that the action is carried out in a manner that does not cause you unnecessary embarrassment.

Although one or more corrective action measures may be taken in connection with a particular performance problem, a formal order is not required. Corrective action may include any of a variety of actions depending on the circumstances and severity of the particular situation.

Counseling sessions, letters of expectation and oral reprimands are intended only to serve as warnings and will not be considered corrective action. Any corrective action taken during a probationary period, whether initial or transitional, will not impact the right of the City to discontinue your employment in this position at any time. Please refer to Chapter 3 for additional information on initial and probationary appointments.

Corrective actions may be taken at the discretion of management and include **any** of the following:

- Written reprimand.
- Suspension without pay.
- Demotion in position or salary.
- Termination of employment.

Each action will be documented in your personnel file. The corrective action process may not always commence with a verbal counseling or include every step. The above options are not to be seen as a process in which one step always follows another. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or subsequent offense. Each situation will be evaluated given the nature and seriousness of the offense, your work history, and the environment in which the offense took place.

Prior to initiating any of the above actions or any other action impacting pay for a regular employee or an employee serving a transitional probationary period, the supervisor will:

- Provide the employee with proper written notification of the pending allegations; and
- Provide a meaningful opportunity for the employee to respond orally or in writing to the allegations; and
- Give consideration to all relevant information prior to taking action.

When an employee is suspended without pay, the employee will not accrue leave during any periods in which they are not in pay status.

In cases where the Department Director determines that it is necessary to end the employment relationship between the City and a regular employee, the Department Director will review the

facts with the ~~Human Resources Manager~~Human Resources Director prior to action. The employee will receive written notification of the cause for separation.

Exempt employees may be suspended without pay under this policy, but only in full-day increments. Their pay will be reduced in an amount that is proportionate to the number of days suspended.

An employee may request and have removed from his or her personnel file any letter of reprimand which is more than two (2) years old if there have been no related problems during that period. An employee may request to remove any letter imposing corrective action more severe than a letter of reprimand which is more than five (5) years old, provided there is no subsequent related disciplinary action taken during the intervening period of time. In the event there is more than one letter imposing corrective action which is more severe than a letter of reprimand, none of the letters may be removed until the most recent letter is more than five (5) years old.

6.3 Appeals and Dispute Resolution

The City strives to create and sustain an environment where employees feel respected and safe from reprisal in bringing forth issues relating to their employment. To that end, the City will endeavor to resolve employee concerns informally, at the lowest possible level, and in a manner that is fair and considerate of all those involved. When issues covered by this policy cannot be resolved informally through discussions with the employee's supervisor, the employee may initiate an appeal. Retaliation towards an employee for initiating an appeal is expressly prohibited and may be grounds for termination.

The following types of appeals are covered under this policy:

- Position designation (classification);
- Denial of reassignment during a reduction in force;
- Corrective Action (excluding oral & written reprimands)
- A perceived violation of City policy;
- A perceived improper administration of a City policy;
- Other work-related disagreements (excluding performance evaluations).

The deadline for initiating an appeal for any of the above issues will be seven (7) calendar days from the date the employee first had knowledge of the issue, or when the employee was first informed of the intended corrective action. In cases of termination, the deadline for initiating an appeal is seven (7) calendar days from the effective date of the termination. Only a non-represented employee who has completed their initial probationary period is eligible to appeal corrective actions. Represented employees may not use this process to address any subject that is covered under the terms of their collective bargaining agreement. All management personnel are responsible to ensure that the appeal process is administered in a fair and consistent manner.

Appeal Steps

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Step 1 - Immediate Supervisor: The appeal will be filed with the employee's supervisor. The supervisor, or other manager or supervisor appointed by the Department Director, will respond in writing to the employee within seven (7) days of receipt.

Step 2 - Department Director: Appeals which are unresolved at Step 1 may be submitted to the Department Director within seven (7) days of receipt of the response at Step 1. The Department Director will respond in writing to the employee within fourteen (14) days of receipt.

Step 3 - City Manager: Appeals which are unresolved at Step 2 may be submitted to the City Manager within seven (7) days of receipt of the response at Step 2. The City Manager will respond in writing to the employee within fourteen (14) days of receipt. The City Manager may support the Department Director's decision, reverse the decision, or modify it. The City Manager's decision is final and binding.

Issues relating to behavior that is perceived as unlawful harassment or the reporting of improper governmental action may be addressed through separate protocols, as the situation warrants.

CHAPTER 7

SEPARATION FROM EMPLOYMENT

7.1 Separation from Employment

Separation from employment with the City occurs when you voluntarily resign, you are laid off or terminated by the organization.

Resignation

In order to resign in good standing, the City would appreciate receiving notification of intent to resign at least ten working days prior to departure date for employees and thirty days for supervisors and management level personnel.

Employees who resign from the organization in good standing may be eligible for re-employment consideration. To determine eligibility, former employees must file an employment application with the ~~Human Resources Manager~~Human Resources Director and await notification of an available position. Applications received from former employees will be considered and processed using the same procedures and standards that govern all other applicants. When a position becomes available, the ~~Human Resources Manager~~Human Resources Director and the Department Director will review the former employee's performance records and the circumstances surrounding the termination of previous employment with the organization. The City is under no obligation to rehire former employees. An employee who is reinstated to the same position within one year of separation shall be appointed at the same rate of pay, benefits, and seniority held at the time of resignation. All other rehires shall be considered to be new employees.

Job Elimination, Reduction in Work Hours or Staff

The City's desire is to avoid circumstances that require a reduction in hours or staff, but we also recognize that situations may arise where we will need to make such reductions. Depending upon the circumstances, we may respond in a variety of ways, including offering a voluntary reduction in hours or days of work, reducing your work hours or days of work, reducing expenses by other means, or by a reduction of the workforce. Among the factors we will consider in selecting employees for any reduced hours or reduction in force are:

- Your department, location, or job;
- Your job knowledge, skill and ability to do the required work;
- Your performance, attendance, safety and disciplinary history and records;
- Your possession of licenses, registrations and or certifications required by the job;
- Your creativity and teamwork skills, if required for the job;
- Your demonstrated willingness to go the extra mile for the organization, co-workers and customers; and,
- The efficiency of our operation.

Evaluation of these factors is in our discretion. When we conclude that all the factors are substantially equal, we will reduce the hours of or lay off the employee with the least length of service. The immediate supervisor will personally notify employees of a layoff. After explaining the layoff procedure, you will be given a letter describing the conditions of the layoff, such as the effects on benefits, the possibility of reemployment, procedures, and any outplacement services.

Affected employees will be given two weeks' notice of lay-off, during which time the employee shall be allowed reasonable time off with pay to pursue other employment. During a one-year period of time following the lay-off, the City shall consider those persons laid-off for rehire, if a suitable position becomes available. An offer of re-employment may be made orally or in writing to the last address reflected in your personnel records. It is your obligation to keep us informed of any changes in your telephone number and address. The offer will identify the available job and the date you are to report to work. If you decline reemployment or fail to report on the date specified, you will be deemed to have waived any reemployment privileges and will be treated as a voluntary resignation.

Discharge

"At will" employees may be terminated at any time, with or without cause and without right of appeal. Employees serving Initial Probation are considered "at will". Please see Chapters 2 and 3.

All regular employees are hired at the City for an indefinite period of time and may be discharged with cause. However, our philosophy and general practice is to provide employees, who have completed initial probation with an opportunity to correct minor performance and conduct problems before discharge is implemented.

The City has a corrective action policy found in Chapter 6 of this Handbook that describes action management may take, at our discretion, to correct performance infractions prior to discharging employees.

The decision to discharge employees is based not only on the seriousness of the current performance infraction but also on the individual's overall performance record and length of service with the City.

The City also believes that our employees should be given an opportunity to be heard in matters involving corrective action, including discharge, and we have provided a formal problem resolution procedure found in Chapter 6 of this Handbook for that purpose. You are encouraged to use the procedure to resolve any issues you may have that cannot be resolved by consulting with your supervisor.

Exit Interview

An exit interview will be scheduled with you when you leave the organization. This gives you an opportunity to get any unresolved issues addressed before leaving the organization and allows us to solicit your honest opinions of our organization and any suggestions for improvement of the City. We encourage all employees to participate in an exit interview when they separate from employment and we value all opinions and suggestions we receive in the process.

Return of Organization Property

Upon separation from your employment, either voluntarily or otherwise, you must return all organization property in your possession by your last day of employment. City property includes credit cards, organization vehicles, keys, ID cards, pagers, cellular phones, tablets, laptops, tools, software, computer storage devices (e.g. USB drives), uniforms, this Handbook and any other items in your possession that belong to the organization.

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CHAPTER 8

EMPLOYEE BENEFITS

8.1 Benefits Overview

The City strives to provide the best, most equitable and cost-effective benefits for employees in recognition of the influence employment benefits have on the economic and personal welfare of our employees. Paid in various benefit forms on your behalf, the total cost to provide the benefit program described in this Handbook and other documents is a significant supplement to your pay and should be viewed as additional compensation.

Policies, provisions and procedures that govern the City's benefit program apply to all employees eligible to participate, whether exempt or nonexempt status, unless otherwise provided in a particular benefit plan.

If you are covered by a collective bargaining agreement please refer to it for information concerning your level of benefits, eligibility, and enrollment costs related to all fringe benefits.

Some benefits may earn credit during your new-hire introductory period, but eligibility to use the benefit will not occur in most cases until you obtain regular status, or meet other conditions of employment specified in the Handbook or contained in the benefit policy/plan booklets.

Benefit Pro-ration and Employee Cost Sharing

If you are a regular part-time employee, some of your benefits are determined on a prorated amount of hours according to your benefit accrual rate or other formula. For example, you will accrue vacation and sick leave benefits at a lower rate than full time employees. Your accrual rate is based on the number of hours your position is budgeted.

Discretionary employment benefits, those benefits that are not mandated by state or federal law, are selected and controlled by the City Council through adopted resolutions. Decisions to provide and continue providing these benefits are based on such considerations as cost, composition of our workforce, operational efficiency, and desirability of benefit provisions. Where costs of discretionary insurance benefit plans exceed the City's interest, ability, or willingness to pay the full premium rate to maintain the current benefit level, you may be required to share in the cost to continue the insurance plan coverage.

Benefit Design and Modification

The City reserves the right to design plan provisions and to add, eliminate, or in other ways modify any discretionary benefits described in this Handbook or elsewhere in plan documents, where and when it is deemed in the City's best interest to do so. These benefits are subject to change depending on Council decision and available resources.

Benefit Plan Documents

You will be provided with summary plan descriptions upon eligibility and enrollment. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents will govern. All of these official documents are readily available from the ~~Human Resources Manager~~Human Resources Director for your review. We ask that you refer any questions about this information to the ~~Human Resources Manager~~Human Resources Director.

8.2 Health Insurance Benefit

The City currently provides health, dental, and vision insurance coverage for employees and their dependents if they are otherwise eligible to participate in the plan. You will be provided with information about the plan at the time you become eligible to participate in the plan. You are asked to review the summary plan description for answers to questions regarding coverage, eligibility, and cost. Any need for further information should be referred to the ~~Human Resources Manager~~Human Resources Director.

Eligibility

This benefit is provided for all regular full-time employees and regular part-time employees who are scheduled to work 20 or more hours per week on an ongoing basis. Additionally, temporary or intermittent employees who are regularly scheduled to work 30 or more hours per week on an ongoing basis, or who have averaged 30 or more hours per week during the City's established 12 month look-back period in accordance with the Affordable Care Act, will also be eligible for health insurance benefits. If otherwise eligible, you may begin to participate in the plan the first of the month after your hire date. Temporary and intermittent employees who do not meet the eligibility requirements outlined above are not eligible to participate in the health insurance plan.

Please contact the ~~Human Resources Manager~~Human Resources Director to discuss the eligibility for this benefit.

Plan Enrollment

Upon eligibility, you may complete enrollment forms. If you do not wish to enroll at the time of eligibility, and later decide to request enrollment, a verification of insurability form may be required from your previous health insurance provider, and your request for enrollment is subject to possible rejection by the healthcare plan insurance carrier.

Annually, an open enrollment period will be conducted during which times you may make changes to your elections and dependent coverage.

The cost of the monthly premium for full time, regular employees is shared between our employees and the organization as adopted by the City Council. Please contact Human Resources for current premium costs.

The cost of the monthly premium for part-time, regular employees is approximately 55%. Please contact Human Resources for specific information.

Any eligible employee who chooses not to enroll in the insurance plan is not entitled to any other form of compensation in lieu of coverage and is required to sign a written waiver of participation.

Premium Cost

Specific types of coverage and benefit payment schedules are described in the City's health care plan booklets that are available to all eligible employees. At the time of eligibility and during Open Enrollment each year we will inform you about the contribution the City will make toward your monthly premiums if you are eligible to participate in the plan. Premium rates are

established by the insurance carrier and are subject to change-usually based on increased costs to provide medical services and the amount of services required by our employees.

Any premium co-payment and dependent coverage you are required to pay is funded through a payroll deduction.

Termination of Coverage

In the event that you or your dependents lose eligibility to participate in the health plan, you may have the health plan coverage extended for a period of time. Eligibility can be lost due to a prolonged absence from work or upon the occurrence of certain "qualifying events," that would otherwise cause your group health coverage to terminate. Examples of qualifying events are termination of employment, reduction of hours, divorce or legal separation, entitlement to benefits under Medicare, a child dependent reaching majority age or a leave of absence.

You, your spouse, and/or dependents are permitted to continue group health insurance for a certain period of time at your own expense. However, continuation does not occur automatically. You must notify us in writing within 60 days after the date a covered family member will lose coverage because of an event or the covered family member will permanently lose the right to continuation coverage. Election of coverage and payment of the premium must then occur within a specified time limit for coverage to continue. You and any covered dependent will be given a notice covering the provisions of the law at the time you enroll and again upon the occurrence of any qualifying event.

8.3 Life Insurance

Group Life

The organization currently provides group life insurance coverage for regular employees eligible under the City's current policy. Employees will be provided with information about eligibility in the plan at the time of hire. The organization pays for the full premium. The standard coverage equals one times the employee's annual base pay rounded to the next thousand with a one-hundred forty thousand dollar (\$140,000) maximum. Employees may elect additional coverage at their own expense.

Dependent

Employees may elect dependent coverage and/or additional dependent coverage at their own expense.

8.4 Long-Term Disability

The City provides a Group Long-term Disability plan. The plan provides compensation to regular employees eligible under the City's current policy who are unable to work due to an accident or illness lasting ninety (90) days or more. Employees will be provided with information about the plan at the time of hire. The City currently pays for the full premium.

8.5 Section 125 Plan

The City may provide Section 125 plans, including the Premium Only, Healthcare Flexible Spending Account, and Dependent Care Assistance plans as authorized by IRS code. These plans allow employees to have group medical or dental costs deducted from their paychecks on a pre-tax basis.

The Premium Only Plan allows the employee portion of premiums to be deducted on a pre-tax basis, reducing payroll taxes for both the City and the employee.

The Healthcare Flexible Spending Account (FSA) is available for insurance co-payments, deductibles, and other eligible medical expenses not reimbursed by insurance as defined by IRS Section 213(d).

The Dependent Care Assistance Plan (DCAP) covers the cost of caring for a dependent while the employee and spouse work.

Additional information is available during open enrollment or by contacting Human Resources.

8.6 Retirement Plans

After six months of full-time employment, regular full-time employees are required to participate in one of the City's retirement plans depending on the employee group he/she is in: the Defined Benefit Plan, Oregon Public Employees Retirement System (PERS), or the Defined Contribution Plan. Eligible regular part-time employees regularly scheduled to work at least 20 hours per week will be enrolled in PERS or the Defined Contribution Plan, depending upon eligibility.

1. Defined Benefit Plan: the City pays the employee's portion of the contribution at a rate established by annual salary. Contributions to the retirement plan must meet actuarial requirements. Employees who terminate prior to being eligible for vesting rights must withdraw their contributions to the plan. Please contact the Human Resources Manager/Human Resources Director for a copy of the plan documents.
2. Defined Contribution Plan: the City contributes a percentage of the employee's base pay as established by resolution of the City Council into a 401(a) plan selected by the employee. Retirement benefits for the defined contribution plan are based on the accumulated contributions and earnings over the employee's participation in the plan. The retirement benefits are dependent on the accumulated account balance for each employee at retirement. Guidelines for withdrawals will be governed by the rules in accordance with IRS Section 401(a) rules. There are no vesting requirements for this plan.
- 2.3. Oregon Public Employees Retirement System (PERS): the City contributes the employee's portion of the contribution at a rate established by PERS, currently 6%. There is a six month waiting period to join unless employee is already a member of PERS.

8.7 Health Reimbursement Arrangement (VEBA)

Regular unrepresented employees who elect a health insurance plan with the City of Forest Grove will receive monthly contributions of one percent (1%) of the employee's base salary to a

medical savings account Voluntary Employees' Beneficiary Association (VEBA) plan, under Section 501 (c) (9) of the Internal Revenue Code.

On January 1st of each year the City will make an additional VEBA contribution to each unrepresented employee's account who is employed on that date as outlined below based on the employee's medical elections:

<u>Employee only:</u>	<u>\$220 annually</u>
<u>Employee plus one:</u>	<u>\$440 annually</u>
<u>Employee plus two or more:</u>	<u>\$660 annually</u>

This benefit is designed to help you plan for retirement medical costs. Please contact Human Resources for additional information.

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CHAPTER 9

TYPES OF LEAVE

9.1 Vacation Leave

All regular non-represented full-time and part-time employees are eligible for vacation based on the schedules below.

FLSA Exempt positions:

<u>Continuous years of service</u>	<u>Benefit</u>
0+ to 2 years	15 days per year
2 to 5 years	20 days per year
more than 5 years	25 days per year

FLSA Non-Exempt:

<u>Continuous years of service</u>	<u>Benefit</u>
0+ to 2 years	10 days per year
2 to 5 years	12 days per year
5 to 10 years	15 days per year
10 to 15 years	20 days per year
more than 15 years	25 days per year

Regular, part-time employees' monthly and accrual limit is based on a pro-rata basis calculated on the work schedule established by your position. For purposes of vacation, continuous service will be calculated from the nearest first of the month related to your date of hire. Vacation hours will not accrue when an employee is on an unpaid leave of absence on an hour-for-hour basis.

The purpose of vacation and personal time is to allow employees to enjoy periods of time away from work and have time available for personal use. Vacation time is intended to provide time away from work for rest and recreation. Vacation time will be paid out at separation in accordance with applicable laws.

Time is not to be banked and never used; therefore, your accrual limit cannot exceed 45 days (360 hours). Vacation benefits will stop accruing when the maximum allowed has been reached until you reduce the total below the maximum, at which time the benefit will begin accruing again.

Initial probationary employees will not be eligible to use accrued vacation until the employee has completed six (6) months of service, unless otherwise designated by the City Manager. The City Manager may, due to labor market competition or other business related factors, assign a higher vacation accrual rate in compliance with the Pay Equity Act.

Vacation leave is available for use after it is credited to your leave bank. FLSA non-exempt employees must use vacation in no less than quarter hour (15 minute) increments. FLSA exempt employees are required to use appropriate accrued leave to cover absences from work that result in them falling more than four hours short of their average weekly work schedule (40 hours per week for full-time employees). Use of accrued leave is not required if the exempt employee's absence is the result of flexing work schedules due to workload.

Any employee wishing to use vacation time should request vacation hours as early as possible so that arrangements for coverage can be made. Requests for vacation time are to be made in writing and given to your supervisor. Every attempt will be made to grant each request, however, no guarantees can be offered. In the event of competing requests for times submitted at the same time, approval will be given to the employee with the longest tenure.

Vacation leave may not be used to extend an employee's length of employment at the time of termination and employees must be physically present on their last day of work.

Once approved, vacation leave may not be modified to sick leave unless the event qualifies under the Family Medical Leave policy as a serious health condition.

Vacation Buy-Back

Non-represented, FLSA Exempt, employees who have used forty (40) hours of vacation in a designated twelve (12) month period and who have at least eighty (80) hours of vacation "on the books" at the end of that twelve (12) month period are eligible for vacation buy-back. Vacation buy-back allows an employee to take pay for up to ~~forty (40)~~ sixty (60) hours of vacation in a twelve month period. This option will be made available two times during the year ~~but may be used by an employee only once during~~ and can be taken once or twice per year in any amount rounded to the nearest hour not to exceed sixty (60) hours during a ~~twelve (12) month period calendar year.~~ Additional information is available from the ~~Human Resources Manager~~ Human Resources Director.

9.2 Sick Leave

Sick Leave

All eligible regular, intermittent, seasonal, and temporary full-time and part-time employees may use sick leave accruals for the following purposes:

- For an employee's mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. (You are encouraged to make such appointments before arriving to work or after work hours, if possible.)
- For care of an immediate family member with a mental or physical illness, injury or health condition, care of an immediate family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or care of an immediate family member who needs preventive medical care. Immediate family is defined as spouse, same sex domestic partner, the biological, adoptive or foster parents or children of the employee, ~~parents or children of the same-sex domestic partner~~, siblings, grandparents, grandchildren, in-laws, persons with whom the employee was or is in a relationship of in loco parentis, and other close relatives who reside in the employee's household. The ~~Human Resources Manager~~ Human Resources Director may approve exceptions to this policy on a case-by-case basis upon written justification from the employee.
- As specified in section 9.7, Family and Medical Leave, in the Employee Handbook, or

Oregon Family Leave (OFLA).

- Any other purpose covered by the Oregon Family Leave Law (ORS 659A.159).
 - For a purpose specified in Oregon's Domestic Violence, Sexual Assault or Stalking Leave Law (ORS 659A.272).
 - In the event of a public health emergency, including but not limited to: (a) Closure of the employee's place of business, or the school or place of care of the employee's child, by order of a public official due to a public health emergency; (b) A determination by a lawful public health authority or by a health care provider that the presence of the employee or the family member of the employee in the community would jeopardize the health of others, such that the employee must provide self-care or care for the family member; or (c) The exclusion of the employee from the workplace under any law or rule that requires the employer to exclude the employee from the workplace for health reasons.
1. Regular, full-time employees accrue sick leave at a rate of eight (8) hours per month. Regular part-time employees receive a prorated amount based on scheduled hours. Sick time accumulated for regular status employees will not exceed 1400 hours.
 2. All other employees eligible to accrue sick leave (for example, seasonal, temporary, and intermittent employees) accrue one hour of sick leave for every 30 hours worked. Sick time accumulated for seasonal, temporary and intermittent employees will not exceed 80 hours and no more than 40 hours may be used in a 12 month period.
 3. Once an employee's sick leave accrual balance reaches one thousand (1,000) hours for full-time employees and the equivalent pro-rated amount for part-time employees, the cash equivalent of two (2) hours of sick leave accrued will automatically be paid into the employee's VEBA account each month as long as the employee's accrued sick leave balance remains at the one thousand (1,000) hours after the two hours are paid into the employee's VEBA account.

When an employee is on an unpaid leave of absence, sick hours will not accrue on an hour for hour basis. Sick leave is available for use after it is credited to your leave bank.

FLSA non-exempt employees must use sick leave in no less than quarter hour (15 minute) increments. FLSA exempt employees are required to use accrued leave to cover absences from work that result in them falling more than four hours short of their average weekly work schedule (40 hours per week for full-time employees). Use of accrued leave is not required if the exempt employee's absence is the result of flexing work schedules due to workload.

It is in your best interest not to be at work when you are disabled due to illness or injury. It is your supervisor's responsibility to send you home if you are incapacitated or a threat to other employees' health and/or safety and you are expected to cooperate with the decision.

Time for routine doctor or dentist appointments should be charged to sick time unless other arrangements have been made with your supervisor. You are encouraged to make such appointments before arriving to work or after work hours, if possible.

In the event of an extended leave, you must use accumulated sick leave in conjunction with income protection plans or other sources of disability income to achieve full pay for as long as possible. However, at no time can the combination of these exceed normal earnings.

You are expected to notify your supervisor at the beginning of each workday during illness or injury. Exceptions to this include a serious accidental injury, hospitalization, or when it is known in advance that you will be absent for a certain period of time. A Medical Release Statement may be requested for review before you return to work in certain situations.

Unused sick leave is not paid at termination, but may be convertible under the terms of the City's Defined Benefit Retirement Plan. Please refer to the Defined Benefit Retirement Plan documents for additional information. If an employee is separated from employment with the City of Forest Grove and is re-employed within 180 days, his/her sick leave balance at the time of separation will be restored.

Planned sick leave may not be used to extend an employee's length of employment at the time of termination unless the employee is unable to return to work due to illness or injury.

In the case of a work-related accident or injury, you may use sick time to offset any days not paid through Workers' Compensation, or to offset the reduction in regular pay until accumulated sick time is used. However, at no time can the combination of these exceed normal earnings, nor can you use more sick time than that accumulated.

Donated Leave Program

The City has implemented a leave donation program to assist regular employees who have, as a result of extended or catastrophic illness and/or injury, exhausted all accumulated leave (sick, vacation, personal, and compensatory time) and are not receiving workers' compensation or retirement benefits.

Employees may voluntarily donate vacation leave or compensatory time in increments of one hour or more to an eligible employee's sick leave account, based on the conversion of the donor's salary rate to sick leave hours at the donee's salary rate.

Donors are prohibited from recovering any unused hours from the donee's sick leave account once donation has been credited. Donations are required to be documented, including the donor's signature and any verification of need of the employee receiving donations. The period of time an employee is eligible to receive donated leave will not exceed ninety (90) calendar days in any twelve (12) month period, non-retroactive. The Human Resources ManagerHuman Resources Director is responsible for establishing and administering the donated leave program and making final determinations regarding need. Request for donated leave must be made to the Human Resources ManagerHuman Resources Director.

Employees receiving donations must understand that the use of donated vacation leave or compensatory time as sick leave may offset disability payments.

9.3 Paid Holidays

The City observes the following holidays each year. The organization is officially closed on these days, unless otherwise determined by the Department:

New Year's Day
Martin Luther King Jr. Day
Presidents Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Veterans Day (See 9.14 below)
Thanksgiving Day
Day after Thanksgiving
Christmas

In addition, eligible employees will also receive two personal holidays per year.

If a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday falls on a Saturday, it will be observed on the previous Friday.

Personal Holidays are credited at the beginning of the calendar year and shall be prorated to the nearest hour for newly hired employees. Personal Holiday hours must be used in no less than quarter hour (15 minute) increments. Personal Holidays must be used within the year credited or forfeited. Personal Holiday hours are payable at termination for regular employees only.

Regular full-time and part-time employees are eligible for Holiday pay. Full-time employees receive eight (8) hours of holiday pay as paid time, regardless of the number of hours scheduled to work on the holiday. Employees are required to supplement their holiday pay with vacation, compensatory, or actual work hours to cover the scheduled hours.

Part-time, regular employees will receive a pro-rated amount of paid time based on their regularly scheduled time. For instance, a regular, part-time employee working 20 hours per week would receive 4 hours of holiday pay because they are working 50% of full-time.

To be eligible for holiday pay, the employee must be in pay status the regularly scheduled work day immediately preceding and immediately after the holiday.

If covered by a collective bargaining agreement, please refer to it for specific language related to holiday pay, eligibility, and use.

9.4 Leaves of Absence Policy

The City recognizes that our employees may encounter many situations that require a temporary extended absence from work. We offer several different types of leaves of absence for this purpose:

- Bereavement Leave
- Civic Duty Leave
- Family & Medical Leave
- Worker's Compensation Leave
- Personal Leave
- Administrative Leave
- Uniformed Services Leave and Re-Employment
- Domestic Violence Leave
- Lactation Leave
- Veterans Day Leave

The type of leave may determine which employees are eligible and what procedure is to be followed in requesting and obtaining the leave. The effect of the leave on benefit accruals, benefits and reinstatement rights also vary according to the type of leave you are requesting. Each of these leaves is discussed on the following pages. If you have any questions about your potential eligibility for a leave or your benefits and rights while on a leave, please contact the ~~Human Resources Manager~~Human Resources Director.

9.5 Bereavement Leave

Regular full-time and part-time employees are eligible to take a Bereavement Leave in the event of death of immediate family members as defined below: (Also see Section 9.7 – Family and Medical Leave for information about Bereavement Leave under OFLA.)

Coverage

Immediate family is defined as spouse, same sex domestic partner, parents, children or step-children, children of the same-sex domestic partner, siblings, grandparents, grandchildren, in-laws (including father, mother, brother or sister), parents of the same sex domestic partners, and other close relatives who reside in the employee's household.

The ~~Human Resources Manager~~Human Resources Director may approve exceptions to this policy on a case-by-case basis upon written request from the employee.

Length of Leave

You are allowed to take up to five ~~consecutive~~ regularly scheduled working days away from work for a bereavement leave for immediate family members. If you need additional time off for any bereavement purpose, you must use earned vacation, compensatory time, or sick leave, or apply for an unpaid personal leave of absence.

Request Procedure

You are expected to give us as much notice as possible of the need for time-off so that we can make arrangements to cover your absence. Determination to grant the leave will be made by your Department Director. Verification of family relationship and death may be requested in limited circumstances.

Pay while on Leave

If you are a regular employee, you will continue receiving your regular pay for up to the five days allowance. Exempt employees will continue receiving their regular salary for any additional partial days missed for any bereavement purpose.

Status of Benefits

Eligibility for benefits or continuance of benefit accruals are not affected by bereavement leaves. If the length of your absence extends beyond the five-day leave allowance and you are granted additional time off in the form of a personal leave, the effect of the additional leave on your benefits will be determined by the City's personal leave policy, later in this chapter.

Reinstatement

You will be reinstated to the same position you held at the time your leave began subject to our general reinstatement policy.

9.6 Civic Duty Leave

Jury or Witness Duty

If you are subpoenaed to serve as a witness or on jury duty you may obtain a leave of absence. If it is felt that your absence would create an undue hardship to you or the City, we may request, with your full agreement, that you be excused from jury duty.

Length of Leave

Jury or witness duty leave is available for the period of time covered by the initial subpoena or court order and any involuntary extensions. If an employee is released from jury or witness duty prior to the completion of his/her scheduled shift, he/she must return to work for the remainder of the scheduled work shift.

Request Procedure

You must notify your Department Director as soon as you receive the notice or as soon as is practicable so that arrangements can be made to cover the position. You are expected to provide us with a copy of the subpoena or notice within five days after it is received.

Pay while on Leave

You will be compensated for the difference between the civic pay received and your regular rate of pay for up to sixty (60) days. Any continued absence beyond 60 days must be charged against your accrued vacation, compensatory time, or unpaid in the event no leave balance exists. You must remit to the City any remuneration received, less expenses, in order to receive your regular pay for the leave. Please speak with the ~~Human Resources Manager~~ Human Resources Director if you have any questions pertaining to the procedure.

Status of Benefits

Benefits are not affected by jury or witness duty leaves.

Reinstatement

You will be reinstated to the same position you held at the time your leave began subject to our general reinstatement policy. You are expected to report to work during regular work hours when not in court. If requested, you must supply proof of appearance in court or serving on a jury.

9.7 Family and Medical Leave

It is the City's policy to provide eligible employees unpaid leave for pregnancy, childbirth; adoption; foster child placement; the care of a seriously ill spouse, child, grandchild, parent, or grandparent; the employee's own serious health condition; to care for a sick child; for bereavement leave for employee's spouse, parent, parent-in-law, child, grandparent, grandchild, same sex domestic partner and an individual standing in loco parentis; or to care for an injured service member in accordance with applicable federal and state legislation.

The Family and Medical Leave Policy (FML) covers employees including employees absent from work due to occupational related illness or injury, except to the extent provisions in applicable collective bargaining agreements, state or federal laws provide otherwise. Workplace injuries that qualify for family leave under this policy will not be counted against an employee's Oregon Family Leave Act (OFLA) entitlement.

The Family and Medical Leave Policy (FML) consolidates provisions of the Federal Family and Medical Leave Act (FMLA), Oregon Family Leave Act (OFLA), and the Oregon Military Family Leave Act (OMFLA). To the extent that provisions vary, this policy adopts the regulation more beneficial to the employee. To the extent the employee fails to qualify under this Policy, eligibility will be reviewed under leave laws individually to ensure employee rights are protected.

FML will run concurrently with other paid or unpaid leave for which the employee is eligible and qualifies, unless otherwise prohibited by collective bargaining agreement, state or federal law.

Eligibility

To qualify for FML employees, including those engaged for limited duration, must meet the following criteria:

- **FMLA**
Employee must have been employed by the City for at least twelve (12) months, and worked at least 1250 hours during the 12-month period immediately preceding the leave.
- **OFLA**
Employee must have been employed by the City for at least 180 calendar days immediately preceding the leave and have worked for an average of at least 25 hours per week during the 180 days immediately preceding the leave. Employees are eligible for parental leave after being employed for 180 calendar days, without regard to the number of hours worked per week.
- **OMFLA**

Employee must have worked an average of 20 hours per week for the City for at least 180 calendar days immediately preceding the date the employee takes OMFLA leave.

In determining the 12 calendar months and 180 calendar days, the number of days an employee has been on the payroll are counted, including all paid and unpaid time. The 1250 hours, 25 hours per week, and 20 hours per week minimums are actual hours worked.

Purpose of Leave:

- Parental
Leave to care for a child under the age of 18 born to or placed for adoption or foster care with the employee. Under OFLA, an employee who uses 12 workweeks of parental leave is entitled to take up to 12 additional workweeks of sick child leave.
- Employee Medical
Leave because of the employee's own serious health condition, which prevents the employee from performing at least one essential function of his or her job. This includes pregnancy-related disability and absences from work due to prenatal care. Under OFLA, a woman using pregnancy disability leave is entitled to up to 12 additional workweeks of leave in the same year for any qualifying OFLA purpose.
- Family Medical Care
Leave to care for an employee's family member with a serious health condition. Under Federal law, covered family members include a spouse, child or parent. Under state law, covered family members also include same sex domestic partners, parents-in-law, grandparents or grandchildren of the employee.
- Military Caregiver
Leave to care for a seriously ill or injured covered service member who is the employee's parent, child, or spouse or for whom the employee is the next of kin. Such leave may be taken for up to 26 workweeks in any single 12 month period. Leave to care for a military service member, when combined with all other FMLA leave may not exceed 26 workweeks in a single 12 month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness that 1) either existed before the beginning of the service member's active duty and which was aggravated by service in the line of duty on active duty, or 2) was incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered service member is also a veteran discharged under conditions other than dishonorable within the five-year period before the employee first takes military caregiver leave to care for that veteran who is undergoing medical treatment, recuperation or therapy for a serious injury of illness. This is covered under federal law.
- Qualifying Exigency
Leave for a qualifying exigency arising out of the fact that the employee's parent, child or spouse is a member of the Armed Forces (including the National Guard and Reserves) and is

on covered active duty or has been notified of an impending call or order to covered active duty. For members of the regular Armed Forces, covered duty is defined as duty during deployment of the member with the Armed Forces to a foreign country. For members of the National Guard or Reserves, covered duty is defined as duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings, caring for the service member's parent when the parent is incapable of self-care and the service member has been called to active duty, and spending up to fifteen (15) calendar days with a military member who is on Rest and Recuperation leave during covered active duty (such leave may be used only during the military member's Rest and Recuperation leave). An employee's request for qualifying exigency must be supported by appropriate certification. Qualifying exigency leave is covered under federal law.

- Oregon Military Family Leave Act

Leave for a spouse or domestic partner of a member of the Armed Forces, the National Guard, or military reserve who has been called to active duty or notified of impending call to active duty, or who has been deployed. An eligible employee may take a total of 14 calendar days leave per deployment after the military spouse or domestic partner has been notified of an impending call or order to active duty and before deployment and when the military spouse is on leave from deployment.

- Bereavement Leave under OFLA

Leave for an employee to attend the funeral or alternative to a funeral of a covered family member (as defined by OFLA: see first paragraph of this section), to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. An eligible employee may take up to 14 calendar days of leave within a twelve month period per death of a covered family member. Leave must be taken within 60 days of the date the employee receives notice of the death of the family member. Eligible employees may begin leave prior to formal notice to the employer, but must at least provide verbal notice of the need for leave within 24 hours of commencing the leave, plus provide written notice and explanation of the need for leave within three days of returning to work.

Employees may, if necessary, take multiple bereavement leaves during any OFLA year. Employees with multiple family member deaths are not required to take leave concurrently for each family member. Bereavement leave will be credited against the employee's 12 weeks of leave under OFLA.

Bereavement Leave taken under the provisions of Section 9.5 and this Section will be combined and credited against the employee's 12 weeks of family leave allowed under OFLA. See Section 9.5 for information regarding pay during bereavement leave.

Definition of a Serious Health Condition

Under FMLA, a serious health condition is an illness, injury, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or

other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Under OFLA, a serious health condition is defined as set forth under ORS 659A.150(6).

Length of Leave

Eligible employees are permitted to take a total of twelve (12) workweeks of leave in a rolling 12-month period counted from the first day the employee begins leave for any qualifying event. Parental leave must be taken in one contiguous block within the 12 months immediately following the birth or placement of a child, unless otherwise agreed to by the City.

Leave required due to the serious health condition of the employee, family member or child, or Oregon Military Family Leave and Qualifying Exigency Leave may be granted on an intermittent or reduced hour basis. If appropriate, an employee's request for intermittent leave will be considered as business requirements allow.

Exempt employees' salaries will be reduced proportionately by hours not worked.

With the employee's concurrence, the City may temporarily transfer the employee on approved intermittent leave to another position that can more easily accommodate recurring absence. In the case of a transfer, the employee will not suffer loss of pay or benefits and only that leave attributable to reduced hours will be counted against the employee's leave entitlement. The employee so assigned will be returned to the regular position unless leave taken plus the period of time worked in the alternate assignment exceeds leave allowable by law, in which case the City reserves the right to replace the employee's position.

Based on business demands, parents working for the same employer may be required to take leave consecutively instead of concurrently.

Whenever possible, absences for planned medical treatment or other appointments should be scheduled to minimize disruption in the workplace.

An employee who gives unequivocal notice of intent not to return to work from FML is entitled to complete the approved leave, providing that the original need for leave still exists. The employee remains entitled to all rights and protections of law and Policy, including, but not limited to, the use of accrued leave and health benefits. However, the City is relieved from job restoration obligations.

Counting Leave

FML leave is accounted for on the basis of the employee's usual workweek. For example, an employee normally scheduled for five (5), eight (8) hour work days would have one-fifth (1/5) of one (1) week or eight (8) hours counted as FML for each full day absence.

Pay

Employees will receive no regular compensation while on FML leave, except for bereavement leave in accordance with Section 9.5 – Bereavement Leave.

Employees absent on FML due to a serious health condition for self or qualifying family member will be required to use available accrued sick, vacation, holiday leaves, or in the case of the employee's own serious health condition, workers' compensation and/or Long-Term Disability benefits, in that order before going into authorized unpaid time. Employees may choose to use accrued compensatory time in lieu of accrued leave until it is exhausted.

Employees who are absent for parental leave will be required to use accrued time from accrued vacation, holiday and sick leave, as elected by the employee, before going into authorized unpaid time.

Under specific conditions, an employee exempt from overtime under the Fair Labor Standards Act on reduced hours leave may have their pay docked for less than full-time absences without jeopardizing their exempt status.

Benefits While on Leave

Group employee benefits will continue if the employee makes the required employee premium payments while on leave. In the case of premium payment default, the City will advance employee cost share and recover the advance upon the employee's return to work at the rate of 10% of the employee's gross pay each pay period.

Under FMLA, leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

If the leave qualifies for Oregon Family Medical Leave or the Oregon Military Family Leave Act, continued health care benefits may not be paid for by the City at its sole discretion. Employees should check with Human Resources to resolve any questions regarding the continuation of health care benefits.

The City will terminate maintenance of an employee's benefits coverage effective when employment would have terminated if the employee had not taken FML, or when:

- The employee fails to return from leave.
- The employee's leave entitlement under FML and other applicable leaves expire.
- The group health plan terminates.

Unpaid premiums not subject to the above exceptions are considered a debt owed to the City by the employee. The City will endeavor to collect the debt through whatever means practicable. The City may recover its share of the premium through deductions from any amount owed to the employee, such as unpaid wages, vacation pay, etc. Any deductions will be made in compliance with state and federal law.

Other Benefits While on Leave

While on FML, an employee will be eligible for paid holidays if in pay status the day before and the day after the holiday. Holiday hours will be counted toward the employee's FML entitlement unless leave is taken on an intermittent or reduced hours basis.

An employee on FML leave *will not* accrue seniority-based benefits, such as sick or vacation pay while not in pay status, unless provided for otherwise by policy or collectively bargained agreement.

Any period of approved FML will be treated as continued service for retirement and savings plans vesting and participation purposes.

Reinstatement after leave will be without loss of any employee benefit or right earned or accrued at the beginning of the leave, except that benefits may be reduced by the amount used during the leave, e.g. vacation hours, holiday hours, sick hours, etc.

Leave Application

In order to avoid business disruption, an employee must notify the City in writing of the request for leave at least thirty (30) days prior to the beginning of a foreseeable need. Employees are required to complete a leave application form for all leaves and to provide medical certification for leaves involving a serious health condition.

When the need for leave is not foreseeable, or its approximate timing uncertain (e.g., adoption placement, medical emergency), notice is required as soon as is practical given the particular circumstances. In this situation the employee or a representative if the employee is incapacitated, must notify the immediate supervisor as promptly as available means of communication permit. If an emergency occurs while at work, the employee must notify the immediate supervisor before leaving the workplace.

An employee seeking Oregon Military Family leave must provide notice of the intent to take leave within five (5) business days of receiving official notice of an impending call or order to active duty, or for a leave from deployment, or as soon as practicable when official notice is provided less than five (5) days from commencement of leave.

Certification Requirements

An employee's request for family medical leave due to the serious health condition of the employee or the employee's qualifying family member requires written medical certification from a health care provider as soon as possible but no later than 15 calendar days following a request for certification by the City. Certification of a serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave of the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the position. For a family member who is seriously ill, the certification must include a statement that the patient/family member, requires assistance and that the employee's presence would be beneficial or desirable.

An employee requesting Qualifying Exigency Leave is required to complete a Certification of Qualifying Exigency for Military Leave including written documentation confirming the military member's call to active duty. A copy of the military member's active duty orders is required for an employee requesting Oregon Military Family Leave.

If an employee fails to provide notice within two (2) days after the need for leave becomes apparent, the absence may be deemed unexcused, and the employee may be subject to corrective action consistent with policy and/or collectively bargained agreement.

The City may require a second medical opinion when it questions a health care provider's certification. If the second opinion conflicts with the first, the employee and City must designate a health care provider for a third opinion which will be final and binding. The City will pay associated provider expenses, as well as reasonable "out-of-pocket" travel expenses.

If requested by the City, re-certification of a medical condition must be provided every 30 days for condition duration, unless waived by the City. Earlier confirmation may be required if:

- Significant changes impact the then current disability certification, e.g. complications, severity of condition necessitates more frequent absences; or,
- The City receives information that casts doubt on the stated reason for the absence.

When absent from work due to illness, injury, or other disability, the employee must refrain from engaging in activities that may impede a timely return to regular job duties without prior approval of the City and the attending practitioner.

Employer Notice

Under FMLA, the City must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

The City must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Return to Work

An employee is expected to return to work as soon as medically able, as determined by a health care provider or, in the case of parental leave, as approved in advance of the leave start date.

Generally, an employee has two (2) business days to inform the supervisor of the discovery that more or less time will be needed than originally agreed. Failure to provide such notice, especially for leave extension, may result in extension denial or corrective action up to and including termination of employment.

Return to work certification is required before an employee returns to work as outlined below.

This certification must be based on the health care provider's review of the employee's essential job duties, as outlined in their job description. Information on the release should be limited to the condition that caused the leave.

Reinstatement will be delayed until a health care provider certifies the employee as able to return to the former or equivalent job. Return to modified duty may be accommodated, not to exceed six-months unless approved in advance by the City Manager. Employment may be terminated if the employee fails to provide this certification or a new medical certification for a serious health

condition. The City reserves the right to proceed with termination in the event all protected leave is exhausted, unless precluded by collectively bargained agreement.

Generally, an employee returning from FML leave will be reinstated to their former or equivalent job unless the employee would not otherwise have been employed at the time reinstatement is requested. If, for business reasons, the employee's former job and equivalent jobs have been discontinued during the family leave period, the employee will be reinstated to an available and suitable position, if one exists. If one does not exist, the employee will be separated in accordance with policy or collectively bargained agreement.

The employee may be required to periodically provide notice regarding intent to return to work upon the conclusion of the approved leave. The employee's unequivocal decision to voluntarily separate releases the City from its reinstatement obligation.

Other details regarding this policy are available from the ~~Human Resources Manager~~Human Resources Director.

FMLA Specific Provisions

Under FMLA it is unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

9.8 Workers' Compensation Leave

The City will insure employees for injuries received while at work as provided under the Oregon State Worker's Compensation Act. The day of injury will be considered a normal work day and will be paid by the City.

All job-related injuries or illnesses are to be reported to the supervisor immediately, regardless of severity. In the case of serious injury, your reporting obligation will be deferred until circumstances reasonably permit a report to be made. Failure to report an injury or illness may preclude or delay the payment of any benefits to you and could subject the City to fines and penalties.

A probationary or regular employee receiving time-loss payments under workers' compensation may, in addition, draw upon sick, vacation, and/or compensatory time accruals to make up the difference between the workers' compensation payment and their normal net pay. Use of accruals in this manner will be subject to the standard deductions. If a probationary or regular employee is absent for less than 112 scheduled work hours due to an injury compensable under workers' compensation, the City will pay the employees regular wages for up to the first 24 scheduled hours of work missed.

Non-represented probationary and regular employees receiving time-loss payments will be credited with full-accrual payroll periods for up to 60 calendar days.

In any event, no duplication of payments between the City's workers' compensation carrier and the City will be allowed.

Return to Work of Injured Workers

It is the policy of the City of Forest Grove to return its employees with compensable work-related injuries or illnesses to an available and suitable position as soon as possible. To achieve this, the City shall provide, where possible, temporarily modified work (light duty) while the employee is recovering. Light duty positions are not a property right and, therefore, they are not guaranteed in all situations. Any light duty work assignment must provide benefit to both the City and the injured worker.

This policy applies to all City employees when appropriate. Departmental operating policies and/or City labor agreements may provide additional procedural requirements but do not alter the authority of this policy. The City will determine appropriate work hours, shifts, duration and location of all work assignments and reserves the right to determine the availability, appropriateness, and continuation of all light duty assignments.

The injured employee shall report immediately all accidents, incidents, work-related injuries or illnesses to his/her supervisor whether or not medical care is anticipated. If the immediate supervisor is not available, the report shall be made to the next level supervisor or the ~~Human Resources Manager~~Human Resources Director. Upon receiving medical care, the employee shall provide a report of medical condition prepared by the attending physician within 24 hours of medical treatment to the ~~Human Resources Manager~~Human Resources Director. The employee should inform their physician that the City has a return to work program with light duty/modified work assignments available and review their current job duties and responsibilities with the physician. The medical report(s) shall contain specific and objective information such as employee capabilities, limitations and prognosis for use by the City to determine an appropriate work assignment or leave status. The employee will then provide the documentation requesting a light duty assignment including the tentative start date, duration, and specific limitations imposed by their physician, and prognosis for release to full duties. The employee will not be allowed to return to work without a signed release from their attending physician.

Supervisors are required to review the injured worker return-to-work process with the employee, complete an Injury Report Form 801 within 24 hours of the injury if an injury requiring medical treatment has occurred, and immediately forward it to ~~Human Resources Manager~~Human Resources Director. Supervisors must also investigate and complete an Oregon Occupational Safety & Health Division (OR-OSHA) on-the-job injury incident report within 24 hours and send the report to the ~~Human Resources Manager~~Human Resources Director. The supervisor will ensure that the injured employee has a current copy of their job description, if requested by the physician, to aid the physician in their evaluation.

The Department Director will offer an available light duty work assignment to an injured employee, where feasible. The temporary assignment shall be in agreement with the physician's medical restrictions, be consistent with agency policies and collective bargaining agreements, and normally be limited to a 90-day period during which time interim evaluations shall be made.

The assignment must not only accommodate the employee's limitations, but also provide benefit to the City. The employee during this period of modified work assignment will maintain his/her permanent position with regular salary, seniority and benefits. Upon release to regular duties, the employee will return to his/her regular assignment.

In the event that an employee is determined to have a permanent restriction and is unable to return to his/her original assignment, they will be evaluated pursuant to State and Federal law.

9.9 Personal Leave

Regular full-time and part-time employees may be granted a personal leave of absence without pay under certain circumstances. A personal leave of absence is an approved period of time away from work for personal reasons that does not fall under the guidelines of the Family and Medical Leave policy, or other leave policy. A personal leave of absence is granted at the discretion of the City Manager and is normally granted to protect the length of service and benefit rights for an employee whose service might otherwise be terminated.

Eligibility

You become eligible for a personal leave of absence after six (6) months of service. If you desire to take a personal leave of absence you must first gain approval of your Department Director.

Length of Leave

The leave may be requested for any time over 30 days. A personal leave of absence starts on the first regular workday following the last day worked.

Request Procedure

A written request should be submitted to your Department Director at least one week (5 working days) in advance of any time not worked which exceeds ten days, except in cases of emergency. Any leave request must include an expected date of return. If you do not return within three days of that date, and no extension has been requested, you will be assumed to have voluntarily resigned.

Pay while on Leave

Personal leaves of absence are without pay. You must exhaust any accrued leave prior to beginning a personal leave of absence, unless authorized by the City Manager.

Status of Benefits

Insurance coverage will not be maintained for you while on a personal leave of absence. You may continue insurance coverage by paying the full premium by the first of each month if continuance of insurance coverage desired. Benefits do not accrue during a leave of absence, but are retained at the same level.

Reinstatement

The organization will attempt to arrange employment for individuals returning from a personal leave of absence, but no guarantees are made. While you are on a personal leave of absence, you are required to check in with your supervisor on a regular basis, to inform us of your status and to notify us of any change in personal data.

9.10 Administrative Leave

There are two types of administrative leave within the City.

Investigations

When situations arise which require review by the City and where the City Manager believes it is in the best interest of the City to temporarily remove an employee from the work environment, however an immediate suspension is inappropriate, the City Manager may authorize an administrative absence with pay. Except in cases where the City is awaiting the results of a fitness for duty examination, Administrative Absence With Pay will normally not exceed thirty (30) consecutive calendar days.

In Lieu of Overtime

Regular, non-represented, FLSA exempt full-time employees are eligible to receive 5 days (40 hours) of administrative leave in lieu of overtime compensation on a calendar year basis. Administrative leave is credited at the beginning of the calendar year and shall be prorated to the nearest hour for newly hired employees. Employees must receive supervisor approval prior to taking administrative leave. Administrative leave must be used within the year credited or forfeited. Administrative leave hours are forfeited upon termination.

9.11 Uniformed Services Leave and Re-Employment

Regular employees requiring a leave of absence for service in the uniformed services are provided leave and will be re-employed at the end of the leave. Policies governing this leave are designed according to the Uniformed Services Leave and Re-employment Act and applicable state regulations. The policy covers those employees who enter active military duty voluntarily and extends to Reservists or National Guard members who are called to limited active duty or extended training duty, including regularly scheduled active duty for training.

Eligibility

All employees of the organization except those hired on a temporary basis are eligible for the leave.

Length of Leave

The length of the military leave is determined by the uniformed services organization calling you to active duty or military encampment.

Request Procedure

You must provide written notice of your obligation or intention to perform service in the uniformed services, unless notice is precluded by military necessity or is otherwise unreasonable or impossible. Failure to do so may result in loss of re-employment rights.

Pay while on Leave

- (1) Employees of the City who are members of the Oregon National Guard or any reserve component of the armed forces of the United States who are called for initial active duty training (ADT) and for all periods of annual active duty for training are entitled to a paid leave of absence for all regular workdays that fall within from duties for a period not to

exceed fifteen (15) calendar days in any federal fiscal year (October 1 through September 30) ~~for Active Duty Training (ADT) or Inactive Duty Training (IDT)~~, provided the employee is employed at least six months prior to the leave.

- (2) ~~Active M~~military leaves are without pay unless you elect to utilize vacation, compensatory time, or other benefits earned before commencement of the leave and are otherwise eligible to use such benefits. You must request and obtain approval to leave accrual pay during military leaves of absence.

Status of Benefits

Reservists, National Guard members and veterans returning from military service in the Armed Forces have and retain rights with respect to seniority, vacation, compensation and length of service pay increases, as may be from time to time provided by applicable statutes of the United States and the state of Oregon. You may maintain health care insurance benefits for up to 18 months while on leave by paying the insurance premium through COBRA for any leave extending beyond 30 days.

The City will continue to credit your retirement account on your behalf during periods of active duty if you are currently an active member in one of the City's retirement plans.

Reinstatement

If you are returning from a Uniformed Service Leave, you must report to work or request re-employment within prescribed time limits, which are based on the length of the leave:

1 to 30 days: You are expected to report to work on the first regularly scheduled workday following completion of training and you will be reinstated to the same position you held at the time the service leave began.

31 to 180 days: If you are a Reservist or National Guard member returning from initial active duty for training you must submit an application for re-employment within 31 days after release from service under honorable conditions. You will be returned to the same position held at the time the service leave began, provided the leave has been for less than 90 days in length. If 91 days or longer, when you return you will be reinstated to the same job, or comparable job in terms of like seniority, status and pay, as long as you are qualified to perform the duties.

181 days or longer: If you are returning from active duty in the armed services, you must submit an application for re-employment within 90 days after completion of satisfactory service. You will be reinstated to an equivalent position as long as you are qualified to perform the duties and the organization's circumstances have not changed to the extent that it would be impossible or unreasonable to provide re-employment. When returning, you are required to provide documentation to verify your rights to re-employment, including your separation papers. Time limits for application for re-employment are extended for up to two years for disabled veterans.

Failure to file an application within the required time period forfeits the right to re-employment.

9.12 Domestic Violence Leave

An employee who is a victim of domestic violence, sexual assault or stalking or is a parent or guardian of a minor child or dependent, who is a victim, may be entitled to take unpaid protected leave from work to obtain services or treatment.

Types of Services /Treatment

An employee may take leave to seek legal or law enforcement assistance, to secure medical treatment, to obtain counseling, to relocate or to take other reasonable steps to ensure the health and well-being of themselves or their child or legal dependent. Employees who are the victim of domestic violence, sexual assault or stalking may request a reasonable safety accommodation in the work place. A reasonable safety accommodation could include a transfer, reassignment, modified work schedule, unpaid leave, changed work telephone number, changed work station, installed lock or any other adjustment to the job structure, workplace facility or work requirement in response to actual or threatened domestic violence, sexual assault or stalking. The reasonableness of the safety accommodation will depend on the particular circumstances at issue.

Length of Leave

The amount and length of time you make take is limited to that which does not create an undue hardship on the City.

Request Procedure

An employee accessing this leave provision needs to request time off from Human Resources as much in advance as possible to aid in scheduling with their Department. Information shared will be considered confidential.

Pay While on Leave

Domestic Violence leave is unpaid; however eligible employees who take this type of leave are required to use any accrued paid time available to them.

9.13 Lactation Leave

The City promotes and supports expressing breast milk on its premises, and will support employees' continuation of expressing breast milk upon return to work. ~~Female employees may use up to 30 minutes of unpaid time during every four hour work period to express milk until their babies are 18 months old.~~ Employees may use their paid rest breaks, up to the amount of time that is required for paid rest breaks, and/or meal periods under applicable personnel rules or collective bargaining agreements for this purpose. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time or, at the discretion of the employee's supervisor, employees may be allowed to work before or after her normal shift to make up the amount of time used during the unpaid Lactation Leave. The City will also allow, but not require, an employee to substitute appropriate paid leave time for unpaid Lactation Leave periods taken in accordance with this policy.

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.

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.

An employee who intends to express milk during work hours must give their supervisor reasonable oral or written notice of their intention to do so in order to allow the City time to make any preparations necessary for compliance with this rule.

9.14 Veterans Day Leave

An employee who is scheduled to work on Veterans Day and is a veteran as defined in ORS 408.225 may request to take the day off under the following circumstances:

1. The employee must provide the City with at least 21 days prior notice that he/she is requesting Veterans Day off; and
2. The employee must provide the City documentation verifying that he/she is a veteran as defined in ORS 408.225.

The City will do one of the following within 14 calendar days before Veterans Day:

1. Grant the qualifying employee the day off. The employee will be required to use appropriate paid leave to cover his/her absence; or
2. Deny the request to take Veteran's Day off due to the employee's absence causing an undue hardship, such as significant economic or operational disruptions. The employee will be allowed to choose a single day off before the following Veterans Day. The day off must be in addition to any other time off to which the employee would otherwise be entitled. The employee will be required to use appropriate paid leave to cover his/her absence.

9.15 Religious Observances Leave

The City of Forest Grove respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship. Employees may use appropriate paid leave for religious holy days or to participate in a religious observance or practice. If accrued leave is not available the employee may request to take unpaid leave. Requests for religious leave or accommodation should be made to the employee's supervisor or Human Resources.

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CHAPTER 10

OTHER FRINGE BENEFITS

10.1 Deferred Compensation

The City provides a voluntary deferred compensation plan (457b) through multiple vendors. Contributions may be made pre-tax or post-tax through payroll deduction and are made at no cost to the City. Please contact Human Resources for additional information.

10.2 Wellness

The City recognizes that the health and fitness of all employees contributes to a higher level of morale and performance. The City's Wellness Program is aimed at improving overall employee health and fitness through identification of risk factors, encouragement of physical fitness and lifestyle changes, and ongoing education.

The City's Wellness Program may incorporate the following:

- ~~A Citywide Health Fair~~
- ~~Brown bag lunch hour sessions in the summer,~~
- Free admission to fitness or public swim sessions and water aerobics classes at the Aquatic Center,
- A monthly fitness center subsidy in the amount of \$78.50 (Please note, the fitness subsidy is considered taxable income), and
- ~~Monthly distribution of the Hope Health Letter.~~
- CIS sponsored health challenges

Please contact Human Resources for additional information about any of these services.

10.3 Employee Assistance Program (EAP)

The City makes available to employees an Employee Assistance Program (EAP) designed to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an employee's personal or professional well-being or job performance. These personal concerns may include, but are not limited to, health, marital status, family, financial, substance abuse, emotional/stress and other personal matters. The Employee Assistance Program includes:

- A written directive describing program services; procedures for obtaining program services;
- Confidential, appropriate and timely problem assessment services;
- Referrals to services, either workplace or community resources for appropriate diagnosis, treatment, and follow-up;
- Written procedures and guidelines for referral to and/or mandatory participation; and,
- Training of designated supervisory personnel in the program services, supervisor's role and responsibility, and identification of employee behaviors which would indicate the existence of employee concerns, problems and/or issues that could impact employee job performance.

An employee's referral may either be voluntary, in which the employee elects to participate in the program, or it may be a supervisory referral, in which a supervisor uses agency guidelines to refer an employee into the program. Appropriate measures are taken to ensure confidentiality of

records for employees admitted to the program, according to established City policy and state and federal regulations.

10.4 Education & Training

The City supports and advocates continued education and training for every employee to enhance their job performance and assist in their potential career advancement within the City.

Regular employees who have completed their initial probationary period may request reimbursement for the costs of college-level courses, seminars, and conferences relevant to their role in the organization within the following guidelines:

1. Such requests must be made in writing to the Department Director and approved prior to the employee's enrollment or participation. Department Directors must submit requests for approval to the City Manager.
2. Funds for such expenditures must be available in the current budget.
3. The employee may not be receiving reimbursement for tuition from any other source, nor be otherwise compensated for completion of the course by the City.
4. Reimbursement for all classes will be made only if the employee produces a receipt for the cost of the course and evidence indicating attainment of a "C" grade or better for undergraduate classes; a "B" grade or better for post-graduate classes; or passage of the course in a pass/fail course.
5. Reimbursement for college tuition shall be limited to \$400.00 per course up to a maximum of \$2,400 per fiscal year per employee.
6. Courses which are offered only during regular working hours may be approved by the Department Director, provided time off can be arranged and reasonable arrangements can be made to make up the time off.

10.5 Credit Union

Employees and family members are eligible to join the Credit Union immediately upon hire.

10.6 Voluntary Supplemental

The City currently offers several voluntary supplemental insurance plans for employees to consider.

All of the supplemental insurances are offered to regular employees on a post-tax basis. Participation in supplemental insurance plans is voluntary and solely at the employee's expense. Please contact Human Resources for additional information about any of the supplemental benefits.

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CHAPTER 11

ACKNOWLEDGEMENT

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Handbook Receipt Acknowledgment Form

As an employee of the City of Forest Grove, I acknowledge the following things:

1. I have received a copy of the Employee Handbook. I understand that the Handbook contains important information about the City's policies, work rules and my benefits. I also understand that the Handbook outlines my responsibilities as an employee of the City. I also understand that I have the responsibility to read and understand the information in the Handbook, and to ask my supervisor for clarification of any information I do not understand.
2. I understand that this Handbook is not a contract of employment or a guarantee of specific treatment in specific situations. Except for any supplemental safety policies and rules that apply to employees in certain jobs or work areas, or otherwise stated in a written employment contract, I understand that this Handbook supersedes all prior Handbooks, policies and understandings on the subjects contained in it.
3. I understand that unless stated in an employment contract, the City has the right to change, modify, add to, substitute or eliminate, interpret and apply, in its sole judgment, the policies, rules and benefits described in this Handbook. I understand that should the content be changed in any way, the City will require an additional signed acknowledgment from me to indicate that I am aware of the changes.
4. I understand that the Council is the only body authorized to make changes in the policies, rules and benefits described in this Handbook and that all such changes must be in writing to be valid. I also understand that the City Manager is the only person who will ever have the authority to enter into an employment contract, and that all such contracts must be in writing and signed by both parties to be valid.
5. I am aware that I may be given confidential information during the course of my employment, such as customer lists or other information. I understand that this information is critical to the success of the City and I agree not to disseminate or use it outside of the workplace. In the event of my termination, either voluntary or involuntary, I agree not to use this information or communicate it to any other individual, organization or entity.
6. I understand that if there is a possibility that I may drive a vehicle on City business in the course of my employment, my driving record will be monitored to ensure compliance with the City's driving policy outlined in Section 5.7 of this Handbook.

I also acknowledge that I have asked for and received clarification on any of the six items listed on this acknowledgement form that I did not understand, before signing it.

Employee Signature

Date

Print Employee's Name

Driver's License Number

Date of Birth