

# Council Action Sheet

To: Mayor and City Council Members  
From: Kathy Payne, HR Coordinator/City Recorder  
Date: April 7, 2021  
Subject: Updates to Personnel Policies & Procedures Handbook



## Background

On June 17, 2020, you adopted Resolution No. 1893, a new Personnel Policies and Procedures Handbook. From time to time, the City finds it necessary to update the Personnel Policies and Procedures, particularly when new or amended laws are enacted. Here is a summary of the substantial updates to the Handbook:

### 1. 003 TIME OFF AND LEAVES OF ABSENCE

- H. Religious Observances Leave and Accommodation Policy. Clarifies and adds "sincerely held."

### 2. 005 MISCELLANEOUS POLICIES

- D. Cellular Devices Policy: References were changed from "cellular" to "mobile" and in addition to "City-Provided," it includes "Paid for" by the City. (page 53)
- N. Political Activity: Addresses personal political activity and expression per CIS's recommendation. (page 66)
- T. Hiring of Family Members: This section is added at CIS's recommendation. (page 71)

## Recommendation

At your April 7, 2021 Council Regular Session, please approve Resolution No. 1913, adopting an updated Personnel Policies and Procedures Handbook.

Thank you.

Attachments



# Personnel Policies and Procedures Handbook

Adopted by Resolution No. 1893

Effective July 1, 2020

Amended by Resolution No. 1913

Effective April 7, 2021

# TABLE OF CONTENTS

WELCOME .....	7
001. EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICIES .....	8
A. No-Discrimination, No-Retaliation Policy.....	8
B. Statement Regarding Pay Equity .....	8
C. No-Harassment Policy.....	8
• Sexual Harassment .....	9
• Other Forms of Prohibited Harassment.....	9
• Complaint Procedure.....	10
• Investigation and Confidentiality.....	10
• Protection Against Retaliation .....	10
• Other Resources Available to Employees .....	11
• Other Employee Rights .....	11
D. No-Bullying Policy .....	11
E. Disability Accommodation Policy.....	12
• Accommodations .....	12
• Requesting an Accommodation.....	12
F. Pregnancy Accommodation Policy.....	13
• Requesting a Pregnancy-Related Accommodation.....	13
• No-Discrimination, No-Retaliation .....	13
• Leave of Absence Options for Pregnant Employees.....	13
G. Reporting Improper or Unlawful Conduct – No Retaliation .....	13
• Employee Reporting Options.....	14
• Additional Protection for Reporting Employees .....	14
• Policy Against Retaliation .....	14
002. EMPLOYMENT STATUS AND TERMS AND CONDITIONS OF EMPLOYMENT .....	15
A. Introductory Period of Employment.....	15
B. Employment Classifications .....	16
C. The Workweek .....	16
D. Meal Periods and Rest Breaks.....	16
E. Rest Breaks for Expression of Breast Milk .....	17
• Notice .....	17
• Storage.....	18
F. Overtime.....	18
• Overtime Authority.....	18
• Assignment of Overtime Work.....	18
• Overtime Pay.....	18
• Compensatory (Comp) Time Policy.....	19
• Call Time Policy.....	19
• Standby Time .....	19
• Additional Authority.....	19

G.	Employee-Incurred Expenses and Reimbursements .....	19
•	Conferences/Workshops/Trainings/Seminars .....	20
•	Lodging .....	20
•	Meals .....	20
•	Mileage and Parking .....	21
•	Clothing Allowance .....	21
•	Physical Exams for Commercial Driver’s License .....	21
•	Certifications Required to Perform Job Duties .....	22
H.	Payroll Policies .....	22
I.	Statement Regarding Pay Practices .....	22
J.	Reporting Changes to an Employee’s Personal Data .....	22
K.	Performance Reviews .....	23
L.	Appointment .....	23
M.	Access to Personnel Files .....	24
003.	TIME OFF AND LEAVES OF ABSENCE .....	25
A.	Attendance, Punctuality and Reporting Absences .....	25
B.	Vacation .....	25
C.	Sick Leave .....	26
•	Eligibility and Accrual of Paid Sick Leave .....	27
•	Pay Rate and Carryover .....	27
•	Use of Sick Leave .....	27
•	Employee Notice of Need for Sick Leave .....	28
•	Sick Leave Documentation .....	29
•	Sick Leave Abuse .....	29
•	Sick Leave Cash-out Upon Retirement .....	29
D.	Holidays and Floating Holidays .....	29
E.	Family Medical Leave .....	30
•	FMLA/OFLA Policy .....	30
•	Definitions .....	30
•	Reasons for Taking Leave .....	32
•	Length of Leave .....	33
•	One-Year Calculation Period .....	33
•	Intermittent Leave .....	33
•	Employee Responsibilities – Notice .....	33
•	Certification .....	34
•	Medical Certification Prior to Returning to Work .....	35
•	Substitution of Paid Leave for Unpaid Leave .....	35
•	Holiday Pay While on Leave .....	35
•	On-the-Job Injury or Illness .....	35
•	Benefits while on Leave .....	35
•	Job Protection .....	36
•	Leaves for Employees Who Do Not Meet Their Respective Leave Eligibility Test Above .....	36
F.	Bereavement Leave .....	37

G.	Jury and Witness Duty .....	37
•	Jury Duty .....	37
•	Witness Duty .....	38
H.	Religious Observances Leave and Accommodation Policy .....	38
I.	Crime Victim Leave Policy.....	38
J.	Domestic Violence Leave and Accommodation Policy .....	39
K.	Military Leave .....	39
L.	Personal Leave .....	40
M.	Donated Leave Program .....	40
004.	EMPLOYEE BENEFITS .....	41
A.	Healthcare Benefits .....	41
B.	Short-Term Disability .....	41
C.	Long-Term Disability .....	42
D.	Employee Assistance Program (EAP).....	42
E.	Workers' Compensation and Safety on the Job .....	43
•	Steps to Take if You are Injured on the Job .....	43
•	Return-to-Work Program .....	44
•	Early Return-to-Work Program .....	44
•	Overlap with Other Laws .....	45
F.	Public Employees' Retirement System (PERS) Benefits .....	45
G.	Longevity Pay.....	46
H.	Benefits Continuation (COBRA) .....	46
I.	Educational Assistance .....	46
J.	HRA VEBA Plan Contribution.....	47
K.	Physical Fitness Club / Wellness Activity Benefit.....	47
005.	MISCELLANEOUS POLICIES .....	48
A.	Alcohol/Drug Use, Abuse and Testing .....	48
•	Prohibited Conduct .....	48
•	Prescription Drugs and Medical Marijuana.....	49
•	Reasonable Cause Testing .....	49
•	Post-Accident Testing.....	50
•	Search of Property.....	50
•	Employee Refusal to Test/Search .....	51
•	Crimes Involving Drugs and/or Alcohol .....	51
•	Drug and Alcohol Treatment.....	51
•	Discipline and Consequences of Prohibited Conduct.....	52
•	Confidentiality .....	52
B.	Smoke-free Workplace .....	52
C.	Land Line Phones Usage .....	52
D.	<del>Cellular</del> <u>Mobile</u> Devices Policy .....	53
•	Cell Phones and <del>Cellular</del> <u>Mobile</u> Devices in General .....	53
•	Employee Use of City-Provided <del>Cell Phones/Cellular</del> <u>or Paid for Mobile</u> Devices .....	53
•	<del>Cell Phones/Cellular</del> <u>Mobile</u> Devices and Public Records .....	53

	• <del>Cell Phones/Cellular Mobile</del> Devices Use While Driving .....	54
E.	Use of City Email and Electronic Equipment, Facilities and Services .....	54
F.	Use of City Vehicles .....	54
	• Fleet Safety .....	55
	• Qualifications for Driving City Vehicles .....	56
	• Eligibility to Drive City Vehicles .....	56
	• Vehicle Accidents .....	57
	• Courtesy .....	57
	• Vehicle Appearance .....	57
	• Suggestions .....	57
	• Moving Violations .....	57
	• Cell Phones & Texting .....	58
	• Vehicle Safety Inspections .....	58
	• Safe Driving – Be a Defensive Driver .....	58
	• Vehicle Speed .....	58
	• Striking Fixed Objects .....	58
	• Proper Backing .....	58
	• Passing or Meeting a School Bus .....	58
	• Pedestrians .....	58
	• Accidents & Incidents .....	59
	• Seat Belts and Other Safety Policies .....	60
	• Equipment Protection and Maintenance .....	60
G.	Use of City Equipment .....	61
H.	Social Media .....	61
	• Prohibited Postings .....	61
	• Encouraged Conduct .....	61
	• Request for Employee Social Media Passwords .....	62
I.	Confidential City Information .....	62
J.	Ethics .....	63
K.	Open Door Policy .....	65
L.	Outside Employment .....	65
M.	Criminal Arrests and Convictions .....	65
N.	Political Activity .....	66
	• <u>Personal Political Expression .....</u>	
	• <u>Personal Political Activity .....</u>	
O.	Inclement Weather/Emergency Situations .....	66
	• Closing Procedures .....	67
	• Responsibilities .....	67
	• Compensation .....	68
P.	Workplace Violence .....	68
Q.	Workplace Inspections – No Right to Privacy or Confidentiality .....	68
R.	Personal Appearance .....	69
S.	Animals in the Workplace .....	69
T.	<u>Hiring of Family Members .....</u>	

006. CONDUCT EXPECTATIONS, DISCIPLINE, & DISCHARGE FROM EMPLOYMENT ... 70

- A. Workplace Rules and Prohibited Conduct..... 70
- B. Progressive Discipline ..... 72
- C. Retirement or Resignation..... 73
- D. References ..... 73

EMPLOYEE ACKNOWLEDGEMENT ..... 74

ADDENDUM A – Explanation and Examples of Code of Ethics

## Welcome!

Welcome to the City of St. Helens! We're glad to have you on our team. At the City, we believe that our employees are our most valuable asset. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the City you will be a productive and successful member of our team and do your part to contribute to the community we serve.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of St. Helens and its employees, other than those found in collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this handbook, the collective bargaining agreement provision controls.

This handbook does not create a contract of employment between the City of St. Helens and its employees. All employment at the City is "at-will," meaning that either you or the City may terminate this relationship at any time, for any reason, not prohibited by law, with or without notice (unless you are subject to a collective bargaining agreement or written employment contract). No supervisor, department head, or representative of the City other than the City Council has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the Council (or that is included in a collective bargaining agreement).

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. I recommend reviewing this handbook periodically to be reminded of the City's expectations of its employees. If you have any questions about any of the provisions of this or future policies, please ask your department head, the City Administrator or Human Resources.

We hope that your experience here will be challenging, enjoyable and rewarding, while engaging you in the true meaning of public service.

Sincerely,

John Walsh  
City Administrator  
City of St. Helens

## **00I. EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICIES**

The following EEO Policies apply to all employees, elected officials, and volunteers. Members of management, elected officials and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with their immediate supervisor or the City Administrator at any time if they have questions relating to the issues of harassment, discrimination or bullying.

### **A. No-Discrimination, No-Retaliation Policy**

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

The City's commitment to equal opportunity applies to all aspects of the employment relationship including but not limited to recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

### **B. Statement Regarding Pay Equity**

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

See also "Statement Regarding Pay Practices" policy, below.

### **C. No-Harassment Policy**

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

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

supervisor, any member of the management team, or with Human Resources, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City-related or -sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of the City's employees. ***Such harassment is prohibited whether committed by City employees or by non-employees (including elected officials, members of the community, volunteers, interns, and vendors).***

### **Sexual Harassment**

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

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

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

This is not a complete list.

### **Other Forms of Prohibited Harassment**

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

Such harassment may include verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;

- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

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

### **Complaint Procedure**

Employees, elected officials, 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 the City Administrator or Human Resources, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

### **Investigation and Confidentiality**

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

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the City cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City, the employee must provide 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).

### **Protection Against Retaliation**

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

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

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

### **Other Resources Available to Employees**

The City provides an Employee Assistance Program (EAP) through a third party vendor to employees and dependents who are enrolled in the City's medical coverage. Employees will have access to confidential help 24 hours a day, seven days a week. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

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

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

### **D. No-Bullying Policy**

The City strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City, therefore, prohibits employees, elected officials, volunteers, and interns from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another individual for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the individual(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.

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

This is not a complete list.

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

## **E. Disability Accommodation Policy**

The City of St. Helens 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.

### **Accommodations**

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

### **Requesting an Accommodation**

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

Employees should request 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. All requests for accommodation should be made with the City Administrator, 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.

#### **F. Pregnancy Accommodation Policy**

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

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

#### **Requesting a Pregnancy-Related Accommodation**

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

#### **No-Discrimination, No-Retaliation**

The City prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City; or (3) needed an accommodation.

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

#### **Leave of Absence Options for Pregnant Employees**

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Family Medical Leave Act. See policies on page 29, or speak with Human Resources.

#### **G. Reporting Improper or Unlawful Conduct – No Retaliation**

Employees may report reasonable concerns about the City's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City will not retaliate

against employees who disclose information that the employee reasonably believes is evidence of:

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

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

### **Employee Reporting Options**

In addition to the City's Open Door Policy (see page 66), employees who wish to report potential improper or unlawful conduct should first talk to his/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 Human Resources. Supervisors and managers are required to inform the City Administrator about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

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

### **Additional Protection for Reporting Employees**

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of a coworker or supervisor acting within the course and scope of his or her employment. The disclosure must have been made to either: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

### **Policy Against Retaliation**

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

In addition, the City prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City employee will be adversely affected because he/she 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 may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of his or 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 City determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

## **002. EMPLOYMENT STATUS AND TERMS AND CONDITIONS OF EMPLOYMENT**

### **A. Introductory Period of Employment**

All new employees, including current employees who are promoted or transferred within the City, are hired into an introductory training period which generally lasts no less than six months. The introductory 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 considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City meets your expectations as an employer.

Employees who are promoted or transferred within the City must complete a secondary introductory period of the same length with each reassignment to a new position. A promoted/transferred employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.

Any significant absence will automatically extend an introductory period by the length of the absence. If the City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

At or before the end of the introductory period, a decision about your employment status will be made. The City will decide whether to: (1) Extend your introductory period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and the City may terminate the employment relationship during the introductory period or any lawful reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by the City for any definite period of time. Both you and the City are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law, unless subject to a

collective bargaining agreement or written employment contract.

Benefits eligibility and employment status are not changed during the secondary introductory period that results from a promotion or transfer within the City.

## **B. Employment Classifications**

The City classifies employees as follows:

1. **Introductory:** Sometimes referred to as trial or probationary, employees in this classification are those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification as part of their probationary period performance evaluation.

2. **Regular Full-time:** Employees who are not in a temporary or introductory status and who are regularly scheduled to work the City's full-time schedule. Generally, they are eligible for the City's benefit package, subject to terms, conditions, and limitations of each benefit program.

3. **Regular Part-time:** Employees who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule. Regular part-time employees may be eligible for some benefits as specified in a collective bargaining agreement, or as required by law, subject to the terms, conditions, and limitations of the benefit program and those mandated by applicable law.

4. **Temporary/Term-limited:** Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Participation in benefits programs for temporary/term-limited employees is subject to the terms, conditions, and limitations of each benefit program and those mandated by applicable law. Temporary/term-limited employment can either be full-time or part-time.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or nonexempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all of the City's rules and procedures.

## **C. The Workweek**

The workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. or as otherwise prescribed by collective bargaining agreement. Work schedules vary throughout the City. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

## **D. Meal Periods and Rest Breaks**

Nonexempt employees are required to take a paid, uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Nonexempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the

employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his or her supervisor before the end of the shift so that the City may pay the employee for that work.

Sample rest and meal break schedules are listed below. Any changes to an employee’s regular schedule must be authorized by his/her supervisor. Employees with questions about the rest or meal breaks available to them should contact their immediate supervisor or Human Resources.

<b>Length of Work Period</b>	<b>Number of Rest Breaks Required</b>	<b>Number of Meal Periods Required</b>
2 hours or less	0	0
2 hours, 1 minute to 5 hours, 59 minutes	1	0
6 hours	1	1
6 hours, 1 minute to 10 hours	2	1
10 hours, 1 minute to 13 hours, 59 minutes	3	1

**E. Rest Breaks for Expression of Breast Milk**

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, the employee is entitled to take reasonable time as needed to express breast milk.

The City will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time or take leave accruals.

If an employee takes unpaid rest breaks, the City may, at the discretion of the employee’s supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

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.

**Notice**

An employee who intends to express milk during work hours must give their supervisor or

Human Resources reasonable verbal or written notice of her intention to do so in order to allow the City time to make any preparations necessary for compliance with this rule.

## **Storage**

Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

## **F. Overtime**

Overtime compensation is paid to all nonexempt employees at a rate of one and one-half times a nonexempt employee's hourly rate for all hours worked over 40 in any workweek. Nonexempt employees are those who work in positions for which an overtime premium must be paid under Oregon wage and hour law and the federal Fair Labor Standards Act (FLSA).

In addition, non-represented, nonexempt employees of the Police Department shall be subject to the same overtime rules as provided to employees of the Police Department that are covered by the collective bargaining agreement with the recognized bargaining unit for the Police Department. General service non-represented, nonexempt employees shall be governed by the overtime rules in the collective bargaining agreement as applies to those employees who are represented by the recognized bargaining unit for general service employees. Refer to the respective collective bargaining agreement for further information.

## **Overtime Authority**

Department heads are authorized to establish working hours and schedules to meet their department workload efficiently with attention given to the "work week" established for compliance with the federal Fair Labor Standards Act (FLSA). Work shall be scheduled to minimize overtime by eliminating regularly scheduled overtime unless approved by the employee's supervisor. Holiday overtime shall be reduced by scheduling the minimum staff necessary for those days. No overtime may be worked by nonexempt employees unless specifically authorized by a supervisor or member of management. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

## **Assignment of Overtime Work**

You may be required to work overtime. When overtime work is required by the City on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the nonexempt employee performing that job at the conclusion of his or her straight-time hours will normally be expected to continue to perform the job on an overtime basis. When overtime work is assigned by the City on a Saturday, Sunday, or holiday, it generally will be assigned in order of seniority to the employees who regularly perform the particular work involved.

When overtime is required by the City on a Sunday or on a holiday, the City will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or Holiday.

## **Overtime Pay**

Overtime beyond the scheduled workday or workweek, must be authorized by the supervisor or member of management. Such authorized overtime shall be computed to the nearest fifteen (15) minutes and shall be compensated at the rate of one and one-half times the employee's

regular rate for all hours worked over 40 in any workweek. Paid leave time shall be counted as time worked for the purpose of computing overtime.

### **Compensatory (Comp) Time Policy**

Compensatory time off in lieu of overtime pay may be used by departments with the understanding and notice to the employees that employees may request payment for overtime during the same pay period. All overtime work compensated by compensatory time off shall be credited at time and one-half for the hours actually worked. Employees shall be able to accrue a maximum of 80 hours of compensatory time or as stipulated in a collective bargaining agreement. An employee who has requested the use of accumulated comp time or payment for accumulated comp time shall be permitted to use those hours off within a reasonable period after the request unless it would unduly disrupt department operations. Upon termination of employment, any employee with unused comp time shall be paid at the average hourly base wage rate during the last three years of employment for the number of unused compensatory hours.

### **Call Time Policy**

Call time shall be paid in accordance with approved collective bargaining agreements.

### **Standby Time**

The City may need to be able to respond to emergencies for the safety and protection of its systems and the citizens of the city. The person designated as standby will be determined by the department manager or their designee. The City requires that the designated person be able to respond by telephone within 15 minutes, and to be on site within one hour. The designated person shall carry a cell phone and will be on standby for a time designated by the department manager or designee.

Compensation will be eight (8) hours regular pay for each week and then an additional four (4) hours regular pay for each holiday during the week. When responding to standby calls, employees will be paid in accordance with the respective collective bargaining agreement. Such pay will be in addition to any standby pay.

### **Additional Authority**

City, Oregon, or federal rules sometimes require that personnel be on duty at other times rather than the City's normal scheduled work hours. During these times non-management employees, who are scheduled to work this as additional time, are either paid overtime or earn compensatory time off. When a supervisor is required to work hours not normal to his or her regular work hours, the supervisor shall be paid in accordance with the respective collective bargaining agreement. Work not normal to the supervisor includes, but is not limited to, weekend work at the Waste Water Treatment Plant or Public Works Department, or coverage of a shift or part of a shift at the Police Department that is normally scheduled for a non-management employee. Supervisors are encouraged to arrange schedules so as to limit the number of hours that supervisors are required to cover work not normally performed by the supervisor.

### **G. Employee-Incurred Expenses and Reimbursements**

The City will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor before they are incurred. The City will not pay for or

reimburse the costs incurred by a spouse, same-sex domestic partner, or travel companion who accompanies the employee on City-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) (e.g., conference registration confirmation, map showing the mileage to and from the location). These items must be submitted within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement.

Some examples of actual and reasonable business-related expenses that the City will reimburse/pay for are:

- Conferences/workshops/trainings/seminars
- Lodging
- Meals
- Mileage and parking
- Clothing allowance
- Physical exams for commercial driver's license
- Certifications required to perform job duties

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

When a job requirement, it is the responsibility of the employee to maintain a current commercial driver's license.

### **Conferences/Workshops/Trainings/Seminars**

As long as the conference/workshop/training/seminar is related to your position with the City, the City will pay for pre-authorized registration fees.

### **Lodging**

The City will pay reasonable lodging expenses for pre-authorized travel as long as the purpose of the travel relates to your position with the City. Employees shall be reimbursed for reasonable actual expenses incurred for lodging while attending conferences, workshops, trainings or seminars authorized in advance by a supervisor or department head. When the employee would not reasonably be expected to return to his or her residence from authorized City business, lodging will also be reimbursed. Receipts for lodging must be provided to and approved by the supervisor before reimbursement shall be made.

### **Meals**

For meals consumed while on pre-authorized travel, the City will reimburse employee for actual expenses incurred, not to exceed fifteen dollars (\$15) for breakfast, twenty dollars (\$20) for lunch, and twenty-five (\$25) dollars for dinner.

Maximum allowable meal expenses shall be based on the following schedule:

	<u>Departure from assigned workplace</u>
Breakfast	6:00 a.m. or earlier
Lunch	11:00 a.m. or earlier
Dinner	5:00 p.m. or earlier
	<u>Arrival back to assigned workplace</u>
Breakfast	8:00 a.m. or later
Lunch	2:00 p.m. or later
Dinner	7:00 p.m. or later

There shall be no reimbursement for alcohol expenses.

Working lunches for meeting purposes or representing the City will be reimbursed the actual cost and not be affected by the above time schedule.

If the registration fee for employee's conference/workshop/training/seminar includes a meal(s) but employee chooses to purchase a different meal, no reimbursement will be made for that purchase, since the City has already paid for a meal(s) in the registration fee. A copy of the registration form must be submitted with employee's reimbursement request.

A per diem may be requested prior to pre-authorized travel if the travel takes you away from the workplace for at least twenty-four (24) hours. The daily per diem rate is \$60 but upon return you must submit receipts and any unused monies to the City.

### **Mileage and Parking**

City vehicles are provided for any transportation needed for City business, such as trainings, seminars, meetings, etc. Whenever feasible, employees will take a City vehicle. Use of personal vehicles for City business must be approved by your supervisor.

Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. The mileage reimbursement is intended to offset the operating cost of the employee's vehicle when used in City business. This includes car insurance. The City is not responsible for damage to an employee's vehicle, when such vehicle is used for City business.

Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.

### **Clothing Allowance**

The City will provide all necessary personal protection equipment (PPE) as is needed for any employee.

### **Physical Exams for Commercial Driver's License**

Employees who are required to maintain a commercial driver's license as a condition of employment may have their physical exam requirement dealt with in the following manner:

1. The City shall provide the time and place to take such physical exam. Such tests shall be at City expense. It shall be arranged by the employee's supervisor to be done during regular work hours of the employee.

2. If an employee desires to make arrangements with a personal physician, such tests shall be arranged at a time approved by the employee's supervisor. The City will reimburse the employee up to the usual and customary charge for such exam as charged at the local clinic, upon proper documentation, for the costs of such physical exam.

### **Certifications Required to Perform Job Duties**

Employees whose positions require certification will be reimbursed for expenses related to acquiring the certification or renewal of certification.

### **H. Payroll Policies**

Employees are paid on the last business day of every month. Full-time employees have the option to receive up to 50% of their monthly paycheck via a draw on or the closest business day of the 15<sup>th</sup> of every month. The amount requested may be a percentage or a specific amount up to 50% of their base pay.

New employees as of the date this policy is approved will be required to have their checks setup on a direct deposit to the bank of their choosing. No paychecks will be delivered to any person other than the employee named on the paycheck unless the employee provides written permission for someone else to receive the check. Employees with direct deposit will have their itemized statement of wages for each pay period uploaded to an employee self-service portal that is available 24/7 for employees that need to physically print their paystubs, which means no physical paystubs will be printed for anyone who receives direct deposit.

### **I. Statement Regarding Pay Practices**

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

See also "Statement Regarding Pay Equity" policy, above.

### **J. Reporting Changes to an Employee's Personal Data**

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiaries, etc. Keeping your personnel records current can be important to you with regard to pay, deductions, benefits and other matters. If you have changes in any of the following items, please notify the Finance Division to assure that the proper updates/paperwork are completed as quickly as possible:

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);

- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholding.

Employees may not intentionally withhold information from the City about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the City may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

## **K. Performance Reviews**

All City employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention, and discipline/termination. Any employee who fails to satisfactorily perform the duties of his/her position is subject to disciplinary action (including termination).

The City's goal is to provide an employee with his/her first formal performance evaluation within 6-18 months following hire or promotion. After the initial evaluation, the City will strive to provide a formal performance review every 12 months from the employee's hire or promotion date. Special evaluations may be done at any time.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed no later than 30 days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

## **L. Appointment**

Employees are agents of the public and hold their positions for the benefit of the public. The employees are bound to uphold the Constitution of the United States of America and the State of Oregon and are required to administer impartially the laws of the nation, state, and city. All appointments to vacancies shall be made solely on the basis of merit, efficiency, and ability to do the job. These qualities shall be determined through careful and impartial evaluation of the following:

1. The applicant's level of training relative to the requirements of the position for which he or she has applied.

2. The applicant's level of education relative to the requirements of the position.
3. The results of an oral interview.
4. Whenever practical, the results of a competitive, written examination, or demonstration test, which shall be a fair and valid test of the abilities and aptitudes of applicants for the duties performed.
5. All other factors being equal and considering the equal employment opportunity policy, current City employees shall receive a preference for original appointments to vacancies.

No question in any test, in any application form, or posed by any appointing power shall be so framed as to attempt to elicit information concerning race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status, marital status, political affiliation, or any other legally protected classification or characteristic protected by federal, Oregon, or local law for the purpose of discrimination. Any collection of such data for the purposes of equal employment opportunity policy, or as required for any federal contract/subcontract shall be conducted in a manner to separate that data from the information utilized by the appointing authority in making a hiring decision.

All statements submitted on the employment application or attached to the resume shall be subject to investigation and verification prior to appointment. A false or incorrect statement, or a material omission, shall constitute cause for elimination from selection or termination at any time, if the applicant has been hired.

Appointments to regular positions shall be identified as "regular full-time" or "regular part-time" at the time of appointment. Regular full-time employees regularly working more than 37 hours per week year-round receive the full benefits outlined in these policies, and the salary schedule. Part-time employees are workers hired for less than 37 hours per week year-round. These employees may be eligible for benefits as specified in a collective bargaining agreement, or as required by law.

New employees shall be placed at the minimum rate within the assigned wage range unless special qualifications or labor market conditions justify placement above or below that level. In no instance should new employees be placed more than two steps on the salary schedule above the range entry rate on the basis of specialized skills, experience, or unique labor market conditions unless otherwise authorized by the Council. Employees who are promoted to a classification with a higher entry level should be placed at the lowest salary step that would result in a salary increase. Promotions should never occur just because an employee has reached the top of the range, unless covered in a collective bargaining agreement.

A successful applicant shall pass a criminal background check and, in some cases, a pre-employment screening test for alcohol and/or controlled substances.

Upon request, the City will provide reasonable accommodation in compliance with the Americans with Disabilities Act and Oregon law.

#### **M. Access to Personnel Files**

The City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the City Recorder’s Office and shall be required to give a minimum of five (5) calendar days’ advance notice. Employees who wish to receive a certified copy of their own personnel file should contact the City Recorder’s Office and shall be required to give a minimum of 10 calendar days advance notice. Employees may review their own personnel files in the City’s offices and in the presence of an individual appointed by the City to maintain the files.

**003. TIME OFF AND LEAVES OF ABSENCE**

**A. Attendance, Punctuality and Reporting Absences**

Employees are expected to report to work as scheduled, on time and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for unpaid break periods or when required to leave on authorized City business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must communicate directly with their supervisor no later than one hour before the start of the employee’s shift/work day. Communication may be in the form of a phone call, text message, or email, however, you must receive verbal or written acknowledgment for your absence to be excused. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

**B. Vacation**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

\* Regular full-time employees or as specified in any collective bargaining agreement

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

Years of Service		Hours Accrued Per Month	Days Per Year	Maximum Accumulation
Greater Than	Less Than Or Equal To			
0	4	6.67	10	200 hours
4	9	10.00	15	300 hours
9	14	13.33	20	400 hours
14	19	16.67	25	500 hours
19		20.00	30	600 hours

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. Regular employees may take vacation time as it is accrued with their supervisor's permission and consistent with any established collective bargaining agreement.

Paid vacation time can be used in minimum increments of one-quarter hour. To take vacation, employees shall request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation leave accrual and maximum accumulation may be modified with special written arrangement from the City Administrator. Failure to have special written arrangement will result in the employee's loss of any vacation leave earned over the maximum allowance.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

An employee who has been employed with the City for a minimum of 12 full months and who separates from City service shall receive payment for unused vacation leave in a lump sum at the base rate of pay applicable at the time of separation, providing the employee has been established at the base pay rate for the minimum of 45 days. A minimum of one-year employment must be served before vacation time accrued can be taken. Employees with less than 12 months of service are ineligible for this benefit.

There may be extenuating circumstances due to staffing levels and project workload demands that result in an employee exceeding vacation accrual limits. In this instance, an employee may be eligible to be paid accumulated vacation accruals not to exceed 96 hours in a given fiscal year, contingent upon the City Administrator and designated Council department liaison findings that:

1. The employee is not currently eligible to receive overtime pay; and
2. The employee could not reasonably take an extended vacation leave due to the Department and/or Division being understaffed (as defined by unfilled authorized budgeted/appropriated positions) or from excessive workload demands; and
3. That the payment is found to be in the best interest of the City instead of carrying forward excess accruals; and
4. That the amount of vacation accrual paid out reflects additional work effort.

### **C. Sick Leave**

The City provides eligible employees with sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact Human Resources. Please also refer to the Oregon Sick Leave Law poster that is posted in your building's breakroom and is incorporated here by reference.

### **Eligibility and Accrual of Paid Sick Leave**

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, temporary/term-limited, hourly, salaried, exempt, and non-exempt employees. Sick leave runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave where allowed by law.

Eligible regular full-time employees accrue sick leave at the rate of eight (8) hours per full month of service. Eligible regular part-time employees accrue sick leave as per their respective collective bargaining agreement. Sick leave cannot be used during the month that it is being accrued. No sick leave shall accrue for any calendar month in which an employee has been off work using sick leave or leave without pay for more than one-half the scheduled working days of that month.

Regular part-time employees, not covered by a collective bargaining agreement, and temporary seasonal employees will be covered by the Oregon Sick Time Law.

Employees can request use of paid sick leave after completing a waiting period of 30 calendar days from the date they become eligible to accrue sick leave benefits.

Employees may carry over accrued and unused sick leave for use in subsequent years. Sick leave accrual is capped at 1,200 hours. If the employee's sick leave accruals reach this maximum, further accrual of sick leave will be suspended until the employee has reduced the balance below the limit.

Paid sick leave shall be taken in one-quarter hour increments.

An employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation and short- or long-term disability. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from these programs. The combination of any such disability payments and sick leave benefits shall not exceed the employee's base rate of pay.

### **Pay Rate and Carryover**

Paid sick leave will be paid at the employee's regular base rate of pay.

Sick leave benefits will be calculated based on the employees base rate of pay at the time of the absence and will not include any special forms of compensation, such as incentives, bonuses, or shift differentials.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment except upon retirement (see Sick Leave Cash-Out Upon Retirement below). If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

### **Use of Sick Leave**

Accrued paid sick leave may be used for the following reasons:

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
  - “Family member” means the eligible employee’s spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner’s child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner’s parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee’s minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon’s domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon’s sick leave law.

### **Employee Notice of Need for Sick Leave**

*Foreseeable Sick Leave.* If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before the leave using the City’s call-in/notification procedures. Generally, an employee must provide at least 10 days’ notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the City. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and comply generally with the City’s call-in procedures. Generally, an employee should notify his/her immediate supervisor of unforeseeable sick leave at least 30 minutes prior to the beginning of his/her shift, unless physically unable to do so, at which time notice should be given as soon as possible. Employees shall strive to provide supervisor with as much advanced notice as possible but in no case shall it be less than 30 minutes.

An employee must contact his/her supervisor daily while on sick leave, unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave. The employee shall inform his/her supervisor of any change in the duration of sick leave as soon as practicable.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, the City may deny the use and legal protections of sick leave.

While on sick leave, employees are expected to be in their residence, a medical facility, or a pharmacy to pick up medication. If employee has the need to go elsewhere, they shall contact their supervisor for approval.

## **Sick Leave Documentation**

If an employee takes more than three consecutive scheduled workdays as sick leave, the City may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.

## **Sick Leave Abuse**

If the City suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, the City may require documentation from a healthcare provider on a more frequent basis. Employees who use 80 or more hours per year of unscheduled sick leave without a doctor's note will be scrutinized. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

## **Sick Leave Cash-Out Upon Retirement**

Upon a PERS-eligible retirement, employees employed as of July 1, 2020, up to a maximum of 960 hours of sick leave accumulation will be deposited into the employee's HRA VEBA account or as prescribed in your respective collective bargaining agreement.

## **D. Holidays and Floating Holidays**

The City will grant holiday time off to all employees on the holidays listed below:

- \* New Year's Day (January 1)
- \* Martin Luther King, Jr. Day (third Monday in January)
- \* Presidents' Day (third Monday in February)
- \* Memorial Day (last Monday in May)
- \* Independence Day (July 4)
- \* Labor Day (first Monday in September)
- \* Veterans' Day (November 11)

The City will provide paid time off for Veterans Day if an employee would otherwise be required to work on that day and if the employee provides: (a) at least three weeks' written notice to their direct supervisor that he or she intends to take time off for Veterans Day; and (b) documents showing that he or she is a veteran. To take this leave, the veteran must have served on active duty in the armed forces for at least six months and received an honorable discharge. If the individual served in a reserve or National Guard unit, the employee is not qualified for leave unless he/she was deployed or served on active duty for at least six months. The City will notify the employee, at least 14 days before Veterans Day, whether he/she will receive time off for Veterans Day. If the City determines that providing time off on this holiday would cause significant economic or operational disruption or undue hardship, the request will be denied, but the City will allow the worker to take a single day off within one year of Veterans Day.

- \* Thanksgiving (fourth Thursday in November)
- \* Day after Thanksgiving
- \* Christmas Eve (December 24)
- \* Christmas (December 25)
- \* Floating Holidays. Eligible employees will receive two floating holidays in each anniversary year except in the first fiscal year of employment. If hired after July 1, an employee's floating holidays will be pro-rated following the first full month of employment.

The City will grant paid holiday time off to all regular full-time employees or as specified in any collective bargaining agreement, immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's base rate of pay (as of the date of the holiday) times eight (8) hours.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. In the case where the Friday or Monday is also an observed holiday, the preceding Thursday or following Tuesday shall be observed as the holiday.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at their base rate of pay times one and a half for the hours worked on the holiday.

## **E. Family Medical Leave**

### **FMLA/OFLA Policy**

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave of absence for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used Family Medical Leave. In all cases, applicable Oregon and federal laws, rules, policies and collective bargaining agreements govern the employee's and the City's rights and obligations, not this policy.

Employees seeking further information should contact Human Resources. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted on employee bulletin boards, which are incorporated here by reference.

### **Definitions**

#### ***Child/Son or Daughter***

For purposes of OFLA, "child" includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the "child" can be any age; for all other types of leave under OFLA, the "child" must be under the age of 18 or over 18 if incapable of self-care.

A "son or daughter" is defined by FMLA as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence. FMLA also provides separate definitions of "son or daughter" for FMLA military family leave that are not restricted by age – see below.

#### ***Eligible Employee***

OFLA – To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an

employee must have been employed for at least 180 calendar days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 calendar days (no per-week hourly minimum is required).

OMFLA – For purposes of Oregon Military Family Leave Act Leave, the employee need have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under USERRA who seek OMFLA leave; see Human Resources for more information.

FMLA – Employees are eligible for FMLA leave if they have worked for a covered employer for at least 12 months (which may be based on separate stints of employment) and for 1,250 hours during the 12 months preceding the date leave is to begin. They must also be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Leave under Oregon and federal law will run concurrently when permitted.

### ***Family Medical Leave***

This includes all of the types of leave identified in the section below, entitled “Reasons for Taking Leave,” unless otherwise specified.

### ***Family Member***

- For purposes of FMLA, “family member” is defined as a spouse, parent or a “son” or “daughter” (defined above).
- For purposes of OFLA, “family member” includes the definitions found under FMLA and also includes adult children (for “serious health condition” leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

### ***Serious Health Condition***

“Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, 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. Under OFLA only, “serious health condition” includes any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one 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 a “serious health condition”; see Human Resources for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

## Reasons for Taking Leave

Family Medical Leave may be taken under any of the following circumstances:

1. Call to Active Duty Leave: Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.
2. Employee’s Serious Health Condition Leave: To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
3. Family Member’s Serious Health Condition Leave: To care for a family member with a serious health condition.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.” This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.
8. Bereavement Leave: This type of leave is addressed under OFLA; see the

Bereavement Leave Policy on page 36 for more information.

## **Length of Leave**

In any One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), Sick Child Leave, or Call to Active Duty Leave;
- In some cases, an additional 12 weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- In some cases, employees who take the entire 12 weeks of OFLA Parental Leave will be entitled to an additional 12 weeks of Sick Child Leave.

When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the servicemember. During the One-Year Calculation Period in which Servicemember Family Leave is taken, an eligible employee is entitled to a combined total of 26 weeks of FMLA Leave (some of which may include other types of FMLA-specific leaves of absence).

## **One-Year Calculation Period**

The "twelve month period" during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by a rolling 12-month period measured backward from the date an employee uses any Family Medical Leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

## **Intermittent Leave**

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without his/her express consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of City operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the City and the employee. The City will follow applicable federal and state laws in reviewing and approving such leave requests. Intermittent leave for Parental Leave is not available.

## **Employee Responsibilities – Notice**

Employees must provide at least 30 days' advance written notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave) by completing a Leave of Absence Request Form. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical

emergency, notice must be given as soon as practicable. Normally, this should be within two business days of when the employee became aware of the need for the leave. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to the City within 24 hours of commencement of the leave.

In the case of an unexpected serious health condition for employee or employee's family member, an unexpected illness, injury, or condition of a child requiring home care, a premature birth, unexpected adoption, or unexpected foster placement, or the death of a family member, you must provide your supervisor verbal notice within 24 hours of commencing leave, and file the Leave of Absence Request Form within three days of returning to work.

For Call to Active Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let Human Resources know as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify Human Resources within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with the City's normal call-in procedures. Employees who fail to comply with the City's leave procedures may be denied leave, subject to discipline, or the start date of the employee's Family Medical Leave may be delayed.

### **Certification**

Generally speaking, employees must provide sufficient information for the City to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Servicemember Family Leave.

Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Additionally:

1. Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting sick child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.

Employees must furnish the City's requested medical certification information within 15 calendar days after such information is requested by the City. In some cases (except for leave to care for a sick child), the City may require a second or third opinion, at the City's expense, at the beginning of, during, or at the end of your leave period as allowed by law. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

### **Medical Certification Prior to Returning to Work**

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from his/her health care provider stating that the employee is able to resume work.

### **Substitution of Paid Leave for Unpaid Leave**

Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. Represented employees may reserve accrued leave and compensatory time if provided by their collective bargaining agreement. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time, or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

### **Holiday Pay While on Leave**

Employees using vacation pay or sick pay during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a portion of approved Family Medical Leave in which a holiday occurs, will not qualify to receive holiday pay.

### **On-the-Job Injury or Illness**

Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify for FMLA leave if the injury or illness is a "serious health condition" as defined by applicable law.

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

If the employee's serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers' compensation time-loss benefits.

### **Benefits While on Leave**

If an employee is on approved FMLA or OFLA leave, the City will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on a FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the City's benefit plans.

## **Job Protection**

Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement. Exceptions may also apply for certain highly compensated employees under certain conditions for FMLA-only leave. In addition, employees on a leave extension are not guaranteed reinstatement. These employees will be handled in accordance with the reinstatement provisions for employees who do not meet their respective leave eligibility test.

Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

### **Leaves for Employees Who Do Not Meet Their Respective Leave Eligibility Test Above**

Regular employees who have less than 180 calendar days of service and/or who average less than 25 hours per week prior to their leave may request leaves of absence for the reasons set forth above, subject to the following terms and conditions:

1. Leave requests must be made at least 30 days in advance of the date the employee would like the leave to begin or, in emergency situations, with as much advance notice as is practicable, using the official Leave of Absence Request Form. (Normally, this should be within two business days of when the need for the leave becomes known to the employee.)
2. The certification requirements and the conditions for required use of accrued time off, benefits accrual and continuation of group health insurance during leave set forth above apply to all leave requests.
3. Leaves will be limited to a 30-day maximum duration, except leaves for the employee's own serious health condition, which may be granted for up to a 12-week period and may be taken intermittently.

Reinstatement will not be guaranteed to any employee requesting leave who does not meet the respective leave eligibility test above unless otherwise required by law. However, the City will endeavor to place employees returning from leave in their former position or a position comparable in status and pay, subject to budgetary restrictions, the City's need to fill vacancies and its ability to find qualified temporary replacements.

## **F. Bereavement Leave**

Employees who wish to take bereavement leave must inform the City as soon as possible after receiving notification of a family member's death. Notice must be provided within 24 hours of beginning leave.

Employees who have worked for the City for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of unpaid bereavement leave per death of a Family Member (defined below). Employee who have worked for the City for 90-180 days may use up to 40 hours of accrued leave for bereavement purposes, and who have experienced the death of a Family Member (defined below). Employees who have worked for the City for fewer than 90 days may not be eligible for leave. See Human Resources for more information.

Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The two weeks of bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee's available leave time under OFLA.

Up to three (3) days of paid bereavement leave will be provided to regular full-time employees for travel of 120 miles or less one way and five (5) days for travel of more than 120 miles one way. Bereavement leave days are not required to be taken consecutively as long as the employee receives supervisor's approval. Employees may, with their supervisor's approval, use any available paid leave for additional time off as necessary.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements.

For paid bereavement leave purposes, the City defines "family member" as the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, grandchild, sibling, son-in-law, daughter-in-law, aunt, uncle; or the same relations of an employee's spouse or same-sex domestic partner (registered).

In the event that a City employee dies, employees may be granted reasonable time off, up to three (3) hours of paid leave for the purpose of serving as pall bearer or to otherwise attend the funeral, with supervisor's approval.

## **G. Jury and Witness Duty**

### **Jury Duty**

The City will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's supervisor to verify the need for such leave. Jury duty leave is treated as time worked for pay purposes. The employee will turn over the jury duty pay he or she receives to the City.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his/her supervisor informed about the amount of time required for jury duty.

## **Witness Duty**

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to the City upon receipt.

Except for employee absences covered under the City's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee may take unpaid leave. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

## **H. Religious Observances Leave and Accommodation Policy**

The City respects the sincerely held religious beliefs and ~~practices~~ observances of all employees. The City will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on City's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with your immediate supervisor, and may require the requesting employee to provide proof of the "sincerely held" religious belief.

## **I. Crime Victim Leave Policy**

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

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

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- After accrued leave is exhausted, employee may take unpaid leave;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to their supervisor as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, the City may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a

court, or similarly reliable sources.

## **J. Domestic Violence Leave and Accommodation Policy**

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

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation or similar paid time off while on this type of leave.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his or her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to the employee's supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give the City notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault, or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the City. Please contact your supervisor immediately with requests for reasonable safety accommodations.

## **K. Military Leave**

Employees who wish to serve in the military and take military leave should contact Human Resources for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact Human Resources for more information and to make arrangements for this paid leave. Application for Military Leave shall be made at least 30 days in advance or as soon as is practicable.

## **L. Personal Leave**

The City provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Regular full-time employees are eligible to request personal leave as described in this policy.

As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their supervisor by completing a Leave of Absence Request Form.

Personal leave may be granted for a period of up to 90 calendar days every one-year. With the supervisor's approval, an employee may take any available sick leave or vacation leave as part of the approved period of leave.

Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by the City until the end of the month in which the approved personal leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from personal leave, benefits will again be provided by the City according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the City cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

## **M. Donated Leave Program**

Eligible employees are regular, non-probationary City employees accruing sick leave. The receiving employee shall have no documented history of abuse of leave for unscheduled absences, is not receiving workers' compensation or retirement benefits, and has depleted all available leave accruals. An employee called to active military duty who has exhausted all available leave is also eligible to receive donated leave.

The donated leave is intended to cover serious health conditions that may require inpatient hospice or resident health care. An employee may request leave for a serious health condition of themselves or any other eligible family member as defined in the Sick Leave section of the current Personnel Policy.

Regular full-time and regular part-time employees may voluntarily donate vacation leave or compensatory time in one hour increments to an eligible employee's sick leave account.

An employee may receive a maximum of 260 hours of donated leave at any one time. At no time may an employee have more than 260 hours of donated leave at his or her disposal. Only amounts needed will be used; any unneeded donated leave will not be deducted from the donor's accrual account.

Any eligible employee may request a donation of leave hours from employees within the City who are eligible to participate by completing the “Request to Receive Donated Leave” form. It shall be up to an employee to request donations of leave accrual through their supervisor. If such employee is not capable of making application on their own behalf, a personal representative or the employee’s supervisor may make a written application for the employee. Before applying on behalf of an employee, every effort must be made to obtain consent from the employee or, in situations where this is not possible, the recipient’s personal guardian. This form may be obtained from Human Resources. Completed forms shall be returned to the employee’s supervisor for approval. Human Resources will distribute the approved Request to Receive Donated Leave notice to all City employees.

Payroll shall reduce the donor’s leave balances according to the approved request forms submitted by Human Resources. Payroll will notify the donor of the transfer of leave. The hours shall be credited as sick leave only based on an hour for hour exchange.

Employees receiving short- or long-term disability are not eligible to receive donated leave.

## **004. EMPLOYEE BENEFITS**

### **A. Healthcare Benefits**

The City’s health insurance plan provides employees and their dependents access to medical, vision and dental insurance benefits. Regular full-time employees, or as otherwise specified in a collective bargaining agreement, are eligible to participate in the health insurance plan. Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact Human Resources for more information about health insurance benefits.

### **B. Short-Term Disability**

The City provides a short-term disability (STD) benefits plan to regular full-time employees, or as otherwise specified in a collective bargaining agreement, who are unable to work because of a serious health condition as defined by FMLA/OFLA (see Section 003.E).

The City’s self-funded STD insurance program will provide wage continuation of up to 50% of the employee’s monthly base wage and maintain health benefits for any qualifying short term disability event. The short-term disability benefit only covers a qualifying event and shall not exceed 90 days from the date of incident. Once an employee returns to work, whether part-time or full-time, they no longer qualify for this benefit. After employees exhaust 90 days of this short-term disability self-funded City benefit, long-term disability insurance benefits cover qualifying employees in accordance with the group insurance policy plan document in effect.

Other benefits you receive, or may be eligible to receive, may reduce the amount of disability benefits due you. Examples of other benefits may include, but are not limited to, sick leave, workers’ compensation, state disability, social security, and retirement.

To avoid a possible overpayment on your claim, which would need to be repaid to the City, you should inform the City if you receive other benefits.

Sick leave and vacation time shall not accrue while on STD.

See respective collective bargaining agreement for effects of leave on seniority.

An employee eligible for short-term disability is ineligible for donated leave.

### **C. Long-Term Disability**

The City provides a long-term disability (LTD) benefit plan to help eligible employees cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure a continuing income for employees who are disabled and unable to work.

Long-term disability benefits are not to exceed sixty-six and two-thirds percent (66 2/3%) of gross pay or \$2,000 per month, whichever is less, reduced by Social Security and PERS disability payments as well and to the extent defined by the LTD insurance plan for the duration of disability benefit eligibility as provided in the LTD plan.

No accrual of sick leave, vacation, and holiday benefits will occur during LTD. Employee's health premiums paid by the City will cease one year from the date of time loss whether established through a workers' compensation claim or disability insurance claim.

Regular full-time employees, or as specified in a collective bargaining agreement, may participate in the LTD plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

See respective collective bargaining agreement for effects of leave on seniority.

Details of the LTD benefits plan including benefit amounts, and limitations and restrictions are described in the Summary Plan Description provided to eligible employees. Contact Human Resources for more information about LTD benefits.

An employee eligible for long-term disability is ineligible for donated leave.

### **D. Employee Assistance Program (EAP)**

The City cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

This free, confidential service is provided by a third-party vendor and is available to all employees and dependents covered on a CIS Regence or Kaiser medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol or drug abuse, grieving a loss, and career development services.

EAPs may also provide educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting Human Resources.

The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information

given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics.

Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.

There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a professional counselor is available to help you when you need it.

### **E. Workers' Compensation and Safety on the Job**

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the City has established a workplace safety program. This program is a top priority for the City. Its success depends on the alertness and personal commitment of all.

The City has adopted a comprehensive Health & Safety Manual, a copy of which is available to all employees. The City also provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

### **Steps to Take if You are Injured on the Job**

If you are injured on the job, the City wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor).

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

1. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens, and no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Human Resources will fill out a claim form (Form 801) for you to sign and then it will be sent to SAIF.

***Failure to timely follow these steps may negatively affect your ability to receive benefits.***

### **Return-to-Work Program**

The City has developed a program designed to assist workers who are temporarily disabled due to an injury or illness. This program is called the *Return to Work Program*.

When employees report injuries or illness, they will be given certain forms and may be sent to a doctor for examination and/or treatment. If the doctor determines that the employee qualifies for the City's *Return-to-Work Program*, the doctor will complete the appropriate forms indicating the restrictions and conditions for transitional work. The City will then attempt to provide a modified work position until the employee is able to resume regular duties. All modified work is temporary in nature and is designed to facilitate a return to regular duties as soon as possible. Modified duty positions may be offered at any location or on any shift.

Failure to report to work at the designated time and place will be regarded as voluntary resignation and could affect the employee's time loss compensation.

The City may modify, change, or discontinue the *Return-to-Work Program* position or conditions of the program at any time.

Studies show that return to work programs are therapeutic and help speed the recovery process. In addition, injured employees stay in touch with the work environment and with fellow employees, which helps to facilitate a smooth opportunity for cross training and developing new skills.

If you require workers' compensation leave, you will — under most circumstances — be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit documentation from a healthcare provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are guided by the terms of any applicable collective bargaining agreement. The City does not discriminate against employees who suffer a workplace injury or illness.

### **Early Return-to-Work Program**

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also

qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by the City, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, the City will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the City. While you are on modified or transitional work, you are still subject to all other City rules and procedures.

### **Overlap With Other Laws**

The City will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and Family and Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA). If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

### **F. Public Employees' Retirement System (PERS) Benefits**

The City participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at [www.oregon.gov/PERS](http://www.oregon.gov/PERS). For information about the City's contributions to employee PERS or OPSRP plans, please contact Payroll.

So long as required by state law, all employees automatically become a member of PERS of the State of Oregon, if they are eligible immediately, or its successor plan, the Oregon Public Service Retirement Plan (OPSRP), after six (6) consecutive months of uninterrupted service in any position which requires at least 600 hours of work per year.

The City has elected to pay the employee's portion, called PERS/OPSRP pickup, on gross salary and wages as part of the compensation for all regular full-time employees and employees who work more than 600 hours per calendar year.

For information about the City's contributions to employee PERS or OPSRP plans, please contact Payroll.

The City will consider allowing PERS-eligible employees to retire from his/her employment with the City and then rehiring them, as permitted under Oregon law. The City will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of the City, and the ability of existing employees to perform the work of the retiring employee. Please see the City Administrator for more information.

## **G. Longevity Pay**

Longevity pay is available to regular full-time employees, except those receiving certification pay. Unrepresented full-time employees' longevity rates shall be adopted by resolution. Represented employees' longevity rates shall be included in their respective collective bargaining agreements. Longevity will be paid out monthly and included in employees' paycheck.

## **H. Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee. The City's insurance provider provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

For questions regarding COBRA, please contact Payroll.

## **I. Educational Assistance**

The City encourages training and educational opportunities for its regular full-time employees to allow promotion from within existing employees whenever possible.

Attendance at seminars, training opportunities, conferences, or conventions shall be the decision of the department head. Permission shall be granted on the basis of available time, budget constraints, and the relationship of the training to the employee's job. For required training, an employee sent to such training will have instructional fees, lodging, meals and travel paid for by the City. Employees assigned to mandatory training activities will be paid at the regular rate or overtime rate, whichever is appropriate and according to BOLI standards and requirements.

The City may also reimburse for higher education or vocational training after the higher education or vocational training class has been completed and when the following are met:

- Courses must directly relate to the employee's present or potential promotional assignment at the City.
- The Department must have sufficient budgetary resources available prior to approval. The absence of budgeted funds is a reason for denial of the request.
- The City shall reimburse for tuition expenses only. The reimbursement rate shall not exceed public institution charges for undergraduate courses. If graduate fees are charged, the City will reimburse based on the undergraduate rate.
- To participate in the City's reimbursement policy as outlined in this section, an employee must submit a written request to his/her supervisor and obtain the approval from the department head prior to enrolling in the course.
- Tuition reimbursement may be requested for only one course during any one quarter or semester.

- The employee may not be receiving reimbursement from any other source.
- The employee must submit evidence of satisfactory completion of the course, a grade, when reduced to standard numerical grading, of 2.5 or better (or “pass” in the case of a pass/fail class).
- The employee shall refund the City a proportional amount of the course if the employee terminates employment or is terminated with cause within two calendar years of completion of the course. To determine the prorated amount, the cost of the course will be divided by 24 months and the employee will be responsible for repaying the cost of the course less the prorated amounts for the months worked since completion of the course.

Employees will receive no compensation for time spent outside regular work hours participating in voluntary training activities for which they receive tuition reimbursement.

**J. HRA VEBA Plan Contribution**

The City has established an Employer Plan Agreement with HRA VEBA, which must be operated in compliance with IRS requirements and meet conditions, if any, which are established by the City’s health insurance provider.

The HRA VEBA Plan is a funded health reimbursement arrangement (HRA) offered by HRA VEBA Trust. VEBA stands for voluntary employees’ beneficiary association. An HRA is an account-based health plan you can use to reimburse your qualified out-of-pocket healthcare costs as defined by the IRS. Your account is funded with contributions from the City. Employer contributions, investment earnings and withdrawals (claims) are tax-free. The amount the City contributes is based on an adopted resolution or your respective collective bargaining agreement.

At the time of PERS eligibility retirement, the cash value of unused sick accrual, up to a maximum of 960 hours, will be deposited into the employee’s HRA VEBA account, if the employee has established one. The City’s definition of retirement follows the rules of PERS eligibility for retirement (see figure below). Exceptions to the retirement rule may be granted upon written approval by the City Administrator. Requests for exception must be received 30 days prior to separation.

Classification	Tier	Retirement Age		Unreduced Retirement
		Normal	Early	
General Service	1	58	55	30 years
General Service	2	60	55	30 years
General Service	OPSRP	65	55	Age 58 with 30 years
Police & Fire	1 and 2	55	50	30 years or age 50 with 25 years
Police & Fire	OPSRP	60	50	Age 53 with 25 years

**K. Physical Fitness Club / Wellness Activity Benefit**

The City shall provide for regular full-time employees up to \$50 payment per month per employee for participation by the employee in any physical fitness club or other wellness activity approved by the City Administrator. Payment is on a reimbursement basis. Reimbursement requests for January through June must be submitted by July 15 and reimbursement requests for July through December must be submitted by January 15.

## 005. MISCELLANEOUS POLICIES

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

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

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

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

#### **Prohibited Conduct**

- Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees or others.
- The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on City property or on City time.
  - Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, e.g., collecting or transporting evidence.
  - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.

- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City property, or possessing, items or objects on City property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in City property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law enforcement work.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

### **Prescription Drugs and Medical Marijuana**

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

Employees must inform their supervisor about any prescription drugs that they use that could adversely affect their physical or mental faculties to any perceptible degree. If an employee's use of such prescription drugs could adversely affect City operations or safety of City employees or other persons, the City may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide the City with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as the City will not agree to allow an employee to use medical marijuana as an accommodation. (See the "Disability Accommodation Policy," above.)

### **Reasonable Cause Testing**

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

As used in this policy, unless the context indicates otherwise:

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

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to the City Administrator. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result, will be sent for confirmation testing. If the result comes back positive after the confirmation test, it will then be sent to Medical Review. The Medical Review Officer (MRO) for Bio-Med or his/her Assistant will then call the employee for an interview, to determine if the positive is from a prescription medication or an illegal substance. The MRO will make the final decision on the result and then forward it to Bio-Med to data enter and send to the employer. The employee may request the sample be sent to another lab for a reconfirmation, but such testing will be paid for by the employee.

### **Post-Accident Testing**

Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property; or (b) result in an injury to themselves or another employee requiring offsite medical attention; and (c) when the City has a reasonable basis to believe that the accident or injury may have been caused by drug or alcohol use.

### **Search of Property**

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City property, not in conjunction with the functions of the job, or has otherwise

violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City may search the employee's possessions located on City property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to City property, or in property, equipment or supplies provided by the City to employee.

### **Employee Refusal to Test/Search**

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

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

### **Crimes Involving Drugs and/or Alcohol**

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action, up to and including termination.

### **Drug and Alcohol Treatment**

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

An employee who believes that he or she has a problem involving the use of alcohol or drugs should ask a supervisor or Human Resources for assistance.

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

Although the City recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of City policy is discovered, the employee's willingness to seek City or outside

assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

### **Discipline and Consequences of Prohibited Conduct**

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement.

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

### **Confidentiality**

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

### **B. Smoke-Free Workplace**

The City provides a t-free environment for all employees and visitors. For purposes of this policy, smoke-free includes the smoking of any tobacco-based product and smoking in any form (including, without limitation, cigars and e-cigarettes). Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to City property, vehicles or facilities/buildings.

City buildings and vehicles are smoke and marijuana-free areas. Smoking and marijuana use is prohibited during working hours. Further, the City prohibits smoking or marijuana use in or around City vehicles and equipment or machinery.

If you wish to smoke tobacco, you must do so outside of the City's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. The City has established employee smoking areas that your supervisor can show you.

### **C. Land Line Phones Usage**

The telephone system is provided as a communication tool for employees to conduct City business and is solely the property of the City. Employees are to limit personal use of the telephone system and in no instance shall use of the telecommunications system be used for personal gain.

To ensure effective telephone communications, employees should always speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

## D. Cellular Mobile Devices Policy

This policy applies to employee use of cell phones, smart phones (including iPhones, “smartphones,” and similar devices), tablets and similar devices, all of which are referred to as “cellular mobile devices” in the Cellular Devices-this Policy.

### Cell Phones and Cellular Mobile Devices in General

Employees are allowed to bring personal cell phones and cellular mobile devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or City-provided cell phones/cellular mobile devices may not violate the City’s policies against harassment and discrimination. Thus, employees who use a personal or City-provided cell phone/cellular mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by the City) that is harassing or otherwise in violation of the City’s no harassment and no discrimination policies-policies prohibiting discrimination, harassment, bullying, and retaliation will be subject to discipline, up to and including termination.

### Employee Use of City-Provided Cell Phones/Cellular or Paid for Mobile Devices

Cell phones/cellular Mobile devices are made available to City employees on a limited basis to conduct the City’s business. Determinations as to which employees receive City-provided cell phones mobile devices will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular mobile device. In some cases, the City may provide a monthly cellular telephone mobile device allowance to employees who regularly make calls on behalf of the City away from the office (see your supervisor for more information).

Employees who receive a cell phone or cellular mobile device from the City must agree to not use the cell phone/cellular mobile device for personal use except in emergency situations and must abide by all aspects of the Cellular Mobile Device Policy. Further, employees who receive a cell phone or cellular mobile device from the City must acknowledge and understand that because the cell phone/cellular mobile device is paid for and provided by the City, or subsidized by the City, any communications (including text messages) received by or sent from the cell phone/cellular mobile device may be subject to inspection and review if the City has reasonable grounds to believe that the employee’s use of the cell phone mobile device violates any aspect of the Cellular Mobile Device Policy or any other City policy. An employee who refuses to provide the City access to his/her personal cell phone/cellular mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Employees may not use City-provided cell phones or cellular mobile devices to call 1-900, 1-976, or similar “pay per minute” services. Further, family and friends may not use an employee’s City-provided cell phone/cellular mobile device.

### Cell Phones/Cellular Mobile Devices and Public Records

City-related business conducted on City-provided or personal cell phones/cellular mobile devices, may be subject to disclosure and production under Oregon’s Public Records laws or in connection with litigation filed against the City or individual employees.

## **Cell Phone/Cellular Mobile Device Use While Driving**

The use of a cell phone or cellular mobile device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the City.

Employees are prohibited from using handheld cell phones for any purpose while driving on City-authorized or City-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or “instant” messages while driving on City business (other than those employees engaged in law enforcement work). Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

### **E. Use of City Email and Electronic Equipment, Facilities and Services**

The City uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, cell phones mobile devices (including text messaging), the Internet, and any new technologies used in the future. The rules that govern these items is located in the City’s IT Policies, a separate and distinct set of policies, which all employees must read and acknowledge.

### **F. Use of City Vehicles**

The operation of vehicles and equipment is necessary in conducting the day-to-day business of the City. Driving and the use of vehicles for City business includes regular vehicles for operation on streets as well as operation of special-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site.

City vehicles and equipment are to be used only in the performance of official City business; however, personnel whose work assignment is primarily in the field may utilize their assigned City vehicle during meal and rest periods for personal business as approved by the employee’s supervisor. Employees doing so must conduct themselves in a manner which does not bring discredit upon the City or incur additional costs for fuel or vehicle maintenance.

The use of City-owned vehicles is restricted to City operational or business purposes, subject to the exceptions provided in this policy. Infrequent and limited use of a City-owned vehicle is permissible under the following circumstances:

- An employee stops at a store or restaurant to purchase food while on a breakfast, lunch, or dinner break.

- An employee using a City-owned vehicle to travel out of town may stop at a restaurant to purchase a meal (excluding facilities where alcohol is the chief item for sale, casinos, or other establishments where entertainment is provided; provided further that this excursion does not apply when the purchase of a meal at such a facility is in connection with attendance at an authorized conference or training session).

City-owned vehicles shall only be used to transport City employees subject to the following exceptions:

- The ride-a-long program authorized for the City Police Department.
- Transportation of a public official, or consultant(s), or other authorized person(s) in conjunction with official City business.

City-owned vehicles shall not be used for transportation of animals belonging to City employees, except for service animals.

The use of City-owned vehicles is restricted to employees who are engaged in the performance of City business. Use of City-owned vehicles is restricted to City employees, which would prevent a City employee from allowing a family member or other non-City employee from riding in the vehicle while it is being used by the City employee. City-owned vehicles shall not be used for any personal use by a City employee who is engaged in the performance of City business, except for the infrequent and limited uses described above.

It is necessary for the City to comply with IRS regulations that govern these issues. Non-compliance with the IRS regulations in these matters creates a liability to both the City and individual employees who may be subject to retroactive taxes and penalties in the event of an IRS compliance audit. Any interpretation of this policy will follow IRS regulations. If an employee uses a City vehicle for commuting purposes, they will be charged per IRS Commuting Rules for each one-way commute (that is, from home to work or from work to home).

Collisions are incidents or events that involve City-owned vehicles and equipment or a personally owned vehicle which is being used for official City business resulting in property damage, injury or death. Whenever a collision occurs involving a City-owned vehicle or piece of equipment or a personal vehicle if the employee is using the vehicle while on City business, the collision must be reported immediately to the employee's supervisor, and, if within the city limits, to the St. Helens Police Department.

In order to maintain a safe and productive work environment, a violation of this policy will be considered a very serious case of misconduct and subject to disciplinary action, up to and including termination.

### **Fleet Safety**

These rules are published for the information and guidance of employees of the City. To drive safely is the first duty of every driver. This means driving defensively, anticipating the mistakes, actions, recklessness or absentmindedness of pedestrians or other drivers, and being prepared at all times to do everything possible to prevent an accident.

Our operation requires alert drivers who conduct themselves and their vehicles at all times in a manner that will reflect credit on the City of St. Helens and the driver.

Drivers are required to observe all rules and procedures outlined in this policy at all times.

## Qualifications for Driving City Vehicles

In order to maintain an efficient and orderly operation, it is necessary that we have certain rules which everyone is expected to follow. Familiarize yourself with these rules and operating procedures, and consult your supervisor if any of them are not clear to you.

To qualify as a driver of City vehicles, drivers must meet the following conditions:

1. Must be at least 18 years of age.
2. Must have a current state or jurisdiction driver license.
3. Must have in effect a current liability insurance policy for his/her personal vehicle, if employee owns a personal vehicle. Employees who use their own vehicles for authorized City business should make any necessary arrangements with their insurance carriers.
4. Must have knowledge of, and adhere to, state and municipal traffic laws and regulations whenever driving City vehicles.
5. Must have in your possession a valid driver license while driving vehicles.
6. Be approved by your supervisor to drive on City business.
7. Must attend a City of St. Helens sponsored defensive driving class at least once every three (3) years.

## Eligibility to Drive City Vehicles

Typically, in order to be eligible to drive, an employee must meet the following criteria. Accidents and citations involving off-duty driving in a personal vehicle count for the purpose of these rules.

1. No major violations in the previous three (3) years.  
Major violations include but are not limited to:
  - Driving under the influence of alcohol or drugs
  - Driving while license is suspended or revoked
  - Leaving the scene of an accident
  - Reckless driving
  - Road rage incidents
  - Speeding over 20 MPH over the posted speed limit
  - Other similarly serious violations
2. No more than two minor violations in the previous three (3) years.  
Minor violations include but are not limited to:
  - Speeding 20 MPH or less over the posted speed limit
  - Failure to obey a traffic control or signal
  - Improper lane change
  - Failure to signal
  - Failure to yield the right of way
  - Failure to wear a seat belt
  - Cell phone or texting violations
  - Other similar violations

3. No more than one at-fault accident in the previous three (3) years.  
All accidents are considered at-fault unless proven otherwise.

The City may verify the validity of your driver's license and/or your driving record at the time of hire and during any point in your employment. Once you are employed with the City, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify the City when there are transactions on your driving record such as speeding tickets, citations and accidents.

**Employees must report to their supervisor any change in driving status. Failure to report a suspended license, accidents or other violations may result in disciplinary action, up to and including termination.**

### **Vehicle Accidents**

Vehicle accidents may be reviewed by the Safety Committee to determine preventability.

- A preventable accident is any accident in which the driver failed to do everything he/she could have reasonably done to prevent the accident.
- A non-preventable accident is one in which the driver did everything he/she could reasonably have done to foresee the conditions leading to the accident and took suitable safeguards.

The involved driver will be advised of the decision and will be subject to a driving performance review with management. For law enforcement this will quite often be accompanied with disciplinary sanctions.

### **Courtesy**

You are expected to show every courtesy and consideration toward other drivers and pedestrians. Your conduct while driving must be such that it will in no way reflect adversely upon the City of St. Helens.

If a situation arises that you are unable to settle in a friendly manner, phone your supervisor and report the facts, and be guided by their advice.

### **Vehicle Appearance**

City vehicles need to be kept as clean as possible. State law prohibits smoking in public vehicles. Eating in vehicles should be kept to a minimum.

### **Suggestions**

City management appreciates any suggestions from you that may improve our safety, service, and working conditions to make our operation more efficient and safe. Please make suggestions to a supervisor or department head.

### **Moving Violations**

You will be responsible to pay for all speeding, traffic and parking violations, even if the infraction occurred while on City business.

## **Cell Phones & Texting**

Oregon law prohibits the use of cell phones while driving, unless employees are using a “hands-free accessory.” Please note, the use of a speaker phone is not considered a “hands-free accessory.” Texting while driving is prohibited.

## **Vehicle Safety Inspections**

A pre-trip inspection should be made at the start of each shift to ensure the vehicle is in safe operating condition. A post-trip inspection should be made at the end of each shift to effectively report any damage or concern at the completion of the trip.

## **Safe Driving - Be a Defensive Driver**

A defensive driver is defined as, “One who is careful to commit no driving errors themselves, who makes allowance for the lack of skill or improper attitude on the part of the other driver, and who does not allow hazards of weather and road conditions or the action of pedestrians and other drivers to involve themselves in an accident. Keeps continually on the alert, recognizes an accident-producing situation far enough in advance to apply the necessary preventive action, and concedes the right-of-way when necessary to prevent an accident.”

## **Vehicle Speed**

The maximum speed limit is the “posted speed limit.” Your speed at all times **shall** be reasonable and prudent with due consideration given to weather, other traffic, conditions of the road and intersecting side roads of highways and city roads.

Adhering to the posted speed limit is important in terms of traffic citations, reduced insurance rates, reduced maintenance costs, increased tire life, and fuel conservation.

## **Striking Fixed Objects**

In handling your vehicle on the highway, in city traffic, and at loading and unloading spots, remember that striking any fixed object such as abutments, parked cars, loading docks, overhead pipes, or hydrants is classified as the fault of the driver and must be reported to your supervisor.

## **Proper Backing**

Walk around the vehicle to see that nothing is behind or in front of the vehicle before driving away. If there are two or more people, it is advisable to have one person stand behind the vehicle to spot while backing up.

## **Passing or Meeting a School Bus**

When approaching a school bus, be on guard at all times for signals of intention to either discharge or pick up school children. Be on the alert for the actions of these school buses. It is illegal to pass, in either direction, a school bus that is stopped to pick up or discharge passengers. The only exception to this rule is when the roadway is divided by a barrier.

## **Pedestrians**

You have NO right-of-way where pedestrians are concerned. Legally, they may walk on either side of the road, they can cross at intersections or not, and they can pop out from behind a parked car on a busy city street. Never assume that they see you.

## Accidents & Incidents

### **YOU MUST REPORT EVERY ACCIDENT TO YOUR SUPERVISOR WITHOUT FAIL, NO MATTER HOW MINOR, AS SOON AS POSSIBLE.**

1. Park safely and set out warning devices. Do not leave vehicle unattended except in an extreme emergency.
2. Prevent the moving of injured persons unless absolutely necessary.
3. If the accident is blocking traffic or there is an injury, call 911. In the case of an accident that is not an emergency, call the non-emergency number 503-397-1521.
4. Within each City vehicle is a ***“What to do if you’re involved in an accident”*** pamphlet. While at the scene, get as many of the details as you can written down in the pamphlet including a sketch of the incident. Information needed to properly complete accident reports, is as follows:
  - a) Location, time, and date.
  - b) Make, model, type, and license of other vehicles involved.
  - c) Registered owner of other vehicle(s) involved.
  - d) Driver’s name, age, address, and license number of other vehicle involved.
  - e) All occupants’ names and addresses in other vehicles involved.
  - f) Names and addresses of all possible witnesses.
  - g) Name of police station to which accident was reported.
  - h) Name and DPSST numbers of the police officers at the scene.
  - i) Name of the insurance company which covers the other vehicles involved.
  - j) Names and addresses of persons injured and the extent of the injury.
  - k) Names of fire and/or medical personnel on scene.
5. Be sure to get the names of witnesses for or against you. If a witness refuses to give his/her name, record the license number of his/her vehicle. **Regardless of the facts, admit nothing, promise nothing, and DO NOT ARGUE.** Give your name, the City’s name and offer to show your license.
6. Take pictures whenever possible. Do not move or allow any vehicles to be moved until someone arrives who can verify or witness the position of the vehicles, length, and position of the skid marks, and lights on the vehicles if at night.
7. If there is a response from law enforcement, you should stay at the scene of the accident until instructed by a police officer to proceed.
8. If you are involved in an accident with an unattended vehicle, you must stop and try to locate the owner. If you cannot locate the owner, you must place a note in or on the vehicle giving your name and City’s name, address and phone number.
9. As soon as possible, complete a **Supervisor’s Report of Accident Form** with your supervisor. Attach a copy of the completed pamphlet. A copy of both should be sent to the Safety Coordinator and to the City Recorder. The City Recorder will make sure that

the accident is reported to the City's current insurance broker who will then notify City County Insurance Services.

10. If any of the following applies, an **Oregon Traffic Accident and Insurance Report Form** must be completed **within 72 hours** of the collision:

- a) Damage to the vehicle you were driving is over \$1,500; or
- b) Damage to any vehicle is over \$1,500 and any vehicle is towed from the scene as a result of damages from the collision; or
- c) Injury or death resulted from the collision; or
- d) Damage to any one person's property other than a vehicle involved in the collision is over \$1,500; or
- e) If your vehicle was the only one in the crash and meets any of the above requirements.

DMV forms are available at the DMV office or online at <https://www.oregon.gov/ODOT/DMV/pages/form/forms.aspx>. **A copy of the form should be given to Human Resources.**

### **Seat Belts and Other Safety Policies**

1. All passengers and drivers are required to wear seatbelts while operating or riding in a vehicle. The driver of the vehicle is responsible for enforcing the use of seatbelts by all occupants. Other vehicle occupants share in this responsibility because seatbelts are proven tools for reducing deaths and minimizing injuries from motor vehicle collisions.
2. Drivers are to comply with all motor vehicle traffic laws while operating a vehicle on business, including laws relating to driving while intoxicated or driving under the influence of alcoholic beverages, illegal substances or medications.
3. Drivers are prohibited from overloading and/or overcrowding the vehicle.

### **Equipment Protection and Maintenance**

It is the driver's responsibility to make sure vehicles are well-maintained and in safe running condition. Frequent inspections must be conducted. Notify a supervisor immediately of any concerns or observed deficiencies.

Priority Items to check are:

- ✓ Brakes – inadequate brakes are no excuse for an accident
- ✓ Steering
- ✓ Oil level
- ✓ Water
- ✓ Windshield wipers
- ✓ Tires
- ✓ Wheels
- ✓ Lights (headlamps, brakes, signals, reflectors, etc.)
- ✓ Mirrors
- ✓ Warning devices
- ✓ Glass (for cracks and defects)
- ✓ Horns
- ✓ Under vehicle for oil and water leaks

## **G. Use of City Equipment**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including termination of employment.

## **H. Social Media**

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking website, web bulletin board, or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of the City or the City's legitimate business interests may result in disciplinary action, up to and including termination.

### **Prohibited Postings**

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any City policies, including the City's no-harassment and no-discrimination and workplace violence policies. Similarly, posting that include threats of violence, that are physically threatening or intimidating, bullying, or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from your personal blog, website, or other social networking site to a City-owned or -maintained website without identifying yourself as a City employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City unless you are authorized by your manager/supervisor to do so. If the City is a subject of the content you are creating, be clear and open about the fact that you are a City employee, and make it clear that your views do not represent those of the City or its employees or elected officials.

### **Encouraged Conduct**

Always be fair and courteous to co-workers, the citizens we serve, the City's employees and elected officials, and suppliers or other third parties who do business with the City.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using

statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City employees or elected officials, that might constitute harassment or bullying, and/or that violate City policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or City policy.

Maintain the confidentiality of the City's confidential information. Do not post internal reports, policies, procedures, or other internal, City-related confidential communications or information. (See "Confidential City Information" policy, below.)

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt City operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the City's interest in the effective and efficient fulfillment of its responsibilities to the public.

### **Request for Employee Social Media Passwords**

City supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by the City.

Nothing in this policy prohibits the City from requiring an employee to produce content from his/her social media or internet account in connection with a City-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

### **I. Confidential City Information**

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with City policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical, or personal information (including, without limitation, social security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use, or disclose confidential information contrary to Oregon or federal laws, or for personal use or financial gain, may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, 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 Administrator. Likewise, any materials developed by City employees in the performance of their jobs is the property of the City and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the City's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

## **J. Ethics**

At the City, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the City or the City's citizens.

We at the City are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: [www.oregon.gov/OGEC](http://www.oregon.gov/OGEC).

This Code of Ethics shall apply to all City officials including all elected and appointed officials, staff, and volunteers.

### **Definitions**

1. "City Official" means any elected official, employee, appointee to a board or commission, or citizen volunteer authorized to act on behalf of the City of St. Helens, Oregon.
2. "Ethics" means positive principles of conduct. Some ethical requirements are enforced by federal, state, or local law; others rely on training or on individuals' desire to do the right thing. The provisions of this policy which are not otherwise enforced by law shall be considered advisory only.

**Trust.** The purpose of City government is to serve the public. City officials treat their office as a public trust.

1. The City's powers and resources are used for the benefit of the public rather than any official's personal benefit.
2. City officials promote public respect by avoiding even the appearance of impropriety.
3. Policymakers place long-term benefit to the public as a whole above all other considerations, including the concerns of important individuals and special interests. The public interest includes protecting the rights of under-represented minorities.
4. Administrators implement policies in good faith as equitably and economically as possible, regardless of their personal views.
5. Whistleblowing is appropriate on unlawful or improper actions.
6. Citizens have a fair and equal opportunity to express their views to City officials.
7. City officials do not give the appearance of impropriety or personal gain by accepting personal gifts.
8. City officials devote City resources, including paid time, working supplies, and capital assets, to benefit the public.
9. Political campaigns are not conducted on City time or property.

**Objectivity.** City officials' decisions are based on the merits of the issues. Judgment is independent and objective.

1. City officials avoid financial conflict of interest and do not accept benefits from people requesting to affect decisions.
2. If an individual official's financial or personal interests will be specifically affected by a decision, the official is to disclose the conflict and withdraw from participating in the decision.
3. City officials avoid bias or favoritism and respect cultural differences as part of decision-making.
4. Intervention on behalf of constituents or friends is limited to assuring fairness of procedures, clarifying policies or improving service for citizens.

**Accountability.** Open government allows citizens to make informed judgments and to hold officials accountable.

1. City officials exercise their authority with open meetings and public records.
2. Officials who delegate responsibilities make sure work is carried out efficiently and ethically.
3. Campaigns for election allow the voters to make an informed choice on appropriate criteria.
4. Each City employee and appointee is encouraged to improve City systems by identifying problems and proposing improvements.
5. City government systems are self-monitoring with procedures in place to promote appropriate actions.

### **Leadership**

1. City officials obey all laws and regulations.
2. City officials do not exploit loopholes.
3. Leadership facilitates, rather than blocks, open discussion.
4. Officials avoid discreditable personal conduct and are personally honest.
5. All City departments and work teams are encouraged to develop detailed ethical standards, training and enforcement.
6. The City Administrator will publish a pamphlet containing explanations and examples of ethical principles.

For the full text of the adopted Code of Ethics, see Addendum A.

Compliance with this policy of business ethics and conduct is the responsibility of every City employee. If you have questions about whether an activity meets the City's or Oregon's ethical standards, please talk with Human Resources. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action, up to and including termination.

## **K. Open Door Policy**

The City strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect, and employees are encouraged to offer positive and constructive criticism.

The City'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's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified 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, request to have the facts/situation reviewed by the City Administrator. If the City Administrator is your supervisor, go to Human Resources.

## **L. Outside Employment**

Generally, employees may obtain employment with an employer other than the City or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of City time (including the employee's work time), City facilities, equipment and supplies, or the prestige or influence of the employee's position with the City. In other words, the employee may not engage in private business interests or other employment activities on the City's time or using the City's property;
- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for the performance of duties that the employee is required to perform for the City.

The City requires employees to report outside employment to their supervisor before the outside employment begins. Thereafter, an employee must provide an update to his/her supervisor on an annual basis, or sooner if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

## **M. Criminal Arrests and Convictions**

Employees must promptly and fully disclose to their supervisor on the next working day:

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas, or diversions that result from conduct which occurred while on duty, on City property, or

in a City vehicle (see “Alcohol/Drug Use, Abuse and Testing” policy above);

2. All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, up to and including termination.

#### **N. Political ActivityPolitical Activities and Expression in the Workplace**

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign; or
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

#### **Personal Political Expression**

Customer service is an essential part of your job. The City is committed to providing excellent customer service through its employees and must demonstrate that its services will be provided to all citizens on an equal basis regardless of race, gender, economic status, or any other factor. This is important in maintaining public support for City services, as well as maintaining the quality of the services themselves. In any organization, the entire organization may be judged on the actions and appearance of just one of its members. It is also important that citizens are comfortable when visiting City offices and interacting with staff.

In order to maintain this standard, employees are not allowed to wear attire (hats, shirts, etc.) that promotes a personal or political cause in the workplace or violate a department’s uniform policy. Personal or political paraphernalia, such as buttons, posters, mugs, etc., will be allowed in the workplace, but discretion must be used. If an item starts to become a distraction in the workplace, or creates disruption, the City may prohibit all such items from the workplace. Personal and political items will not be in the public’s view, and employees will not display or wear political paraphernalia when meeting or dealing with the public, or while wearing City-provided clothing or uniforms.

These guidelines are in place and will be enforced equally for all employees in all departments. Department Leads and Supervisors are responsible for ensuring their employees are in compliance. If an employee is found to be in violation of any part of this policy, the

Department Lead or Supervisor reserves the right to send employees home to change into something more appropriate, or to ask the employee to remove paraphernalia from the workplace. Employees who violate this policy may be subject to corrective action.

### **Personal Political Activity**

Employees are free to engage in personal political activity on their own time.

All City employees are advised to acquaint themselves with provisions of the state laws (ORS 260.432) apply to public employees' political activity in Oregon.

The State of Oregon has strict laws regulating political activity in the workplace. During working hours, or while wearing City-provided clothing or uniforms, employees shall not solicit any money, influence, service or other things of value or otherwise promote or oppose any political committee, the nomination or election of a candidate, the gathering of signatures on an initiative, referendum, or recall petition, the adoption of a measure or the recall of a public office holder.

Employees may not use City equipment or resources (including vehicles, computers, mobile devices, printers, internet services, and uniforms) for personal or political work even if on their own time. If employees wish to engage in advocacy with respect to a personal cause, ballot measure, or candidate during a time you are normally working, you must request and obtain permission for a leave of absence from work in advance of engaging in any activity. Employees may use accrued vacation or compensatory time for this purpose, and must request the time off using the Department's request for time off procedure.

Employees may not use break rooms, employee lounges, reception areas, or other areas of City buildings to "drop off" political advertisements or documentation about a candidate, ballot measure or other political issue or movement.

An elected official, non-elected official, public employee, or any other person shall not require, coerce, or direct employees to engage in political activity, regardless of whether the activity itself would be lawful or unlawful.

### **O. Inclement Weather/Emergency Situations**

All departments and offices of the City will be open for regularly scheduled business during hazardous weather conditions or a natural disaster unless the Mayor or Mayor's designee authorizes closure. The Mayor or Mayor's designee may direct employees to leave work early when weather and/or travel conditions deteriorate. Employees are expected to report to work unless their personal safety would be endangered due to travel conditions. Only the employee can assess the individual situation and decide whether it is safe to report to work.

The City provides a wide array of services, including many emergency-related functions and other services essential to the public health and safety. Those employees in Police and Public Works that are considered essential employees are subject to reporting to work during inclement weather and other natural disasters as directed by their supervisor. Collective Bargaining Agreement language prevails for call-out procedures and compensation.

There may be times when the President of the United States, the Governor of Oregon, and/or the Mayor or Council of the City of St. Helens declares a State of Emergency that impacts the City of St. Helens. When such a declaration is made, the City, at its options, may send non-essential employees home and may require that essential employees remain to perform necessary tasks to keep the City in operation.

For the purposes of a declared State of Emergency, essential employees shall be defined as the City Administrator, City Attorney, Finance Director, Building Official, Public Works Director, Police Chief, Library Director, Public Works Supervisor, City Planner, Wastewater Treatment Plant ~~Superintendent~~Supervisor, Communications Officer, Safety Coordinator, and any other employees that the Mayor, Council or their designee finds necessary to assist during the State of Emergency. Once a State of Emergency has been declared, essential employees defined above shall have the latitude to designate additional employees as essential for the duration of the declared State of Emergency. It is anticipated that the City would implement an Incident Command System to address any formally declared State of Emergency.

### **Closing Procedures**

- The Mayor or designee has responsibility for making the determination regarding closure of City facilities. In making such determination both the continuance of service to the public and the safety of employees will be taken into consideration.
- If the City facilities will be closed for an entire day, the Mayor or designee will attempt to notify the City Administrator at least two (2) hours before a facility is scheduled to open. The City Administrator will notify Department Heads and employees under his/her supervision. Department Heads are responsible to notify their employees.
- As soon as possible after the closure determination, City Hall office staff will update the main line to City Hall, 503-397-6272.
- The Communications Officer is responsible to notify the media of the closure.
- An employee who (1) does not report to work, (2) reports to work late; and/or (3) leaves work early during hazardous conditions must use any accrued leave except sick leave to cover the time loss. If there is no accrued leave available, leave without pay may be used for time loss. An employee may make up the hours only with approval of the supervisor and if done in such a manner as not to result in overtime costs.
- When an employee leaves work early or is not required to report to work due to the directive of the Mayor or designee, the employee will receive his/her regular base rate of pay, not to exceed the length of the shift assigned.
- If an employee has chosen to stay home due to weather conditions or other natural disaster conditions and the Mayor later closes the facility early, the employee who chose to stay home must still use accrued leave except sick leave for time lost.

### **Responsibilities**

#### Mayor or designee

- Make the determination about City closures and contact the City Administrator at least two (2) hours before a facility is scheduled to open.

#### City Administrator

- Notify Department Heads and employees under his/her supervision.

#### Department Heads

- Notify employees under his/her supervision.

### City Hall Office Staff

- Update the main line message, 503-397-6272.

### Communications Officer

- Notify the media of the closure.
- Update the City website.

### Employees

- Wait to hear from your supervisor. If you do not hear from your supervisor at least one hour before you're scheduled to begin work, please attempt to contact them.

## **Compensation**

Represented employees who have been designated essential for the purpose of any declared State of Emergency, hazardous weather conditions or natural disaster, will be compensated according to their respective collective bargaining agreement.

Non-represented employees who are not exempt under the Fair Labor Standards Act and work will receive regular pay up to 40 hours during the workweek. Work beyond 40 hours will be compensated at a rate of time and one-half.

Non-represented employees who are exempt under the Fair Labor Standards Act are not subject to hourly or overtime compensation, except as stated in Section 002.F, Additional Authority.

## **P. Workplace Violence**

The City recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner by the City.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City, or that threaten the safety, security or financial interests of the City. Employees are strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to their supervisor.

The City also may conduct an investigation of a current employee where the employee's behavior raises concerns about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

## **Q. Workplace Inspections – No Right to Privacy or Confidentiality**

This policy applies to inspections and investigations conducted by the City pursuant to policy or law unless otherwise modified by a different policy in this Handbook

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems, and computer systems. Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets, and other office equipment or furniture, as well as voicemail

and computer systems assigned to them by the City; these areas are not private.

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

## **R. Personal Appearance**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City presents to the community.

During business hours or when representing the City, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

## **S. Animals in the Workplace**

In certain circumstances, the City may be willing to accommodate service or working animals for employees with known disabilities. At a minimum, the employee must agree to the conditions below, and present documentation from a healthcare provider attesting that a service or working animal is necessary for the employee to perform the essential functions of the employee's position. The City will then assess with the employee what accommodations may exist to help the employee perform the essential functions of his/her position, and whether allowing the employee to bring a service or working animal to work is the most effective accommodation available. Proof that the service animal can perform specific tasks or functions identified by the healthcare provider or employee may be required.

Further, nothing in this policy is intended to circumvent or contravene laws that allow members of the public to bring service animals into City facilities, or in connection with the receipt of City services, as provided under Title II of the Americans with Disabilities Act and Oregon law. This policy applies to employees, volunteers and contracted workers only, while the employee/volunteer/contracted worker is on duty and performing duties on behalf of the City.

If the City approves an employee's use of a service animal during working hours and in City facilities, the following conditions apply:

- The animal must be under the direct or indirect physical control of the employee at all times. (Direct physical control means control by means of a leash or other restraining device held by the employee and leading to the service animal. Indirect physical is cage, crate, or tied to an inanimate object such as a tree, post, building, handrail, etc.). An employee may not leave a pet or service animal left unattended outdoors, indoors, or in a vehicle during working hours.
- The employee will care for the service animal in a responsible way that ensures the safety of those in the City facility, as well as the safety of the service animal.
- The service animal must be housebroken. The employee will ensure the service animal relieves itself outside in a location or locations designated by the City; will clean up after

the service animal and dispose of the service animal's waste properly; and ensure that the service animal is clean, groomed, and in a health condition without fleas.

- Where applicable, the service animal will be licensed, vaccinated, and have identification tags.
- If the service animal creates a disturbance, poses a health or safety risk to the employee or others, or interrupts the work of the employee or others, it must be immediately removed from the City facility.
- For the safety of both humans and animals, service animals are prohibited from kitchens, workshops, labs or other areas housing potentially hazardous materials and machinery. All requests for service animals as a "reasonable accommodation" will be evaluated on a case-by-case basis, however.
- The employee accepts sole financial and legal responsibility for any injury, damage, or other harm caused by the service animal and will indemnify the City should it be found legally liable for any injury or other harm cause by or to the service animal.

Employees who do not maintain the direct or indirect physical control of the service animal as defined above, or who violate any provisions within this policy, will not be allowed to bring a service animal to work and will be subject to disciplinary action for violation of this policy.

Also, employees who intentionally injure, harm or otherwise prevent a service animal approved by the City from doing his/her work will be subject to discipline, up to and including termination. No employee may harass another employee for bringing a service animal to work, and all employees are expected to respect the personal space and privacy of an employee with a service animal (e.g. no unauthorized petting, feeding or playing with the service animal unless the employee has express permission from the owner to do so).

## **T. Hiring of Family Members**

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at the City subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.

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 relative relationship is established after employment as a result of organizational restructure, marriage, 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 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 will make the final decision, based on the City's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by the City. 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.

## **006. CONDUCT EXPECTATIONS, DISCIPLINE, AND DISCHARGE FROM EMPLOYMENT**

### **A. Workplace Rules and Prohibited Conduct**

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the City.

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare, and City operations, some of which are described elsewhere in this manual, may also be grounds for discipline, up to and including termination.

1. Falsification of employment or other City records.
2. Recording of work time of another employee or allowing any other employee to record your work time, or allowing falsification of any timesheets (your own or another employee's).
3. Theft or the deliberate or careless damage, or destruction of any City property, or the property of any other employee, citizen, vendor or third party.
4. Working under the influence of alcohol or illegal drugs.
5. Possession, distribution, sale, transfer, or use of alcohol, controlled substances or illegal drugs in the workplace, while on duty, or while operating City-owned vehicles or equipment.
6. Provoking a fight or fighting during work hours or on City property.
7. Negligence or improper conduct leading to damage of City-owned or customer-owned property.
8. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City employee, customer or vendor.
9. Unauthorized use of City equipment, materials or facilities.
10. Possession of dangerous or unauthorized materials, such as explosives or firearms or any other dangerous weapon, on City premises at any time.
11. Engaging in criminal conduct while at work.
12. Causing, creating or participating in a significant or substantial disruption of work during working hours on City property.
13. Concerted or deliberate restriction of output (e.g., slow down or delaying other workers).
14. Unauthorized disclosure of business "secrets" or confidential information.
15. Violation of personnel policies.

16. The acceptance of favors, either material or otherwise, in return for the performance of his or her official duties as a City employee or for the neglect of his or her official duties as a City employee.
17. Claim of sick leave under false pretenses or abuse of sick leave.
18. Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
19. Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
20. Sleeping or malingering on the job.
21. Excessive personal telephone calls during working hours.
22. Unprofessional appearance during normal business hours.
23. Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City.
24. Misrepresentation of City policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City. Employees may not use the City's name, logo, likeness, facilities, assets, or other resources of the City for personal gain or private interests.
25. Violations of the City's Ethics Policy or Oregon's Ethics laws.
26. Violation of any safety, health, security or City policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by City or outside regulatory or legislative bodies.
27. Harassment or discrimination that violates City policy.

This statement of prohibited conduct does not alter the City's policy of at-will employment. With the exception of employees subject to a collective bargaining agreement or contract of employment, the City remains free to terminate the employment relationship at any time, with or without cause or notice.

## **B. Progressive Discipline**

The purpose of this policy is to state the City's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City standards, the City will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions

without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating employment of an employee for serious violations of City policies, procedures and rules and for other inappropriate behavior or conduct, the City may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The City may also choose to send the employee to training or an education opportunity.

In all cases, the City retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. The City may proceed directly to a written warning, demotion, last-chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when City deems such action appropriate. At all times, the City retains the right to terminate any employee's employment at any time and for any lawful reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

Every supervisor shall discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action.

A written notice shall be given to each employee for each disciplinary action stating the reasons for the disciplinary action and the date it shall take effect. The notice shall be given to the employee at the time such action is taken. A copy of the notice signed by the employee shall be placed in the employee's personnel file and shall serve as prima facie evidence of delivery. Signing does not indicate agreement.

All regular employees shall have the right to appeal any disciplinary action taken against them to the City Administrator within 10 days after the effective date of disciplinary action.

Should the City Administrator be the immediate supervisor of an employee, the employee shall have the right to appeal the City Administrator's decision to the City Council within 10 days after the effective date of the discipline by the City Administrator. At its next regular or special City Council meeting, the City Council shall appoint one of its members to serve as the arbitrator of the disputed action. Any disputes under this provision shall be heard by the Council member within 20 working days of the date appeal has been filed and the Council member has been appointed, whichever is the latter. The decision of the Council member shall be final.

### **C. Retirement or Resignation**

If you choose to resign or retire, it is anticipated that you will give the City as much notice as possible – preferably a minimum of two weeks. When giving your two-week notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give at least a two-week notice of your intent to leave the City, you may not be eligible for re-employment at a later date.

Employees who miss three or more consecutive work days without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with their supervisor before making a final decision, or with the City Administrator.

Employees must return all City property, including phones, computers, identification cards, credit cards, keys, and manuals, to Human Resources on or before their last day of work.

Employees are encouraged to participate in an exit interview to discuss the reasons for resignation/retirement including the effect of the resignation on benefits.

#### **D. References**

All requests for references or recommendations must be directed to Human Resources. No manager, supervisor or employee is authorized to release references for current or former employees. Department heads and supervisors are expressly prohibited from providing LinkedIn “recommendations” or using a website on the Internet to discuss a current or former employee’s performance or termination of employment.

By policy, the City discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

**ACKNOWLEDGEMENT OF RECEIPT OF  
CITY OF ST. HELENS  
PERSONNEL POLICIES AND PROCEDURES HANDBOOK**

**Resolution No. 1893 - Adopted June 17, 2020 – Effective July 1, 2020**

I acknowledge that I have received and will read a copy of the City of St. Helens' Personnel Policies and Procedures Handbook. I also understand that a copy of the Personnel Policies and Procedures is available to me at any time to review on the City's network or in Human Resources.

I understand that the City has adopted the Personnel Policies and Procedures only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in the City's sole discretion. I also understand that the Personnel Policies and Procedures control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policies and Procedures are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the manual may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Council has the ability to adopt any revisions to the policies in this handbook.

I understand that either the City or I may terminate my employment relationship at any time, for any lawful reason, and with or without cause, and with or without notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review the City's policies regarding equal employment opportunity and that the City aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation, or harassment to Human Resources, the City Administrator, or any trusted manager or supervisor.

During my employment with the City, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new policies are issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

\_\_\_\_\_  
Employee Signature  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date Signed

The original of this signed document will be kept in the employee's personnel file. A copy will be provided to the employee upon request.

## Addendum A – Explanations and Examples For Code of Ethics

### Definitions.

**"City Official"** means any elected official, employee, appointee to a board or commission, or citizen volunteer authorized to act on behalf of the City of St. Helens, Oregon. The Code of Ethics is intended to apply to everyone. However, specific groups such as employees or elected officials may be mentioned in some examples.

**"Ethics"** means positive principles of conduct. Some ethical requirements are enforced by federal, state, or local law. Others rely on training or on individuals' desire to do the right thing. The provisions of this Resolution which are not elsewhere enforced by law shall be considered advisory only.

The Code of Ethics is not intended to legislate morality but rather to convey general expectations of appropriate conduct. Just because an action is legal does not necessarily mean it is right or good. Similarly, not every action that is wrong needs to be punished under the law. The role of ethics is particularly to question those actions which are neither prohibited nor required by law. If no law is indicated for a numbered subsection, its provisions are only advisory.

**Trust.** The purpose of City government is to serve the public. City officials treat their office as a public trust. City officials have special powers, along with a special obligation to act only on behalf of the public. *{ORS Chapter 244 declares public office a public trust, prohibits certain actions, and provides penalties. An explanatory guide is available from the Oregon Ethics Commission.}*

- 1. The City's powers and resources are to be used for the benefit of the public rather than any official's personal benefit.** To function effectively the City needs the public's respect and confidence that its power will be used on behalf of the community as a whole. In this context, improper acts are doubly wrong: a selfish decision is not only wrong in itself but also wrong because it violates public trust in government.
- 2. Ensure public respect by avoiding even the appearance of impropriety.** Public service requires a continual effort to overcome cynical attitudes and suspicions about the people in government. For example, conduct which could appear dishonest to a reasonable observer will undermine the public trust even if the conduct is not illegal.
- 3. Policymakers place long-term benefit to the public as a whole above all other considerations, including important individuals and special interests. The public interest includes protecting the rights of under-represented minorities.** Public service involves a complex network of competing loyalties to country, state, community, employer, mentors, colleagues, subordinates, family, and self. Often constituent interests can be satisfied without violating the public interest but policy formulation requires evaluating information objectively and deciding what is best for the public as a whole. There is no formula for the most difficult decisions. The long-range public interest demands that the will of the majority be tempered by a commitment to consider the rights and interests of minority groups, especially those who are not sufficiently represented in the normal decision-making process. Elected officials have a duty to engage in dialogue with citizens, to hear their concerns, and to increase their awareness of long-term efforts for the community as a whole.
- 4. Administrators implement policies in good faith as equitably and economically as possible, regardless of their personal views.** City management is supposed to

implement the policies and laws enacted by City Council. Not every aspect of every situation will be specifically covered in the law, so virtually every employee will have opportunities to make decisions. These decisions should be guided by an honest effort to understand and carry out the policymakers' instructions. Elected officials sometimes become frustrated dealing with a large, unresponsive bureaucracy. Staff can become equally frustrated by the passage of laws which have not sufficiently drawn on the expertise of administrators and are impractical, contradictory, ambiguous, under-funded, or ineffective. To keep these frustrations from paralyzing the organization, two-way dialogue is essential. City workers at all levels generally have personal convictions which affect the way they interpret and implement policies. This is proper so long as their values and attitudes do not impede or nullify instructions from policy-makers. City workers who find their personal convictions are irreconcilably incompatible with lawful policies should openly state their conflict, and in some cases, withdraw from the administration of such policies. It is not ethical to express personal convictions covertly by blocking or ignoring lawful policies.

- 5. Whistleblowing is appropriate on unlawful or improper actions.** Anyone who observes significant unlawful or improper actions by a City official is expected to report them. Customarily, the actions are reported to the official's supervisor. If the supervisor appears to be involved in the improper actions, the report can be made to a higher level, to the City Administrator, or to the Oregon Ethics Commission. This decision is not to be made lightly, as whistleblowing creates an atmosphere of suspicion. "Whistleblowing" differs from "leaking" because leakers act covertly and are essentially unaccountable for the consequences of their actions. Conscientious City workers protect the public from improper governmental activities, illegal secret policies and arrogant decision-making. Therefore, it is wrong to harass or punish City workers who seek to hold government accountable through whistleblowing. *{Employer retaliation is prohibited by ORS 659.550, and by the Federal Whistleblower Protection Act of 1987. Civil and criminal penalties are provided.}*
- 6. Citizens have a fair and equal opportunity to express their views to City officials.** Often it is impossible for an official to talk personally with every concerned citizen. The ability to schedule a meeting with an official should not depend on the citizen's desire to provide personal benefits or campaign contributions.
- 7. City officials do not give the appearance of impropriety or personal gain by accepting personal gifts.** In general, personal gifts should be refused or returned with a friendly but firm message that City officials are not allowed to receive gifts. A personal gift, lunch, or entertainment under \$50 in value is legal but no amount is too small to be ethically questionable. The key question for an individual official is, "Would I receive this gift if I did not hold a City position?" The ethical principle is that officials obtain no personal gain from performance of their duties except official compensation and the satisfaction of a job well done. Citizens can best show their appreciation with a letter of commendation. Even small promotional gifts such as imprinted pens or t-shirts from profit-making entities should not be used on the job because they can create the impression that the vendor is regarded with particular favor by the official. Tact is especially needed if personal gifts to officials are expected in the donor's culture. For example, gifts presented as part of the Sister Cities program should be graciously accepted and become the property of the City of St. Helens. However, if a personal gift is offered within St. Helens by an immigrant business owner, the official should explain that such gifts are not the City's custom. *{ORS 244.020 (8) defines "gift." ORS 244.040 (2) prohibits accepting gifts with a cumulative value over \$50 in a calendar year. ORS 244.350 (1) provides civil penalties up to \$5,000.}* Gifts exchanged between co-workers

for occasions such as birthdays and holidays are not prohibited. Donations to City programs are also allowed.

8. **City officials devote City resources, including paid time, working supplies, and capital assets, to benefit the public.** Time paid for by the City is intended for City business. Personal errands and calls should be confined to break periods or official time-off. Supervisors should not ask subordinates to perform personal services. Generally, personal photocopies and toll calls can be made during break periods and reimbursed to the City. Office supplies are for City use only. If public benefit is the guiding criterion, either decision is ethically defensible. City workers should not use their position to acquire personal benefits such as surplus City equipment, tickets to events, or special treatment. City workers should not use official letterhead or refer to their public position when requesting personal benefits or resolving personal disputes.
9. **Political campaigns are not conducted on City time or property.** *{ORS 260.432 prohibits solicitation of, or campaigning by, public employees during working hours, with an exception for elected officials.}* State law requires posting a notice stating, "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of public employees to express personal political views. It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours." *{State law does not prohibit campaigning on City property, but does require such property to be equally available to both sides of a campaign.}* For example, a City employee while on City property during a lunch break can express personal political views to co-workers but not distribute flyers for a campaign. As a further example, for an election such as a tax limitation or bond measure, Council may declare an official position for the City. City officials are permitted to provide information on the measure's impact but not to use public resources to promote a specific vote. It may be difficult to distinguish official duties from campaign activities in cases such as speeches or articles communicating an elected official's opinion. In such cases, the participation of public employees is justified so long as a substantial public purpose is served.

**Objectivity.** City officials' decisions are based on the merits of the issues. Judgment is independent and objective. Financial disclosure regulations are designed to prevent bribery and extortion yet protect individuals' freedom of expression and association. The theory is that an informed public will decide on the propriety of financial links and hold the officials accountable. It is ethical for officials not only to scrupulously comply with the law but also to personally examine each transaction offered in order to avoid suggesting any conflict of interest. *{ORS 244.050 requires statements of economic interest, and ORS Chapter 260 requires disclosure of campaign contributions.}*

1. **City officials avoid financial conflict of interest and do not accept benefits from people requesting to affect decisions.** Many citizens seek to influence government actions. Some do so by offering benefits such as personal favors, entertainment, gifts, loans, and special investment opportunities. City officials are to refuse and to educate the citizens that such offers are not allowed. If the citizen is politically experienced and the attempt to unduly influence is clear, the matter should be reported to law enforcement authorities. *{Bribery is a crime under ORS 162.015}*

2. **If an individual official's financial or personal interests will be specifically affected by a decision, the official is to withdraw from participating in the decision.** *{ORS Chapter 244 defines conflict of interest, limits participation, and provides for civil penalties. An explanatory guide is available from the Oregon Ethics Commission.}* Recusal and disqualification involves a statement such as, "My brother-in-law is part owner of the property under discussion. Therefore, I will not be speaking or voting on this matter." State law distinguishes between actual conflict of interest, which definitely would affect the official, and potential conflict, where the effect is not certain. In the case of a potential conflict, the official must disclose the conflict but may participate in the decision. The law also makes an exception where the official's financial interests are included with a whole class of citizens, such as property taxpayers. For a non-specific link, an informational disclosure is appropriate, such as, "We will be voting on the Albina Neighborhood Plan. I live in Albina, but the plan does not specifically refer to my property." State law focuses on elected officials and appointees to boards and commissions but the ethical principle extends to all officials. For example, a building inspector would not inspect his or her own residence. City workers also undermine objectivity when they award a contract, then leave to become an employee of the contractor.
3. **City officials avoid bias or favoritism, and respect cultural differences as part of decision-making.** It is improper to use public authority to help friends or to hinder enemies. When selecting a committee or task force, it is desirable to provide as much diversity as the size of the group will allow.
4. **Intervention on behalf of constituents or friends is limited to assuring fairness of procedures, clarifying policies or improving service to all citizens.** City officials should avoid giving citizens any reason to believe they would receive better or different services if they had a personal connection with the official. Elected officials, in particular, should be clear about discussing information rather than pressuring administrators toward a particular decision.

**Accountability.** Open government allows citizens to make informed judgments and to hold officials accountable.

1. **City officials exercise their authority with open meetings and public records.** The laws of open government balance citizens' right to know against the need for confidentiality in matters such as medical records and employee discipline. *{Public records and open meetings are covered by ORS 192.420 and 192.990.}*
2. **Officials who delegate responsibilities to make sure the work is carried out.** Managers are to make sure routines are developed that support appropriate follow-up and should sponsor staff training to handle delegated responsibilities.
3. **Campaigns for election allow the voters to make an informed choice on appropriate criteria.** Elections offer the ultimate accountability for City officials. Therefore, candidates should strive for respectful and accurate discourse on important issues. To protect freedom of speech and of the press, Oregon law does not prohibit ethically questionable actions such as untrue statements, unkept promises, or deliberate deception. Nevertheless, such actions are unethical. It is also not ethical to focus a campaign on trivial matters or on the kind of negative exchanges that make voters conclude, "A plague on both your houses."
4. **Each City employee and appointee is encouraged to improve City systems by identifying problems and proposing improvements.** City workers who believe a law

or policy is not achieving its stated purpose, is creating unintended harm, or is inefficient, should express such concerns to their supervisors and suggest possible improvements. Department Heads should share "big picture" information with their subordinates and reward suggestions for improvement.

- 5. City government systems are self-monitoring with procedures in place to promote appropriate actions.** City workers are often in the best position to observe fraud, waste, or abuse of public power, and their refusal to participate is a necessary part of protecting the public. City managers should support a workplace atmosphere that encourages employees' pride in their work and avoid a "kill the messenger" response if problems are called to their attention. City managers should make sure their practices for purchasing, contracting, and hiring include routines that elicit fair choices and assure protection of City assets. Such routines include checklists, separation of duties, bank account reconciliations, and reports to management. Safeguards should be as simple as possible, so the cost of protection will be reasonable for the situation. Often mere record-keeping is sufficient: for example, an administrator could record and periodically report all contacts from elected officials on behalf of specific constituents.

**Leadership.** Ethical leadership sets a good example and treats all citizens with respect.

- 1. City officials obey all laws and regulations.** Law-abiding behavior by City officials sets a good example for citizens to respect the law. Laws governing their public duties are especially important but even actions in private life carry a public message. *{Violating an oath of office is a misdemeanor under ORS 162.075.}* In rare cases, an official may invoke this country's long tradition of civil disobedience, which is the open refusal to abide by an unjust law, as a matter of conscience and an impetus to change. Such actions must be subject to legal consequences. Because of their knowledge of the law, public officials may be aware of ambiguities or incomplete enforcement, but they should nevertheless comply with the laws' spirit and purpose.
- 2. City officials do not exploit loopholes.**
- 3. Leadership facilitates, rather than blocks, open discussion.** Any official who controls a parliamentary process has an ethical obligation to avoid behavior such as strained interpretation of the rules, refusal to recognize a person, or arbitrarily delaying a decision.
- 4. Officials avoid discreditable personal conduct and are personally honest.**
- 5. All City departments and work teams are encouraged to develop detailed ethical standards, training, and enforcement.** This Code of Ethics covers the relationship of the City as a whole to its citizens. Organizations within the City should develop additional standards as needed. Also, ethical standards require training and enforcement, which may lead to refinement of the standards. Even the City-wide Code should be reviewed periodically.
- 6. The City Administrator will publish a pamphlet containing explanations and examples of ethical principle.**