



# City of Pendleton

# Employee Handbook

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# **INTRODUCTION**

## OUR HISTORY

The City of Pendleton had its beginning in the early 1860's when Moses Goodwin purchased land from a squatter for one span of horses. In 1868 Umatilla County had a selection committee to determine a site for the County Buildings. The site selected was between Birch and Wildhorse Creek to be named Pendleton in honor of Senator George H. Pendleton of Ohio. In December of that year, Moses Goodwin and his wife deeded 2 1/2 acres of land to the county from which the original town was platted on December 18, 1868. Pendleton was officially incorporated on October 25, 1880, with a population of 730 inhabitants. A City Hall was constructed in 1908 at 34 S.E. Dorion.

In 1910 local attorney Roy Raley, who had an excellent flare for theatrics, decided to have a rodeo after harvest and the famous Pendleton Round-Up was born. Additionally, the Happy Canyon pageant under Mr. Raley's direction started as the "night show".

We are adjacent to the Umatilla Indian Reservation. The Treaty of 1855 resulted in the formation of the Confederated Tribes of the Umatilla Reservation.

The City of Pendleton, as a municipal corporation, has a proud history in terms of the service levels provided to our citizens. The services of ambulance, library, planning, police and fire protection, parks, water and sewer utilities, airport, building codes, zoning administration, and street maintenance all have a direct effect on our quality of life here in Pendleton.

The City of Pendleton proudly continues to move forward with an eye to the future while maintaining a keen awareness of the need to maintain the infrastructure and livability of Pendleton.

## **ABOUT THIS MANUAL**

This Employee Manual is a guide to help you to understand our employment provisions and expectations. The Manual applies to all employees and is intended to be a positive document that begins to establish the relationship between us.

Please remember this Manual contains only general information and guidelines. It is not intended to address all the possible applications of, or exceptions to, general policies, procedures, or a collective bargaining agreement. Our policies are based on the belief that common sense, good judgment, and consideration for the rights of others are paramount to our ability to serve our citizens and ourselves. These policies are not intended to provide contractual or property rights. While we have tried to anticipate many of your questions, keep in mind that this document will not provide every answer. If you have any questions concerning eligibility for a particular benefit, or how a policy or practice applies to you, please ask the Administrative Services Officer, also referred to as Human Resources Manager in this manual.

We know that employees have varied skills, goals, perceptions, and values, and that such diversity may create situations not fully addressed within this Manual. In that event, we'll try to make fair and equitable decisions while making sure that the best interests of the City are served.

This Manual sets the standards of performance and conduct for all employees of the City. Responsibility for administration of all human resources policies has been delegated to the City Manager. This individual may delegate authority to another position as appropriate.

The procedures, practices, policies, and benefits described here may be modified or discontinued from time to time. We recognize our responsibility to keep employees informed of changes that may affect them and will provide replacement pages so you can keep your Manual current. This Manual is not intended to confer any property right in continued employment, to constitute a contract, or to contradict any binding past practice under any collective bargaining agreement. In the event of a conflict between the provisions of this Manual, the law, or the provisions of an in-force collective bargaining agreement, the law and the provisions of the bargaining agreement will prevail.

Some subjects described in this Manual, such as benefit plan information, are covered in detail in official policy documents. You should refer to these documents for specific information since this Manual provides summaries only. Please note that when discrepancies occur between benefit language in this Manual and in the official policy documents, the terms of the written policies are controlling.

You are encouraged to offer suggestions for improvement to these policies, employment practices, or working conditions. Please read through the Manual carefully and share it with your family members so that they will also understand your work environment. If you have additional questions or need further details, please talk with your supervisor, who can advise you or refer you to the appropriate resource.

Neither this Handbook nor any other organization document, confers any contractual right, either express or implied, to remain in the City of Pendleton's employ. Neither does it guarantee any fixed terms and conditions of your employment. Your employment is not for

any specific time and may be terminated by the City, or you may resign with or without reason or notice at any time.



# **CHAPTER 1 - EMPLOYMENT POLICIES**

## **EMPLOYMENT RELATIONSHIP**

Employees and the City reserve the right to end the employment relationship, with or without cause, at any time. No one in the City has the authority to enter into any agreement contrary to this at-will relationship and it cannot be altered except when in writing and signed by the City Manager or Council and you. Unless included in the terms of a collective bargaining agreement, the City is not bound by any oral promises concerning the length or terms of your employment.

Please refer to the Dispute Resolution Procedure page **1-8**, Workplace Rules page **2-6**, Corrective Action policy page **2-16** and Employment Separation page **7-2** for additional information regarding our employment practices. Although the employment relationship is at-will, it is the intent of the City to follow the employment practices outlined in this Manual, unless application of a policy or practice is impractical or would result in hardship.

# **NON-DISCRIMINATION**

## ***Equal Employment Opportunity***

The City of Pendleton is an equal opportunity employer and, as such, considers individuals for employment according to their knowledge, skills, abilities, and performance. Employment decisions are made without regard to race, age, religion, color, sex, gender identity, national origin, physical or mental disability, genetic information, pregnancy (including childbirth and related medical conditions), military or veteran status, marital status, injured worker status, sexual orientation, domestic violence victim status, or any other status protected by 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 provides equal employment opportunities to all qualified employees and applicants in all aspects of the employment relationship, including but not limited to, recruitment, hiring, compensation, promotion, disciplinary action, transfer, layoff, recall, termination, and dispute resolution.

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

## ***Non-Discrimination***

All employees in the City are responsible for following and carrying out this policy according to the spirit and intent of our equal employment commitment. Management provides and supports a dispute resolution procedure for complaints alleging discrimination. Employees are expected to bring any questions, issues, or complaints to management's attention. If you believe you have been harassed, or if you witness or suspect any violation of this policy, you should report the matter immediately to a supervisor or the Human Resources Manager. Retaliation by anyone for filing a complaint in good faith or cooperating in an investigation will not be tolerated or permitted. If retaliation should occur, you are required to report it.

## ***Employment Eligibility Verification***

In conformity with the Immigration Reform and Control Act of 1986 (IRCA), we hire only those who are eligible to work in the United States. Verification documentation is required of all new hires, and employees are expected to inform the City immediately if their eligibility changes.

After an individual is employed by the City (as allowed by law) the City may choose to use the federal E-Verify program to validate social security numbers, or the City may use other methods for verifying social security numbers.

Expired documents are not valid documents for I-9 purposes.

## ***Whistleblower***

It is the responsibility of all City of Pendleton employees to report violations or suspected violations of applicable laws, rules, and regulations. Employees should share their concerns, suggestions, or complaints with someone who can properly address them. Typically, concerns should be shared with a supervisor, department head, or the Human Resources Manager.

### ***Religious Accommodation***

The City of Pendleton will provide reasonable accommodation for religious observances or practices of employees, unless providing the accommodation would impose an undue hardship on the City.

An employee whose religious beliefs or practices conflict with his/her job, work schedule, with the City's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a written request for the accommodation to his/her immediate supervisor and/or Human Resources Manager. The written request shall include the type of religious conflict that exists and the employee's suggested accommodation.

The supervisor and employee will meet to discuss the request and the decision on an accommodation. Supervisors are encouraged to seek the assistance of Human Resources as needed. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he/she may appeal following City's general grievance policy and procedure.

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

### ***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 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 the Oregon Family Leave Act and the Family Medical Leave Act. See policies on page 5-7 or speak with Human Resources.

### ***Domestic Violence***

The City of Pendleton does not discriminate against employees who are victims of domestic violence, sexual assault, criminal harassment, or stalking. See more on the provisions for victims of Domestic Violence in the Leaves of Absence Article on page 5-6.

### ***Acting in Good Faith***

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

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

If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you should report the matter immediately to any member of management or to the Human Resources Manager or City Manager.

Employees may report reasonable concerns about the City of Pendleton's compliance with any law, regulation, or policy, using one of the methods identified in this policy. The City of Pendleton is prohibited by law from retaliating (taking adverse employment action) against employees who disclose information that the employee reasonably believes is evidence of:

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

Adverse actions include termination, refusal to hire, denial of promotion, threats, unjustified negative evaluations and/or references, and reassignment leading to less desirable work conditions.

Under Oregon law, the City of Pendleton may 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.

### ***Employee Reporting Options***

In addition to the City of Pendleton's Open Door Policy (see the Dispute Resolution section), 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 a Department Head. Supervisors and managers are required to inform Human Resources about reports of improper or unlawful conduct they receive from employees.

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

If the City of Pendleton 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 of Pendleton'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 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 of Pendleton; 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***

Retaliation against employees who report in good faith alleged violations of applicable laws, rules, policies, or regulations shall not be tolerated. Employees must report any retaliation for making a report or disclosure of information of the type described above that the employee reasonably believed constituted improper or unlawful conduct.

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

The City of Pendleton will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age

Discrimination in Employment Act, and The American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity.

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

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 of Pendleton 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.

# AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) are comprehensive federal civil rights laws that specifically protect individuals with physical and mental disabilities. Individuals still need to meet the minimum qualifications for the job, and not pose a “direct threat.”

Individuals may be protected under the ADA/ADAAA if any of the following conditions exist:

- They currently have a physical or mental impairment that substantially limits a major life activity.
- They have a record of such an impairment, physical or mental, that substantially limits a major life activity; or;
- They are perceived to have such impairment.

Episodic or in remission conditions may meet the definition of a disability if it would substantially limit a major life activity when active.

Temporary, non-chronic impairments of short duration, with little or no residual effects usually are not considered disabilities under ADA/ADAAA. Examples of impairments that typically would not meet the ADA/ADAAA definition of a disability may include, but are not limited to: common cold, seasonal or common influenza, joint sprain, minor and non-chronic gastrointestinal disorders or broken bones that are expected to heal completely.

The use of ordinary eyeglasses or contact lenses that are intended to fully correct visual acuity or eliminate refractive error, typically are not considered disabilities under ADA/ADAAA.

Pregnancy is not considered impairment under the ADA/ADAAA.

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

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

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

Reasonable accommodation may be available to employees and applicants, as long as the accommodation doesn't cause undue hardship for the City. Individuals protected by the ADA/ADAAA should discuss their needs for possible accommodation with their manager or the Human Resources Manager.



# HARASSMENT

1. HARASSMENT – The City of Pendleton prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. This policy specifically prohibits harassment against any individual based on disability, age, race, color, national origin, religion, sex, sexual orientation, pregnancy, gender identity, genetic information, veterans' 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, sexual assault and bullying. 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 irrespective 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 Human Resources, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's speech, accent or disability, are examples of prohibited conduct and will not be tolerated at the City of Pendleton.

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 off-hours when that off-duty conduct creates an unlawful hostile work environment for any City employees. Such harassment is prohibited whether committed by City employees or by non-employees, such as elected officials, members of the community, and vendors.

2. SEXUAL HARASSMENT - Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or non-verbal communication or physical conduct of a sexual nature where:
  - a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
  - b) Submission or rejection of such conduct by an individual is used as the basis for any employment-related decisions affecting the individual; or
  - c) The conduct has the purpose or effect of 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.

Each manager/supervisor is responsible for maintaining a workplace free of any form of sexual harassment. No manager/supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Sexual harassment in the workplace is prohibited, whether by managers, employees, or outside individuals (vendors, citizens, etc.).

This policy covers conduct in the workplace, at social functions sponsored by the City (holiday dinners or picnics), and at business functions (conferences, meetings and/or other related activities).

3. **BULLYING** - The City strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. City, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" 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 employee(s). Examples of bullying include:

- a) Verbal Bullying: slandering, ridiculing, or maligning a person or his/her family; persistent name calling, which is hurtful, insulting, or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- b) Physical Bullying: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
- c) Gesture Bullying: non-verbal threatening gestures, glances that can convey threatening messages.
- d) 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.
- e) 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 web sites for co-workers, managers or supervisors or elected officials.

### ***Complaint Procedure***

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination, or bullying 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 Human Resources Manager or City Manager, 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 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 that the employee claims have caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

Records of workplace harassment, including complaints and investigation documentation, are confidential records which shall be maintained in the Human Resources Office in accordance with City policy and Oregon record retention rules.

### ***Protection against Retaliation***

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, or harassing, discriminatory, or bullying 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 Human Resources Manager or City Manager 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 Cascade Centers to employees and dependents who are eligible for the City's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [www.cascadecenters.com](http://www.cascadecenters.com). The EAP program provides confidential counseling

services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

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

The City will follow up with the victim of the alleged harassment once every three months for the calendar year following the date on which the report of harassment was received, to determine whether the alleged harassment has stopped or if the victim has experienced retaliation. Such follow-up will occur until and unless the victim objects to such action in writing.

### ***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.

If an employee who has been aggrieved by workplace harassment, discrimination or sexual assault wants to enter into a settlement, separation or severance 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). If the City and employee reach an agreement, the employee will have seven days to revoke the agreement after signing it. The City may not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City or making comments that would lower the City in rank or reputation).

# DISPUTE RESOLUTION

The City is committed to providing a work environment free from harassment, discrimination and workplace violence. We have developed a dispute resolution procedure for immediately reporting to management any incidents involving unlawful actions. Whenever possible, you are encouraged to resolve any other workplace issues or problems by first going directly to the person you have the problem with, using the Employee Assistance Program (EAP, described below) or through an informal discussion with your supervisor. Our policy is to resolve less serious problems and misunderstandings informally at the lowest level possible and to provide employees an opportunity to clarify any misunderstandings that may arise between them.

## ***Open-Door Policy***

City's Open Door Policy is based on our belief that employee suggestions for improving City are welcome at any time. If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in 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 a Department Head or Human Resources.

If the above processes do not take care of your concern, the City has established this dispute resolution procedure to solve problems as quickly, fairly, and thoroughly as possible. This procedure is a method for impartially hearing the complaint and is intended to resolve problems by providing a fair and objective review. All issues will be handled without prejudice or retaliation.

## ***Reporting Incidents of Harassment, Discrimination or Violence in the Workplace***

If you believe that you have been harassed, have witnessed harassment or discrimination, violence at work, or suspect any violation of our policies, you must immediately report the matter to your supervisor, the next management level or to the Human Resources Manager. The supervisor/manager/HR is responsible for ensuring that all complaints are promptly and thoroughly investigated without prejudice or retaliation. In all cases, you will be notified of the outcome of the investigation. You may not necessarily be informed about any disciplinary actions. We feel that discipline is between the City and the employee and is considered confidential.

## ***Reporting all Other Issues***

Any other questions or concerns you may have should be discussed with your immediate supervisor as soon as you are aware there is a problem or have a question. If the situation involves your supervisor, or if you are uncomfortable discussing the matter with your immediate supervisor, you should discuss the matter with the next management level or the Human Resources Manager. You will be provided with a written response to your concern as quickly as possible, but generally within 30 days after submitting your complaint, unless a lengthy investigation is required.

## ***Appeal Process***

Honest differences of opinions occur, and some situations will need the review or decision of a higher management (City Manager) level. However, a higher-management review is intended to occur only after you have discussed a situation with your immediate

supervisor and a satisfactory solution has not been reached. We realize there may be valid reasons to forego this initial step. For those unusual circumstances, as noted above, you may go directly to the next level of management or to the Human Resources Manager for assistance. You will receive a written response as quickly as possible, but generally within 30 days after submitting your complaint, unless a lengthy investigation is required.

If you feel a policy has been inappropriately applied, or you have been unfairly treated or unjustly disciplined by your supervisor, you may present the matter to your supervisor's manager or the Human Resources Manager. That official will review the issue and make a decision. If you are not satisfied with this decision, you may present the matter to the City Manager for review and settlement. The decision of the City Manager will be final.

The City cannot promise that an employee's point of view will always be accepted, but supervisors and managers will listen and make every effort to ensure that problems are resolved fairly and in the public interest. This procedure is intended to provide you a fair and objective review of any concern. All issues will be addressed without prejudice or retaliation. This policy in no way limits any employee's recourse to any civil or legal process. All cases will be reviewed on an individual basis and without regard to precedent value.

Represented employees should also refer to their collective bargaining agreement for any applicable grievance procedures.

### ***Employee Assistance Program***

We have made available an Employee Assistance Program (EAP) for employees to use as a tool to resolve workplace conflicts.

We believe that undisclosed problems will remain unresolved and may lead to impaired working relationships and/or dissatisfaction with working conditions. The City has made available to its employees the option of utilizing the Employee Assistance Program in an attempt to resolve issues at the lowest level possible. The EAP is a free confidential counseling service available to employees to assist them in resolving workplace conflicts.

<b>The EAP may be reached toll-free at 1-800-654-9778 or at <a href="http://www.easeeap.com">www.easeeap.com</a>.</b>
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# EMPLOYMENT

It is our goal to fill employment vacancies with the most qualified applicants, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to sex, age, race, color, religion, national origin, marital status, veteran status, sexual orientation, or the presence of a disability that is not job-related.

We will always try to select the most qualified person for each available job. The meaning of "qualified" here includes technical qualifications (such as a license, certificate, degree, experience, etc.) as well as other appropriate considerations (criminal background, job references, work performance history, and other characteristics deemed necessary for success in the position). External recruiting may be initiated concurrently with the internal posting process, but no hiring commitment or decision will be made until the position has been posted internally for a minimum of five working days. In order to be eligible to transfer to a different job, you must meet the minimum qualification requirements for the position. Management retains the right to exclude from consideration any employee that has been disciplined within the last 6 months or is still serving their initial probationary period.

Former employees, relatives or partners of current employees will be considered for employment in the same manner as other applicants. No relatives shall be employed where one would supervise the other. For this purpose, "relative" is defined as husband, wife, brother, sister, mother, father, son, daughter, son-in-law, daughter-in-law, mother-in-law, or father-in-law, aunt, uncle, niece, nephew, stepchild, or other person residing in the same household. In the event that two employees who work in the same department become relatives neither will be required to transfer or terminate unless one will supervise the other. In this case, the employee and the City will jointly attempt to find an alternative work assignment for one of the two employees. If no suitable alternative assignment can be found within 90 days, it will be necessary for one of the employees to resign or be terminated from employment. No division or department head can have a relative working for them.

You may from time to time be temporarily or permanently transferred or assigned to perform work outside of your regular job classification, schedule, shift, or department. Depending upon the circumstances when you are transferred you may be subject to a wage adjustment. We may reassign an employee who has an illness or disability that requires modified job duties, or whose placement is determined to be unsuited to his/her individual skills.

## ***Veterans' Preference in Public Employment***

Pursuant to Oregon Revised Statute 408.225-408.238, it is the policy of the City of Pendleton to provide preferential opportunity for veterans in the recruitment and selection of candidates for hire to new or vacant positions, and for internal promotions, that are not being filled on a seniority basis.

For the preference to be applied, veterans must have received an honorable discharge from military service, successfully complete the initial application screening, and meet the minimum qualifications of the applied for position. To qualify for disabled veteran preference, applicants must submit proof of veteran status and proof of their veterans' disability rating from the Department of Veterans' Affairs. Applicants must submit proof of veteran status (DD214/DD215) at the time the application is submitted.

Managers will use the following basic procedure for applying veteran's preference:

1. Application: The application for employment will clearly ask for veterans' status and state "To be eligible for Veteran's preference, you must attach a copy of your DD214/215 to this application" so that discharge status may be ascertained.
2. Applicant Screen for Interview Selection Systems: When an interview is a component of the selection process for a position or an eligibility list, all eligible veterans who meet the minimum qualifications for the position and submit application materials that show sufficient evidence of skills transferrable from their military experience shall be interviewed. However, this section does not apply to interviews conducted as part of the process of selecting a candidate for a position from a previously established eligibility list.
3. Scored or Point Based Selection Systems: Eligible veterans will have five points added to their overall score and eligible disabled veterans will have ten points added to their overall score (based on a 100-point scoring method) at each stage of the application process where applicants receive a score. In the case of a tie, preference will be given to a veteran over a non-veteran.
4. Non-Scored or Point Based Selection Systems: For selection processes which do not culminate in a score or point based system, the City of Pendleton will still provide preference to eligible veterans. The details of how the City will apply vary based upon the type of process used to select a candidate for the position. How the preference is applied must be detailed in the recruitment file and clearly documented for each eligible veteran. Consistent methods shall be used for similar selection processes. The following is one example of how preference might be given for a non-scoring selections process—*if applicants are ranked through evaluation of either materials submitted and/or an oral interview, preference might be granted by moving any qualified veteran up one rank from where they initially placed prior to applying the preference*. Similarly, if there is a testing process that includes an interview, written test and/or skills test, and candidates are ranked at the conclusion based upon these combined tests, preference may be granted by moving any qualified veteran up one place in the rankings. This process would clearly apply preference and allow for a clear documentation trail to demonstrate the application of preference for each eligible veteran.
5. Documentation: Managers shall document how the preference was applied at each step of the selection process.

If a veteran is not hired and makes a written request for the reason(s), the manager shall respond, in writing, to describe how the preference was applied, or why it was not applied (failure to show veteran status, failure to meet minimum qualifications, or failure to complete initial applicant screening). The manager may also provide the reasons for the decision not to appoint the veteran to the position. The hiring manager is encouraged to obtain assistance from the Human Resources Manager to ensure that the City's obligation concerning veterans' preference rules are followed.

### ***Hiring Pay Procedures***

Pursuant to Oregon Revised Statute 652.210 et seq, it is the policy of the City of Pendleton to apply equal-pay practices that do not discriminate between employees on the basis of any protected class in the payment of wages or other compensation for work of comparable character (see definition in section below).



The City may pay employees performing work of comparable character at different compensation levels only if the difference in compensation levels is based on bona fide factors related to the position that are based on:

- a. A seniority system;
- b. A merit system;
- c. Education;
- d. Training;
- e. Experience;
- f. Any combination of the above factors

The City may not determine compensation for a position based on current or past compensation of a prospective employee (unless already an employee of the City). This means that hiring managers may not request, solicit, or consider past compensation when setting the starting compensation for a new hire.

In order to ensure that consistent practices are followed when determining hiring pay, the following parameters will be followed for placement of new employees on the salary scale:

Entry Step	New hires that meet the minimum qualifications for the position.
Middle Steps	New hires may be placed at steps falling between the Entry Step and the Top Step for experience exceeding the minimum qualifications to the place that corresponds with their experience as if the experience had been gained at the City*. Also known as a “lateral transfer”.
Top Step	New hires with at least 10 years of experience beyond the minimum qualifications.

\*Note: Year-for-year experience can only be applied when experience was gained in a parallel position. If the prospective employee’s prior experience is similar, but only partially relevant to the City’s position, the hiring manager shall calculate what part of the experience was relevant, and pro-rate accordingly.

Example: According to the Education and Experience section of the job description, the Human Resource Manager position requires Bachelor’s degree and 5 years of HR experience. Prospective employee has a degree and 10 years of experience: 7 in HR Management; 3 in a position with 50% HR analyst duties and 50% payroll duties. So, the 10 years of experience applies to salary scale placement as follows:

- 5 years’ experience - Meets minimum qualifications (entry step) +
- 2 years’ experience - Relevant equivalent experience
- 3 years’ experience - Partially relevant experience – counts as 1.5 years

So, in this example, the prospective employee could be placed on the salary scale at the step equivalent to 3.5 years of experience with the City.

Note: For job descriptions with language that allows “or satisfactory equivalent combination of education and experience”, the general rule of thumb is that it takes 2 years of experience to equal every 1 year of formal education.

All managers requesting to hire a new employee at any step above the Entry step shall submit their request in writing to the City Manager and shall include sufficient details of their calculations to justify the placement of the new hire at the requested step of the salary scale.

***Work of Comparable Character***

Per ORS 652.210-652.235 and OAR 839-008-0010, “work of comparable character” includes substantially similar knowledge, skill, effort, responsibility and working conditions.

In an effort to quantify these characteristics, the City’s Job Descriptions shall be written to incorporate any relevant characteristics as enumerated in the Oregon Administrative Rules, including:

- (a) Knowledge considerations may include, but are not limited to, the following:
  - 1) Certifications, licenses and certificates;
  - 2) Education;
  - 3) Experience; or
  - 4) Training.
- (b) Skill considerations may include, but are not limited to, the following:
  - 1) Ability;
  - 2) Agility;
  - 3) Coordination;
  - 4) Efficiency; or
  - 5) Experience.
- (c) Effort considerations may include, but are not limited to, the following:
  - 1) Amount of physical or mental exertion needed;
  - 2) Amount of sustained activity;
  - 3) Complexity of job tasks performed.
- (d) Responsibility considerations may include, but are not limited to, the following:
  - 1) Accountability, decision-making discretion, or impact of an employee's exercise of their job functions on the employer's business;
  - 2) Amount, level, or degree of significance of job tasks;
  - 3) Autonomy or extent to which the employee works without supervision;
  - 4) Extent to which the employee exercises supervisory functions; or
  - 5) Extent to which an employee's work or actions expose an employer to risk or liability.
- (e) Working condition considerations include the following:
  - 1) Work environment;
  - 2) Hours, which may include, but are not limited to, the following considerations:(i) Alternative scheduling such as split shifts; (ii) Level of busyness during hours of work; (iii) Limited duration assignments; (iv) Number of hours; (v) Overtime hours; or (vi) Part time or full time.
  - 3) Time of day, which may include, but is not limited to, the consideration of shift differentials related to the day of the week or time of day work shifts are scheduled;
  - 4) Physical surroundings, which may include, but are not limited to, the following considerations: (i) Air quality; (ii) Distractions; (iii) Dust; (iv) Exposure to weather; (v) Isolation; (vi) Lighting; (vii) Noise; (viii) Physical design or layout of workspace; (ix) Temperature; (x) Ventilation; or (xi) Wetness.

- 5) Potential hazards, which may include, but are not limited to, the following considerations: (i) Degree or severity of potential injury; (ii) Frequency of exposure; (iii) Intensity; (iv) Physical hazards; (v) Risk of injury; or (vi) Toxicity.

# NEW EMPLOYEES, PROMOTIONS AND TRANSFERS

## ***New Employee Orientation***

New employees are asked to attend a thorough orientation within the first week of employment. This helps ensure positive integration into our operations and helps new employees start a productive and satisfying employment relationship. At the orientation, you will receive detailed information about general policies, procedures, benefits, and basic information on pay and leave policies. Orientation sessions are documented using the New Employee Orientation Checklist, which is signed and dated by you and kept in your employee personnel file.

## ***Probationary Period***

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

Your performance will be evaluated at the middle and end of the probationary period and a decision about your employment status will be made. If you have successfully completed the probationary period, you will be moved to regular status. If skills border on satisfactory, but fall a little short, the probationary period may be extended if there is reason to believe that your skills will improve within the next 30 days. If expectations are not met or skills are unsatisfactory, it is unlikely that your employment will be continued.

Completion or extension of the probationary period does not alter the at-will employment relationship.

## ***Re-employment***

Employees who resign from the City in good standing may be eligible for re-employment. To be considered, former employees must file a new employment application with the City for an available position. Applications received from former employees will be considered and processed using the same procedures and standards that govern all other applicants. When a position becomes available, the hiring manager will review the former employee's performance record and the circumstances surrounding his/her departure from the City. We are not obligated to rehire former employees.

- Employees who were terminated because of a reduction in workforce will receive credit for prior time worked for the purposes of benefit eligibility if they are re-employed within one year of the termination date.
- Employees who voluntarily terminated their employment with the City may receive credit for prior time worked for the purposes of benefit eligibility (subject to management approval) if re-employed within six months of the termination date. However, a new anniversary date will be established based on the date of reinstatement.

- Rehired employees may be subject to a six-month probationary period and may be asked to attend all medical assessments required of employees otherwise hired.

### ***Employment Classifications***

Employee status is categorized to make distinctions in benefits and other employment conditions as well as aid in a better understanding of employment relationships within the City. Employees may be considered as probationary, full-time, part-time, temporary, or on-call. The following definitions apply:

Probationary: Newly hired or promoted employees within the probationary period. Newly hired employees normally earn, but cannot use, benefits.

Regular Full-time: Also known as “Career-Service”, an employee who has successfully passed the probationary period and is regularly scheduled to work 40 hours per week. This classification is normally eligible for benefits.

Regular Part-time: An employee who is regularly scheduled to work less than 40 hours per week. Classification normally is eligible for benefits only if the employee works 20 or more hours per week on average. Benefits may be pro-rated.

Temporary: Also known as “Seasonal” - an employee who is hired for a specified project or period of time, usually no more than six months, or 1040 hours in a year, such as lifeguards. This classification is not eligible for benefits.

Episodic: An employee who works irregularly, not tied to a specific season, such as reserves. This classification is not typically eligible for benefits.

On-Call: An employee who does not have a set schedule and works only when called upon, such as pro-tems or fill-in clerical workers. This classification is not eligible for benefits.

Employees are further classified according to federal and state wage and hour laws as exempt or non-exempt, as described below. The Human Resources Manager will make the appropriate designation regarding the status for each position. If you are uncertain as to your status, ask your supervisor. If you have questions regarding the classification of your position as exempt or non-exempt, or feel that it has not been properly classified, please discuss the matter with the Human Resources Manager.

Exempt: An employee who is exempt from the overtime pay requirements under federal and state wage and hour laws. Exempt employees typically include managers, executives, supervisors, professional staff, and others who are paid on a salaried basis and whose duties and responsibilities allow them to be exempt under federal and state law. In order to be classified as exempt, a position must meet very strict guidelines as defined by the Fair Labor Standards Act (FLSA) and Oregon wage and hour laws.

Non-exempt: An employee whose job calls for overtime payment as appropriate under state and federal regulations. Non-exempt employees are usually paid on an hourly basis and are assigned a regular work shift of not more than 40 hours per

week. Non-exempt employees may be paid on a salaried basis but are entitled to accrue compensatory time or are eligible to get additional overtime payment at a rate of one and one-half times their regular rate for all hours worked over 40 within a workweek.

To assure compliance with the Fair Labor Standards Act, when an exemption classification has not been designated or is otherwise unclear, the position shall default to being overtime eligible (non-exempt).

# EMPLOYMENT RECORD KEEPING

## ***Access to Personnel Files***

The City maintains a personnel record for each employee, and access to those records is restricted to authorized persons only. The personnel records shall be maintained in locked files in the Human Resources Office. Records which may be contained in the Personnel File include: applications, written evaluations, job descriptions, performance counseling notices, correspondence, discipline, commendations and awards, and other information pertinent to employment. Authorized persons typically, are: Human Resources staff; any individuals in a direct line of supervision over the employee, as well as the individual to whom the file applies. The employee may also give written permission for an otherwise unauthorized individual to view his/her file.

Information in the personnel files may be treated as exempt from public disclosure as provided in ORS Chapter 192. Information which cannot be treated as confidential under the law includes: name, job title, salary, and dates of employment with the City. Other information in the files may be subject to public disclosure by order of a court or tribunal of competent jurisdiction.

Your personnel file is available for review by making advance arrangements with the Human Resources Manager. A copy of your personnel records or files will be provided as required by law, but you may be asked to reimburse the City for the reasonable cost of providing copies.

Other types of confidential employment records, kept separate from the personnel file, include:

1. Medical Records - May contain such information as: doctor's notes regarding absence from and return to work, FMLA/OFLA documentation, drug screen results, medical testing results, request for ADA accommodation, etc.
2. I-9s – Employment Eligibility Verification Form and accompanying documentation.
3. Workers Compensation – Includes 801, accident/injury/illness reporting forms, accident investigation documentation, correspondence with the insurer/adjuster, and other medical documentation related to the occupational injury/illness.
4. Criminal Background – Includes authorization for criminal background check, communications from Pendleton Police or Oregon State Police, and other related documentation.
5. Investigation Files – May include investigation notes, reports, photographs, diagrams and other evidence, final reports, communications with labor representatives or attorneys, internal communiqués, conclusions, and letters.
6. Grievance Records – May include original grievance, response, notes from any meetings designed to clarify or resolve the grievance and related documentation.
7. Payroll – May include W-4s, payroll/personnel action forms, union dues records, benefit enrollment documents, time sheets, W-2s and related documentation.

8. Supervisory – May include copies of items from the personnel file (such as performance appraisals, completed disciplinary actions and job descriptions), training records, FMLA/OFLA designation letters, attendance records, work performance expectations or standards, work plan, records of discussions between employee and supervisor (coaching/counseling), complaints.

Numbers 1-4 will be maintained in the Human Resources Office; numbers 5 and 6 may be in either the HR office or the manager's office; number 7 will be in the Finance Department; and number 8 will be located in a secure place in the supervising manager's office.

Employees also may review their medical records, which are kept in a separate locked file. Although all medical information is confidential, the City complies with the Health Insurance Portability Administration Act (HIPAA) when allowing access to employee medical records.

### ***Confidential Employee Records***

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

1. The collection of employee information will be limited to information the City needs for business and legal purposes.
2. Personal information and information in personnel records ordinarily will not be disclosed except as permitted or required by law or as authorized by the employee. The City will only give job references when provided with a written consent to discuss your personnel records.
3. Verifications of employment dates, wages and position held may be provided without written approval.
4. Internal access to employee records will be limited to those employees having a legitimate need-to-know.
5. You are permitted to review your personnel file, and you may correct inaccurate factual information or submit written comments in disagreement with any material contained in your personnel records.
6. All employees have a responsibility not to accidentally disclose information about employees through overheard conversations, mislaid documentation, and faxes, e-mails and hard copies of correspondence sent to a wrong destination. Unauthorized communication of confidential information is regarded as a serious matter.
7. The City of Pendleton's IT Department maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored in the City's systems.
8. All employees are required to follow these principles, as well as any other City policy or practice related to confidential information. Violations of this may result in corrective action, up to and including discharge.



9. Medical records are kept by Human Resources in access-protected folders, separate from master personnel files and are only accessible to Human Resources and the employee. Generally, employees “own” their medical information, which means that without the employee’s permission, the City does not typically inform other employees of an individual’s medical condition(s). Any other access will be allowed only when authorized by the Human Resources Manager upon demonstrated need-to-know (such as a supervisor who must be made aware of an employee’s temporary lifting limit), and then will be limited only to the necessary information, not the whole medical file.
10. Certain confidential information, such as background screening information, and the contents of investigative files, are kept separate from personnel files, and are not subject to review or disclosure.

Oregon law provides that “every person has a right to inspect any public record of a public body in this state.” “Public body” includes cities and counties and other public entities. Although there are some exceptions (such as personnel files), most records in a public body are available to the public for inspections. It is the intent of the City to be responsive to requests for public records. Employees are to forward all requests for public information to the City Attorney.

### ***Change in Personal Data***

Keeping your personnel records current can be important to you with regard to pay, payroll deductions, benefits, and other matters. If you have changes in any of the following information, it is your responsibility to notify the Human Resources Manager in writing:

- Name
- Marital status
- Address
- Telephone number
- Dependents
- Person to be notified in case of emergency
- Job related physical or other limitations that impact employment (including medications that may impair ability to do job)
- Changes in status of driver’s license or CDL if required to drive for the City
- Changes in job related professional licenses
- Conviction of a crime
- Other information having a bearing on your employment

### ***Recycling***

The City endeavors to conduct its business in as environmentally conscious a way as possible. To that end, employees are encouraged to purchase office supplies, such as paper made from recycled products, whenever practical (available and cost-effective). Additionally, recycling containers are located in every work area. All employees are encouraged to use these containers, rather than the garbage, for the disposal of all non-confidential papers.

# **CHAPTER 2 - EMPLOYEE RELATIONS & CONDUCT**

# ETHICS

We believe in treating people with respect and adhering to ethical and fair practices. We expect employees to avoid situations that might cause their personal interests to conflict with the interests of the City or to compromise the City's reputation or integrity. Employees who violate the Ethics Policy or who create an equally detrimental impact on the City will be subject to disciplinary action, depending upon the circumstance, up to and including termination of employment.

We at the City of Pendleton 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 or 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 briefly summarized below. The laws are available in full at the Oregon Government Ethics Commission website <http://www.oregon.gov/OGEC/>.

If you have questions about whether an activity meets the City's or Oregon's ethical standards, please contact Human Resources.

## ***Confidentiality***

Employees working at the City of Pendleton may have access to highly confidential, legally protected, and/or proprietary information. Confidential information includes all information acquired by an employee during the course of employment that is of economic value to the City and not generally available to the public, including legally protected information. Financial data, payroll information, formulas, and business plans are typical examples of information that the City considers to be proprietary and confidential. Our citizens entrust the City with confidential information. The unauthorized disclosure of such information would have a material adverse impact on the integrity of the City and would have an adverse impact on our relationships with business partners and citizens.

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. 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. Employees are subject to appropriate disciplinary action up to, and including, dismissal for revealing information of a confidential nature. Since many times it is difficult to distinguish between common and confidential information, the best rule to follow is not to discuss business information with persons outside of the City unless employees have received prior approval from their manager.

All information acquired by an employee during the course of employment is to be used solely for the benefit of the City and, through the City, for the benefit of our citizens. The use of such information for personal advantage or disclosure to others is strictly prohibited. Likewise, any materials developed by our employees in the performance of their jobs, is the property of the City. Employees may not take this material with them when they leave our employment, remove it from our offices for non-work related reasons, or copy or distribute it to persons or companies, other than as required in the course of business, without written approval from the City Attorney.

### ***Misrepresentation***

As a City employee, you should consider how you represent us in your business transactions and interactions. You should be careful not to misrepresent our policies, practices, procedures, or prices. You are also prohibited from misrepresenting your status and authority to enter into agreements. You may not use the City's name, logo, likeness, facilities, assets or other resources, or the authority of your position with the City for personal gain or private interests.

### ***Outside Employment***

Outside employment that creates a conflict of interest is prohibited. Employees are prohibited from receiving any income or material gain from individuals or organizations outside the City for materials produced or rendered while performing their jobs for the City.

Employees may hold outside employment if the additional work does not interfere with, or adversely affect their performance at the City; does not create a conflict of interest; does not use the City's time/equipment/property/premises; does not discredit the prestige or influence of one's position; does not involve actions that may be subject to review or control by the City; and does not otherwise detract from, or discredit, the City of Pendleton.

An employee proposing to accept outside employment must notify his/her manager. If the manager believes that the proposed outside employment may represent a conflict with the employee's City duties, the manager must refer the matter to Human Resources to determine if a conflict of interest exists, and if so, to provide the employee with written notice to that effect. Such notice must set forth the reasons the proposed activity is believed to be in conflict with the employee's duties.

### ***Off Duty Conduct***

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

For purposes of this section, off-duty activities also include participation in online activities, including, but not limited to, forms of online publishing and discussion such as blogs, wikis, file-sharing, user-generated video and audio, virtual worlds, and social networks.

### ***Criminal Acts***

Employees are required to report if they are convicted of any misdemeanor or felony, including a DUII. Upon conviction, the employee must report the matter to their supervisor or Human Resources within two business days and must submit documentation concerning the conviction.

Conviction of a crime is not an automatic bar to continued employment. The Human Resource Manager will review the underlying facts of the matter; any action taken will be on a case-by-case basis, taking into account the totality of the circumstances. Outcomes may range from no action to disciplinary action up to and including discharge.

Failing to report a conviction constitutes grounds for discharge. Furthermore, misrepresentation of the circumstances of the events can serve as grounds for discharge.

Employees who are unavailable to report for work due to incarceration may be subject to disciplinary action, including discharge.

### ***Conflict of Interest***

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

### ***Gifts, Prizes and Promotional Items***

No City employee shall accept any gift, service, or favor, which would lead toward favoritism or the appearance of favoritism in any way.

Employees may keep prizes and awards offered to attendees of conferences, seminars, or professional gatherings as a result of attendance or for winning a contest or game, but such prizes become the property of the City. Promotional items, such as pens, pencils, notebooks, notepads, cloth or canvas bags, snack foods, etc., that are offered to all attendees, or that are meant to be used during the course of the event are excluded from this rule. Employees may keep these items for their personal use. The total cumulative value of gifts is limited to \$50 per year. Employees who accept gifts are responsible for keeping a record of the gifts received and their respective values. Gifts are defined as "something of economic value" and includes such things as meals, entertainment, travel, and discounts that are not available to the general public, all of which are generally prohibited, except in specific, limited circumstances.

### ***Solicitation and Bulletin Boards***

To make sure employees are not disturbed or interrupted while on work duty, we have established the following no-solicitation policy:

Individuals who are not employed at the City may not solicit our employees while on duty or distribute literature on City property at any time.

If you wish to solicit or distribute literature to other employees by or on behalf of any individual, organization, club, or society, you may do so only during times when you are on a rest or lunch break. You may solicit or distribute literature only to those employees who are also on a rest or lunch break. The distribution of literature in work areas is prohibited at all times, but you may place it in established break areas or lunchrooms.

Obscene, profane, or inflammatory items and political advertisements or solicitations are strictly prohibited.

You may not solicit, expect, or accept contributions from vendors, citizens, or anyone doing business with the City.

You may not sell merchandise or collect funds of any kind without prior approval from the City Manager.

We use our bulletin boards to post up-to-date information, notices, safety committee minutes, health promotion program news and other City or local health related events as well as information required by law. We also use them to announce activities and other items of interest to employees. We ask that you check the bulletin board regularly to obtain information that may be important to you. Bulletin boards are to be used only for posting or distributing notices or announcements of a business nature that apply equally and are of interest to all employees or are directly concerned with City business.

### ***Political Activity***

Oregon law provides that “No public employee may solicit money, influence, 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 a public employee to express personal political views.” Employees may express personal views, including wearing buttons, while on the job as long as it does not interfere with their work (including disturbing or bothering co-workers) or does not violate department rules such as uniform policies.

### ***Personal Gain***

City employees may not use or attempt to use their official position or office to obtain personal financial gain or to avoid a personal financial loss if the opportunity would not otherwise be available but for their holding the official position or office. Examples would include: purchase of personal items at city discount rates, use of city facilities, tools and equipment or city employees on city time for personal projects. This rule does not prohibit City employees, officers, or volunteers from access to City resources or services that are available to the general public.

# WORKPLACE RULES

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

## ***General Rules***

1. All employees shall maintain a positive and cooperative working relationship with co-workers, other staff, citizens and any others who do business with the City.
2. Employees shall work and complete assignments that meet job standards.
3. Employees shall not neglect their job duties or responsibilities, nor refuse any assigned work, which is within or related to their job responsibilities.
4. Employees must fulfill their responsibilities to the City. No willful action, which detracts from the quality or quantity of work, service, safety and health or public image will be acceptable.
5. An employee must be available for work as scheduled. In most departments, the schedule will not be changed except in case of emergency.
6. Employees are expected to be at their workstations at their scheduled starting time and comply with scheduled times for break and meal periods. Employees will not leave their scheduled workday early, or work overtime, unless authorized by their supervisor.
7. Employees shall not gather on work premises to conduct personal business during their working time.
8. Employees shall be responsible for all City property that has been placed in their custody.
9. Employees must immediately report all work-related injuries, accidents, or illnesses to their supervisor or Human Resources.
10. Employees are required to promptly notify the appropriate designated person of any changes in personal status, such as name, address, or telephone number. Please see the Change in Personal Data Section on **Page 1-17** of this Manual.
11. Employees are expected to be well-groomed and dressed appropriately for the work they are doing. A clean, neat, and professional appearance is a requirement for the City of Pendleton. It is expected that all employees will exercise good judgment and remember that they represent the City while they are on the job. Clothing with business advertisements could be seen as official endorsements by the City; therefore should not be worn at work. Employees shall observe any specific dress

requirements, including safety attire, as adopted for their specific department, division and/or assignment.

12. Employees must display respectful and tolerant behavior of co-workers and citizens.

### **Core Values**

1. **Respect** Recognizing the value of diversity and treating each person with dignity, fairness, and respect. Demonstrating self-respect and regard for others and their property. Honors, and does not belittle the opinions of others.
2. **Integrity** Demonstrating principles such as trustworthiness, honesty, and conformance to professional ethics. Performing one's duties to enhance the public trust. Making prudent decisions.
3. **Caring** Being responsive to the needs of customers, co-workers, and the public. Demonstrating professionalism through mastery of skills and dedication to work. Performing work carefully and safely.
4. **Responsibility** Being accountable for actions. Cultivating customer trust through competence, courtesy, and honoring of responsibilities. Being dependable, timely, and mindful that work performed reflects on the City.
5. **Citizenship** Is a good steward of public resources, using them only in support of the City's work. Performs work efficiently, effectively, and economically. Adheres to laws, rules, and regulations. Works well independently of the boss.
6. **Cooperation** The ability to work willingly and well with associates, co-workers, and the public. Communicating appropriately and showing dedication to teamwork principles. Contributing positively to the work environment.
7. **Industriousness** Demonstrating strong work ethics through commitment to excellence in work, being reliable in attendance and meeting obligations. Is innovative, self-motivated, and solutions oriented.

### **Firearms Policy**

Employees are not allowed to carry firearms while on the job, with the exception of law enforcement officers and those other employees authorized under this policy.

Authorization of an employee must be in writing and approved by the Police Chief. A copy of the authorization will be placed in the employees work file with the Human Resources Department.

1. **Liability**. Employees authorized to use a firearm under this policy are not exempt from liabilities associated with creating life-threatening or potentially hazardous situations due to their own negligence. When a firearm is not under the control of the employee it is to be properly stored and secured.
2. **Airport Wildlife Hazard**. Discharge of a weapon on the Airport is strictly limited to employees specifically authorized in writing to, and engaged in, the performance of



official duties associated with wildlife hazard management to ensure aviation safety.

3. Vermin Control. Authorized employees may be assigned responsibility for vermin control at the cemetery or other City grounds.
4. Weapon Type. Authorization will include the type of firearm allowed. Employees engaged in wildlife management or vermin control may be allowed to use a pellet, air, BB, rimfire and/or centerfire long gun(s) not to exceed .223 caliber for such purposes. Oregon laws and City Ordinances (Ord. 3409, Section 5) must be followed regarding the discharge of weapons within City limits.
5. Background/Training. An employee seeking authorization may be required to pass a criminal background check and/or be required to participate in annual training designed and delivered by a firearms instructor within the police department that certifies safety and marksmanship proficiency. It is the responsibility of the employee and their supervisor to ensure annual certification is maintained.

### **Examples of Offenses for Which Disciplinary Action May be Immediately Taken**

1. Failing to properly document time on own time records.
2. Interfering with the work of others, their ability to complete work assignments, or in the performance of their assigned duties.
3. Smoking.
4. Littering on premises.
5. Engaging in "horseplay" on City's premises or during work time.
6. Being late or absent without authorization. Any employee absent for three consecutive workdays without notifying the City or failing to return from an authorized leave of absence shall be considered to have voluntarily resigned.
7. Engaging in immoral conduct while on the job.
8. Abusing time allowed for rest breaks and meal periods (i.e., taking longer breaks than allowed, skipping breaks, or attaching breaks to meal periods or the beginning or end of a shift).
9. Using the phones/computers or other equipment for personal use or conducting personal business during working hours.
10. Soliciting for any purpose during working time or distributing literature for any purpose during working time or in working areas without prior approval of the City Manager.
11. Using abusive or profane language while on premises.
12. Performing job duties in an unsafe or careless manner.

### **Examples of Offenses That May Result in Termination of Employment**

1. Bringing onto the premises firearms or weapons of any kind (unless the use of such is required for the position), intoxicating beverages, drugs or chemicals not medically required.
2. Use of alcohol or drugs or being under the influence of alcohol, drugs, or intoxicants of any type while at work. (Note: any employees on prescription or over-the-counter medication, which may affect performance, are required to notify their supervisor **before** beginning their assigned work shift.)
3. Engaging in any criminal activity.
4. Falsifying forms, reports, or records, including timecards (yours or another employees).
5. Falsely stating or making claims of injury or illness.
6. Leaving work before the end of the shift without authorization of the supervisor.
7. Unauthorized removal of any City property, equipment, products, records or other materials, or property belonging to another employee.
8. Striking out or hitting anyone, regardless of the reason, or provoking anyone into striking or threatening any person.
9. Destroying City property, tools, or equipment either deliberately or through willful neglect.
10. Insubordination and/or refusing to follow directions or instructions from your supervisor or other authorized person.
11. Violating safety or health rules or practices or engaging in conduct that creates a safety or health hazard.
12. Physical or verbal abuse of a citizen, vendor, other employee, or any other individual.
13. Engaging in any form of discrimination or harassment, including sexual harassment.
14. Sleeping while on duty.

This information regarding unacceptable practice/behavior is to provide guidance for employee actions. You are urged to use reasonable judgment and to seek supervisory advice in doubtful or unclear situations. If all employees do their best to meet both the spirit and intent of these guidelines, employee disciplinary issues should be minimal. It is our policy to resolve conduct and performance problems in the most informal and positive manner possible. However, violations of workplace rules will result in corrective action, up to and including termination of employment.

We also believe that all of our employees should be heard in matters involving discipline; therefore, we have adopted a formal Dispute Resolution Procedure, which can be found on **Page 1-8** of this Manual. Union employees should consult their labor contract for their specific appeal procedures.

# COMMUNICATIONS AND SOFTWARE SYSTEMS

## ***Electronic Communication Systems***

It is the City's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the City are the property of the City of Pendleton. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic communication devices. The City may audit and monitor phone calls, messages, internet, and other usage. Any personally owned electronic communication devices an employee uses for city business are also governed by this policy. The City follows the standards and practices set by the Oregon Government Ethics Commission. Work-related email or text messages stored on a personal or city-owned electronic device is subject to the Oregon Public Records law.

1. Policy Statement This policy applies to all electronic communication devices, including telephones (both land-line and cellular), Smartphones, fax machines, computers and similar devices. The City provides electronic communication devices specifically to facilitate the carrying out of official business and not for the convenience or personal use of employees. The use of City-provided communication devices will be limited to work-related duties. Exceptions to this will be made when a personal call or e-mail is directly related to official duties such as notifying family of an unexpected delay or a last-minute change of schedule. Incoming calls or e-mails regarding family emergencies are also permitted. Calls about personal appointments are permitted. Personal telephone calls made during working hours from public employers' land lines should be brief and infrequent. Personal long-distance calls may not be made on City telephones even if reimbursed. If it becomes necessary for a City employee to make personal long distance calls while at work, such calls must be made with the employee's personal phone, by calling card or by calling collect.
2. Applicable Law - The Oregon Government Ethics Commission Advisory Opinion No. 98A-1003 prohibits all personal use of City-provided equipment. The relevant Oregon Revised Statute is ORS 244.040.
3. Assignment of Phones The City may require that employees in certain positions carry a cell phone for job related purposes. If so, required the City may assign a City owned cellular phone for the employee's work related use. Alternatively, at the discretion of the department head and upon agreement of the City Manager, a cell phone allowance of \$20 per month may be paid to an employee for the use of their personal cell phone in lieu of being assigned a City cellular phone. Employees accepting the monthly allowance in lieu of a City cellular phone will be responsible for acquiring their own cellular phone and calling plan, which they agree to use for City business according to the job requirements assigned by their manager. This includes listing of the employee's personal cell number as needed. If assigned, the employee will receive the cellular phone allowance in monthly payment as part of compensation through the City payroll system. This cell phone allowance is considered income to the employee as defined by the Internal Revenue Service and is therefore subject to standard payroll taxes. Assignment of a City cellular phone or a monthly cell phone allowance for any employee is at the sole discretion of the City. Thus, the City reserves the exclusive right to modify or discontinue such assignment, allowance, or practice at any time for any reason. Employees

assigned a City phone, or paid a cell phone allowance must be able to be reached via the phone.

4. Personal Cell Phones Employees compensated for the use of their personal cell phone for work purposes must limit their personal calls and text messages during working hours as described in Section 1. above. Making or returning of non-emergency calls and texts should be done on the employee's own time (meal or rest breaks or before or after work). Employees who are not compensated for the use of their personal cell phone for work purposes are encouraged to check messages and return calls or texts during their break times.
5. Cell Phone Use While Driving Oregon law prohibits the use of hand-held mobile communication devices while driving. There is an exception for emergency and public safety personnel, for the use of two-way radios, and for anyone who is summoning emergency assistance. Additionally, you could be charged with dangerous or reckless driving if you cause an accident while distracted. It is important both for safety and for the image of City drivers that common sense and courtesy prevail when using cellular phones while operating City vehicles. Supervisors have the authority to restrict or prohibit use of cellular phones at any time on the job when they consider such situations to present a safety hazard to the employee, co-worker, contractors, and/or to the general public and private property.

Mobile phone use while driving a vehicle on City business:

- a) Employees who have voice mail service or hands-free equipment for the phone should use these services to avoid distractions.
- b) Place the phone in your vehicle where you can reach it without removing your eyes from the road.
- c) If at all possible, use your cellular phone when parked, or have a passenger use the phone. Conversations should be kept to a minimum.
- d) If your phones rings when you are driving -- especially during hazardous conditions -- let your cellular voice mail service take the call and listen to the message later when you are parked, or pull over before answering, if traffic conditions permit.
- e) Suspend conversations immediately during hazardous driving conditions and avoid all stressful conversations or situations that distract you while driving.
- f) Whenever possible, place all calls when the vehicle is not moving.
- g) Mobile phones may be used to call for help in emergencies. Employees are not expected to offer additional assistance beyond calling for help, but may do so if trained, able and willing.
- h) Do not engage in the use of a mobile phone while at any work site during which the operation of a cellular phone will be a distraction to the user and/or may create an unsafe environment such as where there is road repair, maintenance or construction and is absolutely prohibited where blasting is likely.
- i) Do not engage in the use of a mobile phone while operating moving, motorized, off-road (maintenance/construction type) equipment. Even hands-free cellular phone usage will not be authorized while operating this type of equipment unless the equipment has been properly stopped and taken out of gear or turned off.

Violation of any of the provisions of this Policy may result in disciplinary action, up to and including termination of employment.

### ***Electronic Mail System***

Employees are expected to be courteous to other users of the e-mail system and always conduct themselves in a professional manner. E-mail messages are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. You should write e-mail communications with no less care, judgment, and responsibility than you would use for letters or internal memoranda written on City letterhead. As with all other communications, e-mail messages are part of the public record, which make them subject to disclosure.

You should know that even when a message is erased through e-mail it may still be retrieved and read. We expect employees to respect others' privacy, and not retrieve or read electronic messages unintended for them unless authorized to do so. The use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the City's information technology representative (IT Manager) when required. You have no right of personal privacy in any matter stored in, created, received, or sent over the City's e-mail system.

### ***Software & Hardware***

To protect the integrity of our systems, all software and hardware acquisitions must be pre-approved with the IT Manager. Personal or downloaded software for business purposes may only be installed after authorization.

A virus check of all such software must be performed by IT department and authorized for integrity and compatibility before it is installed on any City computer. A virus check must also be made of any disk originating or used on any computer outside of the City before being used on a City computer. Copy or transfer of City-owned software is generally not allowed. Requests for transfer or copy that may be permissible must be with the written authorization of the IT Manager or City Manager. You have no right of personal privacy in any matter stored in, created, or received in the City's computer system.

Employees may not bring or use their privately-owned computers, scanners, printers, or other peripheral computer equipment for City work.

Under no circumstances are employees allowed to access, view, download, send or possess any pornographic images on their computers or other electronic systems. Exceptions may be authorized only if a part of an employee's official duties (such as an active criminal investigation). Accidental contact, such as an unsolicited spam email, or inadvertent connection to a pornographic website, must be deleted, junked or connection terminated immediately. IT should be contacted for assistance if such occurrences become common.

Games are not allowed to be used on City computers, except in the context of training. If not needed for training, games should be removed from City computers.

Unless required as part of your job and for City purposes, participation in online activities, including, but not limited to, forms of online publishing and discussion such as blogs, twitter, file-sharing, user-generated video and audio, virtual worlds, and social networks during working hours is prohibited except during an employee's break time.

### ***Voice Mail System***

The voice mail system at the City belongs to the City and is provided for use in conducting City business. All communications and information transmitted by, received from, or stored in this system are City records. The voice mail system is to be used for City business only. Use of the system for personal purposes is prohibited. You have no right of personal privacy in any matter stored in, created, received, or sent over the voice mail system. You are not authorized to retrieve or listen to any voice mail messages that are not sent to you. Any exception to this policy must be approved from management officials with authority to waive the policy.

The City in its discretion, reserves, and may exercise, the right to monitor, access, retrieve, and delete any information stored in, created, received, or sent over any City electronic system for any reason without employee permission. Please remember that documents, data, and messages on the City's computers and voicemail system are subject to public record and disclosure laws.

### ***Social Networking and Blogging***

The City of Pendleton takes no position on any employee's decision to start or maintain a social media blog or participate in other social networking activities on their own time. However, it is the right and duty of the City to protect itself from unauthorized disclosure of information. The City's social networking policy covers City-authorized social networking and personal social networking and applies to all employees.

#### **1. General Provisions**

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with the City.

Unless specifically instructed, employees are not authorized and therefore restricted from speaking on behalf of the City. Employees are expected to protect the privacy of other employees and clients and are prohibited from disclosing personal employee and nonemployee information and any information to which employees have access through work. This policy does not prohibit employees from exercising their rights under applicable employment relations laws.

#### **2. Authorized Social Networking**

Authorized social networking is social networking or blogging on behalf of the City of Pendleton which has been authorized by the City. Authorized social networking and blogging is used to convey information about City services, promote and raise awareness of City activities and events, and issue or respond to breaking news or negative publicity.

The goal of authorized social networking and blogging is to become a part of the community conversation and promote web-based sharing of ideas and exchange of information. When social networking, blogging, or using other forms of web-based forums, the City must ensure that use of these communications maintains our integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

#### **3. Personal Blogs/Social Networking**

The City of Pendleton respects the right of employees to write blogs and use social networking sites, the City does not want to discourage employees from self-publishing and self-expression and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes. Using City time for such activities, however, is prohibited.

If you choose to identify yourself as a City employee, please understand that some readers may view you as a spokesperson for the City due to your content including text and images. Because of this possibility, we ask that you state that your views expressed in your blog or social networking area are your own and not those of the City, nor of any person or organization affiliated or doing business with the City. In order to avoid misrepresentations, employees should not portray themselves in City uniforms or any official City capacity on non-work authorized networking mediums.

#### 4. Employer Monitoring

Employees are cautioned that they should have no expectation of privacy while using the internet at work, subject to lawful access to public postings. Postings can be reviewed by anyone, including the City of Pendleton. The City reserves the right to monitor comments or discussions about the City, its employees, and clients. The City does not, however, have the right to ask any employee for the passwords to their personal (not work related) social media sites.

Employees are cautioned that they should have no expectation of privacy while using City equipment or facilities for any purpose, including authorized blogging.

## **COMPUTER SECURITY AND USE POLICY**

### ***Overview***

The intentions for publishing a security awareness and acceptable use policy are not to impose restrictions that are contrary to the established culture of openness, trust, and integrity. City of Pendleton is committed to protecting all employees, partners and the City from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and File Transfer Protocol, and National Crime Information Center are the property of City of Pendleton. These systems are to be used for business purposes in serving the interests of the City, and of our clients and customers in the course of normal operations.

Effective security is a team effort involving the participation and support of every City of Pendleton employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

### ***Purpose***

The purpose of this policy is to outline the acceptable use of computer equipment at City of Pendleton. These rules are in place to protect the employees and City of Pendleton. Inappropriate use exposes City of Pendleton to risks including virus

attacks, compromise of network systems and services, and legal issues, and to prevent accidental disclosure of sensitive information.

### **Scope**

This policy applies to employees, contractors, consultants, temporary employees, and all other workers at City of Pendleton, including all personnel affiliated with third parties who have access to City computers, servers, or databases. This policy applies to all equipment that is owned or leased by City of Pendleton.

### **Policy**

#### **General Use and Ownership**

1. While network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the City systems remains the property of City of Pendleton. Because of the need to protect the network, management cannot guarantee the confidentiality of employee's personal information stored on any device belonging to City of Pendleton.
2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use (see the Communications and Software Systems section of this Handbook).
3. IT recommends that any information that users consider sensitive or vulnerable (such as CJIS information) be encrypted.
4. For security and network maintenance purposes, authorized individuals within City of Pendleton may monitor equipment, systems, and network traffic at any time.
5. City of Pendleton reserves the right to audit city owned networks, systems, and devices on a periodic basis to ensure compliance with this policy.

#### **Security and Proprietary Information**

1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential. Examples of confidential information include but are not limited to: credit card information, proprietary information belonging to customers, personnel records, or information contained in the Criminal Justice Information Systems (CJIS). Employees should take all necessary steps to prevent unauthorized access to this information.
2. Keep passwords secure and do not share accounts or passwords unless required by IT. Authorized users are responsible for the security of their passwords and accounts. Domain (City login) passwords should be changed at least once per year and shall meet complexity requirements.
3. All PCs, laptops and workstations will be secured with a password-protected screensaver with the automatic activation feature set at 15 minutes or less.
4. Employees must secure their workstations by logging off or locking (control-alt-delete or Windows key + L for Windows users) when the device will be unattended.



5. Because information contained on portable computers is especially vulnerable, special care should be exercised.
6. Postings by employees from a City of Pendleton email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of City of Pendleton, unless posting is in the course of business duties.
7. All devices used by the employee that are connected to the City of Pendleton Internet/Intranet/Extranet, whether owned by the employee or City of Pendleton, shall be continually executing approved virus-scanning software with a current virus database.
8. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain malicious software, malware or trojan viruses.

### ***Unacceptable Use***

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee of City of Pendleton authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing City of Pendleton-owned resources.

The lists below are by no means exhaustive but attempt to provide a framework for activities which fall into the category of unacceptable use.

### ***System and Network Activities***

The following activities are strictly prohibited, with no exceptions:

1. Unauthorized access, copying or dissemination of confidential information (i.e., NCIC information, personnel files).
2. Installation of any copyrighted software for which the City or user does not have an active license and/or was not approved for installation by IT.
3. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by City of Pendleton.
4. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which City of Pendleton or the end user does not have an active license is prohibited.
5. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The

appropriate management should be consulted prior to export of any material that is in question.

6. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
7. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
8. Using a City of Pendleton computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
9. Making fraudulent offers of products, items, or services originating from any City of Pendleton account.
10. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
11. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
12. Executing any form of network monitoring which will intercept data not intended for the employee unless this activity is a part of the employee's normal job/duty.
13. Circumventing user authentication or security of any host, network, or account.
14. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
15. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
16. Providing information from NCIC to any parties outside the City of Pendleton.

### ***Email and Communications Activities***

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of discrimination or harassment via email, telephone, or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within City of Pendleton's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise,

any service hosted by City of Pendleton or connected via City of Pendleton's network.

7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

### ***Enforcement***

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment, and for violations involving NCIC/CJIS information could include civil or criminal prosecution.

### ***Definitions***

*Spam* Unauthorized and/or unsolicited electronic mass mailings.

## **MEDIA COMMUNICATIONS**

**POLICY:** It is important to accomplishing the mission of the City to communicate clearly and accurately with the community. City employees shall respond to all requests from the media regarding city business in compliance with this policy. All employees should be mindful that they may be recognized as a representative of the City of Pendleton, even when outside the workplace. Nothing in this policy is intended to violate employee rights under ORS 260.432.

1. Only Department Heads or their designees are allowed to respond to questions from the media about city business.
2. Other than the City Manager, employees, as a representative of the City, are only allowed to speak to items within their departments and if asked for information otherwise will direct media to the appropriate contact person.
3. Department Heads/designees, as a representative of the City, will take care to avoid commenting to the media in favor of or against matters that are or will be brought before the City Council.
4. When talking with the media as a representative of the City, Departments Heads/designees will take care to avoid making statements which are not aligned with the direction of any part of the City or the City as a whole.
5. Employees are expected to communicate with their supervisor when they recognize issues that may become politically divisive. Department Heads/ designees should inform the City Manager prior to responding to questions from the media whenever possible, or as soon as practical afterward if not able to beforehand.
6. Letters to the editor, comments on websites, or any response by an employee, as a representative of the City, to a media story regarding a City matter already published or aired will be done so only through the City Manager.

# PERFORMANCE MANAGEMENT AND REVIEW

In order to establish a meaningful performance evaluation system, all employees will receive regularly scheduled performance evaluations at least annually.

The objectives of our performance management and formal appraisal processes are:

- To ensure that each employee knows how he/she is performing against established performance standards;
- To determine how well the City is doing in assisting with work performance and objectives;
- To ensure communication and two-way feedback;
- To provide a tool for career planning; and,
- To provide a permanent record of employee performance and City contributions.

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

- Employee training;
- Assigning, directing, controlling, and reviewing employee work;
- Communicating performance deficiencies to employees and assisting them in identifying appropriate corrections; and,
- Objectively evaluating employee performance during the evaluation period.

Our performance appraisal program is intended to be participatory. Therefore, it should involve input from both you and your supervisor. This allows you to contribute to your own growth and improvement. Consequently, you are encouraged to:

- Inquire about your performance periodically;
- Accept responsibilities and show initiative;
- Be accountable for your performance;
- Work toward performance or skill improvement if deficiencies are noted;
- Ask for assistance in developing a goal-oriented path for your career; and,
- Learn about training available to assist you in improving your skills or qualifying for a promotion or lateral transfer.

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

## CORRECTIVE ACTION

Our high performance expectations reflect our belief that everyone benefits when we work together and conduct ourselves in a manner that reflects the best interests of both the City and its employees. It is the philosophy of the City to correct performance deficiencies and address violations of policies or work rules in order to correct undesirable behavior, avoid repetition, and mitigate liabilities.

Before taking any disciplinary actions, a prompt and thorough investigation will be conducted. Such inquiry will include taking statements from any known witnesses, as well as consideration of any material evidence, including City records. All employees are expected to be truthful and cooperate with the investigation. The accused will be given the opportunity to provide additional information for consideration, explain any mitigating circumstances or to clarify any misunderstandings before any decisions are reached. The investigation process will be conducted by impartial management representatives, typically including the Human Resources Manager. To the extent possible, investigations will be treated confidentially.

You will be informed if corrective action is necessary as soon as possible after any performance problem has been identified. Your manager or supervisor will discuss the situation with you, explaining the policy and the necessity of corrective action to avoid future performance or behavioral situations that could lead to further disciplinary action. You will be informed of the facts and observations leading to the decision to take corrective action as well as the proposed corrective action measures to be taken.

Corrective action may include any of a variety of actions depending on the circumstances and severity of each situation. Although the seriousness of a particular violation may warrant skipping any of these steps, the process is typically administered in a progressive fashion that allows the employee opportunity to correct their performance or behavior.

1. Pre-Discipline Coaching, warnings, re-training, letter of expectation, and verbal or written counseling are all pre-disciplinary measures that may be used to correct minor deficiencies in performance or behavior. Such correction should be conducted in private, and as soon as possible after the offense has occurred. It may be confirmed in writing by the supervisor for future reference, but will not be made a part of the employee's personnel file. If written, it should be signed by the employee in acknowledgement of receipt and understanding. This is considered "pre-disciplinary". The intent is to clearly communicate performance expectations so that discipline will not be necessary. It is not subject to grievance.
2. Reprimand for more serious violations or when an employee has had a previous verbal or written counseling or warning for minor offenses and has failed to take the necessary corrective action. Written documentation will contain the facts surrounding the offense, previous counseling (if any) plan of action for correcting the offense, and reference to the fact that further disciplinary action will be necessary if the offense is not corrected, or is repeated. The employee will be asked to sign a copy of the documentation before it is placed in the personnel file. Employees are given a copy of all written reprimands.
3. Suspension/Demotion/Pay Reduction may be used for serious violations of policy or when previous counseling and written reprimands have been ineffective in modifying the

behavior or performance of the employee. This may be the final step in the disciplinary process before discharge.

- a) Suspension - A removal of the employee from the workplace for a specified period of time without pay. Suspensions will be documented in the personnel file and the employee will receive a copy.

NOTE: A non-disciplinary suspension may also be used in certain circumstances to remove an employee from City premises during an investigation into allegations that could result in disciplinary action. This suspension may be paid or unpaid.

- b) Demotion may be used when an employee has demonstrated that they cannot successfully perform the functions of their position, but may be able to successfully perform in another position. Demotions will be documented in the personnel file and the employee will receive a copy.
  - c) Pay Reduction - A one-step pay reduction for a specified period of time. This may be particularly useful when other forms of discipline may be impractical (such as suspension of an employee in a very small work group) or unavailable (there is no position for an employee to demote to). Pay Reductions will be documented in the personnel file and the employee will receive a copy.
4. Discharge for violations of a nature that warrant it, or when previous disciplinary action has not been effective. Supervisors are required to obtain upper management approval prior to initiating any discharge action. All documentation and decisions must be reviewed and approved by Human Resources and the City Manager, before discharge occurs. Discharge decisions are confirmed in writing for the personnel file. The discharged employee also receives a copy.

Together with a corrective action from number 2 or 3 above, Last-Chance Agreements may be used in limited instances to offer an employee a final opportunity to demonstrate that they can meet performance expectations and/or comply with City standards. This agreement is signed by the employee, the supervisor and the City Manager to memorialize all parties' understanding of the expectations and potential outcomes. The agreement will document the understanding that if the employee fails to comply with the terms for success set out in the agreement, that the employee will be terminated from employment. This agreement will clearly outline expectations of compliance in order to remain employed by the City.

Referral to an Employee Assistance Program (EAP) may be another tool used in lieu of other forms of discipline. In some cases the EAP may be used in conjunction with other discipline to elicit the change in performance or behavior.

The corrective action process need not be progressive (commence with verbal counseling and end with discharge) or include each step. The choice of discipline should be appropriate to the situation and circumstances, with an eye on consistent application of the rules and consequences. The above options are not to be seen as a process in which one step always follows another. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or a subsequent offense. Egregious actions may warrant discharge, even if there is no history of prior discipline. Consideration will be given to the seriousness of the offense, the intent and motivation of the employee to change the performance, and the environment in which the offense took place. Nothing in this section precludes the City from exercising its options as an at-will employer, so employees should not assume that the City will progressively work through the methods listed to help you improve your performance.

The City supports use of the Dispute Resolution Procedure on **Page 1-8** of this Manual if you feel you have been unfairly treated or unjustly disciplined. Represented employees should also refer to their collective bargaining agreement for applicable disciplinary processes.

# VEHICLE USE POLICY

City owned motor vehicles are utilized in a variety of applications by multiple departments and employees. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of City owned vehicles are hereby established. The term "City owned" as used in this section refers to any vehicle owned, leased or rented by the City.

## ***DRIVING RECORD & RULES***

Employees assigned to routine scheduled field duties may be assigned a vehicle to perform those duties. While on City business, drivers are expected to follow all City policies for safe operation of vehicles, including:

- Drivers are to obey all traffic laws, posted signs, signals, and requirements applicable to the vehicle being operated.
- Make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions.
- Seatbelts are always to be used in all vehicles while on City business.
- Cell phones may be used only in accordance with established procedures (see cell phone policy).
- Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on City business; operating a vehicle under the influence of alcohol or controlled substances (including medications that cause impairment) is prohibited.
- Maintain a valid driver's license and satisfactory driving record. Employees are responsible for notifying their manager of any restrictions, limitations, or other change in their driving status as soon as possible.

The City may verify the validity of employee's driver's license and/or driving record at any time. Any traffic citations, including parking tickets, received while at work are the responsibility of the employee and will not be reimbursed by the City. Suspended licenses for employees required to drive as part of their assigned duties may be grounds for discipline up to and including discharge from employment.

## ***UNSCHEDULED USE OF VEHICLES***

All City-owned vehicles/equipment will be used for official City business, and not the employee's personal use. Personnel utilizing a vehicle for any purpose other than scheduled field duties shall notify the Supervisor and indicate the operator's name, vehicle number, and reasons for use. Using City vehicles for unauthorized purposes may result in disciplinary action.

## ***AUTHORIZED PASSENGERS***

Personnel operating City owned vehicles shall not permit persons other than City employees, or persons required to be conveyed in the performance of duty, to ride as a passenger in their vehicle, unless authorized by a Supervisor or the City Manager. Please use the Passenger Authorization form for such occasions.

## ***COMMUTING & ASSIGNED VEHICLE AGREEMENT***

Employees may not use City owned vehicles to commute from work to home. Exceptions may be made when the use of a City vehicle is done as part of the official duties and



responsibilities of the employee and when acting in their official capacity. Such limited circumstances may include:

- 1) The employee works in an emergency services department (Police or Fire) and the vehicle is necessary for timely emergency response; or
- 2) The employee is subject to other types of emergency call-out and:
  - a) The vehicle is equipped with specialized emergency response tools, supplies, or equipment necessary for the response; and
  - b) Reporting to the City work premises to pick up a specially equipped vehicle would cause undue delay in making a timely response to the emergency; and
  - c) The emergency response is required as part of the employee's job duties; and
  - d) Emergency response is required on a regular or frequent basis.

Any vehicle assignments in category 2) above will be evaluated on a case-by-case basis and must be approved by the City Manager.

The assignment of vehicles is at the discretion of the Department Head and/or City Manager. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time. Where emergency call-out duties are rotated amongst employees, the permission to drive a vehicle home for such response may also be rotated.

Any employee assigned a City vehicle agrees that the vehicle shall only be used for work related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the supervisor gives authorization.

Additionally, employees authorized to take home City vehicles agree to meet the conditions of this policy and the following criteria:

1. The employee lives within a 30 minute response time of the Pendleton City limits (rules of the road obeyed).
2. Off-street parking shall be available at the employee's residence.
3. Vehicles shall be locked when not attended.
4. Any unsecured equipment on the vehicle shall be placed in the trunk, locking boxes or compartments, properly secured to the vehicle, or moved into the employee's residence when the vehicle is unattended.
5. When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored at the Department.

### ***VEHICLES SUBJECT TO INSPECTION***

All City owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicles shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

No alcoholic beverages shall be carried in a City-owned vehicle except as required for evidence by law enforcement officers.

### ***KEYS***

All personnel assigned vehicles shall be issued keys upon assignment. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command. The cost of replacing lost keys shall be the responsibility of the employee.

## ***MAINTENANCE***

Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

1. Cleaning/maintenance supplies will be provided by the City.
2. Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
3. Supervisors shall also make regular inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained.
4. Vehicles that are borrowed by employees not regularly assigned a vehicle, shall be returned in a clean and fueled-up condition. Any damages or service concerns shall be reported immediately upon return.
5. Routine maintenance and oil changes shall be done in accordance with the Maintenance Shop schedule. The vehicles will normally be serviced at the Maintenance Shop.
6. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from a supervisor.

## ***ACCESSORIES AND/OR MODIFICATIONS***

In addition to any equipment supplied by the department, all City vehicles should be equipped with: current insurance cards, Accident Packets, and fire extinguishers. First aid kits may also be provided.

No modifications, additions or deletions of any equipment or accessories shall be made to a City vehicle without authorization from the supervisor.

## ***ACCIDENT DAMAGE, ABUSE, AND MISUSE***

1. Any time a vehicle is involved in a traffic collision, either singularly or with another vehicle, the employee involved in the collision shall follow the accident reporting procedures including completion of the vehicle accident form. If the employee is incapable, the supervisor shall complete the form. See the drug testing policy for post-accident testing procedures.
2. In the event any defects and/or damage occurs to a City vehicle while assigned to an employee, the employee shall immediately make a written report of the damage and provide the report to their supervisor. The supervisor will follow the City's process for submitting any claims to the insurer.
3. An administrative investigation will be conducted to determine indications of vehicle abuse and misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

# **CHAPTER 3 - COMPENSATION**

# PAY ADMINISTRATION

The City values quality employees and is committed to compensating employees for their efforts and results. It is our intent to provide a competitive compensation package that will attract, retain, and motivate employees. At the same time, the City is mindful of its accountability to its citizens and recognizes its responsibility to use its resources prudently. It is also our intent that policies and pay practices be administered consistently throughout the City.

Your pay as a new employee is established based on the pay level of current employees in the same or similar positions and your previous experience/skills.

## ***Merit Salary Increases***

In most cases, it is the City's policy to reward you with an annual or merit increase in pay for dedication to your work, extra effort, and performance. These are typically awarded on the first of the month closest to the anniversary date of hire or promotion. However, in some circumstances, you may not receive an increase due to a number of reasons such as: budget deficit or lack of available funding, top step of a salary range or poor performance. Any increase recommendations must be approved by the Department Head and submitted to the City Manager for final review and approval.

Salary scales for City positions are established by administrative rule for unrepresented employees, and through the collective bargaining process for union represented positions.

## ***Working out of Classification***

It is not uncommon for employees to be asked to take on non-routine tasks or additional duties in the absence of other employees. When those duties or responsibilities are from a higher-classified job and are significant in nature or extend for longer periods of time, the employee may be assigned by a supervisor to be "working out of classification" and receive additional compensation for those additional duties. Compensation for working out of classification may vary, depending on the duration and/or complexity of the extra work obligation.

Examples could include:

1. When an employee is temporarily assigned to fulfill the duties and responsibilities of a higher classification for a period of more than ten (10) work days within a thirty (30) day period. When this represents a significant amount of the higher classified duties, employees may be paid an additional 6% or the step on that higher classified job scale that provides for an increase.
2. When an hourly employee is assigned the additional tasks of a higher-classified position for a full day or more at a time. Such employees may be compensated at the first step of the higher classified job or a flat rate of \$2.00 per hour for the period of time they perform the additional duties, depending on what is expected of them.

Employees in a collective bargaining unit will be compensated according to their labor agreement.

In no case will an employee be asked to take on responsibilities which they are not qualified to perform such as tasks that require a specific license or certification.

The manager/supervisor of the employee shall promptly notify Human Resources of the assignment and work out of classification salary change so that work may be properly compensated.

# **PAY PRACTICES**

## ***Paydays***

You will be paid monthly. Paydays are generally on the last day of each month. If the payday falls on either a Saturday or Sunday, paychecks will be distributed on the Friday before the established payday. If a City holiday falls on payday, you will receive your check on the last workday prior to the holiday.

## ***Pay Period***

The pay period is a calendar month. In order for the Finance Department to have time to prepare payroll to be ready for the month-end payday, time sheets will cover the period of the 21<sup>st</sup> of one month to the 20<sup>th</sup> of the following month. Time sheets are due no later than the 21<sup>st</sup> of each month. Personnel Action forms for any changes to an employee's pay (such as annual step increases) are due at the same time to assure sufficient time to process the change before the employee's pay is calculated.

## ***Payroll Deductions***

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

## ***Salary Advances***

Mid-month salary advances may be taken upon the request of a newly hired employee to help them with the transition to a new job, or in the event of an emergency. Salary advances must not exceed an amount equal to the hours accumulated at the time of the draw, less any funds required for voluntary and involuntary deductions. Salary advances may never exceed the net salary for the pay period. The amount of any pay advance will be withheld from the employee's paycheck covering the pay period the wages were drawn against. Requests for advances will be made on the form provided by the City and must be submitted to Payroll by noon on the 10<sup>th</sup> of the month in order to be paid on the 15<sup>th</sup> (see *Paydays* above for the policy when the 15<sup>th</sup> falls on a weekend or holiday). Supervisors are expected to notify payroll if an employee has a leave of absence to assure that there are no overpayments. Employees who are inadvertently overpaid will have such overpayment amounts deducted from future paychecks. Overpayments must be reimbursed. If the employee does not return to work, the employee would be expected to return any overpayment. Temporary and seasonal employees are not eligible for mid-month salary advances.

## ***Delivery of Paychecks***

Paper paychecks will be hand delivered to you each payday. Notice of direct deposit will be sent to you electronically. The paycheck/notice will not be delivered to anyone else without your written request.

## ***Method of Payment***

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

Employees are urged to take advantage of direct-deposit for payroll. It is considered a best practice for many reasons, including being safer and more convenient for the employee as well as cost-effective for the City.

### ***Payroll Corrections***

The City endeavors to be accurate in the administration of payroll. However, when an error is discovered, the City is committed to correction of those errors, whether it is an underpayment or an overpayment. Employees who are underpaid are entitled to recovery of lost wages; while employees who are overpaid are not entitled to keep wages they were not eligible to receive. To minimize belated discoveries of such errors, all employees are encouraged to actively review their monthly pay stubs and timely report any mistakes or question any anomalies.

### ***Overpayment***

If the City overpays an employee for any reason or provides benefits that the employee was not entitled to, the amount of the overpayment will be recovered by deducting the amount of overpayment or cost of unearned benefits from the employee's pay. The City and the employee will agree to a repayment schedule.

### ***Underpayment***

If the City underpays an employee for any reason, the error shall be corrected, and the employee made whole through payment of the amount that they were underpaid in the next pay period following discovery of the underpayment. Upon request, underpayments may be approved for payment by special check.

### ***Employee Withholding Allowance Certificates (Form W-4)***

You are required under federal law to furnish the City with an Employee Withholding Exemption Certificate (W-4) at the date of hire. You must file a new W-4 form at any time the number of entitled exemptions decreases to fewer than the number being claimed. New W-4 forms may be filed when the number of entitled exemptions increases, if desired, but it is not required. You may increase withholding by claiming fewer exemptions than entitled or by requesting additional withholding be made if you find that insufficient tax has been withheld to meet your year-end tax liability. Claiming more exemptions than you are entitled to may be a violation of tax law. The employee is declaring, under penalty of perjury, the accuracy of the information contained on their W-4 when signing it. The employee is wholly responsible for any tax liability resulting from the number of exemptions claimed.

### ***Time Records for Non-exempt Employees***

The electronic time card/time sheet is a record of time worked and must be filled out accurately. It provides a permanent record of the time spent on the job, indicating the exact time worked. Each non-exempt employee will be issued a time card at the start of the pay period. Non-exempt employee pay is calculated from this record.

The time card should be reviewed by the employee for completeness and accuracy at the end of each week. Department Heads or their management designee will review and sign time cards each pay period. Employees are responsible for the accurate completion of their respective time card. If an error is to be corrected or time clarified, the time card should be taken to the manager/supervisor, who will take the appropriate action. All manual entries or corrections must be made, reviewed, and initialed by the Department Head or their management designee. Time cards should be reviewed, signed, and turned in at the end of the pay period. Your signature on or submission of the time sheet each pay period verifies that the times and dates are true and accurate to the best of your knowledge. You should

never allow someone else to make entries on your time card. Failing or neglecting to accurately record time off, or willfully falsifying time worked on a time card will be grounds for corrective action, up to and including termination. If circumstances prohibit Department Head or their Management designee from approving a time card, a verbal authorization, verified by email, may be given to the payroll clerk. The City Manager and HR Director have authority to approve any payroll record.

### ***Time Records for Exempt Employees***

Employees classified as exempt complete time cards only to show days off. No deduction of pay will be made for hours worked fewer than 8 hours per day, unless authorized by law. All exempt employees must submit information regarding their use of paid leaves (sick, vacation, etc.) taken during the pay period on their time cards.

### ***Final Paycheck***

While we request that you give us at least ten working days advance notice prior to departure when resigning or retiring from the City, if you provide us with at least 48 hours' notice (excluding holidays and weekends) you will receive your final paycheck on the last day worked. If less notice is given, the final paycheck will be provided within five business days or on our next regularly scheduled payday, whichever occurs first. Final paychecks will include all wages earned through the last workday plus payment for any accrued and vested benefits that are due and payable at separation. When an employee separation from service is planned (end of temp season, retirement, etc.), Personnel Action forms are due at least 5 business days before the employee's last day to ensure compliance with wage and hour law for final checks.



# HOURS OF WORK AND WORK SCHEDULES

## ***City Hours***

The general office hours at the City are 8:00 a.m. to 5:00 p.m., Monday through Friday. Some departments, such as police and fire, have alternative work schedules for many of its employees. Other departments, such as public works, have alternative work hours, and their schedules may be altered seasonally or upon operational needs.

Specific workday and workweek schedules for each employee will be determined by the appropriate manager based on the City's needs. We will attempt to notify you of any changes in workdays or workweek schedules two weeks prior to the effective date of change. Management reserves the right to modify schedules consistent with the needs of the City.

The normal workday is 8 hours. The total hours in a normal workweek is 40, Monday through Sunday. If you are a non-exempt employee, you should not begin work before your normal starting time nor continue working beyond the normal quitting time without advance approval from your supervisor. Working through a lunch period is also not permitted unless approval from your supervisor is obtained before the scheduled lunch break.

## ***Overtime***

You may occasionally be required to work overtime. Overtime hours will be paid to non-exempt employees at one and one-half times the basic straight time hourly rate for all hours worked in excess of 40 in a regular workweek, or as otherwise provided for in collective bargaining agreements, or by state and/or federal laws. Paid time off will not be considered in computing the 40 hours after which overtime is paid. Your department supervisor must approve any overtime hours in advance. Supervisors/managers are responsible to ensure that no unauthorized overtime hours are worked. Working overtime without authorization may be grounds for corrective action.

## ***Compensatory Time Off***

Compensatory time off in lieu of overtime pay is allowed at the City's discretion. However, the City cannot require that non-exempt employees take compensatory time off in lieu of overtime pay. Requests for compensatory time off must be authorized in writing by the employee or by provisions in a collective bargaining agreement or memorandum of agreement. The employee must notify the supervisor prior to working overtime hours that time off is the compensation the employee wants. If compensatory time is not requested, the employee will be compensated in pay. Authorizations will remain in effect until withdrawn in writing by the employee. Use of compensatory time off must be arranged by mutual agreement between the employee and supervisor. Employees are encouraged to use accrued comp time regularly and not to accumulate large amounts. Supervisors must allow employees to take comp time within a "reasonable" period of time after a request for time off is made, unless the employee's absence would unduly disrupt the department's operation.

Comp time may be cashed out at any time upon approval of the Department Head and must be paid based on the regular rate earned by the employee at the time the employee receives the payment. At termination, the City must pay any accrued hours at the employee's current rate of pay, or the average rate earned over the last three years of employment, whichever is higher.

### ***Flex Time***

Flex time can be a valuable tool in managing the overtime/comp time impacts to a department. Full-time employees who work over their regularly scheduled hours in a single day may, with mutual approval between the employee and their supervisor, “flex” their schedule to reduce the number of hours worked on another day within that workweek. Flex time is counted hour-for-hour.

Exempt employees are not hourly, but are expected to work 40 hours or more per week. Flex time may be used by exempt employees to offset the hours over 40 worked in a week against time off of less than full-day increments within that workweek.

### ***Meal and Rest Periods***

Meal and rest periods will be provided according to federal and state law or collective bargaining agreement. Supervisors will review applicable standards in order to establish schedules appropriate for their employees. Non-exempt employees are not permitted to work through a meal period unless approval from a supervisor is obtained before the scheduled meal break.

### ***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 period(s) to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express 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.

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

### 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.

### ***Social and Recreational Activities***

Participation in off-duty social or recreational activities such as City picnics and holiday parties is entirely voluntary. Participation or nonparticipation will not affect your wages, hours, working conditions, or present or future employment opportunities.

### ***Emergency Closing***

Except for regularly scheduled holidays, City offices will be open for business on Mondays through Fridays during normal business hours. We know that there may be circumstances beyond our control, such as inclement weather, national crises, or other emergencies that may affect our hours of operation. On these occasions, the City offices may close for all or part of a regularly scheduled workday. In such an event, the City will try to have supervisors contact all employees. You may also contact your supervisor or Department Head to seek clarification or direction. Any closing longer than one full work shift shall be assessed against your vacation leave, comp time, or personal leave. If none exists, the closing will be regarded as unpaid personal leave.

If there is a question of whether the offices will be open in the case of inclement weather, you should contact your supervisor or listen to the local radio station.

# EMPLOYEE-INCURRED EXPENSES AND REIMBURSEMENT

The City will pay all actual and reasonable business-related expenses you incur while performing your job responsibilities. All such expenses must be pre-approved by your supervisor before payment will be made.

Expense reports must be supported by evidence of proof of purchase, e.g., receipts, and are to be submitted **within three months** of the expense being incurred or the employee risks forfeiting their payment or reimbursement. Meal receipts must denote for whom the meal was purchased and the purpose of the meeting.

## ***Meals***

The City will pay for reasonable\* costs associated with meals in the course of City business under the following circumstances:

1. The meal is associated with travel requiring an overnight stay.
2. The meal is consumed with one or more City member officials or individuals in a business relationship with the City (such as a business lunch with insurance representatives). The identity of the participants and the business purpose of the discussion must be provided.
3. The meal is part of an occasional departmental event approved in advance by the City Manager (such as the annual employee picnic).
4. The meal is provided to enable overtime work (must be consumed during the overtime period to qualify).
5. The meals are included as part of a conference, workshop, or seminar program attended (such as MLK Day). The City will pay the charged rate for those meals. If meals are provided as part of the program and are being paid for by the City, employees who elect to eat elsewhere will not normally be \*reimbursed for the cost of that meal.

Meals provided in conformance to the IRS rules, such as the examples listed above, will not be taxable to the employee. Any other meals that may be approved by the City Manager will be treated as a taxable fringe benefit.

The City will not usually pay for meals of spouses/significant others, unless the meal is associated with a City group function where the attendance of the employee is required and it is appropriate to bring a spouse/significant other. If you are uncertain as to whether a planned expense is reasonable; whether a meal is covered and/or will be reimbursed; whether an employee guest's meal is "associated" and reimbursable; you are expected to request clarification at the time. The City will not pay for the consumption of alcoholic beverages.

## ***Mileage Reimbursement***

Whenever possible, employees are encouraged to use a City vehicle when conducting City business. Employees using a private vehicle to conduct City business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized business use should make any necessary arrangements with their insurance carriers.

While on City business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs, signals, and requirements applicable to the

vehicle being operated. Seatbelts are always to be used in all vehicles while on City business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on City business; operating a vehicle under the influence of alcohol or controlled substances (including medications that cause impairment) is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status as soon as possible. The City may verify the validity of your driver's license and/or your driving record at any time. Any traffic citations, including parking tickets, received while at work are the responsibility of the employee and will not be reimbursed by the City.

When you use your own vehicle for City business, you will be reimbursed for City-related business travel at the current rate per mile determined by the Travel Expense Reimbursement administrative rule. Other related expenditures (e.g., parking) are also reimbursable upon submission of receipts on an expense report.

In order to recover these costs, an expense report must be signed by you and dated, initialed by your supervisor/manager, and submitted to the Finance Department for processing according to policy. If you have questions about expense reports and mileage allowances, ask your supervisor.

You assume liability for your vehicle when you use it for business purposes. Your auto insurance will be primary. You will be responsible for your vehicle upkeep, premiums and deductibles related to its use.

### ***Travel Time***

When employees are traveling overnight for City business, the time spent as a passenger using commercial transportation (airplane, bus, train) will be compensated in accordance with the Oregon Wage and Hour Law, which allows employees to be paid only for hours spent traveling during normal work hours. Time spent as a passenger outside normal work hours is not compensated, but employees may flex their work schedule on travel days to accommodate travel time. Example: Employee normally works 8:00 am to 5:00 pm. Employee's flight is from 3:00-6:00 pm. So instead of getting paid from 8:00-5:00 and then unpaid from 5:00 on including flight time, picking up luggage, taxi to hotel and check in, the employee may flex their work schedule for the day to 10:00-7:00 to allow for 8 hours of pay for an 8 hour day that includes travel time.

When employees are driving on City business, all drive time is compensable. Time spent as a passenger outside regular work hours is not normally compensable. To encourage finding the most economical terms of travel, employees are required to travel together whenever possible, so, when two or more employees are traveling together, the driver and passenger(s) will be compensated the same. Employees and supervisors are expected to arrange travel time so as not to incur overtime whenever possible.

### ***Credit Card Reimbursement***

Employees may use their own personal credit card in lieu of obtaining a travel advance or using a City credit card. However, using a personal credit card to pay for official City travel expenses must adhere to the Oregon Ethics Laws (ORS 244.040(1)(a) which prevents public officials from using their position or office to obtain personal financial gain. Benefits earned from using a personal credit card that offers incentives such as cash rebates or frequent flyer miles based upon the dollar amount of purchases may violate this law if the value of the benefits earned exceeds a de minimis value (\$50.00 per year). Example: 2%

cash back bonus = maximum of \$2,500 in charges per fiscal year. Employees are expected to monitor their earned benefits to remain compliant with the Ethics Laws.

# CHAPTER 4 BENEFITS

## PURPOSE AND POLICY

The City recognizes the influence employment benefits have on employees' economic and personal welfare. Paid in various benefit forms on your behalf, the total cost of providing the benefit program described in this Manual and other documents is a significant supplement to your pay and should be viewed as additional compensation.

Policies, provisions, and procedures that govern the City's benefit program apply to all regular full-time and in some instances, part-time employees, whether exempt or non-exempt, unless otherwise stated in a particular benefit plan. Benefits do not apply to temporary or on-call employees.

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

### ***Benefit Pro-ration and Employee Cost Sharing***

If you are a regular part-time employee that works half-time or more, your benefits are prorated according to your benefit accrual rate. For example, you will accrue vacation and sick leave benefits at a lower rate than a full time employee. Your accrual rate is based on the average number of hours you work each pay period.

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

### ***Benefit Design and Modification***

The City reserves the right to design plan provisions and to add, eliminate, or in other ways modify any discretionary benefits described in this Manual or elsewhere in plan documents where and when it is deemed in the City's best interest to do so. Management decisions and City resources may change these benefits, so you shouldn't make a serious personal decision based solely on the current benefits plan.

### ***Benefit Plan Documents***

You'll receive summary plan descriptions upon eligibility and enrollment. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event a conflict occurs between the referenced documents and this policy, the plan documents will govern. These official documents are available from the provider or the Human Resources Manager for your review. We ask that you refer any questions about this information to the Human Resources Manager.



# HEALTH INSURANCE BENEFITS

The City currently provides health insurance (medical, dental and vision) coverage for all employees and their dependents if they are eligible to participate in the plan. You will be provided with information about the plan at the time you become eligible to participate. You are asked to review the summary plan description for answers to questions you may have concerning benefit coverage. Any need for further information should be referred to Human Resources.

## ***Eligibility***

This benefit is provided for all regular full-time and part-time employees who work an average of 20 hours or more per week. If otherwise eligible, you may begin to participate in the plan after you have completed 30 days of continuous employment. Insurance plan coverage begins on the first day of the month following the date of hire if hired on or before the 15<sup>th</sup> of the month, or the first day of the month following that if hired on or after the 16<sup>th</sup> of the month.

Temporary and on-call employees, regardless of hours worked per week, are not eligible to participate in health insurance.

## ***Plan Enrollment***

Once you are eligible, you may complete enrollment forms available through the insurer's on-line enrollment process. If you choose not to enroll at the time of first eligibility, you then may only enroll during open enrollment or as a result of certain qualifying events.

Coverage for dependents of employees is also available; however, you are responsible for a portion of the monthly premium.

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

## ***Premium Cost***

Specific types of coverage and benefit payment schedules are described in the City's health care plan booklet that is available to all eligible employees. At the time of eligibility and during open enrollment each year, you will be informed of how much the City will contribute toward your monthly premiums if you are eligible to participate in the plan. Premium rates are established by the insurance carrier and are subject to change, usually based on increased costs to provide medical services and the amount of services our employees require.

The City pays the full monthly premium for enrolled employees, except for the cost of the vision rider, which is paid by the employee.

Employees may enroll dependents in the medical plan, but must pay part of the premium costs, which will be deducted from the employee's paycheck. The City determines the payroll deduction schedule.

If you are a regular part-time employee you will receive a proportionately smaller City contribution to your insurance premium.

### ***Termination of Coverage***

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

You, your spouse, and/or dependents may continue group health insurance for a certain period of time at your own expense. However, continuation does not occur automatically. You must notify us in writing within 60 days after the date a covered family member will lose coverage or the covered family member will permanently lose the right to continuation coverage. Election of coverage and payment of the premium must then occur within a specified time limit for coverage to continue. You and any covered dependent will receive information about the provisions of the law when you enroll and again if a qualifying event occurs.

### ***Portability/Conversion of Health Plan***

If you have been continuously covered under our group medical insurance policy for at least 180 days and your employment with us ends, you may be eligible to convert to an individual policy with our insurance carrier. You may request this portability coverage before, during, or at the end of the benefit extension period described above. However, you must apply for portability coverage from our insurance carrier within 60 days after your group coverage ends. Please contact the insurance carrier for more information about this coverage.

## **DENTAL INSURANCE BENEFIT**

The City provides a Dental Insurance plan for employees.

### ***Eligibility***

Employees regularly scheduled to work 20 hours or more per week are eligible for dental insurance coverage on the first day of the month following the date of hire if hired on or before the 15<sup>th</sup> of the month, or the first day of the month following that if hired on or after the 16<sup>th</sup> of the month. Temporary and on-call employees are not eligible to participate in dental insurance.

### ***Cost***

At the time of eligibility and during open enrollment each year, you will be notified of how much the City will contribute towards monthly premiums.

The City pays the full monthly premium for enrolled employees. Employees may enroll dependents in the dental care plan, but must pay a portion of the premium costs, which will be deducted from the employee's paycheck.

If you are a regular part-time employee you will receive a proportionately smaller City contribution to your insurance premium.

## **OTHER INSURANCE BENEFITS**

### ***Group Life Insurance***

We provide group life insurance coverage for eligible employees. Employees who are regularly scheduled to work 20 hours per week or more are eligible for this coverage. The amount of insurance coverage is \$10,000, but employees may purchase additional coverage at their own expense. The City pays the full premium for full-time employees. If you are a regular part-time employee you will receive a proportionately smaller City contribution to your insurance premium.

Coverage is not provided for temporary or on-call employees.

### ***Section 125 Plan***

The City provides a Premium Only 125 Plan that allows employees to have any group medical or dental premium contributions deducted from their checks on a pre-tax basis. Additionally, the City provides a pre-tax Dependent Care Flexible Spending Account option that allows child daycare to be paid pre-tax. Details will be provided to employees at the time of eligibility.

# VACATION BENEFIT

All full-time and regularly scheduled part-time employees who work half-time or more are eligible for vacation based on the schedule below. All accruals begin on the first day of employment. No vacation time may be taken or paid during the first six calendar months of continuous employment, unless specific arrangements have been made at the time of hire.

You will earn vacation benefits according to the following schedule:

<u>Years Employed</u>	Hours Credited <u>Per Month</u>	Hours Credited <u>Per Year</u>	<u>Part-Time</u>
0-5	6.67	80 (2 weeks)	.038 x No. of Hours
5-10	10.00	120 (3 weeks)	.058 x No. of Hours
10 or more	13.34	160 (4 weeks)	.077 x No. of Hours

Accrual rates may vary by department or position depending on applicable collective bargaining agreement.

Accrual for part-time employees is on a pro-rated basis calculated on the average number of hours worked. Continuous service will be calculated from the first of the month nearest your date of hire.

We provide vacation and personal time so you can enjoy periods of time away from work. Vacation is intended for rest and recreation and vacation pay may not be taken instead of time off.

Time is not to be banked and never used; therefore, at least one half of the annually accrued vacation must be taken. If an employee fails to use at least half of the annual accrual, the amount not taken will be deducted from the accrual total at the end of the calendar year. While there is no maximum accrual limit, an employee who terminates employment is entitled to a lump sum payment at the salary rate at the time of separation for unused vacation leave not to exceed 200 hours, except at retirement when the employee may receive payment for up to 320 hours of accrued vacation.

Employees who want to use vacation time should request time off as early as possible so that arrangements for coverage can be made. Requests for vacation time are to be made in writing and submitted to your supervisor. Generally, employees will not be allowed more than two weeks off at a time. We will try to grant each request, but we cannot guarantee your request will be approved. In the event of competing vacation requests for the same time off, if a mutually agreeable solution cannot be reached between the employees, approval will be given to the employee with the longest tenure.

## ***Hardship Leave***

Employees shall be allowed to donate up to 80 hours of vacation leave per calendar year to co-workers with a qualifying medical hardship who have exhausted all of their accrued paid leaves and will be in unpaid status for at least one week (5 working days). Medical

hardship will be defined by the FMLA/OFLA laws, except that it will not include parental leave or leave for the non-serious illness of a child.

Other kinds of accrued paid leave, such as sick leave, compensatory time, holiday leave, etc., may not be donated.

Donations must be submitted in writing on a form provided by the City to the Administrative Services Officer. Donations are confidential, so other employees, including the recipient, may not be told who donated or in what amount. Donations are completely voluntary and employees shall not attempt to influence, coerce, or embarrass other employees into making donations.

Employees are still required to take half of their own accrued vacation per year. Any donations made to other employees will not substitute for, or count against, this requirement.

## **SICK LEAVE BENEFIT**

A regular full-time employee will accrue sick leave at a rate of 8 hours per month. A prorated amount will be calculated for part-time employees who work an average of at least 20 hours per week. Effective January 1, 2016, regular employees working less than 20 hours per week, and temporary employees, will earn sick leave at the rate of 1 hour for every 30 hours worked. Sick leave is accumulated on the last workday of the month. You must be in an active pay status on the last day of the month to accumulate sick leave for that month. Sick leave can be used after you have received your first paycheck, or in the case of temporary employees, after 90 days of employment.

Although the City realizes that an employee with temporary illnesses such as influenza, colds and other viruses often need to continue with normal life activities, including working, your manager may require you to go home from work if you appear to be too ill to be at work or if you are unable to perform normal job duties and meet regular performance standards. If in the judgment of the manager, your continued presence poses no risk to the health of you, other employees, or customers, you may be allowed to work. However, if this is not the case, and your manager requires you to go home, you are expected to cooperate with that decision. If you dispute your manager's decision to send you home, then you must submit a statement from your attending health care provider that your continued presence in the workplace poses no significant risk to you, other employees or customers.

If your supervisor has cause for concern such as: multiple day absences (typically 3 consecutive workdays), or you appear too ill to work (see above), or there is evidence of sick leave abuse, you may be required to provide a physician certification. A "pattern of abuse" includes, but is not limited to, repeated use of unscheduled sick time on or adjacent to weekends, holidays, vacation days or paydays.

If you have been ill or injured, have missed time from work, and have a release from your doctor to return to temporarily modified work, please contact the City before returning to work. The City will determine whether you may return to work in a temporarily modified job.

Routine doctor or dentist appointments should be charged to sick time unless other arrangements have been made with your supervisor. To the extent possible, please try to schedule such appointments before or after work hours. If the need for sick leave is foreseeable (such as doctor/dentist appointments or planned medical procedures), the employee is required to give advance notice to the supervisor. If the need for sick leave is not foreseeable, the employee is expected to give notice as soon as practicable, but no later than the start of the work shift, unless unable to do so.

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

You are expected to notify your supervisor/manager at the beginning of each workday during illness or injury. Exceptions to this include a serious accidental injury, hospitalization, or when you know in advance that you will be absent for a certain period and have informed management ahead of time.

Eligible employees shall accrue sick leave, holiday and vacation leave during months in which the employee works for 16 or more calendar days. Employees may not have a deficit

balance on any leave accrual, nor can leave be used in advance of accrual. However, employees who otherwise qualify for the leave, and have approval from the Department Head to take the leave, may take paid leave during the month the requested leave accrues so long as the employee would have accrued the leave by the time the payment for the month is made.

Sick leave is not counted as hours worked for purposes of calculating overtime.

FLSA exempt employees may not use sick time in less than full day increments.

Unused sick leave is not paid at termination of employment.

Sick leave is not accumulated while an employee is on an unpaid leave of absence. In the case of a work-related accident or injury, you may request to use sick time to offset any days not paid through workers' compensation. However, at no time can the combination of these exceed normal earnings, nor can you use more sick time than has been accumulated.

There is no limit on sick leave accrual. At the time of termination of employment with the City, the City will report to PERS the balance of unused sick leave credits. If allowed by state law and PERS rules, employees who retire as a member of PERS may have one-half of the reported accumulated unused sick leave creditable hours included in their retirement benefit calculations. Currently this applies only to Tier 1 and Tier 2 members. Temporary employees, and employees who work less than half-time, may accrue up to a maximum of 40 hours of sick leave. Temporary employees re-hired within 180 days of separation from employment shall have any previously unused sick leave balance restored. If re-employed within 180 days, the employee may use accrued sick leave after the combined total of days of employment exceeds 90 calendar days.

Sick leave may be granted for:

1. Employee illness or injury.
2. Illness or injury in the immediate family (residing under the same roof) requiring the employee's personal attention.
3. Quarantine for contagious disease control provided certification is obtained from the attending physician.
4. Medical, dental, or eye appointments for the treatment of the employee's illness, injury, or for preventive care.
5. The death of a member of the immediate family (see the Bereavement policy).
6. Qualifying Family Medical Leave (FMLA or OFLA) as provided by federal and state law.

### **Mental Health Day**

Each employee will accrue the equivalent of one (1) of their regular shift schedule days per fiscal year to use as a "mental health day". Mental Health Days will be non-accruable, non-cashable, and must be used during the fiscal year.



# PAID FAMILY AND MEDICAL LEAVE INSURANCE BENEFIT

Paid Family and Medical Leave Insurance is a form of paid leave for the following qualifying events: Family Leave, Medical Leave and Safe Leave. Detailed information on this benefit can be obtained from Human Resources.

Effective September 3, 2023, The Hartford will be the City's Paid Family and Medical Leave Insurance (PFMLI) Benefit equivalent plan carrier. Employees will pay up to the required sixty percent of one percent (1%) contributions and the City will pay the required forty percent of one percent (1%) contributions. If the required contributions are less than one percent (1%) the total percentage will be split with the employee paying the required six-tenths of the total percentage and the employer paying four-tenths of the total percentage. Although the plan is administered by The Hartford, the City requires employees to notify Human Resources and their Supervisor/Director when they have applied for PFMLI leave through The Hartford. Such notification requirements must be consistent with applicable leave laws.

**Foreseeable Leave:** If the need for PFMLI leave is foreseeable or planned in a manner that reasonably allows such notice, an employee will provide the City at least 30 days' written notice before paid leave is to begin (see notice requirements below). Written notice should be submitted using the City's established Leave Request Form.

**Unforeseeable Leave:** If the need for PFMLI leave is unforeseeable or unplanned, an employee is required to provide notice to the City within 24 hours of the start of the leave unless such notice is not reasonably possible due to circumstances outside of the employee's control. The initial notice may be verbal or written (including via electronic communication). The employee must also provide written notice within three (3) days after the start of the leave. Written notice should be submitted using the Leave Request Form.

Written notice must include the employee's first and last name, type of leave, explanation of the need for leave, and anticipated timing and duration of leave. Timing and duration of leave should include the employee's plan for taking leave on an intermittent basis or in one block of time. If the employee's dates of scheduled leave change, are extended by the insurer, or, if the reason for the leave changes during the leave so that the leave period differs from the original request, the employee must notify Human Resources within three (3) business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees are expected to comply with the City's normal call-in procedures.

PFMLI benefits will not provide the majority of employees with 100% of their gross regular wages, so employees receiving PFMLI benefits may choose to supplement their benefits with other available paid leaves [sick, vacation, floating holiday, etc.] and/or comp time. If an employee elects to supplement their PFMLI benefit, it is the employee's responsibility to notify the City of how much accrued paid leave they need to use in order to supplement their PFMLI benefit. The City will notify the employee if the employee does not have sufficient accrued leave to supplement and allow the employee to resubmit their request.

Paid time off will accrue only on the monies paid by the City that the employee has elected to access to supplement PFMLI benefits. PFMLI benefits paid by The Hartford will not accrue paid time off.

If an employee's PFMLI benefit claim is not processed in the same pay period in which they apply for benefits, the employee may use any applicable accrued paid leaves (in the order of their choice) to ensure they continue to receive their pay while the claim is being processed.

If an employee is on an approved PFMLI leave, the City will continue the employee's medical, dental, life, disability, and all eligible voluntary coverage, on the same terms as if the employee had continued to work. An employee wishing to maintain coverage during a period of approved PFMLI leave absence, is responsible for paying their share of premiums, the same as when premiums were paid by the employee, prior to the PFMLI leave.

Employees who have worked for the City for more than 90 consecutive calendar days prior to taking PFMLI leave will be reinstated to their former position, if the position still exists. If the position has been eliminated, the employee may exercise any rights they have under the appropriate Collective Bargaining Agreement, including the layoff provisions. If the employee still would not have reinstatement rights, the employee may be reassigned to an available equivalent position for which the employee is qualified with equivalent employment 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.

Employees are expected to promptly return to work when the circumstances requiring PFMLI leave have been resolved. If an employee does not return to work at the end of a PFMLI leave, reinstatement may not be available unless the Collective Bargaining Agreement or the law requires otherwise.

Employees who use PFMLI leave for reasons other than the reason for which the leave was granted, including to work for other employers, may be subject to discipline up to and including termination.

If an employee's PFMLI leave is also eligible for protected leave under the Oregon Family Leave Act (OFLA) and/or the Family Medical Leave Act (FMLA), OFLA and/or FMLA leave must be taken concurrently with PFMLI leave.

Employees' seniority will continue to be credited during any leave covered by the Act. However, an employee's probationary period may be adjusted proportional to their PFMLI use if it exceeds two weeks to ensure adequate observation time for the City to evaluate suitability for regular status.

## PAID HOLIDAY BENEFIT

The City observes the following holidays each year, and our offices are officially closed on these days:

1. New Year's Day
2. Presidents' Day, (3rd Monday in February)
3. Memorial Day, (last Monday in May)
4. Fourth of July
5. Labor Day
6. Round-Up Wednesday, (3 working hours - Department closes at 1:00 pm)
7. Round-Up Thursday, (3 working hours - Department closes at 1:00 pm)
8. Round-Up Friday, (All day)
9. Veterans Day
10. Thanksgiving Day
11. The Friday after Thanksgiving
12. Christmas Eve
13. Christmas Day
14. News Year's Eve
15. Floating Holiday, (1 per fiscal year chosen by the employee with the approval of the Department Head)

Rate All career service full-time employees shall receive eight (8) hours off with pay for days observed as legal holidays if in an employed status with pay the working day before and the working day following the day off.

Alternate Any career service full-time employee who is scheduled for a day off which is observed as a legal holiday or authorized proclaimed work day off, shall be entitled to receive eight (8) hours off with pay either on the day preceding or the day following; whichever allows a day off in addition to the employee's regularly scheduled days off. Employees under scheduling restrictions shall be allowed to use the holiday hours when scheduling allows.

Employees in departments required to remain operational during holidays or proclaimed days off, or who have a scheduled work week which includes working on holidays or proclaimed days off, shall be given the following scheduled working day off with pay. When an employee works on a holiday or proclaimed day off, the time worked will be recorded as regular time and the day off as holiday time.

Part-time Career service part-time employees who work half-time or more shall receive holiday benefits on a pro-rated basis according to the hours worked.

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

Employees should check their own collective bargaining agreements for applicable holiday provisions, which may differ from the above.

### ***Personal Leave***

Non-union management employees are eligible for two (2) days personal leave per fiscal year. Any days not taken prior to July 1 of each year shall be forfeited. There shall be no cash payment for unused personal leave days.

***Eligibility***

Employees regularly scheduled to work 20 hours or more per week will be paid for the above holidays. Part-time employees will receive paid holiday time based on their regularly scheduled work time. For instance, if a part-time employee working 20 hours per week would normally work 4 hours on a Monday holiday; they would receive 4 hours of holiday pay; if they would normally work 8 hours on Mondays, they would receive 8 hours of holiday pay; and if they would normally not work on Mondays, they would receive no holiday pay. If the part-time employee does not work a set schedule, they will receive the pro-rata amount of holiday pay (i.e. 4 hours if working a half-time schedule).

## OTHER BENEFITS

### ***Employee Assistance Program***

The City recognizes that employees and their family members may, from time to time, face personal issues that affect their careers and personal lives, or both. Solutions to some of these problems may not be readily apparent. To this end, we offer, at no expense to you, the services of outside professional counseling for you and your family to help deal with personal problems such as working relationships, family relationships, substance abuse, finance management, etc. If you are covered by the City's health insurance, you or a member of your family may consult with these professionals on a confidential basis at no cost. Literature describing plan provisions and how to contact our providers is made available during your orientation period and to all staff members as plan provisions change. Contact information is also available in the Human Resources office and is typically located in employee break rooms.

Employees regularly scheduled to work 20 hours or more per week become eligible on the first day of the month following hire.

*NOTE: CIS' EAP is called E.A.S.E. EAP and can be reached at 1-800-654-9778. Other resources can be found on the Internet at: [www.easeeap.com](http://www.easeeap.com)*

On termination for any reason, employees are entitled only to those benefits that are offered at the time separation takes place. Any benefits offered in this manual apply only so long as the manual is current. They do not provide vested rights.

# **CHAPTER 5 - LEAVES OF ABSENCE**

# LEAVE OF ABSENCE POLICY

We realize that our employees may encounter situations that require a temporary absence from work. We offer several different types of leaves of absence for the purposes described:

Bereavement Leave	Disability Leave (Non-FMLA)	Family and Medical Leave
Jury Duty	Witness Duty Leave	Military Leave
Personal Leave	Domestic Violence	

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

# BEREAVEMENT LEAVE

You are eligible to take a Bereavement Leave in the event of death of family members as defined by the Oregon Family Medical Leave Act (OFLA):

Spouse	Same Sex Domestic Partner
Parent	Grandparent
Child/Stepchild	Grandchild
Parent-in-law	

Such bereavement leave will be counted toward your annual OFLA leave entitlements, but will not count under FMLA (federal Family Medical Leave).

Leave to attend the funeral of any other family member or person with some especially close relationship may be granted using vacation leave or without pay.

## ***Length of Leave***

You are allowed to take up to two weeks away from work for a bereavement leave for family members as defined by ORS 659A.150(3)- see above. If you need additional time off for any bereavement purpose, you may ask your supervisor's approval, to use earned vacation leave or apply for an unpaid personal leave of absence.

## ***Request Procedure***

You are expected to give as much notice as possible of the need for time off so that arrangements can be made to cover your absence, but in no event may employees give less than 24 hours' notice. In limited circumstances, you may be asked to verify family relationship and death.

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

If you are a regular full-time employee, you will be allowed to use up to two weeks of sick or vacation leave for your bereavement (based on straight-time work hours missed up to the regularly scheduled hours for that day). Exempt employees will continue receiving their regular salaries for any additional partial days missed for any bereavement purpose.

## ***Status of Benefits***

Bereavement leave won't affect your eligibility for benefits or continuance of benefit accruals. If you're gone longer than the two-week leave allowance and you are granted additional time off in the form of a personal leave, the effect of the additional leave on your benefits will be determined by our personal leave policy.

## ***Funeral Leave***

When a funeral or memorial service for a current City employee is held in Pendleton during the normal business hours of some or all departments, any employee who is considered to be hourly under the Fair Labor Standards Act (non-exempt from overtime) and who is scheduled to work at the time of the service may request time to attend. All departments that would normally be open must remain open to the public during the time of the service, unless the City Manager authorizes closure the department. Employees attending the service are allowed up to two hours without charging it to any type of accrued leave. Time taken in excess of two hours must be charged to annual leave or comp time or arrangements for trade time may be made in accordance with department policy.



Employees who are off duty at the time of the service are not entitled to any type of compensation for attending.

Attending the funeral of a former City employee, whether they retired, resigned, or were working for another employer, is not compensable. Attending the funeral of a person who dies in the line of duty for another governmental agency is not compensable. Employees who attend these services during hours they would normally be working must charge the time to vacation leave or comp time, or they may make arrangements for trade time according to department policy.

As with any other leave, employees must follow the normal procedure for requesting time off in their department. Arrangements must be made prior to taking the time.

# CIVIC DUTY LEAVE

## ***Jury or Witness Duty***

Employees subpoenaed to serve as a witness or on jury duty may obtain a leave of absence with pay for this service. If your absence would cause an undue hardship to you or the City, we may request, with your agreement, that you be excused from jury duty. Voluntary service as a witness or court appearances you must make as part of your own legal proceedings or lawsuit are not paid leaves of absence. You are expected to report to work during regular work hours when not in court.

## ***Request Procedure***

You must notify your manager or supervisor as soon as is practicable after you receive notice asking you to serve as a witness or on a jury so that arrangements can be made to cover your position. You are expected to provide us with a copy of the subpoena or notice within five days after you've received it.

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

Jury or witness fees (not including mileage) paid to the employee for their service while on paid jury/witness duty shall be submitted to the Payroll Office. A copy of the jury summons or subpoena should be attached to the time sheet for that period.

## **DOMESTIC VIOLENCE LEAVE**

ORS 659A.272 provides for protected leave for employees who work an average of 25 hours or more per week for at least 180 days immediately before taking leave, and are victims of domestic violence, sexual assault, criminal harassment or stalking, or are parents of victims (minor children), are eligible for this leave.

The City will grant an eligible employee a reasonable leave of absence if the employee or the employee's minor child or dependent needs time off to deal with issues of domestic violence, sexual assault, criminal harassment, or stalking.

Employees may use accrued sick or vacation leave; or comp time, to pay for time off. If accrued leave is not available, employees may take leave without pay.

The City will provide reasonable safety accommodations for an employee who is a victim of domestic violence, sexual assault, criminal harassment, or stalking, if the employee requests it, and if it does not impose an undue hardship on the City.

Examples of reasonable accommodation may include, but are not limited to,: transfer, reassignment, modified schedule, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure, or other adjustment to a job structure, workplace facility or work requirement.

## **FAMILY AND MEDICAL LEAVE**

Our Family and Medical Leave policy allows you to take a leave of absence for your own serious health condition. Leave is also granted for the birth or adoption of a child, placement of a foster child, care of a child, spouse or same sex domestic partner, parent or parent-in-law with a serious health condition and for the care of a sick child. This policy is intended to comply with federal and state laws regulating this practice.

### ***Eligibility***

You will be eligible to take a family and medical leave if you meet the following requirements:

- You have been employed for at least 180 days (26 weeks) or more before the first day of the family and medical leave; and,
- You have worked an average of 25 or more hours per week as of the day before the request for family and medical leave is made. This average is calculated over the 180 days preceding the request for leave. For the purpose of taking leave for the birth, adoption or placement of a child (parental leave), there is no hours worked requirement.

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

You are eligible to take family and medical leave in the following situations:

- To care for an infant or a newly placed adopted or placed foster child under the age of 18, or older than 18 if incapable of self-care due to mental or physical disability, within 12 months of the event (see Parental Leave below);
- To care for a family member with a serious health-condition, or your own serious health condition (serious health condition leave) [note: Oregon covers child, parent, parent-in-law, grandparent, grandchild, spouse and same sex domestic partner. Federal law covers only child, parent and spouse. This means an employee may be eligible for 12 weeks under Oregon and 12 weeks under federal in some situations];
- For a pregnancy disability or prenatal care (pregnancy disability leave) [Female employees who have used up their original 12 weeks for a serious health condition related to pregnancy are entitled to an additional 12 weeks of parental leave];
- To care for a sick child who does not have a serious health condition but requires home care (sick child leave). [Note: Employees who use up their original 12 weeks for parental leave are entitled to an additional 12 weeks of sick child leave].

### ***Length of Leave***

You may take a leave of up to twelve (12) weeks of family and medical leave during a 12-month period. A week is defined as your normal workweek schedule. The 12-month period will be determined by a rolling 12-month period measured forward from the date an employee uses any family medical leave, effective July 1, 2024. 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. If medically necessary, family and medical leave may be taken on a reduced or intermittent schedule. Details of the proposed schedule should be attached to the "Request for Family Leave" form and should be verified by the certifying health care professional on the Health Care Provider Certification form.

### ***Parental Leave***

Except in limited circumstances (to effectuate adoption/foster placement and/or to attend or give birth) parental leave shall normally be taken in one uninterrupted period, and shall be completed within 12 months of the birth, adoption or placement of the child.

Because the City is committed to supporting employees in their efforts to balance work with family life, parents may use Parental Leave consecutively, or, if approved, intermittently, or on a reduced schedule basis, under the following conditions:

- a. When leave is foreseeable, employees should submit an intermittent and/or reduced schedule leave request to their supervisor at least 30 days prior to the start of leave.
- b. Employees must specifically identify the intermittent dates and/or reduced schedule hours that are being proposed.
- c. Employees are expected to consult with their supervisor and make a reasonable effort to schedule intermittent or reduced schedule Parental Leave so as not to unduly disrupt department or unit operations.
- d. Schedules, or requests to change a schedule, shall be evaluated in terms of impact to departmental operations. Supervisors will consider department workload, deadlines or other timing issues, ability to re-distribute tasks, qualifications of others to perform duties, and other relevant factors (examples: annual audits, grant deadlines, software conversions in progress, no one else qualified for work etc.).
- e. For purposes of evaluating consistent application of policy, supervisors will communicate any proposed intermittent or reduced schedule requests to Human Resources before approving or denying such requests.

Because intermittent parental leave is not required under federal or state law, the City may deny, or discontinue intermittent leave if it is determined not to be conducive to effective operations.

Employees whose intermittent leave is denied will be allowed to take their leave in an uninterrupted period. Employees whose intermittent/reduced schedule leave is discontinued will be allowed to take any remaining leave off in an uninterrupted period.

Whether taking parental leave in an uninterrupted period or on an intermittent/reduced schedule, employees will be considered to have taken their entire leave entitlement once they have taken the leave period off as scheduled. No additional parental leave will be allowed once the employee has returned to work or resumed their normal schedule.

## **MILITARY LEAVE**

### ***Federal Military Family Leave***

Qualifying Exigency Leave for Families of National Guard and Reserves: The National Defense Authorization Act for 2008 (NDAA) amends FMLA to allow military family members (spouse, son, daughter, or parent) of people who are on, or about to go on active duty, leave entitlement to manage their affairs (“qualifying exigency”).

For purposes of qualifying exigency leave, family members of covered military members called to active duty may take leave for one or more of the following qualifying exigencies:

1. to address any issues which arise from the military member learning of a call or order to duty seven or less calendar days prior to deployment;
2. to attend military events or sponsored family support programs;
3. to arrange for alternative childcare or school attendance, attend childcare or school meetings, or provide childcare on an urgent immediate need basis when necessitated by the call to duty;
4. to make or update financial and legal arrangements to address the military member's absence, or to serve as the military member's Representative in obtaining, arranging or appealing military service benefits;
5. to attend counseling (not provided by a health care provider) for oneself, the military member, or child of the military member;
6. to spend time (up to 5 days of leave for each instance) with a military member on temporary rest and recuperation leave;
7. to attend post-deployment activities, and
8. any other events which employer and employee agree arise out of the military member's call to duty, qualify as an exigency, and agree as to the timing and duration of leave.

### ***Military Caregiver Leave***

The NDAA FMLA amendments also allow up to 26 weeks of unpaid FMLA caregiver leave for a servicemember who incurs a serious illness or injury in the course of active duty. This leave is called "Servicemember Family Leave" (SMFL). A caregiver may be the spouse, son, daughter, parent or next of kin (defined as nearest blood relative). For this leave only, a "serious injury or illness" is defined as any injury or illness incurred in the line of duty that "may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating." This means that the SMFL serious health condition may not meet the definition of other FMLA serious health condition.

### ***Oregon Military Family Leave (OMFLA)***

Employees who work an average of 20 hours per week, regardless of how long the employee has worked for the City, may be eligible for this leave. The OMFLA provides spouses of armed service members with 14 days of unpaid leave each time an employee's spouse is deployed for military service. In order to take this leave, the employee must give notice to the employer within five days of receiving official notice of the spouse's deployment. The 14 days count against the employee's 12-week OFLA allotment for the year; this means the days are included in, not in addition to, the 12 weeks of family leave available under Oregon's Family Leave Act (OFLA). Benefits may be continued during OMFLA leave. Upon completion of OMFLA, an employee is eligible to be restored to employment in the position held at the beginning of the leave. No retaliation or discrimination may occur because an employee has requested OMFLA leave.

### ***Family & Military Leave Request and Certification Procedure***

In situations where the need for medical leave is known, you must give thirty (30) days' written notice to take family and medical leave by filling out and turning in the Request for Family and Medical Leave form as well as the Health Care Provider Certification form.

We recognize that many times the need for family and medical leave can be caused by serious or emergency situations. We will make every attempt to work with you to ensure that you receive all benefits to which you are entitled; however, we ask that you call us and make every effort to communicate your situation to us immediately.

All requests for family and medical leave must be verified by a health care professional by using the Health Care Provider Certification form, which needs to be returned within 15 days of a request for leave. Furthermore, if you are taking family and medical leave to care for a family member with a serious health condition, you may be asked to provide proof of your relationship to this person.

In the case of adoption, a legal representative who can attest to the validity of the adoption must verify the request for family and medical leave. In the case of placement of a foster child, a representative of the agency making the placement can verify the request.

Any medical information provided on either a personal health condition or the health condition of a family member is kept confidential or only those with a valid business-related reason for knowing any details will have access to any of this information. If you have any questions about how this information will be handled, please contact Human Resources.

### ***General Provisions***

You are required to use any accrued vacation, sick leave, or other paid leave available to you during the family and medical leave. When all accrued leave is exhausted, the balance of the family medical leave, if any, will be unpaid. The City will continue to pay its share of your medical benefits during family and medical leave. **Exception:** If you take leave to care for a parent-in-law or same sex domestic partner with a serious health condition or any other reason that does not qualify for FMLA leave (the federal act), you may continue benefits under COBRA at your own expense during leave. You are responsible for paying your share of medical insurance premiums prior to the due date of the premium payment. You may be required to provide periodic status reports to the organization while on a family and medical leave. You may continue other insurance benefits by paying the full cost of the premium for any leave in excess of four workweeks in duration. Premium payments must be received by the due date or coverage will be discontinued.

Provided you are able to perform the essential job functions, you are entitled to return to the same or an equivalent job with equivalent benefits, pay and other terms and conditions of employment at the end of a family and medical leave. You will be required to present a fitness-for-duty certificate before being reinstated.

Other details regarding family and medical leave are available from Human Resources.

# PERSONAL LEAVE OF ABSENCE

Full-time, regular employees may be granted a personal leave of absence under certain circumstances. A personal leave of absence is an approved period of time away from work for personal reasons that do not fall under the guidelines of the Family and Medical Leave or Military Leave Policies, or is requested after those leave entitlements have been exhausted. A personal leave of absence should be considered only in extraordinary circumstances, which is determined solely at the City's discretion. Such leave is meant to protect the length of service and benefit rights for an employee whose service might otherwise be terminated.

## ***Eligibility***

You become eligible for a personal leave of absence after twelve months of service. If you want to take a personal leave of absence you must first make arrangements with your supervisor. Any leave over 30 days must be approved by the City Manager.

## ***Length of Leave***

A personal leave of absence starts on the first regular workday following the last day worked, or the last day covered by FMLA or OFLA. The maximum leave allowed under this policy is generally 90 days.

## ***Request Procedure***

A written request should be submitted at least one week (five working days) before time off that exceeds ten days, except in emergencies. Leave requests must include an expected date of return. If you do not return within three days of that date and no extension has been requested or approved, it will be treated as a voluntary resignation.

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

Personal leaves of absence are unpaid leaves. Employees taking a personal leave of absence must use all available accrued paid leave that is eligible for the use (such as vacation time, compensatory time, etc.) before going into leave without pay status.

## ***Status of Benefits***

Insurance coverage will **not** be maintained for you while on a personal leave of absence without pay. You may continue insurance coverage by paying the full premium by the first of each month. Benefits do not accrue during a leave of absence, but are retained at the same level.

## ***Reinstatement***

The City will attempt to arrange employment for individuals returning from a personal leave of absence, but no guarantees are made. While you are on a personal leave of absence, you are required to keep your supervisor informed of your status and any change in personal data (i.e. address or contact number).

## ***Unauthorized Leave without Pay***

Unauthorized Leave is an absence from work (even if properly called in to a supervisor) that is not covered by a leave entitlement such as Family Medical Leave, Jury Duty, or Military Duty, and is not covered by an accrued paid leave such as vacation or sick leave. Unauthorized leave is grounds for disciplinary action up to and including termination of employment.



# UNIFORMED SERVICES LEAVE AND RE-EMPLOYMENT

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

## ***Eligibility***

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

## ***Length of Leave***

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

## ***Request Procedure***

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

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

Military leaves are generally without pay except that an employee with 6 months or more of service with the City is entitled, upon application, to a leave of absence without loss in pay for training for a period not to exceed 15 days in any one fiscal year. Other military leaves shall be without pay unless you elect to utilize vacation benefits earned before commencement of the leave and are otherwise eligible to use such benefits. You must request and obtain approval to receive vacation pay during military leaves of absence.

## ***Status of Benefits***

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

## ***Reinstatement***

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

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

31 to 180 days: If you are a Reservist or National Guard member returning from initial active duty for training you must submit an application for re-employment within 31

days after honorable release from service. You will be reinstated to the same position held at the time the service leave began, provided the leave has been for less than 90 days in length. If the leave is 91 days or longer, when you return you will be reinstated to the same job, or comparable job in terms of like seniority, status, and pay, as long as you are qualified to perform the duties.

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

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

# **CHAPTER 6 - HEALTH AND SAFETY**

# EMPLOYEE HEALTH AND SAFETY

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

The City, through its Safety Committee, develops and implements safety rules and regulations contained in the Safety Manual. The manual usually resides on the intranet (J:\DATA\SAFETY MANUAL) and is accessible to all City employees. Additionally, it is available in paper form in every City department. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. The City will educate employees as to hazards of the workplace and train employees as to such hazards and the proper, safe method to perform job tasks.

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

Safety rules and regulations may be issued or modified from time to time; notice of these changes typically are communicated via company email and posted on area bulletin boards.

# DRUG FREE WORKPLACE

The objective of this policy is to provide a workplace and environment that are free from the effects of substance abuse. Furthermore, we have a responsibility to our employees and to the general public to ensure safe operating and working conditions. To satisfy our drug free workplace objective and meet these responsibilities, we must establish a work environment where employees are free from the effects of drugs, alcohol, or other impairing substances. Accordingly, we have adopted substance abuse policies.

The following conditions and activities are expressly prohibited on our premises or property or during work time or while representing us in any work-related fashion:

- Manufacturing, selling, attempting to sell, using, or possessing alcohol or other controlled or illegal substances that impair job performance or pose a hazard when use or possession occurs (except strictly in accordance with medical authorization);
- Reporting for work under the influence of alcohol, illegal drugs, or controlled/other substances in a manner that may impair work performance.

If your doctor prescribes over-the-counter or pharmaceutical drugs, you are responsible for ensuring that your ability to work safely will not be affected by taking the medication. If you are taking a prescribed medication that clearly limits your ability to perform your duties (such as driving), you must report this to your supervisor so that you may be assigned appropriate work. If you are in doubt, please discuss this with your supervisor or Human Resources before beginning work. You are *not* required to disclose your medical condition; only what affects or limitations your medication may have on your work. Any medical issues discussed will be kept confidential. While at work, using prescription medications inconsistent with the physician's dosing instructions or using medications that are not prescribed for you, is strictly prohibited.

If you have a problem with drugs and/or alcohol and wish to undertake rehabilitation, you will be granted an unpaid leave of absence for this purpose. It is your responsibility to seek help before the problem adversely affects your work performance, or results in a violation of this policy. If you need assistance in seeking this help, you may talk to the Human Resources Manager. No one will be discriminated against for undertaking rehabilitation. Employees may not request assistance to avoid disciplinary consequences after being asked to take a drug test, or following a positive drug test result.

For purposes of this policy, having any detectable level of an illegal or controlled drug in one's system, or being impaired to a perceptible degree from a legal substance, while covered by this policy will be considered to be a violation. Where we have a reasonable suspicion that an employee is in violation of this policy, the employee will be required to submit to testing to determine the presence of, use of, or involvement with alcohol, drugs or inhalants. We reserve the right to determine whether reasonable suspicion exists.

The following definitions apply:

- Reasonable suspicion is defined as specific describable observations concerning such circumstances as the work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), behavior, speech, or being involved in an accident while working or in a City vehicle that results in physical injury or property damage.

- Under the influence is defined as any amount of alcohol or drugs in an employee's blood or urine that exceeds the level prescribed by federal DOT standards, or any noticeable or perceptible impairment of the employee's mental or physical faculties due to use of alcohol or illegal or controlled substances.
- Controlled Substances are defined as all forms of narcotics, depressants, stimulants, hallucinogens, and cannabis whose sale, purchase, transfer, use, or possession is prohibited or restricted by law.
- Over-the-counter drugs are defined as those that are generally available without a prescription from a medical doctor.
- Prescription drugs are defined as those drugs that are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

Any employee who is found to be in violation of this policy, who refuses to submit to testing, refuses to cooperate, or attempts to subvert the testing process will be subject to corrective action, up to and including termination from employment. We also reserve the right to involve law enforcement officials for any conduct that we believe might be in violation of state or federal law.

If a substance abuse professional has made an assessment that you require alcohol or drug treatment, your continued employment may be conditioned upon your entering into and successfully completing a treatment program (including follow-up recommendations). You also may be required to sign and live up to the terms of a performance agreement in order to demonstrate your commitment to rehabilitation and staying alcohol/drug-free. This course of action is likely if you come forward on your own and ask for help in overcoming your problem. If you are caught selling, using, or being under the influence of drugs or alcohol while at work, we may terminate your employment without offering you the opportunity to participate in a treatment program.

### ***Voluntary Testing***

If you voluntarily request assistance in dealing with a personal drug and/or alcohol problem, you may do so through the Employee Assistance Program or Human Resources Manager. The request for assistance will not jeopardize your employment as long as this assistance is sought before work performance has deteriorated or disciplinary problems have begun. Other treatment programs for drug and alcohol problems may be available through our health insurance coverage.

As a result of corrective action arising from drug or alcohol abuse, you may be required to participate in a drug or alcohol treatment program. If so required, you will regularly be evaluated for drug and alcohol use by a substance abuse professional. When such an evaluation is scheduled, we will pay the cost. You may also be required to participate in follow-up care as part of a comprehensive alcohol and drug treatment program. Depending upon the nature of the conduct that led to your mandated participation in an alcohol and drug treatment program, you may be required to submit to random or unannounced screening for alcohol and/or drugs for a specified period of time. You may also be required to meet various performance standards that are imposed as a condition of continuing

employment. All treatment will be at your own expense. Health insurance may pay for some or all of this cost.

### ***Post-Accident Testing***

If you are involved in a job-related accident resulting in property damage, or physical injury, you will be required to submit to testing to determine the presence of alcohol or drugs. We may waive this requirement only if we determine, in our discretion, that the accident could not have been caused by alcohol or drug use.

### ***Reasonable Suspicion Testing***

A supervisor with a reasonable suspicion that an employee is impaired or under the influence of substances while on the job, can require an employee to be tested for the presence of drugs or alcohol. The supervisor must be able to articulate and document specific describable observations that warrant testing, such as work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), speech, or behavior. Supervisors should first be trained in the recognition of the signs and symptoms of impairment. Additionally, a second manager (preferably also with the recommended training) should concur that reasonable suspicion exists before an employee is required to test, although the second manager does not have to make independent observations.

### ***Random Testing***

If you are in a “safety sensitive” position, such as those requiring a Commercial Driver’s License (CDL) to perform your job, you will be required to submit to testing on a random or unannounced basis to determine the presence of, use of, or involvement with drugs or alcohol. This may include testing by random selection, testing of an entire department or work unit, or testing of specific identified categories of employees as a group.

### ***Return to Duty/Follow-up Testing***

If an employee tests positive under any of the above testing procedures, they may be offered rehabilitative treatment through a qualified substance abuse professional (“counselor”). The employee will not be eligible to return to work until that counselor has evaluated the employee, the employee has completed the treatment as recommended by the counselor, the counselor recommends return to work, and the employee passes a return-to-duty test. That counselor will also make a recommendation on how many random follow-up tests are prescribed during the 12-month period following return to duty. The number of tests shall not be less than 6.

When being tested, all samples will be split into two parts; with one part tested and the other retained by the testing laboratory for future re-testing in the event of a positive test result. If you request a re-test, it will be at your expense.

All other specifics of the drug testing process, including laboratory methodology, are contained in the Drug & Alcohol Testing Procedures.

# WORKPLACE VIOLENCE

The City recognizes the importance of a safe workplace for employees. A work environment that is safe and comfortable enhances employee satisfaction with work, as well as employee productivity.

However, situations may occur that could present a risk of harm to employees and others. All employees have an obligation to report any incidents that pose a risk of harm to employees or others associated with the City or that threatens the safety, security, property or financial interests of the City. Employees should make such reports directly to their supervisor or Human Resources.

Some examples of workplace violence include but are not limited to:

- Hitting or slapping
- Verbal threats to person or property
- Threatening phone calls or e-mails
- Intentional destruction of personal or public property
- Stalking
- Suggestions of violence
- Verbal outbursts
- Firearms at work or on public property (exclusions apply for law enforcement)

All information related to the reports, including the name of the reporting employees, will be kept as confidential as possible under the circumstances. We will notify the reporting employee of any action we take in response to the report.

Workplace Violence Policy is an integral part of the City's emergency action plan and should be discussed and practiced. Employee safety is our primary concern.

If a worker feels threatened or in danger of imminent bodily harm s/he should take the following steps:

1. Leave the scene, if it can be done safely. Do not attempt to control a violent person.
2. Call law enforcement (911) if the situation warrants this action.
3. The incident should be reported to the supervisor (Manager/Administrator) immediately or as soon as possible.

If the threatening individual poses no immediate physical threat, but is making verbal threats or is otherwise intimidating workers or others in the area, then the employee should:

1. Keep back or move away from the individual, if possible in a way not to provoke violence.
2. Notify a supervisor (manager/administrator) as soon as possible.

Some City work locations, such as City Hall, have adopted an emergency notification process to alert other employees to evacuate the building in the event of an imminent danger. All employees regularly assigned to that workplace should be trained in that procedure.

Any worker having knowledge of a violent act/threat involving other employees must report the incident immediately to a supervisor/manager. The supervisor/manager shall promptly start an investigation into the incident. Upon completion of a thorough investigation, it will



be determined as to what corrective action, if any, shall be taken. Identification of any further safety or preventative measures will be discussed with department and safety committee members.

The City understands that there may be situations that demand immediate action to protect oneself or others against an act of violence. If such an incident occurs and there is no time to follow procedures per these guidelines or wait for a law enforcement official to respond, workers may protect themselves or abandon their position in order to do so. Workers are still required to report the incident as soon as possible.

The City may, out of business necessity, conduct an investigation of a current employee when the employee's behavior raises concerns about work performance, reliability, honesty, or potential threat to the safety of co-workers or others. An administrative investigation may include searching of criminal records and city-owned property such as desks, work areas, lockers, file cabinets, cell phone records, voice mail systems, and computer systems.

The employee assistance program (EAP) is available to provide confidential and individual personal counseling to (eligible) employees involved in a violent incident.

Any intimidation, coercion, discrimination or retaliation against an individual who reports an act of workplace violence or who participates in an investigation, testifies or assists an investigation in any manner will not be tolerated. All such acts should be reported immediately to a manager or Human Resources. Workers who engage in any act of retaliation, intimidation or harassment will be subject to discipline up to and including termination of employment.

# EMPLOYEE HEALTH AND SAFETY

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

We develop and implement safety rules and regulations through our managers, supervisors and safety committees. This process is ongoing and requires periodic review. Safety audits are undertaken to determine the necessity and feasibility of providing devices, work practices, policies or other safeguards to make the workplace safe and healthful. We also provide training for our employees regarding workplace hazards and the proper and safe methods to use in performing their job tasks.

You are expected to give your full attention and skill to the performance of your duties, using the highest standard of care and good judgment. You are also expected to always follow safety rules and regulations, including using appropriate protective clothing and equipment, attending all training sessions related to your job, and following the directions of supervisory personnel.

Safety rules and regulations will be issued or modified from time to time, and will be effective immediately upon communication. General safety rules and regulations will be distributed to all departments, and may be posted on the employee bulletin boards. Departments will have specific job/task related rules and procedures that you are expected to know and follow.

## ***Accident Investigation and Reporting***

All job-related injuries or illnesses should be reported to your supervisor immediately, regardless of severity. (In the case of serious injury, your reporting obligation may be deferred until circumstances reasonably permit a report to be made). Failure to report an on-the-job injury or illness may preclude or delay the payment of any benefits you may be eligible for, and could subject the City to fines and penalties. Accident and Injury reporting forms have been made available to every City department and may also be found on the computer J: drive, Data folder, Forms folder, or in the Human Resources Office.

OR-OSHA requires each employer to investigate the cause of every time-loss accident and determine the means in which to prevent recurrence. Employers are required to install any safeguards or take corrective measures indicated or found advisable. (OAR 437-001-0760). Investigation forms may be found in the Safety Manual located at every City worksite.

Safety committees are responsible for establishing procedures to investigate all safety related incidents. This does not mean that they take the responsibility away from supervisors for the actual investigation. However, committees should evaluate the cause, look for any trends or identify tools, equipment, procedures or training that will serve to prevent the accident/injury from recurring. (OAR 437-001-0765 (6)(g))

The City is responsible to report "Occupational Fatalities" to OR-OSHA within 8-hours of the fatality or 24-hours for any "Occupational Catastrophe" that results in an employee being admitted for an overnight stay in a hospital. **[Call OR-OSHA to report at: 503-378-3272]**

If an injury occurs:

1. Take immediate actions and/or render remedial first aid.
2. Seek emergency medical care if necessary – call 9-1-1.
3. Report the injury to your (or a) supervisor as soon as possible.

Employee responsibilities:

1. Fill out the accident report form.
2. Cooperate in an accident investigation.
3. Complete the 801 Form if medical attention is sought.
4. Provide supervisor with a medical release from doctor/medical provider.
5. Review the incident with the supervisor/manager.
6. Discuss ability to return to a temporary modified job (if possible) and job restrictions.

Supervisor/Manager responsibilities:

1. Conduct an investigation into the cause of the injury or illness
2. Send the completed 801 Form (for medical treatment) investigation, medical releases provided by the employee and other related documentation to Human Resources.
3. Attempt to identify any temporary light duty for the injured worker to do if released to modified duty and communicate that to Human Resources to develop modified duty job offer.
4. Monitor light duty to assure that worker stays within the restrictions and co-workers support injured worker on completing job tasks.
5. Continue to communicate with the Human Resources Manager.

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

Our Return-to-Work program provides guidelines and procedures for returning employees who become ill or injured to meaningful employment as soon as possible. The program is not intended to be a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability, nor is it intended to deny time off rights under any family or medical leave laws.

Our Return-to-Work program for work related injuries/illness consists of a team effort by supervisors, injured workers and their treating physicians, management, and our workers' compensation claims staff. All team members will take an active role in returning injured employees to productive work.

Participating in this program helps our employees to recover and return to full employment as soon as their medical condition permits. This Return-to-Work program is a transitional program designed to help ease employees back into their full duties or full work shift. It is not intended to become a replacement for a regular job.

If you are injured on the job and your doctor determines that you are able to perform temporary modified work, the City will attempt to provide available and suitable temporary work until you are able to resume your regular duties for up to 90 days, except where provided as an accommodation for a disability. All modified work is temporary and may be offered at any location or on any shift. If you are offered a modified position that has been medically approved, failure to report at the designated time and place may affect your workers' compensation time loss benefits.

Not all light duty jobs will be in the department of injury. You may be asked to do other work in another department such as file, enter data, answer phones or complete a chemical inventory in another department.

Employees returning from a work injury or illness will be required to provide Human Resources a doctors certificate prior to resuming work or temporary light duty. The certificate will specify whether the employee may resume full duties, or has any restriction and the length of any restrictions. An employee returning to work following a non-work related absence of more than 3 days is required to provide a doctor's note stating the date the employee is able to return as well as any applicable restrictions. Although we will make every effort to find suitable work if you are temporarily unable to perform your normal job duties, preference for available work is given to employees who have incurred an on-the-job injury or illness. Our ability to do so is dependent upon your restrictions as well as available work.

If suitable temporary modified work is not available, employees may be placed on medical or personal leave running concurrently with applicable family medical leave laws. If there is work available and the employee chooses not to take the light duty work that is offered, the employee may forfeit their job reinstatement rights and the injured employee will not be eligible for workers' compensation wage reimbursement, if this is a work related injury.

### ***Smoking in the Workplace***

The City believes that smoking is a danger to health and causes annoyance and discomfort to those who are present in the same or confined places. As a result all of our buildings and vehicles are designated as non-smoking.

Places outside the office may be designated as smoking areas. Smoking on our premises is limited to these designated areas only. If any employee has a concern about the areas designated, he/she should speak with his/her supervisor.

### ***Emergency Procedures***

We have adopted an Emergency Action and Fire Prevention Plan to assist in preventing an emergency from occurring. If we do have an emergency this plan will minimize the impact on our staff and the public using our facilities. Emergency exit maps posted in each of our buildings support this plan.

Our main responder in all emergencies is the local Fire Department or other local Emergency organizations (i.e. law enforcement agencies, emergency services or the Coast Guard).

The following is a list of some of the potential emergencies that may occur:

- **Fire**
- **Chemical Spills or Releases**
- **Medical Emergency due to an accident or illness**
- **National Homeland Security Threat**
- **Bomb Threat**
- **Violence**
- **Environmental Emergency: Windstorm, Flood, Earthquake, and Tsunami**

### Reporting Emergencies

All losses including fire, explosion, windstorm, flood damage, electrical, etc. shall be reported to the supervisors or managers. Report any incident which results in the operation of fire extinguishers even though there may not be an actual loss sustained.

#### Emergency escape procedures and emergency escape route assignments.

1. The types of immediate actions are based on nature of the emergency. Use the nearest exit that will take personnel away from the fire.
2. For an IMMEDIATE TOTAL SITE EMERGENCY EVACUATION employees and public are to all leave by using the nearest exit doors and assemble in the areas shown on building evacuation maps that are posted at the main exits on each floor.

#### Procedures to account for all employees after emergency evacuation

1. An Emergency Coordinator and/or supervisors will account for the employees or public in their work areas. If a person is missing, the information will be communicated to the outside emergency responders. *Employees are not to re-enter any facility that has been evacuated due to an emergency.*
2. The Emergency Coordinators or supervisors will designate someone to direct the fire department to the fire and show them where the water hook-up is located and give status of emergency situation.
3. No one is to leave the evacuation area site unless instructed by the person in charge.

The preferred means of reporting fires and other emergencies: CALLING 9-1-1

#### ***Employee Right to Know/Hazard Communication Program***

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

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

#### Container Labeling

The supervisor will verify that all containers received for use will:

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

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

The supervisor in each department will ensure that all secondary containers have either an extra copy of the original manufacturer's label or a generic label that has identification and hazard warning blocks. For help with labeling, see the Safety Officer.

#### Material Safety Data Sheets (MSDS)

Copies of material safety data sheets for all hazardous chemicals that employees may be exposed to will be kept in the department where the hazardous chemicals are located, usually in the room where the chemicals are stored. Data sheets will be available to all employees in their work areas for review during each work shift. If data sheets are not

available, or if you begin using a new chemical for which you do not have a Material Safety Data Sheets you should immediately contact your supervisor or the Safety Officer before using the chemical or the machine containing it.

### Employee Information and Training

Before starting work, you will attend a health and safety orientation and receive information and training about the following:

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

After attending training, you will sign a form to verify that you attended, received our written materials, and understood our policies on hazard communication.

Prior to a new hazardous chemical being used by any employee, each employee of that department will be given information as outlined above. The supervisor is responsible for ensuring that Material Safety Data Sheets (MSDS) on new chemicals are available.

### **Safety Committees**

A Safety Committee has been established to help monitor job safety and increase employee involvement in workplace safety. The purpose of the Safety Committee is to bring managers and employees together in an effort to promote safety and health in the workplace. Safety Committees meet monthly and minutes from these meeting are posted on area bulletin boards. Each employee is encouraged to read these minutes and to report any problems or questions to any of our designated Safety Committee members. In addition to holding monthly meetings to discuss and resolve safety issues, the Committee conducts periodic inspections to document hazards and to make recommendations for corrective action. It is important for all employees to cooperate with Safety Committee members during these inspections. It is everyone's responsibility to make workplace safety the first priority.

# WELLNESS

**PURPOSE:** The City of Pendleton recognizes that employees are critical to the City's overall mission and understand that healthy and productive employees are better able to provide high quality, effective and efficient service to the public in support of that mission. Proven benefits of a healthy workforce include:

- Less sick leave
- Less absenteeism
- Fewer injuries
- Reduced health care costs
- Improved workplace morale
- Higher productivity

**POLICY:** It is the policy of the City to encourage and promote health and wellness for its employees. This policy statement reflects support of a worksite wellness culture at the highest level of City Administration. Department Heads and supervisors are encouraged to set the example by: being aware of wellness programs and promoting them to their employees; allowing flexibility for employees to participate in programs; and participating in activities/programs.

“Wellness” may include nutrition, fitness, stress relief, disease management, physical and mental health. Administration and/or the City's Safety and Wellness Committee shall research, review and implement programs in support of wellness as available and suitable. Such programs may include:

1. Funding assistance for health club memberships;
2. Free or reduced cost health screenings;
3. Health fairs
4. Flu shot clinics
5. Posting/distribution of wellness tips and messages
6. Ergonomic Evaluations
7. Tobacco Cessation
8. Weight Management
9. Employee Assistance Program (free counseling services)
10. Fitness challenges such as pedometers for walking competition
11. Nutrition/healthy eating workshops
12. Self-defense instruction
13. First aid/CPR/AED training

**PROGRAM PARTICIPATION:** All participation in worksite wellness programs is voluntary. Employees are welcomed and encouraged to participate in City coordinated worksite wellness activities. Programs that are sponsored and funded in cooperation with the City's health insurance may not be available to uninsured employees.

The Safety and Wellness Committee has the primary responsibility for the development and promotion of wellness programs, but all employees are encouraged to contribute both through offering their own ideas and suggestions, and through participation in the wellness programs offered.

Personal health management is achievable through individual commitment. All employees are encouraged to engage in practices that will promote balance and personal wellbeing through healthy living.



# REPORTING ABUSE AND NEGLECT

All citizens have a responsibility to protect those who cannot protect themselves. Members of the general public may report suspected abuse and neglect if they choose. Oregon state law, however, mandates that workers in certain professions must make reports if they have reasonable cause to suspect abuse or neglect. These people are called mandatory reporters and they are a crucial link in the system to protect Oregon's most vulnerable citizens.

Under Oregon law (ORS 419B.005 to 419B.045) certain City employees are mandatory reporters. This includes:

- Police Officers
- Firefighters
- Employees providing child-related services or activities (such as Parks & Recreation and Library employees).

These individuals are required to report because they have frequent contact with at-risk populations.

You are required by law to report alleged abuse of:

- children under the age of 18
- adults age 65 and over
- adults with developmental disabilities
- adults with mental illness, and
- residents in nursing facilities

Various laws covering these populations contain differing definitions of abuse and different penalties for failing to report. But there is a lot of common ground such as any evidence of physical injury, neglect, sexual or emotional abuse, or financial exploitation.

By law, mandatory reporters must report suspected abuse or neglect of a child regardless of whether or not the knowledge of the abuse was gained in the reporter's official capacity. In other words, the mandatory reporting of abuse or neglect of children is a 24-hour obligation.

Mandatory reporters, while acting in an official capacity, who come in contact with an elderly or developmentally disabled adult whom they suspect have been abused or neglected, must report to DHS or law enforcement.

What constitutes a mandatory report, and when and to whom to make the report, varies depending on which of these individuals is the subject of the report. If you are uncertain regarding the proper reporting authority, request assistance from a manager.

## ***Failure to report***

There could be criminal and civil penalties for failure to report. For more information regarding these possible penalties, visit the Oregon Revised Statutes website.

**IF YOU THINK SOMEONE IS IN DANGER OR BEING HURT, CALL 911 IMMEDIATELY!**

# YOUTH PROTECTION POLICY

## ***Application***

All City employees that work with children or youth as part of their job.

## ***Definitions***

### A. Youth and Adult

This manual defines a youth as a person under the age of 18. An adult is anyone 18 years or older.

### B. Paid Staff Person and Screened Adult Volunteers

A paid staff person is someone paid by the organization, overseen by a manager or supervisor and screened. A screened adult is a volunteer who has gone through the screening process.

### C. Child Abuse

For purposes of this Policy, child abuse is defined as any of the following:

#### a. Physical Abuse:

Violent non-accidental contacts that result in injury. This includes, but is not limited to, striking, biting, or shaking. Injuries include bruises, fractures, cuts, and burns.

#### b. Sexual Abuse:

Any form of sexual activity with a child, whether at one of our facilities, at home, or in any other setting. The abuser may be an adult, an adolescent, or another minor.

#### c. Emotional Abuse:

A pattern of intentional conduct which crushes a child's spirit or attacks his/her self-worth through rejection, threats, terrorizing, isolating, or belittling. This abuse can occur in private or public settings.

## ***Screening and Selection of Staff and Adult Volunteers***

- A. Paid staff and adult volunteers who are exposed to or regularly work with children will be screened. Those who pass the screen are required to complete Child Protection Training, approved by the City, prior to beginning their work with children. The procedures for screening are as follows: Each person being considered to work with or in proximity to children, shall fill out an application form and receive a background check.
- B. Before beginning working with children, each paid staff member and volunteer will sign a statement that they have read, understood, and agree to abide by this Child Protection Policy.
- C. Where it is determined that an applicant should not work with children, those persons involved with the decision should handle it in a sensitive manner. The Human Resources Director or their designee will inform the applicant.
- D. The training should include:
  - a. Mandatory Reporter definition and requirements.
  - b. The definition and recognition of child abuse.
  - c. The organization's policy and procedures on child abuse and the reasons for having them.

- d. The appropriate behavior for those charged with the care of children.
- e. Definition of appropriate interpersonal boundaries.

### ***Mandatory Reporting***

- A. Everyone in the organization has a moral responsibility and a legal duty to treat every allegation seriously and to report suspected abuse whenever it comes to their attention, regardless of where that abuse takes place. Reporting abuse is a form of assistance to those crying out for help. See Reporting Abuse and Neglect policy above.
- B. The program supervisor or Department Head will immediately, yet with dignity and respect, remove the accused from further involvement with children pending an investigation. Once the proper authorities have been contacted and the safety of the child is secured, the Department Head or designee should inform the accused that suspected abuse has been reported.
- C. If abuse is observed staff will immediately intervene to protect the child and report the incident to their supervisor or nearby supervisor. If abuse is disclosed to, or suspected by a volunteer and/or paid staff member of the city, the observer shall report the incident immediately to the supervisor. If the supervisor is not available, the matter should be reported to the Department Head or nearest available supervisor. If the accused is the supervisor or a member of her/his family, the allegations shall be immediately reported to the Department Head. The Supervisor or Department Head will immediately report to the proper authorities as required by state or local law. The Department Head will take responsibility and act according to established policy with respect to claims against the supervisor.
- D. The Department Head will notify the parents of the victim and take whatever steps are necessary to assure the safety and well-being of the child until the parent/guardian arrives. (NOTE: If one or both of the parents is the alleged abuser, follow the advice of the authorities concerning notification of others.)
- E. If the alleged abuser is another youth, the Supervisor or Department Head will discreetly remove them from the program pending an investigation, and notify their parents.
- F. Report all incidents to Human Resources who will notify the City Manager and conduct an internal investigation. Keep a written account of the steps taken in response to the reported abuse. The account should be brief and contain only factual information relevant to the situation. It should be kept in a secure place. It should be sent electronically whenever possible, or written in ink or typed to prevent it from being changed.
- G. Take all allegations seriously and reach out to the victim and the victim's family. Show care and support to help prevent further hurt. Remember that the care and safety of the victim is the first priority. Respond in a positive and supportive manner to the victim and the victim's family.
- H. The City should provide a supportive atmosphere to all whose who are affected, offering both objectivity and empathy as it seeks to create a climate in which healing can take place.

- I. Any contact with the media is handled exclusively by the City Manager.

## ***Supervision of Children***

### **A. General Rules**

1. When reasonably feasible, each room set aside for children should have a door with a window.
2. The “two person rule” will be used, which is defined as having at least two people (in addition to the youth) in any room or setting, one of which must be a screened adult volunteer or paid staff person.
3. One-on-one interactions between a minor and an employee or screened adult must occur within an observable distance from another adult and should only take place in open, well-illuminated areas.

### **B. Open Door Policy**

Parents, volunteers or staff should be permitted, as reasonableness dictates, to visit and observe all programs and classrooms at any time.

### **C. Sign-in/Sign-out Procedure-**

For programs where children are dropped off and the City program is responsible for them, such as after-school program or summer camp, Adults responsible for children should sign-in their child and indicate in writing the names of the authorized person(s) to whom the child may be signed-out. For programs where parents/guardians stay with the child for the program, sign in procedures are not necessary. Picking-up children by unauthorized adults is forbidden.

### **D. Time Following Group Events**

Following child group events, it is inevitable that occasionally a child’s transportation arrives after all other participants have departed. In those circumstances, a child may unavoidably be supervised by one screened adult. In this event, it is recommended that the adult supervisor asks the second to last participant’s transportation to please stay until the last child’s guardian arrives. If they cannot stay, they should move to a spot that is easily observable by the public. If this is not possible, the general rule requiring the presence of two screened adults is temporarily suspended and the screened adult is responsible for exercising his/her best judgement for the participant’s well-being.

## ***Transportation***

### **A. General Rules**

Transporting children is an important concern. Their safety can be at risk in a variety of ways. Therefore, certain discretion must be used depending upon the event attended, the locale of the event, and the age group participating. This Policy includes both requirements and guidelines. It is expected that the requirements will always be followed.

### **B. Requirements**

1. All drivers of children in our programs must be known to the agency and will be placed on an “approved drivers list” maintained by the Human Resources Department, upon satisfactory completion of the review and approval of their driving record.
2. When a child is transported in any vehicle, the driver must be either the child’s parent/guardian, a screened adult who is at least 21 years old.

3. When a child is transported in a company-owned vehicle, the driver must be at least 21 years of age. and for whom a motor vehicle record search has been made and the record has been found to be satisfactory.
4. Drivers must have a valid driver's license for the vehicle being operated. For example, if driving a bus of a certain size, a commercial driver's license is required. A copy of the driver's license should be on file at the agency.
5. Drivers must require that seat belts be used at all times and the number of passengers must not exceed the number of seat belts.

***Implementation***

Unless otherwise specifically stated, it shall be the responsibility of the City Manager to implement this policy, to design and conduct future training, and to ensure the ongoing effectiveness of this policy.

All of those who participate in the activities of this organization and use its facilities, individuals, organizations, and groups within and outside this organization are expected to respect, implement and adhere to these provisions as a minimum.

***Ongoing Education of Persons Who Work With Children***

The City of Pendleton shall ensure that training focused on current issues of child protection is available to and received by those working with children. Attendance at this training shall be required of all paid staff members and all screened adult volunteers who want to work in programs including children or youth.

# **CHAPTER 7 - EMPLOYMENT SEPARATION**

# SEPARATION FROM EMPLOYMENT

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

## ***Resignation***

For non-represented employees, employment with us is “at-will” which means you and the City may terminate the employment relationship at any time, with or without cause. In order to achieve an orderly transition, the City requests receiving notification of intent to resign at least ten working days before departure, and 30 days before departure for supervisors and management-level personnel.

## **Job Elimination, Reduction in Work Hours or Staff**

Our desire is to avoid circumstances that require a reduction in hours or staff, but we also recognize that situations may arise where such reductions would be necessary. Depending upon the circumstances, we may respond in a variety of ways, including offering a voluntary reduction in hours or days of work, reducing your work hours or days of work, giving you the opportunity to accept a part-time, seasonal or temporary position if available and appropriate, reducing the workforce, or reducing expenses by other means. Among the factors we will consider in selecting employees for any reduced hours or reduction in force are:

- Provisions under applicable collective bargaining agreements;
- Your department, location, or job;
- Your job knowledge, skills, and ability to do the required work;
- Your performance, attendance, and safety and corrective action history and records;
- Your possession of licenses, registrations, and certifications required by the job;
- Your creativity and teamwork skills, if required for the job;
- Your demonstrated willingness to go the extra mile for the City, co-workers, and citizens; and,
- The efficiency of our operation.

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

If practicable at the time of lay-off, we will provide limited re-employment rights to any employee laid off. If you are not rehired during that period you will be separated from employment. The order of recall will be determined using the above factors. An offer of re-employment may be made orally or in writing to the last address reflected in your personnel records. It is your obligation to keep us informed of any changes in your telephone number and address. The offer will identify the available job and the date you are to report to work. If you decline re-employment or fail to report on the date specified, you will be deemed to have waived any re-employment privileges and will be treated as a voluntary termination.

### ***Discharge***

Our philosophy and general practice is to provide employees who have completed the initial probationary period of employment with an opportunity to correct minor performance and conduct problems before discharge is implemented.

The City has a corrective action policy found on **Page 2-16** of this Manual that describes action management may take to correct performance infractions prior to discharging employees.

The decision to discharge employees is based not only on the seriousness of the current performance infraction but also on the individual's overall performance record and length of service. Nothing in that section precludes the City from exercising its options as an at-will employer, so employees should not assume that the City will progressively work through the steps listed to help employees improve their performance.

We also believe that our employees should be given an opportunity to be heard in matters involving corrective action, including discharge. We have provided a formal dispute resolution procedure found on **Page 1-8** of this Manual for that purpose. You are encouraged to use the procedure to resolve any issues you may have that cannot be resolved by consulting with your supervisor. Union employees should consult their collective bargaining agreement for their own grievance procedures.

### ***Exit Interview***

An exit interview will be arranged to give you an opportunity to address unresolved issues before leaving the City and allow us to solicit your opinions about our City and any suggestions for improvement. We encourage all employees to participate in an exit interview when they separate from employment, and we value all opinions and suggestions we receive in the process.

### ***Return of City Property***

Upon separation from your employment, either voluntarily or otherwise, you must return all City property in your possession by your last day of employment. City property includes credit cards, City vehicles, keys, ID cards, business cards, pagers, tools, software, computer disks, uniforms, this Manual, and any other items in your possession that belong to the City.



# EMPLOYEE'S NOTES

# City of Pendleton Employee Handbook

## RECEIPT ACKNOWLEDGMENT FORM

1. I HAVE RECEIVED A COPY OF THE CITY OF PENDLETON'S EMPLOYEE HANDBOOK; OR I HAVE VIEWED THE EMPLOYEE HANDBOOK THAT IS LOCATED ON THE J: DRIVE/DATA/FORMS
2. I UNDERSTAND THAT I AM RESPONSIBLE FOR READING AND UNDERSTANDING THE POLICIES, PROCEDURES, REQUIREMENTS, AND OTHER INFORMATION CONTAINED IN BOTH THE HANDBOOK AND ON THE CITY INTRANET. I UNDERSTAND THAT I HAVE THE RESPONSIBILITY TO ASK MY SUPERVISOR FOR CLARIFICATION OF ANY INFORMATION I DO NOT UNDERSTAND.
3. THE POLICIES, PROCEDURES, REQUIREMENTS, AND OTHER INFORMATION CONTAINED IN THE HANDBOOK MAY BE MODIFIED OR DELETED, AND OTHERS MAY BE ADDED, AT ANY TIME WITH 14 DAYS' NOTICE.
4. I UNDERSTAND THAT I WILL RECEIVE NOTICE OF ANY SIGNIFICANT CHANGE(S) IN THE EMPLOYEE HANDBOOK.
5. THIS HANDBOOK SUPERSEDES ALL PRIOR STATEMENTS OF THE CITY OF PENDLETON WHICH MAY CONFLICT WITH IT. I UNDERSTAND THAT ANY CONFLICTING PRIOR STATEMENT IS SUPERSEDED.
6. THIS HANDBOOK IS NOT A CONTRACT. NEITHER THE HANDBOOK'S STATEMENTS OF THE CITY'S POLICIES, PROCEDURES, REQUIREMENTS, AND OTHER INFORMATION, NOR ANY REPRESENTATIONS MADE BY ANY MANAGEMENT REPRESENTATIVE AT THE TIME OF HIRE OR AT ANY TIME DURING EMPLOYMENT, ARE TO BE INTERPRETED AS A CONTRACT BETWEEN THE CITY AND ANY EMPLOYEES, UNLESS EXPRESSLY SO STATED IN WRITING SIGNED BY THE CITY MANAGER.

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**Employee Signature**

**Date**

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**Employee Name (Please Print)**

**Date**