

# PERSONNEL POLICY MANUAL

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**PERSONNEL POLICY MANUAL**  
**CITY OF OREGON CITY**

**RECEIPT FOR PERSONNEL POLICY MANUAL**

I acknowledge that I have thoroughly read the City's Personnel Policy Manual and I agree to comply with the policies and procedures of the City as set forth in the Personnel Policy Manual. I understand that a copy of the Personnel Policy Manual is available for my review at all times both in the department where I work and in the office of the Personnel Manager.

I further understand that the Personnel Manager has this manual available on request in other forms to accommodate persons with disabilities.

I understand that this policy manual is an overview and summary of the City's personnel policies and procedures, which are presently in effect. As policies and procedures are changed, withdrawn, interpreted, or added to by the City, changes will be communicated to me through standard communications channels and advance notice may not always be possible.

I understand that the City offers no employment contracts other than City Manager, nor does it guarantee any minimum length of employment. I may resign at any time for any reason and the City may terminate my employment at any time for any lawful reason. A supervisor, director or manager of the City has no authority whatsoever to make any contrary representations to me.

\_\_\_\_\_

Date

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Employee Print or Type Name

NOTE: One copy of this Receipt should be retained with the Personnel Policy Manual, and one copy is to be returned to the Personnel department.

## **NOTICE**

### **APPLICATION AND REVISION OF POLICIES**

This policy manual is an overview and summary of the City's personnel policies and procedures, which are presently in effect. The City reserves the right to direct and control the operations of its business, including but not limited to the right to modify, alter or delete policies. As policies and benefits are revised, changes will be communicated to you through standard communications channels. Some circumstances do not allow time for advance notice of revisions or additions, however, whenever possible, advance notice of these changes will be given.

The policies and procedures contained in this manual do not constitute part of an employment contract, nor are they intended to make a commitment to any employee concerning how individual employment action can, should, or will be handled. Except for the position of City Manager, the City offers no employment contracts nor does it guarantee any minimum length of employment. A supervisor, director or manager of the City has no authority whatsoever to make any representations to any employee to the contrary.

The City values its employees. However, the City recognizes that not all employees will have a long-term relationship with the City, and that either party may wish to terminate the relationship at some time. The City intends to preserve the right of either party to do so.

The policies and procedures in this manual are not intended to contradict any provision of a labor agreement nor shall any portion of this manual supersede any provisions of any labor agreement. Where there is a direct conflict between the provisions of this manual and a collective bargaining agreement, the provisions of the collective bargaining agreement will prevail.

The nature of operations in individual departments may require those departments to have additional policies, procedures and guidelines that are not covered in this manual. While individual department policies and procedures may be more stringent than the policies in this manual they shall not be less than consistent with the policies in this manual.

Some policies in this manual require the use of a form or forms. Because the City's forms will be updated periodically, before completing any form you should confirm with your department director, supervisor or the Personnel Manager that you are using the most current form available.

If you have any questions or would like additional information about any particular guideline in this manual, please contact the Personnel Manger.

**This policy manual supersedes all previous manuals, letters, memoranda and understandings.**

**PERSONNEL POLICY MANUAL**  
**CITY OF OREGON CITY**

## **DEFINITIONS OF EMPLOYMENT STATUS**

### **I. PURPOSE**

To help provide uniformity and equity in applying personnel policies and benefits.

### **II. SCOPE**

These definitions apply to all City employees.

### **III. POLICY**

- A. The City maintains standard definitions of employment status and classifies employees for purposes of personnel administration and related payroll transactions according to the following definitions:
- B. Exempt. Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and state law and who are exempt from overtime pay requirements.
- C. Non-exempt. Employees whose positions do not meet FLSA exemption tests and who are paid a multiple of their regular rate of pay for overtime, as required by federal and state law.
- D. Full-time. Employees scheduled to work forty (40) hours or more per week.
- E. Part-time. Employees scheduled to work less than forty (40) hours per week.
- F. Orientation Period Employee.
  - 1. New employees with less than one (1) year of service.
  - 2. Reclassified or promoted employees with less than six (6) months in the new position.
- G. Regular. Employees who have completed the orientation period.
- H. Temporary. Employees filling positions on an immediate, short-term basis as defined in the City Code.

## RECRUITMENT AND SELECTION

### I. PURPOSE

To provide a competitive system of filling positions for the City with the individuals whose skills, abilities and qualifications best match those of the open position.

### II. SCOPE

This policy applies to recruiting and selecting employees for regular full-time and regular part-time positions except those listed in the City Charter, as it may be amended from time to time (i.e. elected positions, City Manager, City Recorder, Municipal Judge, and City Attorney).

### III. POLICY

When a personnel vacancy occurs, the appropriate department director and the Personnel Manager will conduct a joint recruiting and selection program. This program will be designed to identify the most qualified individual for the position by carefully considering current employees as well as new applicants. All recruitment and selection practices and procedures shall be conducted in compliance with all applicable state and federal laws governing equal employment opportunity. Veteran preference shall be provided according to Oregon law.

The City is committed to using job-related criteria consistent with business necessity in its selection program. The City is also committed to providing reasonable accommodation to individuals with disabilities throughout the selection process and in its employment practices.

### IV. DEFINITIONS

- A. Job-Related. Each qualification standard, test or other selection criterion must be a legitimate measure or qualification for the specific job it is being used for. It is not enough that it measures qualifications for a general class of jobs.
- B. Consistent With Business Necessity. If a test or other selection criterion excludes an individual with a disability *because of* the disability and does not relate to the *essential functions of a job* it is not consistent with business necessity. A standard may be job-related but not justified by business necessity, because it does not concern an essential job function
- C. Reasonable Accommodation. Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. An equal employment opportunity means an opportunity to attain the

same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly situated employee without a disability.

The ADA requires that even if a qualification standard or selection criterion *is* job-related and consistent with business necessity, it may not be used to exclude an individual with a disability if this individual could satisfy the legitimate standard or selection criterion with a “reasonable accommodation.”

## V. PROCEDURE

The following steps govern the recruitment and selection process:

- A. Request to Recruit. When a job vacancy exists or is anticipated, the department director shall make a request to the Personnel Manager to initiate the recruitment and selection process. The request shall include a current job description listing the essential job duties and responsibilities, the essential job qualifications, established salary range, and the selection criteria. Upon approval of the City Manager the Personnel Manager shall initiate the recruitment and selection process.
- B. Job Announcement.
  1. A vacancy announcement shall be prepared specifying the title of the job, salary range of the position, summary of the essential job duties, responsibilities and qualifications, and the application procedures. The application procedures shall, at a minimum, include the time and location to apply, how to make alternate arrangements if the location is inaccessible; the selection process to be used, i.e., testing, application, assessment centers, interviews, etc., as well as the closing date for accepting applications. Reasonable accommodations will be made to enable an applicant with a disability to apply for and test for a job. All job announcements shall include this message: “We are an Equal Opportunity Employer. We do not discriminate on the basis of race, color, religion, sex, age, national origin, physical or mental disability, marital familial status, status as a Vietnam-era or special disabled veteran, or membership in any other group protected by law in accordance with applicable federal, state and local laws.”
  2. Job announcements will be posted for a minimum of five (5) working days. Posting locations include the personnel department, employee bulletin boards in City facilities. Vacancy announcements may also be sent to newspapers for inclusion in the "help wanted" ads, the State of Oregon Employment Division, and other agencies or organizations where there may exist qualified, interested applicants. The City shall further make job announcements accessible to people with disabilities by providing written information in various formats upon request.

- C. Applications. Employment applications shall be available in City Hall. Assistance in filling out an application shall be provided upon request. All individuals applying for a position shall complete an application form and any supplemental materials required by the City for certain positions, as specified. Application materials shall be considered confidential and reviewed only by the authorized personnel. The City shall make specific reasonable accommodation for both site accessibility and testing for applicants with disabilities.

The City accepts applications and/or resumes only when a vacancy exists. When the City solicits applications for a vacant position, there will be a designated cut-off date beyond which resumes will not be accepted. Unless the City is currently accepting resumes for a vacant position, all resumes will be returned with the Response to Unsolicited Resumes form letter.

D. Selection.

1. Selection criteria shall be designed to measure each applicant's qualifications, experience and ability to perform the duties and responsibilities of the open position. When requested, specific reasonable accommodations will be made for individuals with disabilities.
2. Any combination of two or more of the following methods may be used to determine the applicant best suited for the position:
  - a) information supplied by the applicant, on the application, in resumes, and through supplemental examinations, if required;
  - b) written, performance (i.e. typing test) and physical agility test (not a medical exam);
  - c) individual or group oral interviews;
  - d) assessment centers;
  - e) information and evaluation provided by previous and current employers and references;
  - f) personal background investigation for some positions; and
  - g) other appropriate job-related screening techniques.

Note: Some positions may require that medical and related information be obtained through a medical entrance exam or other means to evaluate the ability of applicants to perform essential job functions, or to promote health and safety on the job. The City will not request this information until after a

conditional job offer has been made, and then only when it is consistent with business necessity. All positions will require applicants to be tested for drug usage as part of the pre-employment process after a conditional job offer has been made.

- E. Appointment. The department director makes the appointment to the position after consultation with the Personnel Manager and the City Manager. All recruitment and selection records shall be retained by the Personnel Manager for a minimum of three (3) years from the time each applicant has been notified of his/her application status. Appointments may be made subject to the result of a medical entrance exam.
- F. Multiple Use of Application and Selection Methods. When it is deemed appropriate by the Personnel Manger and the City Manager, selection materials including application, testing and interview results, reference, and other selection information received for one (1) vacancy may be considered for a subsequent recruitment and selection process, as long as the subsequent recruitment and selection process is in the same job classification and provided that no more than one (1) year has passed since the initial process. A list of qualified candidates for purposes of internal recruitment shall remain active for a minimum of one (1) year. All applicants shall be notified of their application status.
- G. Temporary Appointments.
  - 1. The intent of temporary appointments is not to fill regular, classified positions with temporary employees. Under certain circumstances, a temporary appointment may be needed to fill a position on an immediate, short-term basis. For example, a temporary appointment may be used to fill an unexpected vacancy, to fill in for a current classified employee out on an approved leave of absence such as disability leave or family medical leave, or to fill a special project position resulting from the availability of grant money. The department director may fill these vacancies by appointment on a temporary basis after consultation with the Personnel Manager and with the approval of the City Manager without following the recruitment and selection process for a period not to exceed one (1) year. Approval from the City Manager for an extension is required.
  - 2. Vacated classified positions may be filled with temporary appointments. A classified position, which is vacant because an employee is out on approved leave, may be filled by temporary appointment as long as there is a reasonable expectation that the employee will return. A new unclassified position funded by grant moneys or other outside source may be filled by temporary appointment for the duration of the funds. If such position becomes classified as a regular full-time position with the City, however, the recruitment and selection process shall be initiated and followed. If a current

and qualified applicant pool or list exists for any vacated classified position, the department director shall first consider making the temporary appointment from this pool or list.

- H. Promotions and Transfers. The City encourages promotions and transfers from within City service and seeks to select the best-qualified individual for the position. Promotional appointments shall, therefore, be made from employees within the City if the department director and City Manager determine that there exists a sufficient number of qualified and interested employees to compete through an internal selection process. An employee interested in a promotional appointment may communicate his/her interests and concerns directly to his/her department director.

## **NON-DISCRIMINATION AND ANTI-HARASSMENT**

The Equal Employment Opportunity policies and procedures set forth below apply to all employees, volunteers, interns and public officials for the City (“covered individuals”), in accordance with applicable law.

### **A. DEFINITIONS**

1. **“Workplace Harassment”** is defined by statute under Oregon law, and includes:
  - a. Conduct that constitutes discrimination prohibited by ORS 659A.030 (i.e. discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, or age of employee or person associated with employee, or employee’s expunged juvenile record), including conduct that constitutes sexual assault.
  - b. Conduct that is prohibited by ORS 659A.082 (i.e. discrimination against an individual based on uniformed service); or
  - c. Conduct that is prohibited by 659A.112 (i.e. employment discrimination against persons with disabilities).
2. **“Sexual Assault”**: Sexual assault means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.
3. **“Non-Disclosure Agreement”** means an agreement between the City and an employee or prospective employee not to disclose information related to complaints or personnel actions regarding workplace harassment.
4. **“Non-disparagement Agreement”** means an agreement between the City and an employee or prospective employee not to make negative statements about the other related to complaints or personnel actions regarding workplace harassment.

### **B. NON-DISCRIMINATION POLICY**

It is the City’s policy to provide equal employment opportunities to all qualified persons without regard to race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, mental or physical disability, uniformed/military service or veteran’s status, use of the worker’s compensation system, expunged juvenile records, or any other protected status or activity in accordance with applicable law. It is the City’s policy to make employment, internship,

volunteer selection, etc. decisions based on its evaluation of an individual's qualifications, ability and contribution to the success of the City.

### **C. POLICY AGAINST WORKPLACE HARASSMENT**

It is also the City's policy that its employees, volunteers, interns and public officials should work in an environment where individual dignity is respected. For that reason, we expect all employees and other people covered by this policy to accomplish their work in a business-like manner with concern for their coworkers and others they come into contact with through their jobs. Any conduct that could reasonably be viewed as workplace harassment of employees, volunteers, interns, public officials, citizens/customers, vendors, etc. by employees or others covered by this policy is expressly prohibited, regardless of working relationship or supervisory status. Likewise, the City does not permit others on our worksites to engage in any conduct that could reasonably be viewed as harassment of our employees, volunteers, interns and public officials.

Specifically forbidden is unwelcome conduct related to an individual's race, color, national origin, ancestry, or ethnicity, religion, sex (i.e. gender), sexual orientation, gender identity, mental or physical disability, age, veteran status, marital status, or other legally protected status or activity.

#### ***Prohibited conduct of a sexual or gender-based nature includes:***

- Unwelcome sexual advances; innuendoes; requests for dates
- Unwelcome touching or sexual assault
- Unwelcome visual conduct, such as leering or making sexual gestures
- Telling dirty jokes
- Making offensive or derogatory comments about a person's gender
- Making derogatory remarks about sexual orientation or gender identity, including comments about individuals who are gay, lesbian, or transgender, etc.
- Talking about your sex life or asking about another person's sex life
- Spreading rumors or telling stories about another person's sex life
- Displaying sexually suggestive objects, pictures, cartoons or posters
- Use of the City's computers, internet, or other communication devices or systems to access, send, receive or store material of a sexual/gender, etc. based nature
- Any other verbal, graphic, electronic or physical conduct of a sexual or gender-based nature, which has the purpose or the effect of creating a hostile or offensive work environment or otherwise unreasonably interfering with another employee's or other covered individual's work.

#### ***Prohibited conduct related to race, ethnicity, religion, age, disability, etc. includes:***

- Making racial slurs or offensive ethnic comments
- Telling racial or ethnic jokes
- Displaying cartoons, printed material or other objects which are racially or ethnically

offensive

- Displaying racist symbols
- Making derogatory comments or jokes about, or mimicking a person's physical or mental limitations
- Unwelcome imposing of your religious beliefs on others
- Criticizing or making fun of another person's religious beliefs
- Making derogatory age-based comments or jokes
- Using the City's computers, internet, or other communications devices or systems to access, send, receive or store racially, ethnically, age-related, disability related or religiously, etc. offensive material; and
- Other verbal, graphic, electronic, physical or other conduct of a racial, religious, ethnic, age or disability related nature, which creates a hostile or offensive work environment or unreasonably interferes with another employee's or other covered individual's work.

These are just examples of the kinds of conduct that are prohibited by this policy. Employees and other covered individuals are expected to exercise common sense and refrain from other similar kinds of conduct. It is also essential to understand the following important aspects of this policy:

- Conduct of this nature is prohibited even if it occurs off-duty, if it creates an offensive work environment or unreasonably interferes with another employee's or covered individual's work.
- ***You are expected to assume that conduct of this nature is unwelcome*** and will offend other covered individuals. Therefore, you are expected to refrain from engaging in such conduct, regardless of the circumstances. It is not an acceptable excuse that others participated in the conduct or did not appear to be offended.
- No one should suggest or threaten that an individual's cooperation with or tolerance of conduct of this nature will have any effect on that person's employment or status as a volunteer, intern or public official. The City does not make decisions on that basis.

#### **D. POLICY AGAINST RETALIATION**

The City respects the rights of its employees and others in our workplace to raise harassment and discrimination concerns, and expects individuals in our workplace to participate in investigations. The City does not permit employees or others to retaliate against a covered individual because that person has reported harassment or discrimination, cooperated with an investigation, testified in harassment proceedings, or otherwise assisted in enforcement of our policies against discrimination and harassment.

"Retaliation" is broadly construed and may include on-duty or off-duty conduct, whether related to employment or not, that would tend to discourage an employee or other covered individual

from engaging in the protected activities described above. Retaliation for engaging in these protected activities can also include:

- Giving a covered individual “the cold shoulder” or treating him or her rudely;
- Withholding information or cooperation necessary for the covered individual to do his or her job;
- Changing a covered individual’s work assignments or hours;
- Badmouthing a covered individual or giving a negative performance evaluation or reference; or
- Taking adverse action against another person who is close to the covered individual.

#### **E. REPORTING PROCEDURES**

If you believe that you have been subjected, or another covered individual has been subjected, to conduct prohibited by this policy, you should ***promptly*** contact the City’s Director of Human Resources. We believe that all of our employees, volunteers, interns and public officials have an affirmative obligation to report violations of our policy and cooperate with investigations so that we can investigate the concerns and take appropriate preventive and corrective action.

If the Director of Human Resources is not available, or the complaint or concern involves the Director of Human Resources, or you are not comfortable reporting to the Director of Human Resources for any reason, you should contact one of the following designated alternates:

City Manager, City Attorney or Human Resources Analyst

Do not report your concern only to the person who you believe has (or is accused of having) violated this policy. Our ability to resolve these kinds of problems is dependent on all covered individuals reporting incidents that create an offensive or hostile work environment.

When the Director of Human Resources or a designated alternate person listed above receives a report of alleged discrimination, harassment or retaliation, he or she must document what is reported and provide the employee with a copy of this policy. Any covered individual who believes he or she has been subjected to or witnessed conduct in violation of this policy is also advised to document the incident(s).

Additionally, any supervisor or manager who receives information about conduct that may violate these policies is required to:

- Immediately notify the Director of Human Resources, or a designated alternate person on the list if the Director of Human Resources is not available or the concern involves the Director of Human Resources; and
- Provide the individual who reported the information with a copy of this policy.

***We do not place any time limits on the ability to report concerns about workplace harassment through the City's internal complaint procedures,*** and covered individuals have a legal right to report workplace harassment for up to four (4) years from the date on which the alleged harassment occurred. However, covered individuals are expected to report these incidents at the earliest opportunity, in order to maximize the City's ability to conduct a thorough investigation and prevent further occurrences of prohibited conduct.

#### **F. ADDITIONAL RESOURCES FOR ASSISTANCE**

Covered individuals who want more information may contact the Oregon Bureau of Labor and Industries (<https://www.oregon.gov/boli>), local law enforcement, or contact an attorney of their choosing. The Oregon State Bar provides a referral service through which employees may be connected with attorneys. Information regarding this service can be found at: <https://www.osbar.org/public/ris/>. The City's health insurance includes mental health benefits and an employee may contact their Employee Assistance Program. [www.mtrbh.com](http://www.mtrbh.com) You can find additional resources at Clackamas County Mental Health Services at <https://www.clackamas.us/behavioralhealth/services.html> and Clackamas County Victim Assistance at <https://www.clackamas.us/da/victimassist.html>. The Oregon Health Authority or the Oregon Board of Licensed Professional Counselors and Therapists may also have additional information to help connect you with counseling and other support services. More information can be found on the websites for these agencies at: <https://www.oregon.gov/oha/pages/index.aspx> or <https://www.oregon.gov/oblpc/Pages/Websites.aspx>.

#### **G. INVESTIGATIONS AND VIOLATIONS**

All complaints of violations of the City's Equal Employment Opportunity policies will be promptly investigated. If the City finds that an employee has violated its policy, appropriate disciplinary action will be taken, up to and including termination of employment. Action will also be taken to address violations made by volunteers, interns, public officials and others who violate our policies, which may include dismissal from the volunteer or intern status. If a complaint is filed against a member of the City Commission, the entire City Commission shall be notified.

In addition, other corrective action, such as individualized training and other steps may be taken as the City determines appropriate. For employees and others whose legal rights are determined to have been violated, additional remedies, such as back pay, counseling or medical costs, attorney fees, pain and suffering, and punitive damages may be available.

#### **H. FOLLOW-UP WITH COVERED INDIVIDUALS**

It is our policy to follow up with the victim of alleged harassment at least once every three months for the calendar year following the date on which we received the report to ensure that any harassment or other policy violations have stopped and that the victim has not been subjected

to retaliation. These follow-up contacts will occur unless the victim objects in writing to this practice.

The City may, in its discretion, also follow up with witnesses and others who cooperated in an investigation, including employees and other covered individuals who reported conduct that was not determined to be a violation of this policy, for the purpose of enforcing anti-retaliation prohibitions. Employees, volunteers, interns and public officials who have questions or concerns about our Equal Employment Opportunity Policies are encouraged to contact the Director of Human Resources or follow the Complaint Procedures outlined in those policies.

#### **I. ADDITIONAL COMPLAINT AND ENFORCEMENT OPTIONS**

All employees and other individuals covered by these policies should also be aware that they have the right to make complaints to and seek remedies through the complaint resolution process of the Oregon Bureau of Labor and Industries (“BOLI”) or by filing claims in court as well as to pursue their rights under other available laws, whether civil or criminal. The City respects the right of victims of workplace harassment to voluntarily disclose information regarding incidents of harassment.

The City does not provide any employee or other covered individual with legal advice. However, all employees and covered individuals should be aware that time limits apply to the ability to pursue civil and criminal complaints. For example, claims made with BOLI alleging workplace harassment under Oregon law must generally be filed within five (5) years from the date of the alleged unlawful practice if the conduct occurred on or after October 1, 2019. Conduct that occurred prior to that date is generally subject to a shorter (i.e. 1-year) statute of limitations. The same time limitations apply to complaints filed in court without first going through BOLI.

Please also be aware that Oregon law requires that individuals bringing claims against a public officer, employee or agent of a public body or a public body (e.g. the City) must first provide a notice of claims that is often referred to as a Tort Claims Notice. The notice must generally be provided within 180 days of the alleged loss or injury, unless one of the limited exceptions apply under ORS 30.275.

Different time limitations apply under federal law for filing complaints in court. Generally, these claims must be filed within 300 days with the federal Equal Employment Opportunity Commission for employees working in Oregon. The statute of limitations for criminal complaints varies, depending on the nature and degree of the conduct. Covered individuals who want more information may contact BOLI at <https://www.oregon.gov/boli>, local law enforcement, or contact an attorney of their choosing. The Oregon State Bar provides a referral service through which employees may be connected with attorneys. Information regarding this service can be found at: <https://www.osbar.org/public/ris/>.

#### **J. ENTERING INTO AGREEMENTS WITH THE CITY**

All employees and other covered individuals should be aware that effective October 1, 2020, in accordance with applicable law, the City will not require or coerce any employee or other covered individual to enter into any non-disclosure agreement or non-disparagement agreement (defined above) that would prohibit the covered individual from discussing alleged discrimination or harassment in the workplace. This applies to conduct that occurs between covered individuals, or that occurs between the City and a covered individual in the workplace or at a work-related event coordinated by the City, or that occurs between a covered individual and the City on or off of City premises.

Notwithstanding the above, employees and other covered individuals claiming to be aggrieved by workplace harassment may **voluntarily request** to enter into an agreement (e.g. separation, severance or settlement agreement) that contains a confidentiality, non-disparagement and/or no-rehire provision. Although the City is not obligated to offer or agree to any such separation, severance or settlement agreement, an employee or other covered individual who enters into such an agreement on or after October 1, 2020 will also have the option to revoke the agreement within seven (7) days after it is signed.

**K. RECORD RETENTION UNDER THIS POLICY**

Notices of leave pending investigation, notice of interviews, due process notices and disciplinary notices are generally maintained in personnel files. If documents are removed from a personnel file as required by an applicable collective bargaining agreement, they will nevertheless be retained by the City as required by other applicable law(s).

Other documents related to complaints and investigations are maintained in confidential files for a *minimum* period of the 5-year statute of limitations or the minimum retention period required under Oregon law, whichever is longer. Such records are generally released only as the City determines appropriate to defend against legal claims, establish consistency and lack of discrimination, to establish that an employee or covered individual received notice of standards of conduct required under this policy, and when otherwise required by applicable law.

**L. PREGNANCY AND DISABILITY ACCOMMODATION POLICY**

The City is committed to complying fully with state and federal pregnancy and disability accommodation laws for its employees who are covered by these laws. If you require workplace modifications or other assistance to accommodate your pregnancy (including but not limited to pregnancy, childbirth or a related medical condition, such as lactation) or disability, it is your responsibility to contact the Director of Human Resources to make sure we are aware of not only your pregnancy or disability, but also your need for accommodation. Reasonable accommodations may include obtaining or modifying equipment or devices, schedule modifications, and other job modifications that are intended to enable a pregnant or disabled employee to perform his/her essential job duties.

When you advise us of a condition that you believe requires accommodation, the City will work with you to analyze your medical condition, job limitations, etc., and discuss with you to determine what, if any, reasonable accommodations can be made to enable you to perform your job duties in a safe and satisfactory manner. All employees are expected to cooperate with this process, including our requests for medical confirmation of their condition and the nature and extent of any job-related restrictions or limitations.

The City does not create positions that do not exist in order to accommodate employees. If an employee is unable to perform their essential job duties after any required reasonable accommodation efforts, the City will explore opportunities to place the disabled employee in another existing and available positions that is, with or without reasonable accommodation, suited to the employee's skills and limitations. If you have been provided an accommodation that you feel is not effective for any reason, you should promptly notify the Director of Human Resources.

**M. RELIGIOUS ACCOMMODATION POLICY**

The City is committed to complying fully with its reasonable accommodation obligations for the religious beliefs and practices of its employees. If you require scheduling or other workplace modifications for your religious beliefs and practices, please contact the Director of Human Resources.

## **EMPLOYMENT OF RELATIVES**

### **I. PURPOSE**

To prevent problems of supervision, safety, security and morale; and to avoid the appearance of favoritism or nepotism in the City's hiring practices.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

Applications for employment from close family relatives will be considered with other qualified applications when personnel vacancies occur. Some restrictions in job placement will apply, however, to prevent problems of supervision, safety, security and morale.

### **IV. DEFINITION**

"Close family relatives" include current spouse, children, parents, grandparents, siblings, grandchildren, aunts, uncles, first cousins, or corresponding in-laws or "step" relations. For the purpose of this policy "spouse" means those employees having a legal marital relationship, as well as employees involved in relationships, which in the City's judgment are characterized by the permanence, duration and stability usually associated with marriage.

### **V. PROCEDURE**

- A. Close family relatives will not be hired without the prior approval of the City Manager.
- B. Close family relatives will not be hired into a department where he/she directly or indirectly supervise or are supervised by another family member.
- C. Close family relatives will not be placed in positions where he/she work with or have access to sensitive or confidential information regarding other close family relatives, or, if there is an actual or apparent conflict of interest.
- D. If previously unrelated employees become close family relatives after employment and a conflict of interest or management problems of supervision, safety, security or morale result; or, if a reorganization creates such a conflict, the City may, at its sole discretion, continue to employ both employees for a reasonable time to allow exploration of ways to resolve the matter. If the City, in its sole discretion, decides that resolution is not possible, the City may require one or both of the employees to transfer or resign.

## **EMPLOYMENT OF MINORS**

### **I. PURPOSE**

To establish guidelines for the occasional hire of minors during school breaks, at peak work periods, or on an internship basis.

### **II. SCOPE**

This policy applies to minors fourteen (14) through seventeen (17) years of age.

### **III. POLICY**

As a general rule, employees of the City are eighteen (18) years of age or older. Occasionally, the City hires students or others who are under the age of eighteen (18), but this is done only under the following special conditions and must be approved by the City Manager.

- A. Number of Hours Worked. Employees under eighteen (18) years of age may not be required to work more than forty-four (44) hours in any one (1) work week unless the City has obtained a special emergency overtime permit from the Wage and Hour Commission.

Minors age fourteen (14) and fifteen (15) may only be employed between the hours of 7:00 a.m. and 7:00 p.m. for a maximum of eighteen (18) hours a week during the school year. Work for this age group is restricted to three (3) hours a day on any day when school is in session. During the summer vacation period, these employees may work up to eight (8) hours per day and forty (40) hours per week between the hours of 7:00 a.m. and 9:00 p.m. daily.

- B. Rest Periods. Rest periods of at least fifteen (15) minutes with pay must be provided for all minors during each work period of four (4) hours or the major part of four (4) hours. If possible, breaks should be given approximately midway in the work period.
- C. Meal Periods. Meal periods of at least one-half hour (1/2-hr) must begin no later than five (5) hours and one (1) minute after the minor reports for work. This time is not required to be paid if the employee is relieved of all duty. Employees age sixteen (16) and seventeen (17) years old may be required to remain on call while eating his/her meal, but this is only permissible when the nature of the work makes it impossible to relieve the employee from duty completely. In this case the time must be paid. If the minor is under sixteen (16), he /she must be relieved of all duty.
- D. Lifting Weight. No minor may be required to lift excessive weights.
- E. Hazardous Work. Because of their hazardous nature, some occupations have been

prohibited to minors by Oregon Administrative Rule. Special permits may be authorized for some of these occupations if the employee is a student-learner in a vocational training program and under close supervision by the school, or if the employee has completed vocational training for the occupation and has either graduated from high school or is working during the summer vacation period.

#### IV. PROCEDURE

- A. Employment Certificate. Upon hiring a minor, the Personnel Manager must first obtain a validated Employment Certificate (one (1) for each City facility employing minors) from the Bureau of Labor and Industries (BOLI). The Personnel Manager shall post the Employment Certificate where all employees can readily see it and shall make application for renewal once each year.
- B. Verification of Age. The City shall verify the minors age by requiring the minor to produce an acceptable proof of age document. An acceptable proof of age document includes, but is not limited to:
1. a birth certificate issued by any state, county, or municipal authority;
  2. a hospital record of birth;
  3. a state-issued driver's license or a state-issued I.D. card with a photograph, or information, including, date of birth;
  4. a U.S. Military card;
  5. a U.S. Passport;
  6. a Certificate of U.S. Citizenship;
  7. a Certificate of Naturalization;
  8. an unexpired foreign passport with attached Employment Authorization;
  9. an Alien Registration Card with photograph;
  10. a Social Security Administration record indicating date of birth;
  11. a Certificate of Age issued by the U.S. Department of Labor;
  12. a Work Permit card issued by BOLI prior to September 9, 1995;
  13. a Baptismal record; or

14. other acceptable proof approved by BOLI.
- C. Record Retention. The Personnel Manager shall retain a record of the document used to verify the minor's age. A notation in the minor's file of which document was used to verify the minor's age or retaining a copy of the document shall satisfy this requirement.
- D. Changes. If, after the issuance of a validated Employment Certificate, the duties of the minor will be changed from those originally authorized under the Employment Certificate, the department director should notify the Personnel Manager.

## **REHIRES**

### **I. PURPOSE**

To establish the authority and responsibility of the Personnel Manager regarding the rehiring of former employees.

### **II. SCOPE**

This policy applies to all former employees of the City except in situations of layoff and recall. (See Policy No. 050, Layoff and Recall.)

### **III. POLICY**

Former employees who apply to be rehired must complete the same application process, undergo the same evaluation and on the same basis as other applicants. However, special consideration will be given to past job performance, the circumstances surrounding termination of previous employment, and the former employee's knowledge of City procedures and functions.

### **IV. PROCEDURES**

- A. The rehiring of any employee must be approved by the City Manager.
- B. Employees rehired within thirty (30) consecutive working days after separation will retain their original date of hire.
- C. Employees rehired after a break of service of more than thirty (30) consecutive working days will receive a new date of hire.

## **LAYOFF/RECALL**

### **I. PURPOSE**

To establish procedures and responsibilities for the re-employment of personnel laid-off due to lack of funds, lack of work, or reorganization.

### **II. SCOPE**

This policy applies to all employees separated from employment without prejudice to performance.

### **III. POLICY**

Economic conditions, changes in technology or other unforeseen circumstances may require adjustments in staff levels by means of a personnel reduction in force (layoff). Before competent employees are separated due to lack of work, the City will explore reasonable possibilities for reassignment. Liaison concerning this subject will be maintained with the Personnel Manager by supervisors to accomplish any possible inter-department transfers of personnel.

In the event of changes in work responsibilities, lack of work, lack of funding, reorganization, or other pertinent reasons, the City Manager shall have the authority to lay off employees from City employment.

### **IV. DEFINITIONS**

"Layoff" includes two definitions.

- A. Temporary Layoff. Work is no longer available, but recall to work is expected within twelve (12) months.
- B. Permanent Layoff. Work is no longer available. Recall to work is not expected (i.e. job eliminated, public contract expired, department closed).

### **V. LAYOFF PROCEDURE**

Layoffs shall be evaluated on an individual job classification basis. The primary criteria are that layoffs shall be accomplished in a way that will least negatively affect the proper functioning of City services and responsibilities.

- A. When the number of employees must be reduced many factors will be considered including employee performance and seniority.

- B. The City may occasionally retain certain employees without regard to length of service because of the employee's special knowledge, skill, training, or experience.
- C. Written management approval for layoffs is required as provided in Policy No. 810, Employee Separation.
- D. When possible, two (2) weeks notice will be given to employees scheduled to be separated due to layoff.
- E. Employees on temporary layoff will retain benefit credit for benefit plan purposes if recalled within twelve (12) months. An employee may, however, elect to receive pay for accrued vacation entitlement at the time of reduction.

**VI. PROCEDURE FOR RECALL**

The following steps will guide increases in the workforce due to recall.

- A. Before hiring new employees from outside the City, recall from layoff will be made of qualified employees separated within the past twelve (12) months. An employee will be considered qualified if, in the City Manager's sole discretion, a reasonable period of training can be expected to lead to qualification.
- B. When considering recall of employees with similar skills and abilities to positions for which they qualify, past performance and date of hire will be considered as primary selection criteria. Employees recalled will not be required to serve a new orientation period unless they are reclassified or promoted.
- C. An employee to be recalled will be notified by certified letter sent by the Personnel Manager. Telephone contact may also be used by the Personnel Manager, as appropriate. If the employee does not contact the City to make satisfactory arrangements or return to work within five (5) working days of the mailing date of the letter, the employee will be terminated and will be eligible for reinstatement to the recall list only if some exceptional circumstances prevented the employee from responding.

## **NEW EMPLOYEE ORIENTATION PERIOD**

### **I. PURPOSE**

To provide an employee more frequent coaching opportunities, feedback and training in an effort to support his/her success in meeting the expectations for the performance of duties in his/her new position.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

The length of the orientation period for any reclassified or promoted employee shall be six (6) months. The orientation period for any new employee shall be twelve (12) months. A transferred employee shall be required to complete a new six (6) month orientation period only if there has been a classification change.

Promoted employees who do not successfully complete his/her orientation period shall be reinstated in the employee's previous classification unless he/she is terminated for willful serious violation of rules or standards of behavior and/or misconduct; or unless his/her former job is no longer available.

### **IV. PROCEDURE**

- A. Department supervisors normally will be responsible for training and evaluation during the employee orientation period.
- B. Performance appraisals will be conducted after three (3), six (6) and nine (9) months (using the most current New Employee Performance Review form). Informal coaching and feedback should be provided on a frequent basis.
- C. Upon satisfactory completion of the orientation period, employees move to regular status and are subject to the standard performance appraisal process.
- D. If, during the orientation period, unsatisfactory performance does not improve, the employee will be subject to the progressive discipline process up to and including termination.
- E. All employees, regardless of status or length of service, are required to meet and maintain City standards for job performance and behavior.

## **PERSONNEL RECORDS & PRIVACY**

### **I. PURPOSE**

To establish standards by which information contained in personnel records will be managed to achieve accuracy, privacy and legal compliance.

### **II. SCOPE**

This policy applies to all departments and employees of the City.

### **III. POLICY**

To meet state and federal legal requirements and to assure efficient personnel administration, personnel and payroll records shall be maintained for all City employees.

- A. Notification of Changes. Changes of address, telephone number and/or family status (births, marriage, death, divorce, legal separation, etc.) must be reported immediately to the Personnel Manager, as an employee's income tax status and group insurance may be affected by these changes.
- B. Files Access. Access to personnel files is restricted to the employee, City Manager, Personnel Manager or designee and the department director on a "need to know" basis. Personnel files are the property of the City and may not be removed from the Personnel Department.
- C. Information Requests and Employment References. Requests for information from employee files received from other departments and inquiries from outside the City, including requests for references on former employees, should be directed to the department director or designee or the Personnel Manager. Any other employees are prohibited from providing personal or employment references on ex-employees or current employees. Employees who violate this policy shall be subject to disciplinary action.

### **IV. FILE MAINTENANCE, ACCESS AND RETENTION**

- A. Minimum Recordkeeping Requirements. At minimum, for each employee, a record will be kept of :

- a) name and social security number;
- b) address, sex and date of birth (if under age 19);
- c) occupation in which employed;
- d) time of day and day of week when workweek begins;
- e) rate of pay;
- f) actual hours worked each day;
- g) total hours worked each work week;
- h) weekly (or daily) straight-time due;
- i) weekly overtime compensation due;
- j) total additions to or deductions from wages for pay period;
- k) date of payment, pay period covered and total paid.

B. Personnel File. When an employee is hired by the City, a personnel file will be established generally containing the following information:

- 1. application for employment and related hiring documents, such as resumes and course transcripts;
- 2. personal information changes and personnel action notices of pay and employment status changes;
- 3. performance documents including performance appraisals;
- 4. tuition reimbursement documentation;
- 5. pay advance requests;
- 6. employee history updating information submitted by employees including recent education, records of outside achievements, changes affecting withholding tax, etc.; and
- 7. other documents pertaining to employment such as appreciation letters, corrective action reports, record of automobile insurance, employment verifications, training records, and references from previous employers.

Medical records, documents necessary for the administration of City benefit programs, and any investigatory information shall be kept in separate confidential files. I-9 forms shall also be kept in a separate file.

Employees may provide a written response to any information contained in his/her personnel file. The employee's response will become a part of the file. The Personnel Manager may require that documents which are added to an employee's personnel file be signed by both the employee and the employee's supervisor.

- C. Examination of an Employee's Personnel File. Inspection of an employee's personnel file may be accomplished at reasonable times during office hours under the following conditions:
1. **Employee.** Employees may review their personnel file and may be charged for the expense of making copies of the information in the file. If an employee wants to review the file, he/she must arrange a mutually agreeable time with the Personnel Manager. Employment references will be removed before the employee views the file.
  2. **Management Staff.** The City Manager, Personnel Manager or designee and department directors may examine active and separated employee files on a "need to know" basis.
  3. **Government Inquiries.** The City generally will cooperate with federal, state and local government agencies investigating an employee if the investigators furnish proper identification and proof of legal authority to investigate. However, the City may first seek advice of legal counsel. The City may permit a government investigator to review a personnel file on City premises, but the investigator will not be allowed to remove or reproduce this information without consent from City Manager and/or the City's attorneys.
- D. Information Requests and Employment References. If employees wish the City to verify information requested by outside sources for credit or other purposes, a release form with the employee's signature must accompany the request.

Employment references on former employee's job performance may be provided by the Personnel Manager as follows:

1. The Personnel Manager may not disclose information that is knowingly false or deliberately misleading or rendered with malice or a violation of any civil right of the former employee (i.e. disclosure of confidential medical information).

2. **Written Inquiries.** If the request for information is in writing, salary information will be verified in addition to the above. This verification will be in writing and a copy retained in the employee's file.
- E. File Retention. Because wage claims may be filed in Oregon for up to six years, employee's files will be retained for a minimum of six (6) years after the employee's separation.

## 100. WAGE AND SALARY ADMINISTRATION

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## **EXEMPT/NON-EXEMPT EMPLOYEE STATUS**

### **I. PURPOSE**

To define exempt and non-exempt employee status and to provide guidelines for determining this status according to law.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

All positions in the City will be categorized as exempt, exempt with conditions or non-exempt in compliance with the Fair Labor Standards Act (FLSA) and state law and for pay administration purposes.

### **IV. DEFINITIONS**

Definitions of exempt and non-exempt status are based on provisions of the Fair Labor Standards Act (FLSA) and state law. These definitions are summarized as follows:

- A. Exempt. Management, supervisory, professional, and administrative employees whose positions meet specific tests established by the FLSA and state law and who are exempt from overtime pay requirements.
- B. Non-exempt. Employees whose positions do not meet FLSA and State exemption tests and who are paid one-and-one-half (1-1/2) times their regular rate of pay for hours worked in excess of forty (40) in one (1) week.

### **V. PROCEDURE**

- A. In cases where the exempt/non-exempt status of an employee is in doubt, the department director will review position duties and responsibilities against FLSA and state exemption tests, and reach a provisional decision.
- B. The Personnel Manager will review these decisions and make the final decision in all cases.

## **SALARY PROGRAM ADMINISTRATION**

### **I. PURPOSE**

To maintain a program of internally and externally equitable salaries.

### **II. SCOPE**

This policy applies to regular, salaried positions, full-time and part-time, exempt and non-exempt.

### **III. POLICY**

The City strives to pay salaries competitive with those in surrounding jurisdictions recognizing individual effort and contribution. Determination of salary policy and the overall administration of the Classification Plan is the responsibility of the City Manager.

### **IV. SALARY PROGRAM ELEMENTS**

#### **A. Classification.**

1. **Classification Plan.** The mission of the City requires providing quality services to the citizens. In an effort to meet these needs, the City employs a staff with varying job duties and responsibilities. A classification is a group of positions sufficiently alike in job duties and responsibilities and requiring the same essential job qualifications. Positions shall be analyzed in terms of essential job qualifications required to perform the duties. A listing of all the positions through written job descriptions shall be maintained to establish qualification standards, performance standards, to assist in the compensation process, and to provide a means of organizational relationships among positions.
2. **Development and Adoption.** It is the responsibility of the Personnel Manager to conduct position classification studies and to forward all requests for review regarding changes in job descriptions or establishing new position classifications to the City Manager for final determination.
3. **Administration.** The City Manager is responsible for the overall administration of the Classification Plan.
  - a) The City Manager periodically reviews the plan or individual positions and may add, combine, divide, or abolish classes; or revise descriptions of existing classes; or establish new classes as dictated by the City's needs. The City Manager may review positions at prescribed intervals or as needed.

- b) The department directors shall supply the City Manager with current written position descriptions for each authorized or proposed position in their department.
  - c) The City Manager determines and allocates each position to an appropriate classification, notifying the department director and the employee.
  - d) A department director may request a change in classification when the duties and responsibilities of a position have changed substantially in type or level of work performed. The request shall include a proposed job description of duties and responsibilities and essential job qualifications.
  - e) An employee may also request a reclassification. Such requests should be made to the employee's current department director. The City Manager shall determine whether the reclassification is warranted based on the position and its relationship to the organization without regard to the personal characteristics and abilities of the employee holding the position.
  - f) The effective date of position classifications will be determined based on the circumstances of the request and approved by the City Manager.
  - g) A change in the Classification Plan may result in a revision to the Pay Plan.
- B. Class Description. Class descriptions are written statements of each class included in the Classification Plan. Descriptions include a class title, a statement describing the nature and distinguishing characteristics inherent in the duties of positions in the class, representative examples of work performed, and general recruiting indicators (knowledge, skill or abilities, and experience or education) that a person should possess to successfully perform the work. Necessary requirements such as licenses or certifications are also included.
- C. Interpretation. When determining the class to which any position should be allocated, the statements describing each class are considered as a whole. The use of a particular expression or illustration as to duties does not exclude other duties not mentioned that are of similar kind or quality.
- 1. General Recruiting Indicators. The general recruiting indicators in a class relate to the standards of experience and training expected at the time of appointment of a new employee and do not encompass all qualifications of

employees already working in the class. General recruiting indicators are not restrictive, but are guidelines for evaluating any formal education, training, work, or other experience which result in knowledge, skills, and abilities relevant to the work of the class.

2. **Implied Qualifications.** Personal qualifications commonly required of an employee are implied as qualifications required for entrance to every class, even though the traits may not be specifically mentioned in the class description. Implied qualifications include, but are not limited to, the following: honesty, loyalty, amenability to supervision and suggestions from supervisors for improvement, willingness to cooperate with others, and not being under the influence of a non-prescribed substance.
3. **Class Title.** The class title is the official title of every position allocated to the class for the purpose of Personnel Actions, and is used on payrolls, budget estimates, official records, and reports relating to the position. Any other working title authorized by the City Manager may be used as a designation of any position for purposes of internal administration or in contracts with the public.

D. **Reclassified Employee.** Reclassified employees will serve an orientation period of six (6) months.

1. An employee in a position reclassified to a higher level class will be required to meet the general recruiting indicators of the higher class.
2. If an employee fails to meet the general recruiting indicators of the higher class, the position will be open for recruitment. The employee will be transferred and/or demoted if a suitable, vacant position is available, or separated from employment if no other suitable, vacant position exists.

E. **Compensation.** A Compensation Plan shall be maintained by the City Manager for all positions. The Plan shall include a minimum and a maximum rate and intermediate rates. These salary ranges reflect the relative responsibilities and essential qualifications as defined in the job descriptions of the Classification Plan; provided, however, that bargaining unit employees' Compensation Plans shall be outlined in their labor agreements.

Employees shall be paid at a rate established within the salary range for the position which they are employed. Employees shall generally be hired at the first (1<sup>st</sup>) step of the range, although an employee may be hired at a higher step level dependent upon the individual's qualifications and approval from the City Manager. The rate for an appointment to a promotional or to a higher reclassified position shall be at the nearest higher rate of pay in the new salary range. If, however, this would result in a

rate increase of less than five (5) percent, the rate shall then be increased to the next step to provide for a minimum rate increase on promotion or reclassification of five (5) percent.

A transferred employee shall be paid at the same rate received prior to transfer, absent some change in classification. A transferred employee who has been reclassified to a higher classification shall receive the nearest rate of pay. In all other cases, approval from the City Manager is required if a higher step in the range is requested by the department director. If an employee is reclassified into a lower classification, the rate of pay shall be negotiated with the employee and/or appropriate bargaining unit, considering all factors including length of service with the City. An employee shall progress through the salary range only after spending the required amount of time in the previous step and if job performance is satisfactory.

- F. Anniversary Date and Step Increases. Salary step increases are provided on the anniversary date of the employee at intervals of continuous employment in the employee's current job classification. When an employee's date of appointment to a job classification falls between the beginning of any pay period and the 10<sup>th</sup> of the following month, the employee's anniversary date shall be the beginning of the month when first appointed to the job classification. When an employee's date of appointment to a job classification is after the 10<sup>th</sup> of any month, the employee's anniversary date shall be the end of that month.

## 200. HOURS OF WORK AND PAYROLL PRACTICES

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## HOURS OF WORK AND PAYDAYS

### I. PURPOSE

To establish the hours of employment in the City's basic workday and workweek and to establish pay periods and paydays to administer the payment of wages, salaries and overtime.

### II. SCOPE

This policy applies to all employees who work in all City offices except police and fire departments and may not apply to employees who work shifts or special hours at the direction of the employee's supervisor and for the benefit of the City.

### III. POLICY

- A. Hours of Work. Office hours for those employees working at City Hall shall be 8:00 a.m. to 5:00 p.m., Monday through Friday. Variation from this schedule must receive the approval of the department director and shall be only if the variation is in the best interest of the City.

Work Week. The work week begins at 12:01 a.m., Sunday and ends at 12:00 midnight, Saturday.

- B. Lunch and Rest Periods. City employees shall have a one (1) hour lunch break in approximately the middle of their work day. Where there are two (2) or more employees in a department, lunch breaks shall be staggered so that an employee is on duty in any department at all times to answer the telephone and assist citizen requests for service.

Variation from this schedule must receive the approval of the department director and shall be only if the variation is in the best interest of the City.

Rest periods may be taken fifteen (15) minutes midway in the first half of the workday and fifteen (15) minutes midway in the second half of the workday.

- C. Paydays. Paydays will be the last working day of each month.
- D. Pay Advances. Pay advances may be requested in writing, on a current form provided by the Personnel Manager. Employees requesting a pay advance must do so by the tenth (10<sup>th</sup>) of the month. The advances will be issued on the sixteenth (16<sup>th</sup>) of the month.

## **OVERTIME: NON-EXEMPT EMPLOYEES**

### **I. PURPOSE**

To provide guidelines to administer overtime pay to comply with applicable federal and state wage and hour regulations.

### **II. SCOPE**

This policy applies to all non-exempt City employees.

### **III. POLICY**

The City's overtime pay policy conforms to overtime provisions of the Federal Fair Labor Standards Act and applicable state laws. Exemption from these provisions will be claimed for an employee only when it can clearly be established that the employee's duties and responsibilities meet the requirements for such exemption. (See Policy No. 110, Exempt/Non-exempt Employee Status.)

Overtime pay policy for employees includes the following principle elements:

- A. non-exempt employees will be paid straight time for all hours worked through forty (40) in one (1) week;
- B. non-exempt employees will be paid at the rate of time-and-one-half (1-1/2) for hours worked in excess of forty (40) in one (1) week; and only hours actually worked will be used to calculate overtime pay. Paid time off for jury duty, vacation, sick leave or any leave of absence will not be considered "hours worked."

Note: When "budgeted funds" are available, employees will be paid time-and-one-half (1-1/2) for any hours worked over forty (40) in one (1) week. When "budgeted funds" are not available, the department director and the employee may agree, in advance of the performance of the work, to compensate the employee in time off at the rate of one-and-one-half (1-1/2) hours for each overtime hour worked. Overtime worked by non-exempt employees must be authorized in advance by the department director. Employees may not accrue more than forty (40) hours of compensation time.

### **300. EMPLOYEE BENEFITS AND SERVICES**

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## VACATIONS

### I. PURPOSE

To provide a paid-time-off benefit that will provide a restful break in year-round routine and support the City's goals of attracting and retaining quality employees.

### II. SCOPE

This policy applies to eligible employees of the City.

### III. POLICY

The City encourages and requires each employee to take an annual vacation as paid time off away from work. The City does not provide vacation pay unless vacation time is actually taken as time off from work, or upon separation.

### IV. VACATION LEAVE ELEMENTS

- A. Eligibility. All regular and orientation, full-time and covered part-time employees accrue vacation.
- B. Accrual. Employees shall not be eligible to take vacation leave during their first (1<sup>st</sup>) month of employment although vacation leave shall be accrued from the date of employment.
  - 1. Length of employment for vacation accrual must be continuous. A reinstated employee will be credited with previous years of employment for vacation accrual.
  - 2. Vacation accrual for new employees is prorated during the first (1<sup>st</sup>) month of employment.
  - 3. Vacation accrual for separating employees is prorated for the last month of employment.
  - 4. During a leave of absence without pay vacation leave does not accrue.
  - 5. Regular part-time employees will accrue vacation based upon the number of regularly scheduled work hours.
- C. Use of Vacation.
  - 1. An employee may take vacation subject to the advance approval of the supervisor or department director.

2. An employee may not use vacation leave during his/her first (1<sup>st</sup>) month of employment although vacation leave shall be credited from the date of employment. Employees may use accrued vacation leave beginning with their second (2<sup>nd</sup>) month of employment.
  3. Vacation is to be used as time off from work. Payment in lieu of vacation leave is not allowed except when an employee is separated.
- D. Payment. All earned but unused vacation for regular and orientation employees shall be paid as part of the final paycheck. In case of death of the employee, compensation for earned vacation will be paid to the employee's designated beneficiary.
- E. Illness During Vacation. Should an employee become ill to the degree that he/she is confined to bed and requires a doctor's care either immediately before or during a scheduled vacation, the employee may be permitted to postpone or extend their vacation. However, the employee must contact a supervisor, department director or designee in a timely manner and not wait until his/her scheduled vacation has ended. To request a postponement or extension of vacation time, an employee must have been ill for three (3) or more days and must present a written statement from his/her qualified health care provider verifying the illness.

## HOLIDAYS

### I. PURPOSE

To provide a paid-time-off benefit to recognize traditional holidays.

### II. SCOPE

This policy applies to regular, full-time employees, except those covered by a collective bargaining agreement.

### III. POLICY

A. Regular, full-time employees are eligible for holiday pay from the employee's date of hire.

B. The following days are recognized as paid holidays:

<u>Holiday</u>	<u>Date Observed</u>
New Year's Day	January 1 <sup>st</sup>
Martin Luther King Day	Third Monday in January
Holiday in lieu of Lincoln's Birthday	Floating Holiday
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	Fourth Thurs. in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve Day	Date Observed or a Floating Holiday (reviewed yearly)
Christmas Day	December 25 <sup>th</sup>

In addition, any day designated by the President of the United States or the Governor of the State of Oregon as a legal holiday will be recognized.

C. A floating holiday shall be scheduled by the end of the quarter following the quarter in which it was earned or it shall be forfeited.

D. If a City-paid holiday falls during an employee's scheduled vacation, or sick leave, the holiday will not be counted as vacation or sick leave taken.

E. An employee who separates or commences an unpaid leave of absence on the last scheduled workday preceding a holiday will not receive holiday pay.

## SICK LEAVE

### I. PURPOSE

To provide income protection for employees whom, because of non-job related illness or accident are temporarily disabled and absent from work for limited periods.

### II. SCOPE

All full-time regular and orientation employees accrue sick leave with pay. Part-time, limited-term, temporary, trainee, emergency, and volunteer/reserve employees are not eligible for paid sick leave.

### III. POLICY

The City expects all employees to assume diligent responsibility for their attendance and promptness. Recognizing, however, that illnesses and injuries may occur, the City has established sick leave, salary continuation, and long-term disability benefits plans to compensate full-time regular and full-time orientation employees for certain time lost for legitimate medical reasons, including time off to secure necessary treatment for a disability. Please consult with the Personnel Manager for information regarding these benefits.

### IV. SICK LEAVE ELEMENTS

- A. Accrual. A full-time employee accrues sick leave at the rate of twelve (12) hours per full calendar month of employment.
1. During a leave of absence without pay, sick leave does not accrue except as may be required by state or federal law.
  2. Sick leave accrual is prorated for new employees. For separating employees, accrued sick leave is reported to PERS (Public Employees Retirement System) for their calculations.
- B. Use. The City provides sick leave as a benefit to employees in case of illness or injury, however, regular, consistent attendance is an essential function of every job regardless of whether an employee has accrued, unused sick time on the books. An employee may use accrued sick leave for his/her own illness and during all authorized leave without pay. (See Policy No. 330, Leaves of Absence Without Pay ex: Family Leave.)
- C. Authorization. If you are unable to work because of illness you must notify your supervisor or department director thirty (30) minutes after the leave begins unless you are granted an authorized medical leave, in which case different notification procedures apply. (See Family and Medical Leaves under Policy 330: Leaves of Absence Without Pay.) An employee who fails to properly notify his/her supervisor will be subject to disciplinary action.

Employees must contact their supervisor daily while on sick leave unless an extended period of sick leave has been prearranged with the supervisor.

- D. Verification. A certification by the attending qualified health care provider that an illness or injury prevents the employee from working may be required for any absence of three (3) or more working days. After the initial certification, a new certification may be required for every two (2) week period the employee remains absent.
- E. Reallocation of Leave. If an employee is absent from work for an extended period of time because of injury, unexpected illness, or other reason for which the use of paid sick leave would normally be allowed, the employee may request permission to use other accrued leave to supplement his/her paid sick leave. The Personnel Manager may approve requests for this type of leave allocation. Note that the City requires that employees exhaust all paid leave prior to using unpaid leave.
- F. Employee Choices. If an employee is absent from work for an extended period because of the employee's own medical condition, the employee may have an opportunity at various points in the leave to choose whether the leave will be paid, unpaid, or covered by insurance. Check with the Personnel Manager for details.
1. Up to and including ninety (90) days: The employee may choose to use sick leave or other accrued leave. If the employee does not have sufficient accrued leave, the balance of the ninety (90) days will be unpaid.
  2. After ninety (90) days: The employee may choose to use sick leave, other accrued leave or long term disability. (Contact the Personnel Manager for details.)
  3. After one hundred and eighty (180) days: The employee may be covered by the Standard Insurance LTD Program. (Contact the Personnel Manager for details.)
- G. Transfer of Accrued Leave. Employees may, at their discretion and with the Personnel Manager's approval, transfer accrued sick leave from their own personal sick leave bank to the sick leave bank of a co-worker who has depleted his/her paid leave bank due to a serious personal or family health crisis. This leave-sharing option is intended to cover serious medical hardship or catastrophic illness or injury, such as cancer, major surgery, serious accident, heart attack, etc. that requires inpatient hospice or resident health care.

Sick leave sharing is available for those instances involving the employee as well as for family members – the employee's child, parent spouse, legal dependent for whom the employee is the primary caregiver, or person living in the employee's household for whom the employee is the primary caregiver. Normal pregnancy, common illness, and illness/injury covered by short-term disability or Worker's Compensation are excluded.

1. Requesting Accrued Leave Transfer. Sick leave donations are made on a case-by-case basis. Any employee interested in making such a donation is to make a donation by completing a "Sick Leave Contribution Form". The form is to be submitted to the Personnel Manager. The Personnel Manager will determine the appropriateness of the request based on the circumstance for which the leave is being transferred, the amount of leave being transferred and the amount of leave remaining in the (donating) employee's sick leave bank. All donations are voluntary and will be kept confidential.

Requests for direct transfer/donation of leave are to be submitted on a "Sick Leave Request Form" available in the Personnel Manager's office. A copy of each application is to be submitted to the Personnel Manager. Applications may be denied due to incomplete or inaccurate information or lack of a supporting doctor's statement.

2. Guidelines:
  - a) The annual leave transfer from any one employee to another may not exceed forty (40) hours from the donating employee; and
  - b) the donating employee must have at least five-hundred (500) hours remaining in their own personal sick leave bank after the transfer; and
  - c) the donated sick leave hours will be converted to a cash value and the receiving employee will be compensated for the sick leave at their own regular rate of pay; and
  - d) once sick leave has been transferred, it is gone and can only be replaced if transferred from a co-worker according to these guidelines.

- H. Sick Leave Upon Separation. The City will not pay an employee for accrued sick leave upon separation.
- I. Sick Leave Without Pay.
  - 1. Upon application, a personal leave of absence without pay for non-job related medical reasons may be granted by the Personnel Manager for the remaining period of disability after earned sick leave and other accrued leaves have been exhausted. In the event the leave exceeds one (1) year, (including paid and unpaid leave time) an extension must be requested and approved by the Personnel Manager who may require that the employee submit a certificate from the attending qualified health care provider. In the event of a failure or refusal to supply the certificate or if the certificate does not clearly show sufficient disability to preclude the employee from the performance of duties, the leave of absence without pay will be canceled and the employee terminated.
  - 2. During the leave of absence, after sick leave and other accrued paid leaves have been exhausted, remaining leave days will be without pay.

**I. PURPOSE**

To provide income protection for employees who have exhausted all accrued leave by allowing fellow employees who have sufficient accrued earned leave to donate some of their earned leave and sick leave either to:

- A. Employees adversely affected by a “medical emergency,” meaning an illness or condition or accident or health crisis; or
- B. A bank for the benefit of employees adversely affected by a “major disaster,” meaning employees affected by an event that has caused severe hardship to the employee or the employee’s family member that requires the employee to be absent from work.

As used in this policy, “earned leave” refers to vacation, compensatory time, holiday, personal leave and executive leave. “Earned leave” as this term is used in this policy does not include sick leave.

**II. SCOPE**

Any employee who has worked at least six (6) months in a benefits eligible position, is eligible to participate in this leave donation program as a recipient. Any employee who has earned leave available for the employee’s own use may participate in the program as a donor.

- A. Donations due to a medical emergency may be made to a leave donation bank administered by the City in accordance with this policy. Donations by any employee may be made for the benefit of any other employee regardless of bargaining unit, non-represented or union-represented status, subject to applicable conditions or restrictions, if any, stated in a collective bargaining agreement.
- B. Donations due to a major disaster may be made only to a bank and not directly between employees.

**III. POLICY**

City employees are a caring community. As such, when an employee exhausts his/her earned leaves and sick leave balance and is adversely affected by either a medical emergency or major disaster this policy allows those employees who have sufficient accrued earned leave to donate some of their earned leave, and sick leave if they so elect, to the City’s leave donation bank for the benefit of such employees in need.

Employees receive earned leave accruals as a component of employees' total compensation, the economic value of which is an earned entitlement the cash value of which employees have earned and which must be paid. Earned leave is treated as a wage benefit under Oregon law. Sick leave represents a short term disability benefit which the City funds when employees become entitled under the terms of sick leave to receive sick leave benefits. There is no entitlement to be paid the value of an employee's sick leave accrual unless the conditions for sick leave are met.

An employee may donate a portion of his/her accrued earned leave in one hour increments to another employee under this Policy if the donee meets the eligibility criteria stated in this policy.

An employee may donate to the leave donation bank when the City has announced that it is accepting donations. Employees who desire to do so must submit a completed Earned Leave Donation Form to the Human Resources Department or designee, specifying the donor's leave accrual balances and the amount of earned leave hours, and sick leave hours if any, to be donated. To be valid, the Earned Leave Donation Form must include signatures of the donor and the Human Resources Director or designee, and the donee must submit it at a time when one or more Leave Donation Request Forms have been submitted (or are reasonably anticipated by the donee and the City) and approved.

The Human Resources Director or designee shall have the authority to determine whether or not to authorize earned leave donations, case-by-case, based on the following criteria:

1. The qualifying nature of the prospective recipient's extended illness or injury;
2. The prospective recipient's history of sick leave use;
3. Any documentation provided by the prospective recipient, such as a doctor's note. Verification of an employee's "medical emergency" by a treating physician may be required to establish eligibility to receive donated leave;
4. The applicant for donated leave had been employed by the City for six months or more at the time of onset of the qualifying serious health condition or catastrophic event.

The Human Resources Director or designee shall have the authority to approve donations of earned leave and sick leave, and allocations and payments from the Earned Leave Donation Bank, based on the following criteria:

1. An employee donee must have exhausted his or her earned leaves and accrued sick leave balances before any donated leave may be applied to fund compensation continuation in accordance with this Policy.

2. The employee is not receiving and is ineligible at the time of the donation and during the period that will become compensable from the donated leave balance under this leave donation program, for any other income to which the donee is entitled by reason of City employment (e.g., Workers' Compensation Insurance time loss or disability benefits, or Long Term Disability benefits, or PERS disability benefits).
3. The amount of donated leave transferred to the leave donation bank shall be an amount reasonably estimated as necessary for a known, the prospective recipient (or recipients) due to the prospective recipient's prolonged absence from duty due to medical emergency or major disaster during a future period of employment.
4. The donee has applied or when eligible to do so will apply for benefits to which the employee is entitled through PERS, workers' compensation, social security and/or disability insurance. Failure to meet this criterion may be deemed basis to discontinue the City's payment of continuation compensation funded by hours donated to the earned leave donation bank.

Except for extenuating circumstances approved by the Human Resources Director as a basis to increase donations transferred to the leave donation bank, the City will accept donations in amounts sufficient to cover foreseeable, projected salary continuation needs of eligible employees and/or catastrophic circumstances.

A particular donee's need generally will be for a period of ninety (90) calendar days per rolling twelve (12) month period, which usually will correspond to the Long Term Disability benefit waiting period. Eligibility for continuation compensation funded from donated leave allocations from the leave donation bank may be extended by the City based on anticipated contingencies, such as application periods for PERS disability retirement and Social Security disability benefits.

When medical-emergency leave donations are approved for a donee, sufficient donations may be solicited and transferred to the leave donation bank in the administration of this program by the Human Resources Director based on the anticipated needs of identified and anticipated donees. Continuation of compensation for donees will be funded from leave hour debits from the leave donation bank each payroll period.

All leave donations are non-refundable; the excess of transferred leave in the leave donation bank, if any, of donations made for an eligible donee in a particular qualifying circumstance and not needed in a current circumstance, will be retained in the leave donation bank to be applied for the benefit of future donees. In the event a donee is required to pay back to the City benefits for which the employee was not eligible (as described in the donation request form), the City will reinstate the appropriate number of hours to the donation leave bank.

Employees may donate a number of hours in whole hour increments from their earned leave balance without limit applicable to any single donation (provided that no gift may exceed limitations imposed by the Internal Revenue Code and regulations). At the time a gift of earned leave is made by a donor, the donor may elect in writing in the donor's leave donation application request to donate from the donor's sick leave balance, an amount of sick leave hours equal to or less than the number of earned leave hours then being donated.

The City reserves the right to determine and permit transfer of only enough donated leave to cover the recipient's reasonably current, anticipated need, and to increase the amount and inform City employees of evolving needs for additional donations. Additional donated leave may be approved subject to factors listed in this Policy. The Human Resources Director or designee may suspend or end the transfer of donated hours to the leave donation bank when it appears the leave donation bank has a sufficient leave balance to meet foreseeable needs. In doing so the Human Resources Director may make determinations and limitations calculated to bridge compensated status to the anticipated date of recovery or, in the case of an employee whose prognosis is predictive of inability to return to work, bridge the time through the end of protected FMLA leave, or retirement disability or LTD benefit eligibility or otherwise. Such determinations shall be made in the City's discretion as the City determines appropriate and compassionate under the circumstances, with regard to current and reasonably foreseeable eligible donees.

All donations of leave will be transferred on an hour-for-hour basis, and shall not be subject to salary conversion based on the donor's or a donee's relative rates of pay. Donated leave in the leave donation bank will be paid at the recipient's/donee's current rate of pay.

Employees who have received compensation continuation funded by leaves donated to the leave donation bank will not receive payment for any donated hours not used for the benefit of the donee as continuation of compensation during the period the donee is eligible to be paid under this policy. If, for any reason, an employee has leave accruals in the employee's bank earned during the period compensation was funded through donated leave, such accruals shall be transferred to the leave donation bank at the end of the eligibility period when the employee returns to paid and active status or separates from employment.

This policy and the Leave Donation Program does not establish for the benefit of any employee a right to receive continuation compensation at any time or in any amount other than the compensation paid by the City during a period of eligibility in the City's discretion in the administration of this program irrespective of the availability of hours in the City's leave donation bank.

The Human Resources Director will insure the proper paperwork for each donation is completed and is responsible for the administration of this Leave Donation Program.

**LEAVE DONATION REQUEST FORM (Confidential)**  
**(Policy No. 323)**

**PLEASE PRINT IN INK OR TYPE:**

**Last Name** \_\_\_\_\_ **First Name** \_\_\_\_\_ **M.I.** \_\_\_\_\_

**Department** \_\_\_\_\_

**Date Last Worked** \_\_\_\_\_

According to provisions of the Leave Donation Program,

I \_\_\_\_\_ hereby request donated leave for qualifying compensation continuation.

My signature below certifies that:

- 1) Either I have (or qualified family member has) an FMLA/OFLA-qualifying medical condition or I am affected by a major disaster that will require me to be absent for a prolonged period from my position or any other position made available to me by the City of Oregon City and the Human Resources Director has approved a leave of absence in relation to an illness, injury or qualifying catastrophic circumstance concerning which I have provided substantiation deemed satisfactory by the Human Resources Director to establish my eligibility.
- 2) I agree to provide status updates in accordance with the requests of the Human Resources Director reasonably related to validating my continued eligibility, including medical record releases limited in scope and appropriate for this purpose.
- 3) I have exhausted all of my sick leave, vacation and compensatory time accruals; or expect that my current serious health condition or time off due to catastrophic circumstances will result in exhaustion of these balances on or before \_\_\_\_\_.
- 4) I am not eligible to receive wage continuation or disability income from another source. "Disability income" may include workers' compensation, Social Security disability, PERS disability retirement, or group disability insurance benefits.
- 5) I understand that if I receive "disability income" while I am receiving salary continuation and leave donation benefits, I must repay the City the net payments received from the Leave Donation Program for the dates covered by other disability income source(s). Payment to the City must be made within 14 days of receiving the other disability income and/or the City may discontinue all further leave donation benefits under this Policy, and I will be deemed to have given my permission to the City to withheld from my future wages and other benefit payments the appropriate amount as an overpayment of wage compensation paid inappropriately.

The starting date for using leave donations, if application is approved, is based on the date your application is received by Human Resources. If you are requesting approval of your application, with a leave start date prior to the date your application is submitted, YOU MUST 1) NOTE ON THE APPLICATION FORM YOU ARE REQUESTING RETROACTIVE APPROVAL, AND 2) INCLUDE DOCUMENTATION TO SUPPORT YOU WERE MEDICALLY INCAPACITATED AND UNABLE TO SUBMIT YOUR APPLICATION EARLIER – or— DOCUMENTATION TO SUPPORT YOUR WORKERS' COMPENSATION CLAIM/APPEAL – or— DOCUMENTATION TO SUPPORT ANY OTHER BASIS FOR ELIGIBILITY. You may record this information on the back of this application, or contact the Human Resources (503-496-1528) for assistance.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

APPROVED: \_\_\_\_\_ Date \_\_\_\_\_  
Human Resource Director

### City Notifications

I **do** authorize the use of my name in requesting donations of leave from fellow City employees. **Sign this area to authorize the release of your name.**

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

I **do not** authorize the use of my name in requesting donations of leave from fellow City employees. **Sign this area if you do not want your name released.**

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

**LEAVE DONATION FORM**  
(Policy 323)

Donor Last Name \_\_\_\_\_ First Name \_\_\_\_\_ M.I. \_\_\_\_\_

Department \_\_\_\_\_

- 1) I authorize the City of Oregon City to deduct from my accrued earned leave balances the number of hours indicated below which may be used by an eligible employee affected by a medical emergency or major disaster as defined in the City leave donation policy for the benefit of a City employee with a current need, with the understanding that a portion of my donation may be applied and/or retained in the donated leave bank for the benefit of an employee with a future need.
- 2) I am donating these hours freely and have not been forced or coerced into doing so. I understand that my donation is not refundable once my hours have been transferred to the leave donation bank. The City will process donations and transfer leave hours to the leave donation bank in accordance with this policy and will make eligible transfers in the order donations are received. I understand that in some circumstances, based on the donations received in excess of reasonably anticipated needs, the City may hold donations in abeyance and process them at a later time. I understand that if leave I have donated is not transferred to the leave donation bank within the ninety (90) days following the date I donated the leave and signed this Form, then I may recall and rescind my donation in writing provided that I do so **before** the hours I donated have been transferred.
- 3) I understand that all donations are transferred on an hour-for-hour basis and shall not be subject to any salary conversion. Donated leave added to the donated leave bank and thereafter shall be paid at the recipient's current rate of pay.
- 4) I understand that I may not donate time which I would otherwise forfeit. (Example: Employees who have reached their maximum accrual of earned leave hours may not donate earned leave which has not yet been accrued and posted to the employee's earned leave balance in the City payroll system.)
- 5) My donation, once processed and transferred to the leave donation bank is irrevocable and non-refundable.
- 6) The hours I donate will be deducted from my leave balances when transferred to the donated leave bank. I wish to donate my earned leave as follows:

Vacation whole hour increments only	Comp Time whole hour increments only	Holiday whole hour increments only	Executive Leave whole hour increments only	Total Earned Leave whole hour increments only

- 7) I wish to donate  hours from my accrued, sick leave balance (which number of hours may not exceed to number of donated earned leave I am donating).

Donor Signature \_\_\_\_\_ Date \_\_\_\_\_

**Submit original signed and completed form to Human Resources.**



## LEAVES OF ABSENCE WITH PAY

### I. PURPOSE

To provide a means for employees to secure limited time off when such time is needed for jury duty, bereavement, short term military service, voting and dental and medical appointments.

### II. SCOPE

All regular and orientation City employees are entitled to the leave provisions of this policy.

### III. POLICY

An employee may be granted regular pay for any leave of absence caused by jury duty, appearance when subpoenaed as a witness or official court appearance, or other judicial proceeding; the death of an immediate family member, short term military obligations, or voting.

### IV. TYPES OF LEAVE

- A. Witness or Jury Duty. When an employee is called for jury duty or subpoenaed as a witness, the employee shall be granted leave of absence with pay. However, the employee shall be required to transfer any compensation received for the performance of such duty to the City.
- B. Death of Immediate Family Member. In the event of a family death, (Family Member definition: see Policy 330, Section IV-C) an employee may be granted a leave of absence with pay for a maximum of three (3) days. Additional paid bereavement leave may be granted on an individual basis by the City Manager. Such leave of absence must be approved by the City Manager prior to absence of the employee. A Leave Request form is available in the Personnel Manager's office.
- C. Short Term Military Service.
  1. Annual Leave. An employee who has been employed for at least six (6) months immediately preceding an application for reserve military training leave, and who is a member of the National Guard or Armed Forces reserves, is entitled to a leave of absence for a period not exceeding fifteen (15) days in any calendar year. The leave will be granted without loss of time, pay or other leave; and without impairment of merit ratings, or other rights or benefits. Military leave with pay may be granted only when an employee receives bona fide orders to active or training duty for a temporary period, and will not be paid if the employee does not return immediately. A Leave Request form is available in the Personnel Manager's office.

2. Compensation. The employee will retain the military paycheck for training and receive regular City paycheck for the same time period. Leave with pay will not be granted to employees entering the military service for extended and indefinite periods of active duty.
  3. Weekend Training. An employee who is a member of the National Guard or Armed Forces reserves and whose regular work schedule involves weekends, may be permitted to trade shifts with other qualified employees so as to meet a military obligation for weekend drills. Vacation or holiday leave may be used.
- D. Voting. When an employee's work schedule is such they are unable to vote prior to or after normal working hours, the employee shall be granted a reasonable period of time off with pay to vote. Such time off shall be coordinated with the department director.

## LEAVES OF ABSENCE WITHOUT PAY

### I. PURPOSE

To enable employees to receive extended time away from work due to conditions covered by the Oregon Family Leave Act and the Federal Family and Medical Leave, to satisfy military service obligations or to handle compelling personal business.

### II. SCOPE

All regular and orientation, full-time and part-time City employees.

### III. POLICY

An employee may be granted leave of absence without pay for conditions covered by the Oregon Family Leave Act and the Federal Family and Medical Leave, to satisfy military service obligations or for personal leave to handle compelling personal business. All personal leave must be approved by the City Manager.

### IV. FAMILY LEAVE

#### A. Types of Family Leave. Family leave provides leave:

1. to care for an employee's newborn, newly adopted or newly placed foster child. **(Parental Leave)**;
2. for an employee's own serious health condition or to care for a family member with a serious health condition, including conditions that require inpatient care, continuing treatment, long-term or permanent conditions, terminal and chronic conditions, pregnancy-related disabilities or prenatal care, and multiple treatments as stated in 29CFR paragraph 825.114. **(Serious Health Condition Leave)**; and/or
3. to care for an employee's child who is suffering from an illness or injury that is not a serious health condition but requires home care. **(Sick Child Leave)**

NOTE: Employers are not required to allow leave for routine medical or dental appointments of children or because school is not in session or because the baby-sitter fails to show up or if another family member of the employee is available to provide care for the sick child, as long as the other family member is physically present and able to provide care. (OAR 839-009-0240)

B. Definitions.

1. Covered Employer: Employers covered under Oregon Family Leave Act (OFLA) are those who employ twenty-five (25) or more persons in Oregon during each working day of twenty (20) or more calendar workweeks either in the calendar year in which the leave is to be taken or in the preceding calendar year. This twenty-five (25) or more employee count includes part-time and full-time employees.

Employers covered under Federal Family and Medical Leave Act (FMLA) include all public employers.

2. Family Member: The spouse, parent, parent-in-law, or biological, adopted or foster child of an employee or a person with whom the employee is or *was* in a relationship of *in loco parentis*.
3. Child: The biological, adopted or foster child of an employee or a person with whom the employee is or *was* in a relationship of *in loco parentis*. A child is a son or daughter under the age of eighteen (18), or older if incapable of self-care because of a mental or physical disability.
4. Spouse: Spouse means a husband or wife as recognized under state marriage laws where the employee resides.
5. In Loco Parentis: Means financially supporting and having day to day responsibility for the care of a child in the place of a parent

C. Employee Eligibility.

1. Oregon Family Leave Act (OFLA). Employees are eligible for leave if they have been employed by a covered employer for at least one-hundred and eighty (180) calendar days preceding the date leave begins and if they have worked an average of twenty-five (25) hours or more per week during that period. Those taking leave to care for a newborn, adopted or newly placed foster child need only meet the one-hundred and eighty (180) day requirement regardless of the number of hours worked. (OAR 839-009-0210)
2. Federal Family and Medical Leave (FMLA). Employees are eligible for leave if they have been employed by a covered employer for at least twelve (12) months and have 1250 actual work hours in the twelve (12) months preceding the commencement of leave. The twelve (12) months need not be consecutive and the work hours are

determined using the standard established under the FLSA for determining compensable work hours. In addition employees must have fifty (50) or more co-workers within seventy-five (75) miles of City facilities. (29 CFR, 825.105-b)

D. Length of Leave and Other Conditions.

1. Oregon Family Leave Act (OFLA), generally entitles employees to twelve (12) workweeks of leave in a twelve (12) month period. There are, however, two exceptions:
  - a) employees who take family leave because of a pregnancy-related medical condition are also entitled to an additional twelve (12) weeks for any other family leave purpose ; and
  - b) employees using leave to care for a newborn or newly-adopted or placed foster child are also entitled to an additional twelve (12) weeks of leave to take care of a child with a non-serious health condition.
2. Federal Family and Medical Leave Act (FMLA) provides a maximum of twelve (12) workweeks of leave in a twelve (12) month period.
3. When two (2) family members work for the same covered employer, both employees may not take family leave at the same time unless:
  - a) one (1) employee needs to care for the other employee who is suffering from a serious health condition; or
  - b) one (1) employee needs to care for a child who has a serious health condition while the other employee is also suffering from a serious health condition.

**NOTE: The City must combine two sets of family leave laws, The Federal Family and Medical Leave Act and the Oregon Family Leave Act. Both sets of regulations have different applications and at times employees will qualify for leave entitlement under one set of regulations and not under the other. For example OFLA's definition of "family member" is broader than that of FMLA. OFLA includes parents-in-law, but FMLA does not. Leave is required under OFLA for the serious health condition of an eligible employee's father-in-law, but that time off may not be charged against the employee's FMLA entitlement.**

**For this reason two banks of leave will be maintained for each employee by the Personnel Manager. The Personnel Manager will determine how to handle each Family Leave situation on an individual basis. For more information contact the Personnel Manager.**

- E. Notice of Request for Family Leave. Employees shall give up to thirty (30) days written notice on current Request for Family/Medical Leave forms provided by the Personnel Manager and include an explanation of the need for leave, before starting family leave using the most current Leave Request form available.

When the qualifying reason precludes the employee giving the City thirty (30) days notice, the employee must give the City as much advance notice as is practicable. It is expected that the employee will give the City at least verbal notice within one (1) or two (2) business days of learning of the need for leave, except in extraordinary circumstances. The notice may be given by the employee or by a family member, or any other spokesperson for the employee.

Failure to give proper notice may effect the length of leave entitlement and/or subject the employee to the City's discipline process.

- F. Medical Verification and Scheduling of Treatment.

1. Employees who give thirty (30) days notice of intent to take family leave other than parental leave are required by the City to provide medical verification of the need for leave.
2. If an employee starts leave with less than thirty (30) days notice, the employee must provide medical verification within fifteen (15) days of a request for verification by the City.
3. If a request for leave is made because of a serious health condition, the City may require the employee to obtain the opinion of a second (2<sup>nd</sup>) person who is qualified to be a health care provider, designated by the City, at the City's expense. If the opinion of the second (2<sup>nd</sup>) provider conflicts with the medical verification provided by the employee, the City may require the two (2) providers to designate a third (3<sup>rd</sup>) health care provider to provide an opinion at the City's expense. The opinion of the third (3<sup>rd</sup>) provider shall be binding on both the City and the employee.
4. If the employee has taken more than three (3) days in a one (1) year period for sick child leave, the City may require medical verification.

The City must pay the cost of the verification not covered by insurance or other benefit plan. The opinion of the health care provider shall be binding.

5. Where possible the employee shall make a reasonable effort to schedule on-going medical treatment or supervision at times that will minimize disruption of the City's operation.

G. Job Protection.

1. Under Oregon Family Leave Act:
  - a) the City shall return the employee to the employee's former position if the job still exists even if it has been filled during the employee's family leave unless the employee would have been bumped or displaced if the employee had not taken leave. The former position is the position held by the employee when family leave began, regardless of whether the job has been renamed or reclassified; and
  - b) if the position held by the employee at the time family leave began has in fact been eliminated and not merely renamed or reclassified, the City must restore the employee to any available, equivalent position.
2. Under the Federal Family and Medical Leave Act:
  - a) the City has the option of returning the employee to the same position held when leave began or to an equivalent position; and
  - b) the City may deny reinstatement to "key employees" if such denial is "necessary to prevent substantial and grievous economic injury to the operations of the City.
3. Unless the terms of a collective bargaining agreement, or other agreement, provides otherwise, the employee on family leave does not accrue seniority, bonuses or other benefits that would accrue while the employee is working. All employment benefits accrued prior to taking family leave shall be reinstated at the same level, except for the benefits used while on leave.
4. Benefits to which the employee was entitled prior to starting leave will be restored in full upon the employee's return to work unless

those benefits have been eliminated or altered for similarly situated employees.

5. The City requires periodic status reports from an employee during a leave. Timing for status reports will be pre-arranged with the employee by the department director. Before restoring an employee to work after leave for the employee's own serious health condition, the City may require the employee to present certification from the employee's health care provider that the employee is able to resume work.
  6. The City will continue an employee's insurance coverage while that employee is on family leave.
- H. Use of Paid Leave. The City requires that employees exhaust all paid leave prior to using unpaid leave except when that unpaid leave is extended military leave.

V. PERSONAL LEAVE

Upon written request, the City manager may grant an employee a personal leave of absence without pay for a period not exceeding ninety (90) days.

- A. Leave Without Pay of Less Than Thirty (30) Days. Leaves of absence for less than thirty (30) days must be approved by the employee's department director.
- B. Extension of Benefits. An employee granted a leave will have benefits of medical, dental and life insurance continued for the remainder of the month in which non-paid status is entered. If the leave exceeds this period and the employee wishes to continue coverage, all premium costs must be paid by the employee. It is the employee's responsibility to make arrangements for payment to the City of insurance premiums. During the absence, the employee will not accrue vacation or sick leave, or be granted authorized holidays.
- C. Reinstatement of Benefits. An employee is eligible for reinstatement of paid benefits upon return to work from leave of absence without pay commencing the first (1<sup>st</sup>) day of return.
  1. The employee must give written notice and complete the required insurance forms one month prior to the date returning to work. Unless this is done, the employee will not be eligible for

reinstatement of benefits until the first (1<sup>st</sup>) of the next month following return to work.

2. The employee must pay the difference for insurance coverage during the first month of reinstatement from the first of the month to the date of return to work. For example, if an employee returns to work on the fifteenth (15<sup>th</sup>) of the month, the employee must pay for insurance coverage for the first (1<sup>st</sup>) through fourteenth (14<sup>th</sup>) of that month.

#### VI. EXTENDED MILITARY LEAVE

An employee filling a regular position is entitled to a military leave of absence without pay during a period of service with the Armed Forces. Upon release from active duty or honorable discharge from the service, the employee will be returned to a position in the same or comparable class as the last held position at the salary rate prevailing for the class, without loss of seniority or employment rights.

- A. If the employee is not physically qualified to perform the duties of the former position by reason of military service, the employee may be reinstated in an available and suitable position that the employee is able to perform at the nearest appropriate level of the pay of the former class.
- B. Employees must make application for reinstatement and must report for work within ninety (90) days following separation from active duty. Failure to comply may terminate the provision of military service leave.
- C. If an employee voluntarily re-enlists or extends the period of military service, the military service leave is canceled.

## **EMPLOYEE ASSISTANCE PROGRAM**

### **I. PURPOSE**

To provide employees and their families with counseling services.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

The employee assistance program is designed to provide the City's employees and their families with confidential counseling service. It helps employees with problems, including but not limited to problems associated with:

Alcoholism	Work
Depression	Legal Matters
Drug Abuse	Marriage/Family
Gambling	Personal Relationships
Anxiety	Eating Disorders

Cascade Centers, Inc. is staffed by experienced, professional counselors who will provide information, immediate treatment or referral to other sources. All contact with the service is confidential unless the employee waives the confidentiality in writing.

### **IV. PROCEDURE**

A. Employees or their families may contact these services at:

Cascade Centers, Inc. 7931 N.E. Halsey #202 Portland, Oregon 97213-6700 253-3841	Cascade Centers, Inc. 7180 S.W. Fir Loop #1-A Tigard, Oregon 97223-8023 639-3009
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B. Callers may remain anonymous.

C. If the City mandates that an employee use the employee assistance program, the City will pay for the first three (3) visits. If further visits are required, Cascade Centers will coordinate with the employee's insurance carrier. If the required visits are not covered, the City will cover the expense.

## INSURANCE PROGRAMS

### I. PURPOSE

To summarize group insurance and other insurance programs the City offers.

### II. SCOPE

This policy applies to eligible employees of the City.

### III. POLICY

The City provides a comprehensive group health program for regular full-time and covered part-time employees. Full details about this program will be given to employees on their first (1<sup>st</sup>) day of work. The City also provides insurance programs as mandated by state and federal regulations for all employees.

The following are brief summaries of these programs; contact the Personnel Manager for more information.

- A. Group Insurance. The City provides Medical, Dental, Vision, Long Term Disability, and Life. To receive specific information about the City's current insurance benefits please contact the Personnel Manager.
- B. Social Security. All employees are covered by the Federal Social Security Act. A required percentage of an employee's salary is deducted to pay the employee's portion of this protection, and the City matches this deduction dollar for dollar. This plan was designed for an employee's future security and that of his or her dependents by providing retirement, disability, death survivor and Medicare benefits.
- C. State Unemployment Insurance. This program is funded entirely by employers in this state. The program provides weekly benefits to employees who become unemployed through no fault of their own or under circumstances described in the law.
- D. Workers' Compensation. The City carries insurance to cover the cost of work-incurred injury or illness. Benefits help pay for an employee's medical treatment and for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances in each case. To be assured of maximum coverage, all work-related accidents must be reported immediately to supervisors and the Personnel Manager so the City can file a timely claim.

## WORKERS' COMPENSATION EARLY RETURN TO WORK PROGRAM

### I. PURPOSE

It is the goal of the City to assist employees who have sustained a compensable on-the-job injury in returning to work as soon as possible.

### II. SCOPE

The Early Return to Work Program is designed to provide an injured employee, who is currently unable to perform his or her regular job duties, with temporary light duty or modified work during the period of medical recovery.

### III. POLICY

Employees eligible to participate in this program are those with an accepted disabling Oregon workers' compensation claim. Employees whose workers' compensation claims have not yet been accepted, will be considered for inclusion into the program on a case-by-case basis.

### IV. PROCEDURE

- A. Injured Workers and Early Return to Work. Light duty or modified work are considered to be any work within the employee's physical capacities, as outlined in writing by the qualified health care provider. All light work or modified duty positions must be approved by the Personnel Manager and availability is subject to the business needs of the City, which are determined at its sole discretion.

Individual City Program areas will have the ultimate responsibility for developing light/modified work and arranging for employee participation. Each department director will designate a person, from their area(s) of responsibility, to initiate and coordinate the communication between the supervisor, employee and the treating qualified health care provider to bring the employee back to work according to this Early Return to Work program (department representative for Worker's Compensation).

The Personnel Manager will aid and advise the City's program areas on how to best comply with this Early Return To Work program and follow current workers' compensation regulations. The Personnel Manager will also coordinate return to work communications between appropriate State agencies and companies contracting with the City for workers' compensation administration services. This includes application for possible reimbursement for claims costs from third parties or State-sponsored programs.

- B. Employee Responsibilities for On-The-Job Injuries.

1. Every employee should report an on-the-job injury to his or her supervisor immediately. Failure to do so could result in delay or denial of the employee's worker's compensation claim.

2. A Supervisor's Report should be completed by the employee as soon as possible after an on-the-job injury. If the injured employee is not seeking medical attention, the Supervisor's Report is the only form that needs to be completed.
3. If it is necessary to see a qualified health care provider, the injured employee should obtain and complete sections one (1) through twenty-one (21) of the 801 form before leaving for or immediately upon return from the qualified health care provider. The 801 form should be returned to the department representative, who will forward the form to the Personnel Manager's office. If a Supervisor's Report form was not completed earlier, it must be completed and submitted with the 801 form.
4. Employees who are injured during the evening or weekend should immediately notify their supervisor. This 801 form must be completed and provided to the department representative the morning of the next regular business day.
5. The injured employee shall inform his or her qualified health care provider that the City of Oregon City has an Early Return to Work Program and may provide light duty work. These duties may vary and will be developed to fit within restrictions of the injured employee. The light duty job may include portions of the injured employee's regular work.
6. If the injured employee is not released for either regular or light duty work, he or she must maintain weekly contact with his or her supervisor throughout the duration of any time off as a result of an on-the-job injury.
7. If the injured employee is released by his or her qualified health care provider for either regular or light duty work, (including part time, temporary, or modified work), he or she must report to work on his or her next regularly scheduled shift.
8. Light duty or modified jobs are temporary in duration and will be within the restriction stated by the qualified health care provider. Light duty or modified work will be presented to the employee in a written job offer letter.
9. The City of Oregon City, upon receiving new or additional information pertaining to the condition of the injured employee, will reevaluate the modified job and may reassign duties based on the restrictions outlined by the qualified health care provider.
10. The Early Return to Work Program will end when the injured worker is released back to regular job duties, is declared medically stationary, permanent restrictions are known, or if the City determines that its business needs are not being served by the light duty or modified job assignment. If restrictions change, the employee must notify the supervisor immediately. If

the change in restrictions results in a reassignment of job duties, the injured employee will be notified with a new job offer letter.

11. If an employee refuses the offer of light duty or modified job, time loss benefits may be discontinued. An injured employee may not refuse light duty work which has been approved by his or her qualified health care provider and properly offered to the employee.
12. Failure by the injured worker to comply with these responsibilities may result in disciplinary action up to and including discharge.

C. Supervisor's and Department Representative's Responsibilities for On-The-Job Injuries.

1. The supervisor must obtain details of the accident for completion of the 801 form and the Supervisor's Report form within one (1) week of its receipt. If the supervisor has other information or suspects fraud, he /she should not write this on the 801 form; it should be written on a separate sheet of paper and returned with the 801 form and the Supervisor's Report form to the Personnel Manager. The supervisor should take notes on all information concerning the accident, because documentation is essential.
2. The supervisor should give the injured employee an On-The-Job Injury/Accident Responsibility form before the employee leaves the worksite if possible.
3. The supervisor must notify the Personnel Manager or designee of all on-the-job accidents within twenty-four (24) hours. The supervisor shall document all information arising from the accident.
4. Although it is the employee's responsibility, the supervisor also should ensure that contact is maintained with the injured employee after his /her first visit to the qualified health care provider and all subsequent doctor visits, as well as on a weekly basis.
5. After learning of the status of an injured employee, the supervisor shall help design a light duty or modified job that fits the situation until the employee is able to return to regular duty. This job will have to be approved and endorsed by the qualified health care provider. If questions arise regarding restrictions, supervisors should call the Personnel Manager to contact the qualified health care provider.
6. If an injured employee is placed by his or her qualified health care provider on light duty, the department's representative for workers' compensation will request a job analysis for the light duty from the qualified health care provider.
7. If approved by the qualified health care provider, a light duty or modified job may be offered to the employee. The written offer may be hand delivered to

the employee. If contact cannot conveniently be made with the injured employee, the supervisor shall send a light duty or modified job offer by both regular and certified mail. The supervisor should contact the Personnel Manager for required information to be sent.

8. Before the injured employee starts the modified job, the supervisor will meet with the employee and review the job responsibilities and employee limitations as stated by the attending qualified health care provider. At this meeting the supervisor will obtain the employee's signature on the job offer letter.
9. If the employee will be on extended light duty or modified job assignments, the department's representative for workers' compensation, working in conjunction with the Personnel Manager, may request updates from the attending qualified health care provider and determine whether there is a release date to return to regular duty.

D. Workers' Compensation Leave.

1. Regular and orientation full-time employees receiving workers' compensation pay may utilize accrued sick leave to receive the difference between disability payments from the insurance carrier, and the employee's regular monthly salary.
2. Charges against the employee's sick leave will be pro-rated on the basis of the amount paid by the insurance carrier.
3. If an employee is required to be away from his or her job following an on-the-job injury, the first (1<sup>st</sup>) three (3) working days will be charged to other paid leave.
4. Lump sum settlement payments for disability from the insurance carrier will not affect the employee's sick leave or regular salary.

## **400. STANDARDS OF CONDUCT AND CORRECTIVE ACTION**

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## **STANDARDS OF CONDUCT AND PROGRESSIVE DISCIPLINE**

### **I. PURPOSE AND APPLICATION**

The City expects all employees to maintain high standards of work performance, professionalism, and personal integrity. This includes complying with all applicable laws and treating others in the workplace and members of the public with dignity and respect. The performance and behavior expectations in this policy apply to all employees of the City. Conduct that is inconsistent with these expectations may result in disciplinary action, up to and including discharge, as stated in this policy. ***However, nothing in this policy is intended to alter a requirement of “just cause” for discipline under an applicable collective bargaining agreement.***

### **II. PROHIBITED CONDUCT**

The City has grouped examples of unacceptable conduct into two categories: minor and major infractions. Examples of conduct under these categories are listed below. When the City believes that an employee has committed a first minor infraction of our performance or behavior standards, the employee is generally issued an oral or written warning. When the City feels an employee has committed a major infraction, that employee may be subject to suspension or discharge.

#### **A. Minor Infractions**

Minor infractions include, but are not limited to, the following:

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to notify us of intended absence or tardiness or failure to comply with other reporting policies.
- Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity.
- Violation of the City’s teamwork and cooperation or customer service and public relations expectations.
- Violation of the City’s dress code/uniforms policy and expectations.
- Performing other than City work during paid working time, unless authorized by applicable law (e.g. collective bargaining laws).

- Failure to follow safe working practices and rules. (Note: When an employee has committed a serious safety violation, that employee may be subject to discharge without a prior warning).
- Unauthorized personal use of City property, or other minor violations of the City's ethical practices or expectations that the City determines are not serious enough to warrant suspension, demotion or discharge.
- Violation of the City's Equal Employment Opportunity policies that the City determines is not serious enough to warrant discharge.
- ***Violating any other City policy or rule that is presently in effect or subsequently issued, or any other conduct that the City determines warrants disciplinary action other than suspension or discharge.***

## **B. Major Infractions**

Major infractions include, but are not limited to, the following:

- Insubordination, including failure to follow any lawful oral or written directive or job instructions issued by a person in a position of authority, as determined by the City.
- Threatening, intimidating, coercing or assaulting another employee, volunteer, supervisor, or member of the public.
- Provoking or instigating arguments, dissension or fights during working hours or on City premises, or engaging in horseplay that results in injury or property damage.
- Other violations of the workplace violence policy, including but not limited to possession of weapons, firearms or explosives on City premises or while on City business.
- Dishonesty of any kind, including but not limited to theft, falsifying any reports or records, such as applications, absence and sickness reports, time records, accident reports, or patient records.
- Deliberately delaying or limiting work tasks, or inciting others to delay or limit work tasks.
- Any deliberate act of destroying or damaging City property, tools or equipment, or the property of others on City premises or while on City business.
- Committing violations of safety rules or safe working habits that the City determines to be repeated or serious.

- Violations of the City's Equal Employment Opportunity Policies (e.g. discriminatory behavior, harassment, retaliation) that the City determines to be repeated or serious enough to warrant suspension, demotion or discharge.
- Violation of the Drug and Alcohol Policy.
- Conduct that violates the City's ethical practices policies or the Government Ethics law.
- Unlawful activity that affects the employee's ability to perform the duties of the employee's job position or that violates the City's or the public's trust.
- ***Violating any other City policy or rule presently in effect or subsequently issued, or any other conduct that the City determines is serious enough to warrant suspension or discharge.***

### III. PROGRESSIVE DISCIPLINE GUIDELINES

Violations of work rules, instances of unacceptable behavior, or continued poor performance will generally be subject to progressive discipline. This means that employees will be assessed penalties that become increasingly severe each time an offense is repeated, or a performance improvement is not forthcoming. Typical steps in the progressive discipline process include, but are not limited to, oral and written warnings, suspension with or without pay, demotion and discharge.

***All employees should understand that progressive discipline is not guaranteed.*** Depending upon the City's determination of the nature and seriousness of an employee's actions, steps in the process may be repeated, omitted, or taken out of sequence. An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City reserves the right to determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate, except as provided otherwise in an applicable collective bargaining agreement or individual employment contract.

### IV. TYPES OF PROGRESSIVE DISCIPLINE

#### A. Oral Warning or Reprimand

When oral warning or reprimand is used as the first step in the progressive discipline process, it is intended to notify an employee that his or her conduct or performance is unacceptable. It may include statements of not meeting expectations during counseling or coaching sessions, or in a

performance evaluation. (See the City's Performance Appraisal Policy for additional information.) Supervisors should issue the oral warning or reprimand in a private communication with the employee and should explain the expectations for correcting the performance or behavior. Oral warnings may be documented without a letter in the personnel file, for example a follow-up email.

#### **B. Written Warning or Reprimand**

A written warning or reprimand is generally used when an employee fails to respond to an oral warning (including coaching or counseling), or when the employee otherwise has reason to know that the performance or behavior is unacceptable. The employee's supervisor generally issues the written warning or reprimand in a private meeting with the employee. In general, the written warning or reprimand should address:

- A description of the unacceptable conduct or performance;
- Needed improvements;
- Time frames for corrective action;
- Possible consequences of failure to comply.

A copy of the written warning or reprimand is retained in the employee's personnel file, subject to any requirements or restrictions in an applicable collective bargaining agreement.

#### **C. Disciplinary Suspension**

An employee may be suspended ***with or without pay*** when it is believed that suspension is appropriate to bring about the required correction or improvement in the employee's behavior or performance, or when management determines the employee's conduct is sufficiently serious to warrant such action. A decision to impose a suspension should be preceded by an investigation of the facts that the City determines to be appropriate under the circumstances.

The length of suspension and/or the decision to withhold pay may vary, based on factors determined by the City such as the severity of the offense, and the employee's performance and disciplinary record. Prior to imposing the suspension, the City shall follow the Due Process and Pre-Disciplinary Meeting procedures below, if applicable. The decision to impose a disciplinary suspension must be approved in advance by the City Manager.

#### **D. Disciplinary Demotion**

Disciplinary demotion is the assignment of an employee to a lower classification due to the employee's policy violation or failure to perform the duties of the current position. Prior to imposing the demotion, the City shall follow the Due Process and Pre-Disciplinary Meeting

procedures below, if applicable. The decision to impose a disciplinary demotion must be approved in advance by the City Manager.

#### **E. Discharge**

Discharge is used when other means of correcting an employee's behavior or performance deficiencies have not been successful, or when management otherwise determines that the offense or misconduct is serious enough to warrant termination. Prior to imposing the demotion, the City shall follow the Due Process and Pre-Disciplinary Meeting procedures below, if applicable. The decision to impose a disciplinary discharge must be approved in advance by the City Manager.

#### **V. DUE PROCESS AND PRE-DISCIPLINARY MEETINGS**

Before imposition of suspension without pay or disciplinary demotion of a non-probationary employee, or the discharge of any employee, the employee will be given:

- Written notification of the charges, the applicable policies or standards that were violated, and the contemplated disciplinary action; and
- An opportunity to appear before the decision-maker to refute the charges, provide an explanation, or provide any other information that the employee would like the decision-maker to consider regarding the proposed disciplinary action.

In most cases, the employee should be provided with a copy of the investigation report and other materials that the City deems appropriate, and a reasonable opportunity to review the materials and prepare for the pre-disciplinary meeting.

#### **VI. APPEAL OF DISCIPLINARY ACTIONS**

Disciplinary decisions that have been made by or approved by the City Manager are final, subject to any grievance procedures in an applicable collective bargaining agreement or individual employment agreement. Other disciplinary actions may be appealed by non-represented employees under the City's Complaint Procedure, Policy No. 500.520.

## **DRUG FREE WORKPLACE**

### **I. PURPOSE**

This policy is written to communicate that the City and the City's employee representative groups are committed to maintaining a drug free workplace in order to provide a safe, healthy and productive work environment for all employees and to protect and serve the community. The City and the City's employee representative groups are concerned with illegal drug use, legal drug abuse and alcohol use because of the effect on public safety, job performance, workplace safety, and workplace morale.

This policy is also written to establish the City's policy prohibiting use, possession, manufacture, sale, purchase, transfer, or being under the influence of alcoholic beverages, illegal drugs or other intoxicants at any time on City premises, while on City business or while on duty.

### **II. SCOPE**

This policy applies to all City employees and applicants for employment.

### **III. POLICY**

The City recognizes illegal drug use, legal drug abuse and alcohol use as a threat to the public welfare and to City employees.

The City has a strong commitment to its employees to provide a safe work environment and to promote high standards of employee health and fitness. Consistent with the spirit and intent of this commitment, the City has established this policy to maintain a work environment that is free from the effects of illegal drug use, legal drug abuse and alcohol use.

While the City has no intention of interfering with the private lives of its employees, the City expects its employees to perform their duties in a safe, effective and efficient manner while on duty.

While it is the goal of this policy to prevent illegal drug use, legal drug abuse and alcohol use, and to rehabilitate rather than terminate the employment of employees who are using controlled substances or alcohol, all persons covered by this policy should be aware that violations of the policy will result in an intervention action and/or discipline, up to and including termination, or in not being hired.

### **IV. DEFINITIONS**

- A. Alcohol. The intoxicating agent in beverage alcohol or other low molecular weight alcohol's including methyl and isopropyl alcohol.

- B. Alcohol Use. The consumption of a beverage, mixture or preparation, including any misuse of medication containing alcohol.
- C. Controlled Substance. The terms illegal drug and controlled substance are used interchangeably in this policy. An illegal drug is a controlled substance as adopted by Oregon Statutes.
- D. Medical Review Officer. A licensed qualified health care provider (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's test result together with his/her medical history and any other relevant information.
- E. On Duty. Any time an employee is on City premises while at work, on duty or on City business or any time an employee is off premises while at work, on duty or on City business.
- F. Probable Cause. A belief based on objective and articulate facts sufficient to lead a reasonably prudent supervisor to suspect that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform his/her job safely is reduced due to illegal drug use, legal drug abuse and/or alcohol use or that an employee is engaging in any conduct prohibited by this policy.
- G. Refusing to Submit. Failure to provide adequate breath for alcohol testing and/or adequate urine sample for controlled substance testing without a valid medical explanation.
- H. Substance Abuse Professional. A licensed qualified health care provider (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse) with the knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
- I. Supervisor. For the purpose of this policy "supervisor" shall refer to directors, managers, supervisors, and non-represented supervisory employees.

V. GUIDELINES

- A. Prohibited Conduct. The following conditions and activities are expressly prohibited. An employee may not:
  - 1. report for work:

- a) if using alcohol;
  - b) with an alcohol concentration of 0.02 or greater;
  - c) if in possession of alcohol;
  - d) while under the influence of alcohol;
2. provide, manufacture, deliver, transfer, offer, or sell alcohol to any other employee or to any person while on duty (except as authorized by law within the normal scope of position duties);
  3. use alcohol within eight (8) hours after an accident that would require post-accident testing or before a post-accident test (whichever comes first - see Section V-C-3 of this policy);
  4. unlawfully manufacture, distribute, dispense, possess, transfer, offer, sell, use or be under the influence of a controlled substance while on duty (except as authorized by law within the normal scope of position duties);
  5. refuse to be tested based upon a probable cause determination or a return to work or post accident testing requirement for illegal drug use, legal drug abuse and/or alcohol use which includes refusal to cooperate with testing, failure to report to testing site within allotted time, failure to remain available for post accident testing, and attempt to alter specimens or otherwise affect testing results; and/or
  6. use any prescription or non-prescription medications which carry a warning label indicating that it (the medication) may interfere with the safe and effective performance of duties or operation of City equipment, without notifying his/her supervisor. Such notification will not disclose the type of medication nor the diagnosis. (See Section XIV of this policy).

**B. Consequences of Prohibited Conduct.**

1. Employees who have engaged in conduct prohibited by this policy will be subject to one (1) or more of the following consequences:
  - a) he/she will have no access to any City vehicles, motorized equipment or any work that could impact his/her own safety or the safety of another employee or citizen; nor will he/she have any external customer or supplier contact for the remainder of his/her shift;
  - b) immediate removal from work and placed on paid, temporary administrative leave for at least twenty-four (24) hours;

- c) return-to-work only after evaluation by a Substance Abuse Professional (SAP) and completion of any necessary rehabilitation and return-to-duty testing; and/or
- d) appropriate disciplinary and/or intervention action up to and including termination.

C. Types of Testing. The following types of drug and alcohol tests shall be performed with respect to City employees:

1. **Pre-Employment Testing.** Pre-employment drug testing is required for all positions. A notice will be posted that drug testing is a requirement of the application process. Anyone who does not wish to proceed with the application may withdraw without question.

A drug test result which is verified as positive for unauthorized use of a controlled substance will disqualify the applicant for the current position.

2. **Probable Cause Testing.** Probable cause is a belief based on objective and articulate facts sufficient to lead a reasonably prudent supervisor to suspect that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform his/her job safely is reduced due illegal drug use, legal drug abuse and/or alcohol use or that an employee is engaging in any conduct prohibited by this policy. A probable cause test will be required under the following conditions:

- a) The City shall require an employee to submit to an alcohol test when the City has probable cause to believe that the employee has violated the prohibitions of this policy concerning alcohol. The City determination that probable cause exists to require the employee to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

- b) The City shall require an employee to submit to a drug test when the City has probable cause to believe that the employee has violated the prohibitions of this policy concerning the use of controlled substances. The City determination that probable cause exists to require the employee to undergo a drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. These observations may include indications of the chronic and/or withdrawal effects of controlled substances. (Please refer to the supervisor handbook additional information on the basis for a finding

of probable cause.)

The observations relied upon to provide probable cause should be witnessed by at least two (2) supervisors if at all feasible, but only one (1) observation is required. Only supervisory employees trained in identifying appearance or conduct that indicate possible illegal drug use, legal drug abuse and/ or alcohol use may make a decision to test. Failure of the supervisor to strictly adhere to the guidelines for deciding to test will result in discipline of the supervisor up to and including termination.

Any probable cause determination will be documented as soon after the incident as possible. The City will ensure that the employee involved is immediately removed from the workplace and is transported by a supervisor and/or an employee representative to a urine specimen collection or alcohol-testing site. The employee will NOT be allowed to proceed to the site unaccompanied.

Public safety employees shall not be subject to alcohol testing at the Clackamas County Corrections facility.

Represented employees will have access to Union representation, if requested, at every step of the probable cause testing procedures. However, this representation shall not delay established testing procedures.

Probable cause may lead to a workplace search (please see Policy No. 420, Workplace Searches).

3. Post-Accident Testing.

a) Post-accident testing will be required in an incident where:

- (1) a fatality occurred; and/or
- (2) the employee received a citation under State or local law for a moving traffic violation arising from an accident.

b) Post accident testing requires that employees:

- (1) be tested for alcohol within two (2) hours but in no case later than eight (8) hours after the accident when bona fide, substantiated circumstances delay testing; and/or
- (2) be tested for controlled substances within two (2) hours, but in no case later than twenty-four (24) hours after the accident

when bona fide, substantiated circumstances delay testing.

The City will ensure that the employee requiring post-accident testing will be immediately removed from duty, placed on paid, temporary administrative leave and transported to a collection/testing site by a supervisor and/or an employee representative. Represented employees will have access to Union representation, if requested, at every step of the post-accident testing procedures. This representation shall not delay established testing procedures.

An employee who is injured and cannot provide a specimen for testing may be requested to authorize the release of relevant hospital reports and other documentation that would indicate evidence of illegal drug use, legal drug abuse and/or alcohol use at the time of the accident.

Where City employees are involved in a no-fault accident (as determined by local authorities) they will not be required to be tested. However, for an employee's own legal protection, an employee may choose to submit to drug and/or alcohol testing to positively verify that drugs and/or alcohol were not a factor in the accident. Payment for testing and record retention by the City will be governed by this policy (Sections V-D and XI-A).

4. Post Treatment Follow-up Testing and Return to Duty Testing. This policy requires return to work and follow-up drug and alcohol testing when an employee has been evaluated by a Substance Abuse Professional and has been found to need assistance with resolving his/her drug use and/or alcohol abuse problem. Under these conditions, a negative drug and/or alcohol test is required prior to returning to work and at least two (2) follow-up tests are required during the twelve (12) months following return to work. Follow-up testing may continue for no longer than twenty-four (24) months following return to duty. (Note: These twenty-four (24) months include the first twelve (12) months of required testing.

D. Costs of Testing.

1. City's Responsibility. The City will be responsible for payment of:
  - a) all pre-employment, post-accident and probable cause tests; and
  - b) any requested split tests, return-to-duty and follow-up tests with a test result of negative, or canceled.
2. Employee's Responsibility. The employee will be responsible for payment of any requested split test, return-to-duty and follow-up tests with a positive

result. (The City agrees to pay for the test and then collect from the employee.)

- E. Use of Marijuana for Medical Purposes. Employees who possess an identification card issues by the Oregon Department of Health for use of marijuana for medical purposes are **not exempted** from this policy. However, an employee who is suspected of violating this policy may present his/her medical marijuana identification card to the Medical Review Officer as mitigating evidence that no violation has occurred. In the sole discretion and judgement of the City, possession of a valid Oregon Department of Health medical marijuana identification card may be sufficient evidence that no policy violation has occurred.

Employees who are legally authorized to and who use marijuana for medical purposes should discuss with their supervisor any need for reasonable accommodation to assist the employee to safely perform his/her essential job functions.

## VI. DRUG AND ALCOHOL TESTING PROCEDURES

### A. Drug Testing.

1. Urine specimen collection for drug testing will be performed by qualified individuals in conformance with current standards of practice, using chain of custody procedures and with respect for the privacy and dignity of the person giving the specimen.

Drug test specimens will be collected to provide at least thirty (30) mls of urine in a primary specimen shipping bottle and at least fifteen (15) mls of urine in a split specimen shipping bottle.

2. Drug testing will be performed only by laboratories certified by the Substance Abuse and Mental Health Administration (SAMHA) of the U.S. Department of Health and Human Services (previously NIDA).
3. When an initial screening test for drugs is positive, a second, confirmatory test will automatically be performed. Confirmed positive drug tests will be reported by the testing laboratory to the MRO for verification (see Section VII of this policy).
4. As a quality assurance measure, the City drug testing management service will submit at least three (3) blind samples to the certified laboratory for every one hundred (100) applicant/employee samples submitted. A summary of the results of this quality assurance program will be provided to the City

annually.

B. Breath Alcohol Testing.

5. Breath alcohol testing will be performed only by certified and qualified Breath Alcohol Technicians. Testing will be conducted using evidential breath alcohol testing devices.
6. Breath alcohol tests with results below 0.02 require no further action.
7. Tests with results of 0.02 or above will be confirmed as follows:
  - a) the employee being tested will be instructed not to smoke, use mouthwash, drink, or eat for a period of fifteen (15) minutes;
  - b) within thirty (30) minutes of completion of the initial screening test, a confirmatory breath test is conducted. The result is recorded in the confirmation "Test Results" section of the Alcohol Test form.
8. If the result of the confirmatory breath alcohol test is 0.02 or greater, the Breath Alcohol Technician must immediately notify the Personnel Manager or designee, who will arrange for transportation of the employee from the alcohol testing site. The Breath Alcohol Technician will then forward a copy of the Alcohol Test form to the Personnel Manager and provide a copy of the Alcohol Test form to the employee or his/her designated representative.

VII. DRUG TEST RESULTS REVIEW

A drug test result on an employee will be considered positive ONLY if it has tested positive initially, been confirmed positive by gas chromatography-mass spectrometry (GC-MS), and been reviewed and verified by the Medical Review Officer (MRO).

A positive drug test result is defined as the detection of any one or more of the substances listed in the table shown below.

<b>Substance or Grade</b>	<b>Initial Screening Cut-Off</b>	<b>Confirmation Cut-Off</b>
Amphetamines	1000 ng/ml	500 ng/ml
Cocaine	300 ng/ml	150 ng/ml
Marijuana (THC)	50 ng/ml	15 ng/ml
Opiates	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml

A confirmed positive test from a certified laboratory does not automatically identify an employee as having used drugs in violation of this policy. The MRO brings detailed

knowledge of possible alternate medical explanations to his/her review of the test results. This review is performed by the MRO prior to the transmission of results to the City.

- A. Medical Review Officer Role. The MRO is a consulting qualified health care provider who is a licensed doctor of medicine or osteopathy with knowledge of substance abuse disorders, symptoms, treatment, and toxicology. The MRO's primary function is to review, interpret and report positive test results of the employee. The MRO or his/her authorized representative will also report negative test results.

Before reporting a positive drug result on an employee to the City, the MRO will give the donor (employee) a chance to discuss it. If a prescription drug is involved, the donor will be asked to provide the name of the medication and the prescribing doctor's name for verification. The MRO may review the donor's medical history, and relevant factors, and medical records made available by the donor to determine whether a positive test resulted from legally prescribed medication before verifying a test result as positive or negative. The MRO may verify a test as positive without having communicated directly with the employee about the test in three (3) circumstances:

1. the donor expressly declines the opportunity to discuss the results of the test; or
2. neither the MRO nor the designated employer representative, after making all reasonable efforts, has been able to contact the employee within fourteen (14) days of the date on which the MRO receives the confirmed positive test result from the laboratory; or
3. the designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO, and more than five (5) days have passed since the date the employee was successfully contacted by the designated employer representative.

NOTE: If a test is verified positive under the latter circumstances, the donor may give the MRO information documenting that illness, injury or other circumstances unavoidably prevented him/her from contacting the MRO. On the basis of this information, the MRO may re-open the verification, allowing the donor to present information concerning a legitimate explanation for the positive test. If the MRO concludes that there is a legitimate explanation, the MRO will verify the test as negative.

Upon verifying a test result as positive, the MRO will inform the donor of the option for having the "split" portion of his/her specimen tested. The donor must notify the

MRO of a desire to exercise this option within seventy-two (72) hours of being notified of the positive result.

The MRO will not delay reporting of a verified positive test result pending split specimen testing. If a donor requests testing of the split specimen but none is available, the MRO will cancel the test.

- B. Communication of Results. The MRO or his/her designee will report test results ONLY to individuals authorized by the City to receive them. Confidentiality will be strictly maintained. If the result is positive, the MRO or his/her authorized representative will report the identity of the controlled substance. An employee will be provided copies of his/her test results (positive or negative) in writing from the Personnel Manager. An employee may also obtain copies of his/her test results by requesting them in writing from the MRO within sixty (60) days of being notified of the results.

#### VIII. FAILURE TO COOPERATE

Failure to cooperate with any aspect of this policy, including but not limited to falsifying or attempting to falsify test results or specimens, a refusal to submit to testing, or refusing to cooperate in testing will subject the employee to progressive discipline, up to and including termination. Any employee who refuses to take a drug or alcohol test to comply with this policy will be immediately removed from work and subject to discipline.

#### IX. DISCIPLINARY ACTION AND PROCEDURES

- A. An employee found to be in violation of this Drug Free Workplace Policy will be subject to removal from work, oral reprimand, written reprimand, suspension with pay, suspension without pay and/or termination. Violations include:
1. alcohol possession or use in violation of the prohibitions stated in this policy; or
  2. an alcohol test result of 0.02 or greater; or
  3. a verified positive drug test result; or
  4. refusal to test or to cooperate.
- B. An employee determined to have evidence of alcohol in his/her system of 0.02 to .039 will be subject to progressive discipline.
1. On the first (1<sup>st</sup>) occasion in any two (2) year period in which an employee has a breath alcohol test result of 0.02 to .039, he/she will receive an oral warning in the disciplinary process. He/she will not have access to any City

vehicles, motorized equipment, or any work that could impact his/her own safety or the safety of another employee or citizen; nor shall he/she have any external customer or supplier contact for the remainder of his/her shift.

2. On the second (2<sup>nd</sup>) occasion in any two (2) year period in which an employee has a breath alcohol test result of 0.02 to .039, he/she will be immediately removed from work for the remainder of his/her shift and sent home. The time away from work, if necessary, will be deducted from any accrued leave time if such is available; otherwise, it will be considered leave of absence without pay. No further alcohol testing will be required prior to resuming work on the next shift. This second (2<sup>nd</sup>) occasion will be considered a further violation of this policy, and the employee will be referred to the EAP for evaluation and enter into a Last Chance Agreement (Policy No. 465, Corrective Action, Section V).

C. Employees who have had a verified positive drug test or a confirmed alcohol result of 0.04 or above will be subject to the following disciplinary procedures. Before returning to work, they must agree to the following conditions:

1. meet all return-to-work testing requirements of this policy (Section X);
2. enter into a Last Chance Agreement that follows the Substance Abuse Professional's recommendations (see Policy No. 465, Corrective Action, Section V); and
3. in the event the Substance Abuse Professional does not specify any follow-up testing, the employee will undergo two (2) periodic unannounced drug and/or alcohol tests. The timing for these tests will be at the discretion of the Personnel Manager and will be within one (1) year of the employee returning to work. These tests and any other required tests will be conducted under City authority.

***Employees who have come forward by discussing their situation with the Personnel Manager and voluntarily entered into a drug and/or alcohol evaluation and treatment program prior to any positive drug or alcohol test result, will not have that admission used against them in progressive disciplinary proceedings. They will not be considered as having violated this policy. An employee who voluntarily puts forth information to the City that they have a drug or alcohol related problem will provide the City with appropriate return-to-work documentation from a Licensed Substance Abuse Professional.***

#### X. RETURN-TO-WORK PROCEDURES

The following statements reflect the return-to-work and follow-up testing requirements.

- A. Employees who have had alcohol test results of 0.04 or greater must be evaluated by a Substance Abuse Professional, undergo treatment, if required, and be recommended for return-to-work by the Substance Abuse Professional. A return-to-work alcohol test with a result of less than 0.02 is required prior to returning to work. The employee may be subject to both an alcohol and controlled substance test prior to his/her return to duty.
- B. Employees who have had verified positive drug tests must be evaluated by a Substance Abuse Professional, undergo treatment, if required, and be recommended for return-to-work by the Substance Abuse Professional. A negative return-to-work drug test is required prior to returning to work. The employee may be subject to both an alcohol and controlled substance test prior to his/her return to duty.
- C. Employees may be subject to periodic unannounced follow-up drug and/or alcohol testing as determined by the Substance Abuse Professional who evaluated the employee.
- D. Employees will enter into a Last Chance Agreement that follows the Substance Abuse Professional's recommendations.

#### XI. RECORD KEEPING PROCEDURES

Documentation pertaining to job performance, attendance, and behavior should be maintained in the employee's file. No reference to alcohol or other drug problems as a medical diagnosis should appear in personnel files; this does not preclude documenting behavior related to alcohol or other drugs, such as slurred or incoherent speech, stumbling, smelling of alcohol, possession of alcohol or other drugs, co-worker conflict, or a decline in work performance. Be sure to include any referral to EAP (Employee Assistance Program) in your documentation. Remember that documented evidence of a downward trend in performance or attendance is an effective tool in helping a valued employee recognize a possible substance dependency problem and accept a referral to EAP.

The Personnel Manager will maintain drug testing records in a secure filing system separate from the City personnel files, with information available only to authorized persons as stated below in paragraph A and B..

An employee is entitled, upon written request, to obtain copies of any records concerning his/her use of and testing for alcohol or controlled substances. Requests for such information may be directed to the Personnel Manager or to the City drug testing management service.

- A. Information regarding an employee's drug test results or rehabilitation may be released only upon written consent of the employee, except:

1. such information may be released to any state or local officials with regulatory authority over the employer or any of its employees pursuant to law; and/or
  2. such information may be disclosed in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from an alcohol test and/or a verified positive drug test or from the City's determination that the employee engaged in conduct prohibited by this policy; and/or
  3. when pursuant to law, as part of an accident investigation, the information is legally disclosable, the City will disclose information regarding post-accident drug and/or alcohol testing.
- B. Release of Information. The City will release information regarding an employee's records to a subsequent employer upon receipt of a specific written request from the employee authorizing release of the records to an identified person.
- C. Record Retention. The following schedule of record keeping will be maintained by the Personnel Manager or designee:
1. Two Years: Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) will be maintained for two (2) years.
  2. Three Years: The following records will be maintained for three (3) years:
    - a) records of employee alcohol test results with results indicating an alcohol concentration of 0.02 or greater;
    - b) records of employee verified positive controlled substances test results;
    - c) documentation of refusals to take required tests;
    - d) calibration documentation;
    - e) employee evaluation and referrals;
    - f) a copy of each annual calendar year summary; and
    - g) records relating to the education and training of supervisors and employees.

**XII. EDUCATION AND TRAINING**

The City will distribute information to all employees on the Drug Free Workplace policy; the dangers of drug and/or alcohol use in the workplace; and drug counseling, rehabilitation, and Employee Assistance resources. Employees will be required to sign a form acknowledging receipt of this information.

At the time of assignment or hire, new employees will receive specific information regarding the City Drug Free Workplace Policy and be informed of his/her responsibilities with respect to compliance with this policy.

Supervisors of employees, who may be required to make probable cause determinations will receive training on recognition of the physical, behavioral, speech and performance indicators of probable alcohol and controlled substances use with additional follow-up training provided at least once a year to maintain and increase supervisory proficiency.

**XIII. EMPLOYEE ASSISTANCE PROGRAM AND SELF-REFERRAL**

Complete confidentiality is always maintained in instances where employees seek help on their own. If an employee is referred by his/her supervisor, the EAP will confirm whether or not the employee made contact, followed through with any recommendations, and is medically fit for duty. No specific information will be given without the employee's express permission.

The City will support treatment efforts for employees with drug/alcohol problems who, prior to official discovery, voluntarily seek assistance. Employees who have come forward by discussing their situation with the Personnel Manager and voluntarily entered into a drug and/or alcohol evaluation and treatment program prior to any positive drug or alcohol test result, will not have that admission used against them in progressive disciplinary proceedings. They will not be considered as having violated this policy.

An employee who voluntarily puts forth information to the City that they have a drug or alcohol related problem will provide the City with appropriate return-to-work documentation from a Licensed Substance Abuse Professional.

The Personnel Manager will provide information about existing leave and medical benefits provided under employment policies applicable to the employee at that time.

**XIV. PRESCRIPTION MEDICATIONS**

- A. Prescription Medications With Warning Labels. Under the City's own authority employees are required to notify their department director when they are taking

prescription medications with warning labels (for example, relating to the operation of vehicles, heavy equipment or machinery) which may interfere with the safe and effective performance of duties or operation of City equipment.

The City does not request information about the condition for which medication is prescribed, only that it has been prescribed. In some cases, it may be necessary to temporarily reassign employees until the course of medication is completed.

If an employee is in doubt about a medication's effect on work performance, he/she should ask the prescribing qualified health care provider or pharmacist for clarification.

B. Use of Marijuana for Medical Purposes. Employees who possess an identification card

issued by the Oregon Department of Health for use of marijuana for medical purposes are **not exempted** from this policy. However, an employee who is suspected of violating this policy may present his/her medical marijuana identification card to the Medical Review Officer as mitigating evidence that no violation has occurred. In the sole discretion and judgement of the City, possession of a valid Oregon Department of Health medical marijuana identification card may be sufficient evidence that no policy violation has occurred.

Employees who are legally authorized to and who use marijuana for medical purposes should discuss with their supervisor any need for reasonable accommodation to assist the employee to safely perform his/her essential job functions.

**WORKPLACE SEARCHES:  
PRIVACY ISSUES, SEARCHES AND INSPECTIONS**

**I. PURPOSE**

To protect the City property and the property of its employees; to help prevent the possession, manufacture, sale, purchase, transfer of alcoholic beverages, illegal drugs and other intoxicants; and in keeping with the spirit and intent of the City's Drug Free Workplace Policy, the City reserves the right to question employees, and conduct inspections when probable cause exists, and require all City employees to participate in drug and alcohol testing as described in Policy No. 415, Drug Free Workplace.

**II. SCOPE**

The policy applies to all City employees.

**III. POLICY**

The City reserves the right to search all City property, including desks, file cabinets, lockers and City vehicles when there exists probable cause to do so.

Employees should not bring anything to work or put or store anything in City files, closets, shelves, boxes, work stations, computers, and computer files (including e-mail, voice mail, etc.), desks, file cabinets, lockers, vehicles, etc. that could embarrass them if it were found or seen by others.

The City may confiscate any substance or article that it has probable cause to believe may have been possessed in violation of City policies, and may transfer custody to appropriate law enforcement agencies for handling, analysis and/or further investigation. Employees who after the inspection are believed to be in possession of stolen property illegal drugs or alcohol will be sent immediately to the Personnel Manager and be subject to testing (see Policy No. 415, Drug Free Workplace) and/or disciplinary action up to and including discharge if on investigation they are found to be in violation of City policies or any other rules or regulations.

In conjunction with implementing this policy the City has posted notices in conspicuous places throughout its facilities informing all employees, prospective employees, customers, visitors, and all other persons of the City's policy and right to question employees and conduct inspections when probable cause exists.

## **ALCOHOL AND DRUG TESTING FOR COMMERCIALY LICENSED DRIVERS**

### **I. PURPOSE**

The purpose of this directive is to establish a policy and procedures by which employees whose duties require the possession of a Commercial Driver's License will be tested for alcohol and controlled substances in accordance with rules established by the Federal Highway Administration (FHWA) and contained in 49 CFR Parts 382 and 40.

### **II. SCOPE**

This entire policy will apply to all City employees, represented, non-represented and management, whose duties require the possession of a Commercial Driver's License.

### **III. POLICY**

The City has a responsibility to its employees, to those who come into contact with our services and programs and to the general public, to ensure safe operating and working conditions. To satisfy these responsibilities, the City must establish a work environment where employees are free from the effects of drugs and alcohol. As an employer subject to Federal regulations, the City is required to establish certain rules and follow certain procedures. Accordingly, the City has adopted this drug and alcohol testing policy which applies to all employees who are required in the course of their employment to hold a Commercial Drivers License (CDL) and who perform safety-sensitive functions, as defined by Federal regulations, (these employees are referred to hereafter as "covered drivers").

### **IV. DEFINITIONS**

- A. Alcohol. The intoxicating agent in beverage alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
- B. Alcohol Use. The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
- C. Commercial Drivers License (CDL). Required of any driver of a motor vehicle or combination of motor vehicles, used in commerce to transport passengers or property if the motor vehicle:
  - 1. has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
  - 2. has a gross vehicle weight rating of 26,001 or more pounds; or

3. is designed to transport sixteen (16) or more passengers, including the driver;  
or
  4. is of any size and is used in the transportation of hazardous materials requiring placards.
- D. Controlled Substance. The terms "drug" and "controlled substance" are used interchangeably in this policy. They refer to one or more of the following controlled substances:
1. marijuana (THC metabolite)
  2. cocaine
  3. amphetamines
  4. opiates (including heroin)
  5. phencyclidine (PCP)
- E. Covered Driver. Employee required to hold a Commercial Driver's License (CDL).
- F. Medical Review Officer (MRO). A licensed qualified health care provider (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
- G. Performing Safety-Sensitive Functions. Any period in which the employee is actually performing, ready to perform or immediately able to perform any safety-sensitive functions. An employee who is subject to the DOT regulations can be tested for drugs during any portion of their workday, and can only be tested for alcohol just before, during, and after performing safety-sensitive functions.
- H. Refusing to Submit. Failure to provide adequate breath for alcohol testing and/or adequate urine sample for controlled substance testing without a valid medical explanation.
- I. Safety-Sensitive Functions.
1. Waiting to be dispatched; or
  2. all driving time; or

3. all loading and unloading time; or
4. all supervising of loading and unloading; or
5. servicing, repairing, or inspecting a motor vehicle; or
6. waiting or acquiring assistance for disabled motor vehicle.

J. Substance Abuse Professional (SAP). A licensed qualified health care provider (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

## V. GUIDELINES

A. Prohibited Conduct. The following conditions and activities are expressly prohibited:

1. A driver may not report for duty or stay on safety-sensitive duty:
  - a) with an alcohol concentration of 0.04 or greater.  
  
Note: This includes any product (medication, food, or other product) containing alcohol, regardless of the alcohol content.
  - b) if using alcohol;
  - c) within four (4) hours after having used alcohol;
2. Performing any safety-sensitive function after having used any controlled substances or after testing positive for controlled substances.  
  
Exception: When the use is pursuant to the instructions of a licensed medical practitioner, as defined in CFR Part 382.107 who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
3. Refusing to be tested, which includes refusal to cooperate with testing, failure to report to test site within allotted time, failure to remain available for post-accident testing and attempts to alter specimens or otherwise affect testing results.

4. Using alcohol within eight (8) hours after an accident that would require post-accident testing or before a post-accident test (whichever comes first).
- B. Consequences of Prohibited Conduct. Covered drivers who have engaged in prohibited conduct will be subject to the following consequences:
1. immediate removal from safety-sensitive functions.
  2. temporary assignment to non-safety sensitive duties or placed on leave (accrued leave or leave without pay, in accordance with bargaining agreement or City policy); and/or
  3. allowed to return to safety-sensitive duties only after evaluation by a Substance Abuse Professional (SAP), completion of any necessary rehabilitation and return-to-duty testing. (Exception: employees who had an alcohol concentration of .02 to .039 may be allowed to return to safety-sensitive duties after removal for at least twenty-four (24) hours.) and/or
  4. appropriate disciplinary action up to and including dismissal.
- C. Types of Testing. As required by federal regulations, the following types of drug and alcohol tests shall be performed with respect to covered drivers:
1. Pre-employment testing. Pre-employment drug testing is required for all covered driver positions, except as noted in "Investigation of Previous Testing". A notice will be posted that drug testing is a requirement of the application process. Anyone who does not wish to proceed with the application may withdraw without question.  
  
A drug test result which is verified as positive for unauthorized use of controlled substances will disqualify the applicant for the covered driver position.
  2. Random testing. A random test is a test that is unannounced, and where every person in the random selection "pool" has an equal chance of being selected for testing each time a selection occurs. Random testing is considered to be an effective deterrent to substance abuse. Covered drivers are required to be randomly tested under DOT regulations.  
  
*Method of random selection.* The City has contracted with an outside drug testing management service to perform computerized random selections on its covered drivers. Selections occur approximately once per month (every thirty (30) days), on a randomly selected date. Selections are therefore spread reasonably throughout each twelve (12)-month period.

A number of drug tests equal to at least 50% of the number of individuals in the Consortium will be completed annually, as required by DOT drug testing regulations; a number of alcohol tests equal to at least ten percent (10%) of the number of individuals in the Consortium will be completed annually.

Procedure for notification and specimen collection/testing.

- a) The drug testing management service will maintain a secure data base of individuals covered by the Federal Highway Administration's drug and alcohol testing regulations.
- b) On a randomly selected date, the service will transmit a coded list of individuals who have been selected for testing to the Personnel Manager.
- c) The Personnel Manager or his/her designated representative will notify the individual in person or by telephone that he/she has been selected to provide a urine and/or breath specimen for testing. The date and time of notification will be recorded on the transmitted, coded list.
- d) A covered driver can only be notified for a DOT random alcohol test, just before, during, or after performing safety sensitive functions. A covered driver can be notified for a random drug test any time during his/her workday.

IMMEDIATELY after being notified, each individual selected for testing must proceed to a specimen collection and/or alcohol testing facility. If the individual is in a remote location, the Personnel Manager will arrange for him/her to go to a local clinical facility so that specimen collection and/or breath testing are completed expeditiously.

3. Reasonable Suspicion Testing. "Reasonable suspicion" means that an individual has given a supervisor reason to believe that he/she may be impaired, intoxicated, or under the influence of a controlled substance or alcohol. A reasonable suspicion test will be required under the following conditions:
  - a) The City shall require a covered driver to submit to an alcohol test when the City has reasonable suspicion to believe that the covered driver has violated the prohibitions of this policy concerning alcohol. Observations for DOT reasonable suspicion alcohol testing can occur **only** just before, during, or after performing safety sensitive

functions. The City determination that reasonable suspicion exists to require the covered driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered driver.

- b) The City shall require a covered driver to submit to a controlled substances test when the City has reasonable suspicion to believe that the covered driver has violated the prohibitions of this policy concerning controlled substances. The City determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered driver. These observations may include indications of the chronic and withdrawal effects of controlled substances.

The "reasonable suspicion" behavior should be witnessed by at least two (2) supervisors if at all feasible, **but only one (1) observation is required.** Those who make a decision to test a covered driver will be trained in identifying appearance or conduct that indicate the possible use of controlled substances or misuse of alcohol.

Any "reasonable suspicion" incident will be documented as soon after the incident as possible. The City will ensure that the covered driver involved is immediately removed from the workplace and is escorted by a supervisor to a urine specimen collection, or alcohol-testing site. The employee will NOT be allowed to proceed to the site unaccompanied.

Covered drivers will have access to Union representation, if requested, at every step of the "reasonable suspicion" testing procedures, except during specimen collection.

- 4. Post-Accident Testing. A reportable is defined as an accident in which a covered driver was operating a commercial motor vehicle in which:
  - a) a fatality occurred; and/or
  - b) the covered driver received a citation under State or local law for a moving traffic violation arising from the accident and/or

- c) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or
- d) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Under FHWA regulations, covered drivers involved in a reportable accident are required to be:

- e) tested for alcohol as soon as possible (within two (2) hours), but in no case later than eight (8) hours after the incident.
- f) drug tested as soon as possible, but in no case later than thirty-two (32) hours after the incident.
- g) the City will ensure that the covered driver involved in an accident will be immediately removed from duty, and escorted to a collection/testing site. A Union representative shall be notified immediately upon the request of the covered driver. This representation shall not delay established testing procedures;
- h) the covered driver who is seriously injured and cannot provide a specimen for testing may be requested by the City to authorize the release of relevant hospital reports and other documentation that would indicate whether there were any controlled substances, or alcohol in his/her system at the time of the incident;

5. Return to Duty Testing. FHWA regulations and this policy require:

- a) that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in prohibited conduct concerning alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02; and
- b) that before a driver returns to duty requiring the performance of a safety sensitive function after engaging in prohibited conduct concerning controlled substances, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substance use.

Please refer to Section IX, Disciplinary Action and Procedures and Section X, Return to Duty Procedures for additional information.

- 6. Follow-up Testing. Following a determination by a Substance Abuse Professional that a driver is in need of assistance in resolving problems associated with alcohol misuse and /or controlled substances, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the Substance Abuse Professional. If the driver was found to need assistance in resolving his/her alcohol misuse or drug abuse problem, a minimum of six (6) such follow-up tests must be conducted during the twelve (12) months following the driver's return-to-duty; and follow-up testing, as directed by the Substance Abuse Professional, may continue for up to sixty (6) months.

D. Costs of Testing.

- 1. City's Responsibility. The City will be responsible for payment of:
  - a) all pre-employment, post-accident and probable cause tests; and
  - b) any requested split tests, return-to-duty and follow-up tests with a test result of negative, or canceled.
- 2. Covered Driver's Responsibility. The covered driver will be responsible for payment of any requested split test, return-to-duty and follow-up tests with a positive result. (The City agrees to pay for the test and then collect from the employee.)

VI. DRUG AND ALCOHOL TESTING PROCEDURES

A. Drug Testing.

1. Urine specimen collection for drug testing will be performed by qualified individuals in conformance with current standards of practice, using chain of custody procedures specified by FHWA regulations 49 CFR Part 40 and with respect for the privacy and dignity of the person giving the specimen.

Drug test specimens will be collected to provide at least thirty (30) mls of urine in a "primary specimen" shipping bottle and at least fifteen (15) mls of urine in a "split specimen" shipping bottle.

2. Drug testing will be performed only by laboratories certified by the Substance Abuse and Mental Health Administration (SAMHSA) of the US Department of Health and Human Services (previously "NIDA").
3. When an initial screening test for drugs is positive, a second, confirmatory test will automatically be performed. Confirmed positive drug tests will be reported by the testing laboratory to the MRO for verification. (See Section VI, Drug Test Results Review.)
4. As a quality assurance measure, the City drug testing management service will submit at least three (3) blind samples to the certified laboratory for every one hundred (100) applicant/covered driver samples submitted as required by DOT regulations 49 CFR Part 40. A summary of the results of this quality assurance program will be provided to the City annually.

**B. Breath Alcohol Testing.**

1. Breath alcohol testing will be performed only by qualified Breath Alcohol Technicians. Testing will be conducted using evidential breath alcohol testing devices listed on the Conforming Products List of the National Highway Traffic Safety Administration.
2. Breath alcohol tests with results below 0.02 require no further action.
3. Tests with results of 0.02 or above will be confirmed as follows:
  - a) The covered driver being tested is instructed not to smoke, use mouthwash, drink, or eat for a period of fifteen (15) minutes.
  - b) Within thirty (30) minutes of completion of the initial screening test, a confirmatory breath test is conducted per 49 CFR Part 40. The result is recorded in the confirmation "Test Results" section of the Alcohol Test Form.
4. If the result of the confirmatory breath alcohol test is 0.02 or greater, the Breath Alcohol Technician must immediately notify the Personnel Manager

or his/her designated representative, who will arrange for transportation of the covered driver from the alcohol-testing site. The Breath Alcohol Technician will then forward a copy of the Alcohol Test Form to the Personnel Manager.

**VII. DRUG TEST RESULTS REVIEW**

A drug test result on a covered driver will be considered positive ONLY if it has tested positive initially, been confirmed positive by gas chromatography-mass spectrometry (GC-MS), and been reviewed and verified by the Medical Review Officer (MRO).

A positive drug test result is defined as the detection of any one or more of the substances listed in the table shown below.

<b>Substance or Class</b>	<b>Initial Screening Cut-Off</b>	<b>Confirmation Cut-Off</b>
Amphetamines	1000 ng/ml	500 ng/ml
Cocaine	300 ng/ml	150 ng/ml
Marijuana (THC)	50 ng/ml	15 ng/ml
Opiates	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml

A confirmed positive test from a certified laboratory does not automatically identify a covered driver as having used drugs in violation of a DOT regulation. The MRO brings detailed knowledge of possible alternate medical explanations to his/her review of the test results. This review is performed by the MRO prior to the transmission of results to the City.

**A. Medical Review Officer Role.**

The MRO is a consulting qualified health care provider who is a licensed doctor of medicine or osteopathy with knowledge of substance abuse disorders, symptoms, treatment, and toxicology. The MRO's primary function is to review, interpret and report positive test results of the covered driver. The MRO or his/her authorized representative will also report negative test results.

Before reporting a positive drug result on a covered driver to the City, the MRO will give the "donor" (covered driver) a chance to discuss it. If a prescription drug is involved, the donor will be asked to provide the name of the medication and the prescribing doctor's name for verification. the MRO may review the donor's medical history, and relevant biomedical factors, and medical records made available by the donor to determine whether a positive test resulted from legally prescribed medication before verifying a test result as "positive" or "negative". The MRO may communicate a positive result on a donor to the City if:

1. the donor expressly declines the opportunity to discuss the results of the test;  
or
2. neither the MRO nor the designated employer representative, after making all reasonable efforts, has been able to contact the employee within fourteen (14) days of the date on which the MRO receives the confirmed positive test result from the laboratory; or
3. the designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO, and more than five (5) days have passed since the date the employee was successfully contacted by the designated employer representative.

**NOTE:** If a test is verified positive under the latter circumstances, the donor may give the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented him/her from contacting the MRO. On the basis of this information, the MRO may re-open the verification, allowing the donor to present information concerning a legitimate explanation for the positive test. If the MRO concludes that there is a legitimate explanation, the MRO shall verify the test as negative.

Upon verifying a test result as positive, the MRO will inform the donor of the option for having the "split" portion of his/her specimen tested. The donor must notify the MRO of a desire to exercise this option within seventy-two (72) hours of being notified of the positive result.

The MRO will not delay reporting of a verified positive test result pending "split" specimen testing. If a donor requests testing of the "split" specimen but none is available, the MRO will cancel the test.

**B. Communication of Results.**

The MRO or his/her designated representative will report test results ONLY to individuals authorized by the City to receive them. Confidentiality will be strictly maintained. If the result is positive, the MRO or his/her authorized representative will report the identity of the controlled substance. Covered drivers may obtain copies of their test results by requesting them in writing from the MRO within sixty (60) days of being notified of the results.

**VIII. FAILURE TO COOPERATE**

Failure to cooperate with any aspect of this policy, including but not limited to falsifying or attempting to falsify test results or specimens, refusing to submit to testing will subject the

covered driver to progressive discipline, up to and including discharge. Any covered driver who refuses to take a drug or alcohol test to comply with FHWA regulations (49 CFR Part 382) will be immediately removed from duty as required by these federal regulations.

**IX. DISCIPLINARY ACTION AND PROCEDURES**

- A. Any covered driver found to be in violation of this Drug and Alcohol Testing Policy will be removed from duty and will be subject to oral reprimand, written reprimand, suspension with pay, suspension without pay and discharge. Violations include:
1. alcohol use in violation of the prohibitions stated in this policy; or
  2. an alcohol test result of 0.04 or greater; or
  3. a verified positive drug test result; or
  4. refusal to test or to cooperate.
- B. A covered driver determined to have evidence of alcohol in his/her system of 0.02, but less than 0.04, will be subject to progressive discipline.
1. On the first (1<sup>st</sup>) occasion in any two (2) year period in which a covered driver has a breath alcohol test result of 0.02 or greater, but less than 0.04, he/she will be immediately removed from safety sensitive work for the remainder of his/her shift. If non-safety sensitive work is **not** available the covered driver will be sent home. The covered driver, if non-safety sensitive work is available would have the option of returning to work at the start of his/her next regularly scheduled shift but would remain in a non-safety sensitive status until twenty-four (24) hours had elapsed since the time of his/her test. The time away from work, if necessary, may be considered vacation time or sick leave time if such is available; otherwise, it will be considered leave of absence without pay. No further alcohol testing will be required prior to resuming work at the end of the twenty-four (24) hour period. This occurrence shall be considered an oral warning in the disciplinary process.
  2. The second (2<sup>nd</sup>) and any subsequent occasion in any two-year period in which a covered driver has a breath alcohol test result of 0.02 or greater, but less than 0.04, he/she will be immediately removed from safety sensitive work for a period of at least twenty-four (24) hours. If non-safety sensitive work is not available the covered driver will be sent home for the remainder of the twenty-four (24) hour period. The time away from work may be considered vacation time or sick leave time if such is available; otherwise, it will be considered leave of absence without pay. No further alcohol testing

will be required prior to resuming work at the end of the twenty-four (24) hour period. These occasions will be considered violations of this policy, and will subject the employee to discipline.

- C. Covered drivers who have come forward and voluntarily entered into drug and/or alcohol evaluation and treatment programs shall not have that admission used as a step against them in progressive disciplinary proceedings.
- D. Covered drivers who have had a verified positive drug test or a confirmed alcohol result of 0.04 or above shall be subject to the following disciplinary procedures. Before returning to duty, they must agree to the following conditions.
  - 1. meet all return to duty requirements of the FHWA; and
  - 2. enter into a Last Chance Agreement; and
  - 3. in the event the substance abuse professional does not specify any follow-up testing, shall undergo two (2) periodic unannounced drug and/or alcohol tests at the discretion of the Personnel Manager within one (1) year of returning to duty. These tests, and any other required tests will be conducted under City authority.

#### X. RETURN TO DUTY PROCEDURES

The following statements reflect the return to duty and follow-up testing requirements of the FHWA:

- A. Covered drivers who have had alcohol test results of 0.04 or greater must be evaluated, undergo treatment, if required, and be recommended for return-to-duty by the Substance Abuse Professional. A "return-to-duty" alcohol test with a result of less than 0.02 is required prior to resumption of safety-sensitive functions. A driver may be subject to both an alcohol and controlled substance test prior to his/her return-to-duty.
- B. Covered drivers who have had verified positive drug tests must be evaluated, undergo treatment, if required, and be recommended for return to work by the Substance Abuse Professional. A negative "return-to-duty" drug test is required prior to resumption of safety-sensitive functions. A driver may be subject to both an alcohol and controlled substance test prior to his/her return-to-duty.
- C. Covered drivers may be subject to periodic unannounced follow-up alcohol and/or drug testing as determined by the Substance Abuse Professional who evaluated the employee. If the driver was found to need assistance in resolving his/her alcohol misuse or drug abuse problem, a minimum of six (6) such follow-up tests must be

conducted during the twelve (12) months following the driver's return-to-duty; and testing may occur for up to sixty (60) months.

## XI. RECORD KEEPING PROCEDURES

The City Personnel Manager will maintain drug testing records in a secure filing system separate from the City Personnel files, with information available only on a "need to know" basis.

- A. Release of Information. A covered driver is entitled, upon written request, to obtain copies of any records concerning his/her use of alcohol or controlled substances. Requests for such information may be directed to the Personnel Manager or to the City drug testing management service.

Information regarding a covered driver's drug test results or rehabilitation may be released only upon written consent of the covered driver, except:

1. such information must be released to the Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the employer or any of its drivers;
  2. such information may be disclosed in a lawsuit, grievance, or other proceeding initiated by or on behalf of the covered driver and arising from an alcohol test and/or a verified positive drug test or from the City determination that the covered driver engaged in conduct prohibited by FHWA regulations;
  3. when requested by the National Transportation Safety Board as part of an accident investigation, the City will disclose information regarding post-accident alcohol and/or drug testing; and/or
  4. the City shall release information regarding a covered driver's records to a subsequent employer upon receipt of a specific written request authorizing release of the records to an identified person.
- B. Record Retention. The following schedule of record keeping will be maintained by the Personnel Manager and his/her authorized agents:
1. One Year: Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one (1) year.
  2. Two Years: Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) shall be maintained for a minimum of two (2) years.

3. Five Years: The following records shall be maintained for a minimum of five (5) years:
  - a) records of driver alcohol test results with results indicating an alcohol concentration of 0.02 or greater;
  - b) records of driver verified positive controlled substances test results;
  - c) documentation of refusals to take required alcohol and/or controlled substance tests;
  - d) calibration documentation;
  - e) driver evaluation and referrals; and
  - f) a copy of each annual calendar year summary required to be completed pursuant to the current Federal Motor Carrier Safety Regulations.
  
4. Indefinite Period: Records related to the education and training of supervisors and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

## XII. EDUCATION AND TRAINING

The City will distribute information to covered drivers on the Drug and Alcohol Testing Policy; the dangers of drug and alcohol abuse in the workplace; the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substances problem (the driver's or a coworker's); drug counseling, rehabilitation; and employee assistance resources. Employees will be required to sign a form acknowledging receipt of this information. **Any questions or requests for additional information should be directed to the Personnel Manager.**

At the time of hire, new covered drivers will receive specific information regarding the City Drug and Alcohol Testing Policy and be informed of his/her responsibilities with respect to compliance with Federal drug and alcohol testing regulations.

Supervisors of covered drivers who may be required to make "reasonable suspicion" determinations will receive training on recognition of the physical, behavioral, speech and performance indicators of probable alcohol and controlled substances use. The duration of the training will be at least sixty (60) minutes EACH for 1) alcohol and 2) controlled substances use recognition, with additional follow up training to be provided to maintain and increase supervisory proficiency.

**XIII. EMPLOYEE ASSISTANCE PROGRAM AND SELF-REFERRAL**

The City will support treatment efforts for covered drivers with drug/alcohol problems who, prior to official discovery, voluntarily seek assistance. A covered driver who voluntarily puts forth information to the City that they have a drug or alcohol related problem will provide the City with appropriate return to duty documentation from a Licensed Substance Abuse Professional.

The City's Personnel Manager will provide information about existing leave and medical benefits provided under employment policies applicable to the covered driver at that time.

**XIV. PRESCRIPTION MEDICATIONS**

Under the City's own authority, covered drivers are required to notify their immediate supervisors when they are taking prescription medications with warning labels (for example, relating to the operation of vehicles, heavy equipment, or machinery).

The City does not request information about the condition for which medication is prescribed, only that it has been prescribed. In some cases, it may be necessary to temporarily reassign covered drivers until the course of medication is completed.

If a covered driver is in doubt about a medication's effect on work performance, he/she should ask the prescribing qualified health care provider or pharmacist for clarification.

**XV. INVESTIGATION OF PREVIOUS TESTING**

As a condition of employment, applicants for covered driver positions will be required to authorize previous employers to release specific information regarding previous alcohol and drug tests.

The pre-employment drug test may be waived if an applicant for a covered driver position can document:

- A. Participation in a drug testing program which meets FHWA requirements during the thirty (30) days prior to application AND
  - 1. a negative drug test within the six (6) months prior to application OR
  - 2. participation in a random drug testing program for twelve (12) months prior to application AND
- B. No violation of alcohol or controlled substance prohibitions within the six (6) months prior to application. The City reserves the right to require applicants to undergo pre-employment drug testing, whether or not such documentation is provided.

## **WORKPLACE VIOLENCE**

### **I. PURPOSE**

To help prevent incidents or threats of violence from occurring in or about City facilities or elsewhere at any time.

### **II. SCOPE**

This policy applies to all City employees and anyone who comes onto City premises.

### **III. POLICY**

The City is concerned about the increased violence in society, which has also filtered into many workplaces throughout the United States, and has taken steps to help prevent incidents of violence from occurring at City facilities. In this connection, it is the policy of the City to expressly prohibit any acts or threats of violence by any City employee or former employee against any other employee in or about City facilities or elsewhere at any time. The City also will not condone any acts or threats of violence against City employees, customers, or visitors on City premises at any time or while they are engaged in business with or on behalf of the City, on or off City premises.

### **IV. EMPLOYEE'S RESPONSIBILITY**

A. Employees are strictly prohibited from:

1. bringing weapons or explosives of any kind onto City property; and
2. engaging in any type of violent or threatening behavior, on City property or while on City business, towards anyone.

B. In furtherance of this policy, employees have a duty to warn his/her supervisors, department directors or the Personnel Manager of any suspicious workplace activity or situations or incidents that they observe or that the employee is aware of that involve other employees, former employees, customers or visitors and that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The City will not condone any form of retaliation against any employee for making a good faith report under this policy. An employee who makes a report under this policy without a good faith belief in its truthfulness may be subject to discipline, up to and including discharge. The City also encourages employees to submit anonymous reports if the employee desires. Employees may do so by putting a sealed envelope containing the information in the Personnel Manager's or designee's mail box.

IV. DISCIPLINE

The City will take prompt disciplinary action up to and including immediate discharge against an employee who:

- A. engages in any threatening behavior or acts of violence; and/or
- B. uses any obscene, abusive or threatening language or gestures; and/or
- C. comes to work with or takes possession of any weapon or explosive on City property or while on City business.

## ATTENDANCE

### I. PURPOSE

Attendance and punctuality are important to the efficient operation of any business. Good attendance and punctuality are essential components of solid employee performance and are measured by objective standards. Poor attendance and tardiness disrupt productivity and make it difficult for the City to function effectively.

### II. SCOPE

This attendance policy applies to all non-exempt City employees.

### III. POLICY

The City provides sick leave as a benefit to employees in case of illness or injury (See Policy No. 320), however, regular, consistent attendance is an essential function of every job regardless of whether an employee has accrued, unused sick time on the books.

- A. Attendance Goal. Every employee has the responsibility to maintain a good attendance record. The City seeks to achieve an overall record of greater than 97% attendance in scheduled working hours for all employees combined, measured over a year or longer.
- B. Department Director's Responsibility. Directors will exercise the primary management-level responsibility to control employee attendance. Excessive employee absence or lateness are undesirable performance factors and will be managed by department directors according to the procedures below.
- C. Protected Leave. Approved leaves (i.e., family medical leave) shall not be considered absences, and no disciplinary action will be taken against an employee for use of such protected leave.

### IV. DEFINITIONS

- A. Absence. An absence is defined as any absence from work during scheduled working hours (including overtime), excluding absence for work-incurred injuries, vacation, jury duty, death in the family, family medical leave or other approved leaves.
- B. Lateness. Lateness or leaving early (in the range of more than fifteen (15) minutes but less than one-third (1/3) of the scheduled hours) will be included in attendance control calculations on a three-to-one (3 to 1) ratio: Three (3) occasions are equivalent to one (1) full day's absence. Repeated lateness or leaving early in the range of less than fifteen (15) minutes will be cause for disciplinary action.



V. PROCEDURE

Department directors will administer the attendance standards and procedures outlined below, regardless of employee position, eligibility for sick leave benefits, or length of service.

- A. Attendance Standards. Department directors will seek to maintain an attendance level among employees which, when measured City-wide, results in an average of no more than seven days absence per employee, measured over a one (1) year period.
- B. Notification.
1. Advance Notice. Department directors will require employees to give advance notice, when possible, of lateness or absence. If advance notice is not possible, notification by phone must be given by the employee to his or her supervisor.
  2. Timing of Notice. Advanced Notice is notice given prior to the day of the absence or lateness. Notification by phone, when advanced notice is not possible should be given to a supervisor or department director at least one (1) hour before the employee's regularly scheduled shift begins. When absence or lateness is due to unforeseen circumstances, notification by phone should be made at the earliest possible time.
  3. Employee to Maintain Contact. Department directors will require employees to maintain contact each day for any period of absence beyond one day, unless the employee has provided a doctor's certification covering a specified period. Frequency of contact between employee and supervisor will be by mutual agreement.
- C. Absence Without Notice. After three (3) consecutive days of absence without notice, the employee will be separated. (See Policy No. 810, Employee Separation.) The employee will be eligible for reinstatement only if exceptional circumstances explain why the employee could not have called.
- D. Scheduling Absences. Employees who must be absent for personal reasons or medical appointments will be advised to schedule such appointments outside working hours, if possible. When the need for being absent from work is known in advance, the employee will notify the department director immediately. (See Policy No. 314: Leaves of Absence With Pay.)
- E. Monthly Reports. The payroll department will maintain records of employee attendance and make a summary report available to department directors monthly.

Department directors will also keep daily attendance records in their department and review them regularly to identify critical and chronic attendance problems requiring corrective action.

- F. Performance Appraisal. Employee attendance will be evaluated by each department director in connection with employee performance appraisals. The records of employees with attendance problems will be reviewed more frequently.
- G. City Action. Chronic absenteeism, lateness or other unusual infractions of attendance standards will be handled according to Policy No. 465, Corrective Action.

## **SOLICITATION AND DISTRIBUTION**

### **I. PURPOSE**

To ensure a productive work environment where employees and business operations may function without disruption.

### **II. SCOPE**

This policy applies to employees and non-employees during work time and while on City premises.

### **III. POLICY**

The City strives to establish a work environment that is productive and without undue disruptions to the workday. Therefore, soliciting by one employee of another, or collecting from one employee by another, is prohibited while either employee is on work time. Distributing literature and circulating petitions during work time or in work areas at any time is also prohibited. Trespassing, soliciting or distributing literature by anyone outside the City is prohibited on City premises. This policy applies fully to the e-mail and voice mail systems.

### **IV. DEFINITIONS**

- A. Work Time. Work time is all time on the premises other than before and after work, at meal periods and break times.
- B. Work Areas. Work areas are all areas on the premises other than employee break rooms.

Effective: June 1, 2006

**POL – 450**  
**MANAGING APPEARANCE, ATTIRE, AND**  
**PERSONAL HYGIENE**

Application:

See Also:

Adopted By Larry Patterson Date May 18, 2006  
(City Manager)

Employees are expected to reflect the professionalism of public service in their appearance, attire and personal hygiene to promote public trust and the efficient delivery of City services.

**1. Complying with City Standards for Appearance, Attire and Personal Hygiene Appropriate to the Employee's Position During Working Hours**

- Employees are expected to maintain standards of neatness, cleanliness and good grooming.
- Inappropriate dress includes, but is not limited to faded or tattered jeans, shirts without collars, overalls, sweatshirts/pants, jogging suits, shorts, tank tops, clothing with spaghetti straps, clothing that reveals a bare back, clothing that reveals a person's midriff or shoulders, any revealing or provocative clothing, ragged tennis shoes, thongs, or sandals.
  - (1) Employees working on casual Fridays may wear jeans, as long as they are not tattered and ragged.
  - (2) Shirts displaying advertising or writing will be at the discretion of the department director.
  - (3) T-shirts, shorts, or sweatshirts may be worn if appropriate and approved by the department director (e.g., Public Works, Parks and Recreation).
- Hair must be clean, combed, and facial hair should be clean, neatly trimmed or arranged.
  - (1) Facial hair must be trimmed not to exceed one inch in length and hair kept trimmed and arranged based on safety requirements.

- Good personal hygiene must be maintained, and care taken to ensure that fragrance worn is not offensive to others.
- Failure to comply with the City's standards for appearance, attire and personal hygiene is subject to discipline.

2. **Managing Appearance, Attire and Personal Hygiene**

Department directors are responsible for establishing and managing standards for appearance, attire and personal hygiene.

## **SMOKING IN THE WORKPLACE**

### **I. PURPOSE**

To ensure a healthy work environment.

### **II. SCOPE**

This policy applies to employees and visitors to City premises.

### **III. POLICY**

Evidence is conclusive that cigarette smoke is a hazard, not only to the smoker, but also to those who rely on the same air supply. For health and safety considerations, the City prohibits smoking in City facilities. "Non-Smoking" is the policy in all City facilities and vehicles. Smoking will be limited to the outdoors. In addition, smoking will be prohibited before, during and after business hours, to include all business meetings and seminars held in City facilities.

### **IV. DEFINITION**

- A. Smoking. Smoking means inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco.

## **TELEPHONE USE**

### **I. PURPOSE**

To provide guidelines for using City telephones.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

Efficient telephone service is vital to City business. Employees must adhere to the following guidelines:

- A. Telephone Answering Procedures. Answer all calls promptly and courteously (see Management Policy No. 3-21, Customer Relations); and
- B. Personal Calls on City Phones. Hold personal calls, both incoming and outgoing, to emergencies or essential personal business and keep them as brief as possible. All personal toll and long distance calls will be charged to the employee.
- C. Personal Calls on City Cellular Phones. Cell phone use for brief emergency or essential personal business is permitted, however, all personal calls on a cell phone must be reimbursed to the City. City cell phones shall not be used for regular personal business.

## DRIVING

### I. PURPOSE

To establish minimum guidelines for the safe operation, usage and maintenance of motor vehicles by City employees.

#### SCOPE

This policy applies to all City employees.

### II. POLICY

City employees must comply with all applicable driving laws while operating any motor vehicle while on City business.

### III. EMPLOYEE RESPONSIBILITIES

- A. Valid Driver's License. For an employee to drive a City vehicle, he/she must hold a valid driver's license.
- B. Revocation or Suspension of Driver's License. In the event that an employee's driver's license is suspended, he/she is required to notify his/her supervisor immediately. Failure to do so will result in disciplinary action up to and including termination.

The revocation or suspension of an employee's driver's license will result in removal of his/her privilege to operate City vehicles during the driver's license suspension period.

Exception: The DMV makes certain *hardship* accommodations for employees to get to and from work and to drive City vehicles under certain conditions. For more information about DMV hardship arrangements see the Personnel Manager.

**If an employee's violation occurred while driving a commercial motor vehicle then different rules apply (section 383.51 - subpart D - Driver Disqualifications and Penalties of the Federal Highway Administration Rules). For more information contact the Personnel Manager.**

- C. Traffic Infractions. If any City employee receives two (2) traffic citations in any twelve (12) month period, he/she will receive a letter from DMV urging him/her to be a safer driver and to avoid more convictions or accidents. Should additional entries into the driving record be noted, DMV may insist that the employee talk to a driving improvement counselor and/or take and pass a driving improvement course. If a City employee is required by DMV or the City's insurance carrier to attend and

complete a driving improvement course, it will be at the employee's time and expense. At this point the City may choose to restrict the employee's driving privileges until proof of successful completion is provided to the City. The department director and the Personnel Manager will evaluate such situations.

D. Citations.

1. Fines. If a City employee is issued a citation for a moving violation while operating a City vehicle, any fines, penalties or bail will be the responsibility of the employee.
2. Notification. The employee must notify his/her supervisor or designee at the earliest possible opportunity of any reportable accident.
3. Substance Abuse Testing. (See Policy No. 415, Drug Free Workplace, and Policy No. 425, Alcohol and Drug Testing for Commercially Licensed Drivers.)

E. Seat Belt Use. Employees driving or riding, in a City motor vehicle or a privately owned motor vehicle, while on City business must wear seat belts whenever the vehicle is moving.

F. Passengers. Only the City employees or persons conducting business in conjunction with the City will be considered authorized passengers.

IV. CORRECTIVE ACTION

There are three (3) basic situations when corrective action could be implemented:

- A. when an employee's license has been suspended or revoked; and/or
- B. when the driver's motor vehicle record indicates two (2) moving violations in a twelve (12) month period; and/or
- C. when an employee has had an accident with a City vehicle that was preventable (should have been anticipated or foreseen, i.e. driving defensively).

## **ELECTRONIC MAIL USE, VOICE MAIL USE AND INTERNET ACCESS**

### **I. PURPOSE**

To set clear guidelines for appropriate use of all City electronic mail, Internet access and voice mail systems.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

The City provides electronic mail, Internet access and voice mail to its employees, at the City's expense, for their use in performing their duties for the City. Each of these systems, and all communication and information transmitted by, received from, or stored in these systems are the property of the City and as such these systems are to be used for job related purposes. Incidental personal messages are permitted under the following guidelines.

### **IV. GUIDELINES**

- A. E-mail, Internet Access and Voice Mail is Proprietary. The e-mail, Internet accesses and voice mail systems are part of the City's business equipment and technology platform. While incidental personal use of these systems is permitted, these systems should be used for City purposes only. The e-mail and voice mail systems are not intended to be used as a personal bulletin service. Solicitations, offers to buy and sell goods or services are not permitted and other personal messages to large groups are not permitted.
- B. Employee Obligation to Maintain Confidentiality. Employees receiving City related communications over the e-mail or voice mail systems should disclose such information to authorized parties only.
- C. Employee Accounts Are Not Private. Employees do not have a personal privacy right in any communications or other documents they create, receive, or send using the City's e-mail, voice mail or Internet access systems. While incidental use of the e-mail and voice mail systems to transmit personal messages is permitted, these messages will be treated no differently from other messages and may be accessed, reviewed, copied, deleted or disclosed. Accordingly, when sending a message, always remember that the e-mail and voice mail systems are not private communication systems and you should not expect that a message would never be disclosed to or read by others beyond its original intended recipients. The City has access to all systems and retains the right to access individual employees' e-mail and voice mail accounts in the employees' absence.

- D. No Solicitations. The provisions of the City's Policy No. 445, Solicitation and Distribution, apply fully to the e-mail and voice mail systems.
- E. Harassment and Intimidation Prohibited. The use of the e-mail and/or voice mail and/or Internet access systems to create, transmit, or intentionally receive communications or other documents that are intimidating or that contain hostile, degrading, or otherwise offensive references to people based on race, color, religion, sex, age, national origin, physical or mental disability, marital familial status, status as a Vietnam-era or special disabled veteran, or membership in any other group protected by law in accordance with applicable federal, state and local laws is strictly prohibited. The City's policies, including Policy No. 030, Equal Employment Opportunity, Section III-B, *Sexual and other Offensive Harassment* apply fully to the e-mail, voice mail and Internet access systems.
- F. The City's Right To Access and Monitor Documents. To assure compliance with this and other City policies, the City expressly reserves the right to access, retrieve, read, and/or delete any communication or other document that is created, received, or sent via the E-mail, voice mail and/or internet access systems.
- G. Off-Site E-Mail Access via Data links and Web Browsers. Use of the City's e-mail from an off-site location during non working hours, including approved leave periods (vacation, sick, or holidays) is restricted to employees in the management group, or as approved in writing by the Department Head with clearly delineated start and end dates and the amount of overtime allocated for this use.
- H. The City's E-Mail Standards. All e-mail originating in the City shall be black type on a plain white background; using a standard 10 or 12 size font; and standard type face (Aerial, Times Roman). Replies shall be set to blue. A professional salutation may be added at the discretion of the user. If a standard salutation is used it should include the following information: Name and title, Department, City of Oregon City, PO Box address, phone and fax numbers.

V. DISCIPLINE

Any violation of this policy is grounds for discipline, up to and including termination.

VI. ACKNOWLEDGEMENT FORM

As a condition of employment and continued employment, employees are required to sign an E-mail and Voice Mail Acknowledgement form. These forms will be filed in the employee's personnel file. All applicants will be required to sign this form upon acceptance of an employment offer by the City.

**OREGON CITY**  
**E-MAIL/VOICE MAIL ACKNOWLEDGEMENT FORM**

DEPARTMENT: \_\_\_\_\_

REQUESTED FOR: \_\_\_\_\_  
(Last Name, First Name)

DATE REQUESTED: \_\_\_\_\_

1. The person has read and understands the City Electronic e-mail use; voice mail use and Internet access Policy No. 475, including the formatting standards.
2. The person understands that there is no right to privacy through the use of the Internet.
3. The person understands that Internet e-mail communications are public records and subject to Oregon's Public Records Law in terms of the public right of access and inspection and compliance with retention policies.
4. The person understands that they are expected to use network access in a responsible and legal manner.
5. The person understands the NO executable; compressed (e.g. ZIP) or binary files shall be downloaded to City systems or over City Networks without authorization from the System Administrator and active virus scanning.
6. The person understands that web access of the City's e-mail system from off site locations and during non-pay status times is expressly prohibited, except by management level employees, without the written authorization of their supervisor/department head.

EMPLOYEE SIGNATURE:

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

CERTIFIED AND AUTHORIZED BY:

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

## **COMPUTER USE**

### **I. PURPOSE**

To set guidelines for appropriate use of City computers.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

The City's computers are to be used for business purposes in serving the interests of City constituents and in the course of normal City operations. All communications and information transmitted by, received from, or stored in the City's computers are the property of the City.

Employees may use the City's computers to write occasional personal notes and letters, however, maintaining personal business records, accounting records, writing school papers or conducting personal business on them is prohibited.

In order to protect the City's computer systems, no outside or employee owned software may be installed without the permission of the Information Systems designee.

If an employee has any questions regarding authorized use(s) of City computer software and/or hardware he/she should contact the Information Systems designee. Employees found to be in violation of this policy are subject to disciplinary action, up to and including discharge.

## **Public Complaints regarding City Employees**

### **I. PURPOSE AND APPLICATION**

The purpose of this policy is to establish procedures and guidelines for the filing, processing and prompt resolution of formal or informal complaints submitted to the City by a resident or other member of the public with regard to the actions or conduct of Oregon City employees. The City of Oregon City takes all complaints seriously regarding the service provided by its employees, and shall be addressed in a timely manner. Human Resources or the responsible Department will accept, investigate and attempt to resolve all complaints of improper actions by City employees, in accordance with this policy and any applicable federal, state or local law, municipal or county rules, or the requirements of any applicable collective bargaining agreement.

### **II. COMPLAINTS NOT COVERED BY THIS POLICY**

Complaints against the City Manager or Municipal Court Judge will be subject to the Commission Policy 1-21, Charter Employee Complaint Reporting Procedure.

Complaints against law enforcement personnel will be governed by the policies and procedures of the City's Police Department, and should be referred immediately to that Department.

Complaints regarding workplace harassment of employees, volunteers, public officials or interns are governed by the reporting procedure in the City's workplace harassment policy.

Additional information regarding complaints that are not covered by this policy can be found on the City's website, under the "How do I make a complaint about the City or a City employee" tab.

### **III. SUBMITTING A COMPLAINT**

#### **A. Complaints Submitted Directly to the Responsible Department**

If the complaining party is aware of the responsible City Department, the complaint should be submitted to that Department. The complaining party may submit the complaint by email, by phone, or in person. Each Department shall designate one or more individuals authorized to receive complaints and perform the intake process discussed below. A Department may modify the procedures under this policy for handling informal complaints, with the approval of the Human Resources Director.

#### **B. Complaints Submitted to the Human Resources Director**

A complaining party may submit a complaint to the Human Resources Director by email at [hr@orc.org](mailto:hr@orc.org), or by phone at (503) 657-0891. The Human Resources Director will gather information from the complaining party and determine whether to immediately refer the complaint to the responsible Department.

C. Complaints Submitted on the City’s Website through the Complaint Form

The City’s website will provide information and an online complaint form under the “How Do I Make a Complaint About the City or a City Employee” tab.

D. Complaints Initially Presented to the Commission or an Individual Commissioner

The complaining party should be referred to the appropriate Department Head, if known, or the Human Resources Director. The complaining party should also be advised of the option to complete a complaint form on the City’s website. The Commission should be notified as soon as possible of the City employee or Department responsible for resolving the complaint and whether the complaint has been designated as an Informal Complaint or a Formal Complaint (discussed below).

E. Intake Requirements

The Human Resources Director or authorized Department staff member receiving the complaint should ensure that the following information is documented by the complaining party:

1. Date the complaint is presented
2. Name or other identifying information regarding the employee(s) involved, if known.
3. Complainant contact information:
  - Name
  - Address
  - Phone number and
  - email
4. Nature of the complaint, including providing as much detail as possible to assist the department that will work to resolve the issue.
5. Desired outcome/remedy sought.

If a complaining party needs assistance with documenting the information as an accommodation, the City shall make reasonable efforts to provide the assistance. The complaining party should be provided with the name, telephone number and email address of a City employee to contact with questions or for information about the status of the complaint.

**IV. PROCEDURES FOR RESOLVING COMPLAINTS**

A. Informal Complaint

If a complaint can be quickly resolved without the need for further investigation or potential disciplinary action of the involved City employee(s), the complaint should be classified as an “Informal Complaint.” The resolution/outcome should be communicated to the complaining party and documented on the complaint form.

Informal complaints also include concerns or inquiries about actions by City representatives that, based on the facts alleged by the complaining party, would be consistent with a City policy or procedure, or applicable law. The Human Resources Director or responsible Department will provide the person raising the concern or inquiry with a written explanation of the applicable policy, procedure, or law that supports the action in question. If an informal complaint is resolved by the responsible Department, a copy of the documentation shall be provided to the Human Resources Director.

#### B. Assessment of Formal Complaints

Any complaint regarding the conduct or action of a City employee that is not resolved as an Informal Complaint should be classified as a Formal Complaint. If the complaint was submitted to the responsible Department, the Human Resources Director should be notified immediately of the Formal Complaint.

The Human Resources Director is responsible for ensuring that an initial assessment is conducted of each Formal Complaint, including:

- Whether an investigation is needed;
- Whether the investigation, if any, should be conducted by Human Resources or the responsible Department;
- Whether the City Manager and/or the City Commission should be advised of the complaint; and
- Other appropriate steps for resolving the complaint.

The Human Resources Director or authorized designee will notify the complaining party of the outcome of the initial assessment (or keep the complaining party updated regarding the progress of the assessment if there is a delay), consistent with any applicable confidentiality laws or City policies. The Human Resources Director shall advise the complaining party of the proposed time frame for completing the investigation and resolving the complaint.

If the complaint was presented initially to the Commission or an individual Commissioner, the Commission shall receive notice that the initial assessment has been completed and of the City employee or Department responsible for investigating and resolving the complaint.

#### C. Resolution of Formal Complaints – Notice to Complainant Party

The Human Resources Director or an authorized designee shall ensure that the complaining party is notified when the City's investigation is completed. The notification may include a statement regarding any of the following outcomes:

- The investigation showed that the alleged acts did not occur or did not involve City employees (i.e. the allegations were "unfounded").
- The investigation was inconclusive as to whether the acts occurred as reported, or whether there was a violation of the City's policies or standards (i.e. the allegations were "not sustained"). The complaining party may be advised of any non-disciplinary remedial actions

being considered by the City, including training or clarification of policies or standards of conduct.

- The investigation showed that the actions of the City's employee(s) were lawful, and/or consistent with the City's standards and policies (i.e. the accused employee is "exonerated").
- If the investigation showed that the alleged action or conduct occurred and was not consistent with the City's standards or expectations (i.e. the allegations were "sustained"), the complaining party should only be advised that the investigation is concluded, and that appropriate action will be taken. The complaining party shall not be advised of the outcome of the investigation except pursuant to any confidentiality restrictions in the Public Records Law or other applicable law, policy or collective bargaining agreement.

D. Resolution of Formal Complaints - Notice to Commission

If the allegations of a Formal Complaint have generated media attention or were presented initially to the Commission or an individual Commissioner, the Human Resources Director will ensure that the Commission and City Manager receives updates regarding the status of the complaint and notification when the complaint has been resolved. The Commission may request information regarding the outcome of the Formal Complaint, and the City Manager should respond to the request in accordance with the Public Records Law and any other applicable confidentiality restrictions.

## 500. EMPLOYEE COMMUNICATIONS

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## **BULLETIN BOARDS**

### **I. PURPOSE**

To provide a permanent and official channel of communication to employees.

### **II. SCOPE**

This policy applies to all City facilities.

### **III. POLICY**

Important City information will be displayed permanently on bulletin boards located at strategic points. Information will be of the following types:

- A. legally required posters and notices;
- B. City standards and rules of conduct;
- C. safety rules and related information;
- D. management memos and announcements, including job posting forms;
- E. City-sponsored social and recreational events; dated employee classified ads; and

Employees will be responsible for regularly checking and reading the bulletin board and for following the rules, regulations and instructions posted there.

### **IV. PROCEDURE**

- A. Information posted on bulletin boards must be approved in advance by the department director.
- B. Each department will be responsible for maintaining the orderly appearance of the bulletin boards, posting new information and removing dated material.

## **SUGGESTIONS**

### **I. PURPOSE**

To encourage employees to suggest ways to improve the quality or efficiency of the City.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

The City encourages employees to suggest methods to improve the quality or efficiency of the City. An employee may submit his/her suggestions to his/her department director in writing. The suggestions should be detailed so that the system or procedure can be adequately evaluated. The department director shall follow up on all written suggestions within fifteen (15) working days.

## COMPLAINT PROCEDURE

### I. PURPOSE

To provide a process for employees to discuss complaints or problems with management and to receive careful consideration and a prompt resolution.

### II. SCOPE

This policy applies to all City employees.

Exception:

- Bargaining unit employees may not use the outlined complaint resolution procedure on any issue covered by the applicable collective bargaining agreement.

### III. POLICY

Open and honest communication between employees and supervisors is essential to the performance of each job. ***The City believes that most issues can be addressed informally and resolved at the first (1<sup>st</sup>) level if approached promptly and objectively.*** There may be instances relating to employment conditions and relationships where an affected employee or the supervisor cannot resolve the issue and, in those cases, either party may defer to succeeding steps of the complaint resolution procedure outlined below. The complaint resolution procedure provides readily accessible avenues for communication and review of problems in a timely manner.

### IV. DEFINITION

Complaint. Complaint is defined as a condition of employment or application of a policy that the employee thinks is unjust or inequitable.

### V. PROCEDURE

- A. Step One. The employee shall present the complaint in writing to his/her supervisor within ten (10) calendar days of the date of the occurrence or the date that the employee first had knowledge of the occurrence. The supervisor shall research and gather relevant information on the matter complained of, and will normally give the employee a written reply within ten (10) calendar days of receiving the written complaint. The complaint will be kept confidential to the maximum extent possible.
- B. Step Two. If the employee's problem is not resolved after discussion with his/her supervisor or if he/she feels that a discussion with his/her supervisor is inappropriate and his/her supervisor is not his/her department director, he/she is encouraged to present the complaint in writing to his/her department director within the same

timeframe as Step One. In an effort to resolve the problem, the department director will consider the facts, conduct an investigation, and may also review the matter with the Personnel Manager. The employee will normally receive a response within ten (10) calendar days of submitting his/her written complaint to the department director. The complaint will be kept confidential to the maximum extent possible.

- C. Step Three. If the complaint has not been resolved at the department director level, the employee shall present the complaint in writing to the City Manager within ten (10) calendar days of the date that the employee received the department director's response. The City Manager will consider the facts, conduct an investigation, and may also review the matter with the Personnel Manager. The employee will normally receive a response within ten (10) calendar days of submitting his/her written complaint to the City Manager. The complaint will be kept confidential to the maximum extent possible.
- D. Appeal Process. If an employee is dissatisfied with the City Manager's decision, the employee may appeal to the Civil Service Board within ten (10) calendar days of the date the employee received the City Manager's response. The Civil Service Board shall convene within fifteen (15) calendar days to review the written record, take testimony and make a final decision based on and supported by written findings. The decision of the Civil Service Board shall be final and binding. The complaint will be kept confidential to the maximum extent possible.

**The City does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the City from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of over all performance, conduct, attitude, or demeanor) where the City deems disciplinary action appropriate.**

- E. Bona fide Complaint. The City prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint, the City determines that the complaint is not bona fide, or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

## 600. TRAINING AND DEVELOPMENT

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## **PERFORMANCE REVIEWS**

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### **I. PURPOSE AND APPLICATION**

The City believes that consistently and accurately appraising the performance of employees is important to the overall achievement of the goals of the City. Supervisors and employees are encouraged to discuss job performance and goals on an informal, day-to-day basis in addition to a formal performance appraisal. This policy applies to all employees of the City unless different terms are stated in an applicable collective bargaining agreement.

### **II. JOB EXPECTATIONS**

Supervisors are responsible for ensuring that their subordinates have an accurate job description, know their responsibilities, and understand all applicable work performance standards, expectations and goals. Supervisors are also responsible for communicating the acceptable standards related to attendance, communication skills, safety, working relationships, interactions with the public, and proper work attire.

Supervisors and employees are encouraged to discuss job performance, goals workplace standards on an informal, regular basis in addition to the formal performance reviews described below.

When a supervisor determines that an employee is failing to meet these standards, he or she is expected to refer to the City's Progressive Discipline Policy and initiate appropriate corrective action.

### **III. PERFORMANCE REVIEWS DURING PROBATIONARY PERIODS**

Performance feedback should be provided throughout the probationary period as needed to give both the supervisor and employee the opportunity to discuss and clarify job tasks, encourage and recognize strengths, identify and correct weaknesses, and discuss approaches for meeting performance and development goals. While an employee serves their 12-month probationary period, Performance evaluations will be submitted at three (3) months, six (6) months and nine (9) months during the first year.

### **IV. PERFORMANCE REVIEWS AFTER COMPLETION OF THE PROBATIONARY PERIOD**

Regular status employees will receive a performance evaluation each calendar year. Evaluations will be conducted during the last two weeks of October, with all forms completed, approved and submitted to Human Resources by the first day of November.

The supervisor is expected to meet with the employee and discuss the performance evaluation.

If an employee disagrees with any part of the performance appraisal, the employee may attach supplementary, explanatory materials to the appraisal form.

#### **V. FORMAT OF PERFORMANCE EVALUATIONS**

Departments are encouraged to use the City's standard performance evaluation form. If the City standard form does not meet the particular needs of a department, the Department may develop and use their own evaluation format with the assistance and approval of Human Resources.

The employee must sign an acknowledgement that he or she has received and reviewed the performance evaluation in the meeting. The acknowledgement does not represent that the employee necessarily agrees with the content of the performance evaluation. It is not permissible for an employee to "refuse to sign" the acknowledgement of receipt.

By signing the performance evaluation, the immediate supervisor acknowledges the accuracy of the information in the performance evaluation. The Department Head shall also sign the performance evaluation, indicating that the Department Head accepts the supervisor's assessment.

#### **VI. WORK IMPROVEMENT PLANS**

If an employee fails to make prompt and sustained improvement in areas that have been identified as substandard work performance in a performance evaluation, then in addition to any progressive disciplinary action that may be taken under the Progressive Discipline Policy, the employee may be placed on a formal work improvement plan. The work improvement plan shall state:

- the specific area(s) of needed improvement, including examples,
- the specific expectations for meeting the standards,
- the method for measuring the improvement, if applicable, and
- a process for following up with the employee on a regular basis to monitor and discuss the employee's progress or lack of progress in meeting the expectations.

The employee shall be given the opportunity to provide input regarding the work improvement plan, which should be documented and given consideration, subject to a recommendation by the supervisor and final approval by the Department Head.

#### **VII. DOCUMENT RETENTION**

Supervisors and Department Heads will send final documentation of all performance evaluations, as well as any written feedback or supplemental information from the employee to the Department Head to the Human Resources Department to be placed in the employee's personnel file.

**POLICY 615  
EMPLOYEE SERVICE AWARDS**

Adopted By \_\_\_\_\_ Date \_\_\_\_\_  
(City Manager)

- I. To establish a procedure to recognize continuous and faithful service by full-time and part-time union City employees.
  
- II. Service awards will be based on the employee's anniversary date of continuous employment with the City. These awards will be presented at an all employee lunch and service awards meeting held on the 4<sup>th</sup> Monday in April, July, October and January. These awards will be based on the completed years of service, at five (5) year increment levels.

<b>Years of Service</b>	<b>Award</b>
5	Certificate plus \$ 50.00
10	Certificate plus \$100.00
15	Certificate plus \$150.00
20	Certificate plus \$200.00
25	Certificate plus \$250.00
30	Certificate plus \$300.00
35 (and over at 5-year increments)	Certificate plus \$350.00

- III. Retiring Employees. All employees retiring after twenty (20) years of service will receive a watch and pin indicating the actual number of years of continuous service, or gift of equal value,
  
- IV. Employee Eligibility: The Human Resource Manager shall be responsible for the review of all personnel records to determine employees eligible to receive service awards. This review is to be completed and posted each calendar year for all employees to review.

## **PROMOTIONS**

### **I. PURPOSE**

To support the basic organization-building process of promoting qualified employees to positions of greater responsibility and recognition.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

- A. When a position vacancy occurs, opportunities to promote from within may be explored consistent with the goal of filling positions with the most capable individual available.
- B. Job posting, employee performance appraisals and career counseling records will provide the primary input to the internal selection process.
- C. At times, external recruiting sources will be used simultaneously with the internal search.
- D. Receipt of a promotion does not constitute a commitment for continued employment in a new position at the City for any specific time, nor is there a guarantee that an employee will be able to return to his/her former position if he or she is unsuccessful in the new job.

## **JOB POSTING**

### **I. PURPOSE**

To provide a system, by which employees may investigate, apply and be selected for job openings on an equal basis with outside applicants.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

The City supports the practice of promoting from within when practicable. It also believes that employees have the primary responsibility for their own career development. To assist in both of these processes, the City posts all job vacancies.

### **IV. PROCEDURE**

- A. When a vacancy occurs, the appropriate supervisor will contact the Personnel Manager
- B. The Personnel Manager will prepare a Job Announcement for display on the bulletin board. The steps to apply for any posted position and the necessary prerequisites appear at the bottom of the notice form.
- C. When an employee is selected to fill a posted vacancy, the two departments involved will confer and agree on a suitable transfer date not longer than two (2) weeks from selection date. Such transfers are expected to occur within one (1) to three (3) weeks from date of job acceptance.

## 700. SAFETY AND HEALTH

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## **ACCIDENTS/INJURIES REPORTING**

### **I. PURPOSE**

To protect the safety and health of all employees and to comply with applicable federal and state laws.

### **II. SCOPE**

The policy applies at all City locations and to all City employees.

### **III. POLICY**

Job-related injuries and illnesses, regardless of severity, should be reported immediately to the supervisor, Safety Officer or area safety representative to provide prompt and trained evaluation and obtain medical attention if necessary.

### **IV. PROCEDURE**

- A. Safety is everyone's responsibility. Employees should report any unsafe conditions or circumstances to their supervisor or the Safety Officer to **prevent** accidents.
- B. Job-related injuries or illnesses should be reported immediately.
  - 1. If medical attention is needed, the employee or nearest bystander should contact the area safety (first-aid) representative assigned to the work area. This individual will provide assistance and take emergency measures prior to transport to outside medical facilities if necessary.
  - 2. If the safety (first aid) representative is not immediately available, telephone for emergency medical assistance. 9-1-1.
  - 3. If medical attention is not needed, the employee must report to the supervisor or Personnel Manager for evaluation and appropriate documentation.

## **SAFETY PROGRAM**

### **I. PURPOSE**

The City of Oregon City is concerned about the welfare and safety of employees and the public. A joint management/employee Safety Committee has been established to promote an effective safety and health program. Employee involvement through accident prevention and support of the committee members is necessary to ensure occupational safety and health. The purpose of the Safety Committee is to bring employees and management together in a cooperative effort and make recommendations on how to improve safety and health in the workplace.

### **II. SCOPE**

This policy applies to all City employees.

### **III. POLICY**

The City is concerned about accident prevention in order to protect the safety and health of our employees. The City has established a safety and health program adapted to fundamental safety concepts that will help us prevent injury and loss due to recognized hazards. Both safety and health are designed into the program to cover physical elements such as procedures, actions, conditions, products and equipment.

Injuries hurt not only the injured person but also those who must depend upon that employee. In order to maintain a safe and productive work environment, a violation of this policy will be considered a very serious case of misconduct and subject to disciplinary action per City Personnel Policy Manual, or appropriate bargaining unit contract language.

### **IV. ASSIGNMENT OF RESPONSIBILITIES**

Safety is just common sense and a consistent method of tackling the day-to-day work. The unexpected is controlled through managing surroundings and equipment. The City supports continual training for staff so that professionalism increases with job knowledge.

Safety is each person's responsibility, at all levels of the organization. Accidents do not just happen, but are controlled by safe procedures.

- A. Department Director Responsibilities. Each department director shall be responsible for stressing the importance of safety to the employees and assuring that safe working conditions are available and properly maintained. The following guidelines will assist department directors in providing a safe working environment in each department:

1. appoint Safety Committee members to represent the department or each work site location (volunteers are preferred);
  2. ensure the Safety Committee operates per Safety Program rules and follows up with department directors and department personnel by:
    - a) explaining the Safety Policies and responding to questions;
    - b) conducting safety inspections utilizing a standard checklist; and
    - c) completing other tasks as assigned by department directors;
  3. ensure the following are completed and copies forwarded to the safety officer in a timely manner:
    - a) accident investigation reports, even when no medical assistance is needed (see Policy No. 350, Workers' Compensation Early Return to Work Program); and
    - b) completed Workers' Compensation forms when incident requiring medical attention occurs (see Policy No. 350, Workers' Compensation Early Return to Work Program);
  4. follow up with the Personnel Manager to ensure that pre-employment safety reference checks have been made before a new employee is hired. This will include a driver's record check if the individual is expected to drive City vehicles or operate equipment; and
  5. provide adequate training to supervisory employees and staff in safety issues.
- B. Supervisor Responsibilities. A supervisor leads, guides, and directs the activities and procedures of assigned employees and ensures that safety is included in every part of the job. The supervisors' responsibilities are as follows:
1. set the proper safety example;
  2. actively support, promote, and enforce safety rules and procedures;
  3. continually observe and evaluate work conditions and work procedures to detect and correct unsafe conditions and practices;
  4. provide adequate basic safety instructions to employees and provide continuing safety inspection while issuing daily work assignments to focus attention upon potential hazards and changes in work conditions or procedures;

5. promptly investigate and report all accidents and complete required reports;
6. be receptive to, and encourage employees to report unsafe practices and conditions and submit practical suggestions for correction of the practice or condition;
7. obtain and maintain high standards of personal and environmental sanitation in the work place and during all activities; and
8. ensure that tools, equipment, and protective devices are properly maintained and properly used.

C. Employee Responsibilities. The active interest and cooperation of employee is vital to the success of the Safety Program. Therefore, all City employees are asked to develop safe work habits and to contribute in every manner possible to the safety of employees and the general public, as follows:

1. practice approved safe work procedures;
2. follow the provisions of the Safety Policy and departmental rules and regulations;
3. immediately report to the supervisor all accidents and injuries that occur within the course of employment, whether or not an accident is believed to be serious;
4. promptly report to the supervisor all unsafe practices or conditions observed which could lead to an accident;
5. cooperate with supervisor in investigation of accidents to identify correctable causes and to prevent recurrence; and
6. actively support and participate in safety training measures utilized in department safety programs.

D. Safety Officer Responsibilities. The Safety Officer advises and counsels with department directors, supervisors, and employees in promoting, coordinating, and evaluating Citywide safety activities. The Safety Officer is available to assist all staff members in their efforts to create an accident-free work place. The Safety Officer's responsibilities are as follows:

1. assist department directors and supervisors in planning departmental safety programs;

2. maintain accident investigation reports completed by departmental supervisors and provide or arrange training for responsible department personnel in investigative procedures;
3. assure that follow-up investigations have been made where needed and ensure that unsafe conditions or practices identified by employees, department directors, and Safety Committee have been addressed;
4. respond to call-out requests for all major loss incidents or accidents. Information regarding an incident shall be communicated promptly to the department director and City Manager;
5. review follow-up action on corrective and preventive measure including Safety Committee recommendations with department director;
6. maintain and audit the Safety Program and departmental rules and regulations regarding safety procedures;
7. coordinate compliance with federal, state, and local safety regulations;
8. communicate directly with APD/OSHA representatives visiting any City work site; and
9. conduct periodic review of motor vehicle driving record checks of all employees required to drive City vehicles.

E. Safety Committee Responsibilities. The Safety Committee shall function as an advisory body and will report directly to the department director or supervisor. Membership shall be composed of management and bargaining unit representatives. The supervisor or department director that created the committee may attend meetings to facilitate the process, as they deem necessary. The committee shall meet at least once a month. Attendance shall be considered mandatory in the absence of compelling reasons to the contrary with department director authorization.

The department director/supervisor and the bargaining unit president shall mutually agree upon membership. Membership shall be for one (1) calendar year with a maximum of three (3) years continuous service on a committee. Each committee shall select a chair at the first (1<sup>st</sup>) meeting after January 1st each year. The chair shall prepare agendas and minutes of each meeting and be responsible to follow-up issues brought before the committee.

Minutes of each meeting will be kept and held for a minimum of three (3) calendar years. Copies of the minutes shall be sent to all committee members, the City Manager, and the department director or supervisor that the committee reports to.

The minutes shall also be posted on the employee lunchroom bulletin board in the affected work area.

The purpose of each Safety Committee shall be to:

1. conduct quarterly workplace safety inspections to locate and identify safety and health hazards (the Safety Committee shall document the location and identity of the hazards and make recommendations as to how and when the hazards should be corrected.);
2. review recent investigation reports of all significant safety-related incidents including injury accidents, illnesses, and deaths for the purpose of making recommendations to prevent similar events from occurring;
3. review policies which may affect safety and health in the workplace and make recommendations for modifications to existing policies or adoption of new policies;
4. follow-up on employee generated safety recommendations;
5. review corrective action taken on the committee's recommendations and understand the reasons for no corrective action; and
6. make all reports, evaluations, and recommendations of the Safety Committee a part of the minutes of the Safety Committee meeting which shall be filed with the appropriate department director and the Safety Officer.

F. Safety Procedure Regulation Guidelines. The City of Oregon City is genuinely concerned about the safety, health, and general welfare of its employees. The City is therefore interested in preventing injury-producing accidents and illnesses both on and off the job and is committed to reducing occupational injuries and illnesses. The following rules are provided as a guide in assisting employees to avoid accidents and promoting safety awareness.

1. Report immediately all accidents and injuries to the supervisor, no matter how minor. (See Policy No. 350, Workers' Compensation Early Return to Work Program and Policy No. 710, Accidents/Injuries Reporting.)
2. Report any unsafe conditions or practices to the supervisor.
3. Be responsible for good housekeeping by:
  - a) using proper trash receptacles;
  - b) picking up things that could cause slips and trips;

- c) never allowing flammable materials (boxes, wood, cloth, etc.) to accumulate;
  - d) keeping the area in front of fire/safety equipment clear, for access;
  - e) keeping all aisles and doorways clear; and
  - f) assisting in making the work area clean, healthy, and safe.
4. Wear personal protective equipment on jobs, which require it. (See your supervisor.)
  5. Use of illegal drugs, misuse of legal drugs and/or use of alcohol on the job is strictly prohibited. Anyone whose ability to work safely is impaired by alcohol, drugs, or medication shall not be allowed on the job while in that condition (see Policy 415, Drug Free Workplace and Policy No. 425, Alcohol and Drug Testing For Commercially Licensed Drivers).
  6. Shut off power and lock or tag out the controls of any moving machinery before adjusting, cleaning, unplugging, or repairing the machine.
  7. Do not remove safety guards and devices on equipment.
  8. Only authorized personnel may ride in or operate any City motorized equipment. Drivers of City vehicles must be at least eighteen (18) years of age. Personnel operating or riding in a City-owned vehicle or piece of equipment shall wear seat belts. Exceptions may be made with the recommendation of the department director or Safety Committee and approval of the City Manager.
  9. Defensive driving techniques shall be practiced at all times while operating City vehicles and equipment.
  10. Employees driving on City business, using a personal vehicle or a City vehicle shall be required to wear seat belts. In addition, they shall require any authorized passengers to also wear seat belts.
  11. When motorized equipment is not in use, the engine must be turned off and keys removed from ignition, with the exception of Police Department and Fire Department vehicles, or when the keys must be left on to flash emergency/warning lights.
  12. Keep tools and equipment clean and in their proper place. Use the proper tools for the work you are doing and avoid worn out or defective tools.

13. When assigned to work in other departments or at other work sites, employees should become familiar with the safety hazards, rules, and practices for that area.
14. Practical jokes and horseplay shall not be allowed.
15. Know the location and use of fire extinguishers.
16. Know the location of first aid kits.
17. Smoking is not allowed in any City building or vehicle.
18. Know location and purpose of Material Safety Data Sheets and Manuals.

## BLOODBORNE PATHOGENS

### I. PURPOSE

To comply with the new OR-OSHA standards regulating the protection of prehospital care providers from exposure to bloodborne diseases; to update reporting, record keeping, and training procedures; to comply with regulations governing procedures in case of possible exposure to Hepatitis B virus (HBV) or HIV.

### II. SCOPE

All persons rendering prehospital care are considered by OR-OSHA to be at risk for exposure to bloodborne pathogens, including, but not limited to, Hepatitis B virus and HIV.

A. Exposure Determination. All employees in the following classifications have been determined to have occupational exposure: Fire Fighter, Fire Lieutenant, Fire Captain, fire Prevention Specialist, Fire Department staff, Police Officer, Police Corporal, Police Sergeant, Police Detective, Police Department staff, Utility Worker, Parks Maintenance Worker, Senior Center Coordinator, Swimming Pool Staff, Library staff, and Janitorial staff.

B. Tasks That May Result In Exposure.

1. Fire Department. Advanced Life Support (ALS) and Basic Life Support (BLS) including bleeding control, CPR, resuscitation, splinting and general patient handling, extrication of individuals from vehicles, examining fire victims (alive or deceased) and whenever dealing with patients.
2. Police Department. Basic first aid, placing combative individuals under arrest, handling deceased individuals, investigating crime scenes, handling evidence.
3. Other Positions. Basic first aid, cleaning or repairing sewer lines, emptying public waste containers, cleaning toilets, cleaning locker rooms, cleaning restrooms, and cleaning any other contaminated surface.

### III. POLICY

It is the policy of the City to comply with all OR-OSHA regulations in order to minimize the possibility of exposure of the prehospital care provider.

### IV. PROCEDURES

A. Pre-Emergency Considerations.

1. The City will provide Hepatitis B (HBV) vaccination to all employees who have potential occupational exposure with the following conditions:
  - a) all vaccinations shall be performed by or under the supervision of a licensed qualified health care provider or health care professional;
  - b) the vaccine will be made available within ten (10) days of initial assignment;
  - c) employees who test immune, who have received the complete HBV vaccination series, or for whom the vaccination is contraindicated for medical reasons are not required to be vaccinated;
  - d) treatment for those not exposed:
    - (1) unvaccinated - make arrangements to begin the HB vaccine series at the County Health Department (this includes pre-screening and post-testing);
    - (2) previously vaccinated - if you've previously been vaccinated and tested seropositive after the series, but in subsequent routine physical your Hepatitis B surface antibody test is non-reactive, no further treatment is recommended;
  - e) treatment for those exposed: (Exposed is defined as contact by body fluids, with an entry portal including, but not limited to, cuts, needle sticks, mouth, nose and eyes);

Exposed Person	Treatment when source is found to be:		
	HB Ag-positive	HB Ag-negative	HB Ag status unknown
<u>Unvaccinated</u>	HBIG x 1 and begin HB vaccine	Begin HB vaccine	Begin HB vaccine
<u>Previously vaccinated</u>			
Documented responder	Test exposed for HBs: If adequate, no treatment; if inadequate, HB vaccine booster dose	No treatment	No treatment
Documented non-responder	HBIGx2 or HBIGx1 plus one dose of	No treatment	If known high-risk source, may treat as if

Response never documented	vaccine  Test exposed for HBs: If adequate, no treatment, if inadequate, HBIGx1 plus HB vaccine booster dose	No treatment	source were HB Ag-positive  Test exposed for HBs: If adequate, no treatment, if inadequate, HB vaccine booster dose.
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- f) documentation of employee vaccinations shall be maintained by the City for the sole purpose of verifying, if necessary, compliance to vaccination requirements; (Information pertaining to employee titer levels is considered to be confidential medical record, and as such shall not be released except to the employee concerned and the Healthcare Provider.);
  - g) the City shall not make participation in a prescreening program a prerequisite for receiving vaccination;
  - h) employees who decline to receive the vaccination for reasons other than those listed in Section A-1-c, must sign the current Refusal Statement; (If those employees decide later to accept the vaccinations, the City shall make vaccinations available at that time.);
2. Preparedness. All available resources (personnel, apparatus and equipment) shall be kept in a state of readiness to effectively deal with the possibility of exposure to bloodborne pathogens.
- a) The City designates this operational procedure as the required Exposure Control Plan for the purpose of minimizing employee exposure. This operational procedure is accessible to all employees. (OAR 437, Division 2, Subdivision Z).
  - b) This Operational Procedure shall be reviewed and up-dated at least annually and whenever necessary to comply with new or modified mandates.
  - c) The City shall provide all appropriate personal protective equipment required to minimize exposure to body fluids. The City shall ensure that all prehospital care personnel have access to such equipment and that it is appropriately sized and, if necessary, hypoallergenic.

- d) The City shall provide appropriate training to all employees with potential for occupational exposure. This training will include information on bloodborne pathogens, the City's revised operational procedure, methods of minimizing exposure, information of Hepatitis B vaccination, procedures to follow in case of an exposure incident, and other items mandated by the OR-OSHA regulation on bloodborne pathogens. The training shall occur within thirty (30) days of hire and at least annually, and will be revised as needed to reflect updated information on bloodborne pathogens.
  - e) The City shall review exposure control work practices on a regular schedule to ensure their effectiveness.
3. Personal Protective Measures. The City, as a matter of policy, shall adopt the practice of Universal Precautions in its approach to minimize occupational exposure. According to the concept of Universal Precautions, all human blood and certain human body fluids (see Post-Exposure Plan, Definitions) are treated as if known to be infectious for HBV, HIV and other bloodborne pathogens. *In practice ALL body fluids are treated as if known to be infectious.*

Components of this standard are outlined below:

- a) Disposable Gloves. Disposable (single use) gloves shall be worn on all medical aid calls or other situations where blood or other potentially infectious materials may be present. Gloves shall be donned prior to arrival.  
  
Disposable gloves shall also be worn anytime Advanced Life Support techniques are performed including when parenteral procedures, such as IV's or blood draws, are being performed; and when handling, touching, disposing of or cleaning contaminated items or laundry.
- b) Masks, Eye Protection, and Face Shields. Disposable masks in conjunction with eye protection devices (full-face shields, goggles, glasses with side shields) shall be worn in situations or during procedures where droplets, splashes or spray of potentially infectious material may occur. (Such situations may include airway management problems, etc.) The protective facewear must prevent exposure of the eyes, noses and mouths of City personnel to contamination by airborne fluids.
- c) Protective Body Clothing. Appropriate protective garments shall be worn over standard City outerwear in situations where gross

contamination can reasonably be expected. Protective caps or hoods and shoe covers shall also be worn, depending upon the task and degree of exposure anticipated. If potentially infectious materials penetrate garments, they shall be removed and dealt with appropriately (laundered/disposed of) as soon as feasible.

- d) Hand washing. Prehospital personnel shall wash their hands immediately or as soon as feasible after removal of personal protective equipment. Hands shall be washed with copious amounts of soap and water. If City personnel do not have immediate access to hand washing facilities antiseptic towelettes or hand cleansers shall be used thoroughly and hands shall be washed as soon as feasible thereafter.
- e) Limiting exposure to respiratory secretions:
  - (1) appropriate resuscitation devices (pocket masks, bag-valve-masks) shall be used to minimize exposure to respiratory secretions; and
  - (2) suctioning by mouth (such as the use of DeLee traps) of any body fluids is prohibited.
- f) Limiting exposure across skin:
  - (1) all procedures involving blood or potentially infectious materials shall be performed in such a way so as to minimize splashing, spattering, or spraying of these substances; and
  - (2) personnel with open lesions, sores, cuts, or weeping dermatitis shall refrain from all direct contact with patients and emergency medical equipment until the skin condition is healed.
- g) Limiting mucous membrane exposure:
  - (1) eating, drinking, smoking, or applying lip balm are prohibited in any place where there is a possibility of exposure to infectious materials.

4. Exposure Control Work Practices:

- a) contaminated needles and other contaminated sharps shall not be recapped unless no safe alternative exists; (In this case, recapping must be accomplished through one-handed technique. Sharps shall in no instances be sheared, broken or deliberately bent.);

- b) contaminated sharps shall be discarded immediately or as soon as feasible in containers that are puncture-resistant, leakproof and readily identifiable by labeling or color-coding.
- c) sharps containers shall be easily accessible to personnel, as close to area of use as possible. (Such containers must not be allowed to be overfilled, nor must they be handled in anyway that would subject City personnel to parenteral exposure -needlesticks. Sharps containers that must be transported shall be properly capped or shall be contained in impervious containers.);
- d) waste materials or laundry contaminated with blood or other infectious materials shall be placed in a container which prevents leakage during handling or transporting back to an area of proper disposal. (The container shall be uniform throughout the City, and color-coded for easy recognition.);
- e) disposal of regulated waste shall be in accordance with all applicable regulations;
- f) care shall be exercised (by placement, careful handling, etc.) to protect emergency medical equipment from contamination by potentially infectious materials;
- g) all City nondisposable equipment and surfaces shall be decontaminated as soon as feasible after contact with potentially infectious materials. (This includes waste bins intended for reuse which have a "reasonable likelihood" for becoming contaminated; in addition to the measure above, these waste bins and surfaces - such as the insides of medical kits - shall be inspected regularly and decontaminated if necessary.); and
- h) decontamination shall be accomplished by vigorously washing the surface with a cleaning agent and water to remove visible contaminating material; followed by disinfecting with bleach (1/4 cup per gallon of water), or other approved disinfecting agent.

**B. Post Exposure Plan.**

PURPOSE. This section is intended to outline for the City's Prehospital Care Provider, and the Healthcare Provider the procedures to follow in case of an exposure or a suspected exposure to blood or potentially infectious body fluids.

1. Definition of Exposure. Exposure is defined as “contact with blood or other potentially infectious materials that results from the performance of an employee's duties.” This contact can occur in a number of ways:
  - a) parenteral: piercing mucous membranes or skin barrier by needlesticks, human bites, cuts, or abrasions;
  - b) body-fluid-to-blood: contamination of broken skin (cuts, abrasions, weeping dermatitis, etc.) with potentially infectious body fluids;
  - c) mucous membranes: as in contamination of mouth, nose, etc., by splashing, spattering, or spraying with contaminated hands or gloves; and/or
  - d) eye: potentially infectious material is splashed, sprayed or spit into the eye(s) of the prehospital care provider.
  
2. Definition of Potentially Infectious Materials: Potentially infectious materials include but may not be limited to the following:
  - a) all human blood;
  - b) the following human body fluids: semen, vaginal secretions, amniotic fluid, cerebrospinal fluid, synovial and pleural fluids, saliva, tears, pericardial and peritoneal fluids;
  - c) any body fluid that is visibly contaminated with blood;
  - d) ALL body fluids in situations where it is difficult to differentiate between body fluids;
  - e) human feces; and/or
  - f) any amputated part or tissue.
  
3. Actions to Take Following Exposure.
  - a) Role of the Exposed Employee. If the employee is exposed to potentially infectious material (as defined above), or suspects she/he may have been exposed, the following steps shall be taken:
    - (1) the employee shall use waterless disinfectant on the scene;
    - (2) the employee shall as soon as feasible wash contaminated skin with soap and water or flush contaminated mucous membranes with copious amounts of water;

- (3) the employee shall inform the department director of the exposure. (If several employees were exposed at once, reporting and documentation shall be routed through one City department director for coordination purposes.);
  - (4) the employee shall document the incident on the Bloodborne Pathogen Exposure Record providing the following information:
    - (a) the employee's name and social security number;
    - (b) the date of the incident;
    - (c) the time of exposure and the circumstances under which the exposure occurred;
    - (d) personal protection worn at the time; exposure control work practices followed; and the first aid rendered to the employee (“washed exposed area,” for instance);
    - (e) the name of the source individual if known; the age, or, preferably the date of birth of the source individual, if known; the receiving hospital or alternate facility if transported; and the name of the transporting agency.
- b) All reporting shall be done in a timely manner. Documentation shall be completed before the employee leaves the workplace.
4. Role of the Department Director.
- a) The department director shall ensure that proper documentation occurs and shall notify the Safety Officer of the exposure incident.
  - b) The department director shall ensure delivery of the exposed employee to the appropriate Healthcare Provider for testing and counseling. The employee may choose to be taken to the City’s current Healthcare Provider, Willamette Falls Hospital Emergency Care Facility or to their personnel physician.
  - c) The department director shall undertake the Evaluation of the Exposure Incident as required by OR-OSHA. This evaluation shall take place in a timely manner and shall include the following components:

- (1) a review of City exposure control policies and their possible failure at the time of the incident;
- (2) the protective measures in place at the time of the incident (personal protective measures, work practices followed, etc.);
- (3) incident; and
- (4) recommendations for prevention of a similar exposure incident in similar circumstances.

5. Role of the City.

- a) The Personnel Manager shall contact the facility to which the source individual was transported with documented identification of the source individual (unless it can be established that identification is infeasible or prohibited by law).
- b) The City shall mandate that the source individual's blood shall be tested as soon as possible, if consent (as defined by Oregon law) can be obtained, to determine HIV and HBV status. If consent cannot be obtained, this shall be documented.
- c) In cases where consent is not required by law, the source individual's blood shall be tested and results documented. If the source individual is known to be HIV or HBV infected, testing need not be repeated.
- d) The Personnel Manager shall make test results available to the employee. The employee shall be counseled regarding laws concerning disclosure of the source individual's identity and infectious status.
- e) The City shall provide for collection of the exposed employee's blood by the appropriate Healthcare Provider, and for HBV, Hepatitis C, and-if the employee consents-HIV serologic testing. If the employee permits baseline blood collection but not HIV serologic testing, the City will direct that the sample be preserved for 90 days. If during this time the employee opts for HIV testing, such testing shall be done as soon as feasible.
- f) If medically indicated, the City shall provide the employee with post-exposure prophylaxis as recommended by the U.S. Public Health Service. Counseling and evaluation of reported illnesses shall also be made available to the employee.

- g) The City shall provide a copy of the Bloodborne Pathogens regulation (OAR 437, Division 2, Subdivision Z) to the Healthcare Provider responsible for the employee's HBV vaccination and for post-exposure evaluation.
- h) The Healthcare Provider evaluating an occupationally exposed employee shall also be provided by the City with the following:
  - (1) a description of the exposed employee's duties as they relate to the exposure incident;
  - (2) documentation of the time and route(s) of exposure and circumstances under which exposure occurred;
  - (3) results, if available, of the source individual's blood testing; and
  - (4) all medical records relevant to the necessary treatment of the employee, including vaccination status, which are the City's responsibility to maintain.
- i) The City shall establish a record for each occupationally exposed employee. This record shall be strictly confidential; it shall not be disclosed to any person without the employee's written permission except as required by law. The record shall be maintained by the City for the duration of employment plus thirty (30) years (in accordance with 29 CFR 1910.20) and shall include the following:
  - (1) the name and social security number of the employee;
  - (2) a copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination;
  - (3) a copy of all results of examinations, medical testing, and follow-up procedures;
  - (4) the employer's copy of the Healthcare Professional's written opinion; and
  - (5) a copy of the information provided to the Healthcare Provider (job description relating to exposure; route(s) and circumstances of exposure incident).

- j) All other medical records pertaining to the exposure incident, including results of examination, medical testing and follow-up procedures, shall be maintained in strict confidence by the City's Healthcare Provider.
- k) The City will pay for any treatment that is recommended by Willamette Falls Hospital Emergency Care Facility or by the employee's personal physician. If treatment is *not recommended* by Willamette Falls Hospital or by the employee's personal physician the employee may pursue treatment at their own expense if they wish to do so.

6. Role of the Healthcare Provider.

- a) The Healthcare Provider shall examine and evaluate the exposed employee as soon as feasible, following the guidelines established by the City.
- b) The employee shall, at the time of examination, be counseled by a medical authority regarding medical conditions resulting from exposure to bloodborne pathogens and his/her options for prophylaxis. If, based on this counseling, the employee requests HIV prophylaxis at this time, the Healthcare Provider shall administer it.
- c) The Healthcare Provider shall forward to the City a written recommendation concerning the exposed employee. This written recommendation shall be limited to the following information:
  - (1) whether HBV vaccination is indicated, and if the employee has been vaccinated;
  - (2) recommendations for further evaluation and follow-up, specifically that the employee has been informed of test results and has been counseled regarding medical conditions resulting from bloodborne pathogens; and
  - (3) all other information (including findings or diagnoses) shall remain confidential and shall not be included in the Healthcare Provider's written recommendation.
- d) The Healthcare Provider shall maintain all medical records of occupational exposure incidents for the duration of the employee's employment plus thirty (30) years. These records shall be confidential, not to be released or disclosed without the employee's

written consent to any person within or outside the workplace except as may be required by OR-OSHA regulations or other law.

## **800. EMPLOYEE SEPARATION**

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## **EMPLOYEE SEPARATION**

### **I. PURPOSE**

To ensure timely and accurate processing of employees who are being removed from the City payroll, consistent with positive employee relations practices.

### **II. SCOPE**

This policy applies to all City employees.

### **III. DEFINITIONS**

The categories of separation and their definitions are:

- A. Resignation. A voluntary separation, including:
  - 1. resignation (employees should give two weeks written notice);
  - 2. an absence of three (3) or more consecutive working days without notice to the City; (See Policy No. 440, Attendance.);
  - 3. failure to return from leave of absence as arranged with the City; and/or
  - 4. failure to return from reduction in force (layoff) upon recall; (See Policy No. 050, Layoff and Recall.).
- B. Release. A separation in which the employee is not qualified or adapted for the type of work assigned and no other assignment is available. Release usually results from no fault of the employee. Employees who are unable to perform satisfactorily during the new employee orientation period will be considered as released.
- C. Deceased. The death of an employee, including an employee on layoff.
- D. Retirement. A voluntary separation which usually includes qualification for benefits under the City's current medical plan (must meet PERS criteria).
- E. Reduction in Force. (See Policy No. 050, Layoff and Recall.)
  - 1. Temporary reduction. Work is no longer available but recall is expected within twelve (12) months.
  - 2. Permanent reduction. Work is no longer available. Recall is not expected (job eliminated, contract expired, department closed, etc.).

- F. Discharge. A separation in which the employee is removed from the payroll for violation of employee standards of conduct or safety regulations, unsatisfactory job performance, or any other reason deemed by the City to warrant discharge.

#### IV. PROCEDURE

- A. Notice to Employee. There are no requirements for advance notice to employees upon separation, however, an employee who is being discharged will receive notice of the action contemplated, a copy of the charge and an informal opportunity to refute the charges either orally or in writing before someone who is authorized to make a final decision. (See Policy No. 465, Corrective Action.)
- B. Pay in Lieu of Notice. Where a future date is established for separation, immediate removal from duties may occasionally be desirable to minimize the adverse effect on other employees or to allow the separated employee to seek new employment. In such cases, up to two (2) weeks pay may be provided in lieu of notice. The prior approval of one higher level of management and acknowledgment by the Personnel Manager must be secured by the supervisor.
- C. Management Approvals. When an employee is released, separated due to a reduction in force, or discharged, written approvals will be required from two (2) levels of management above the employee, in addition to the acknowledgment of the Personnel Manager.
- D. Change in Status. The immediate supervisor of the separated employee is responsible for initiating the Change of Status and designating the appropriate separation code.
- E. Resignation. An employee who resigns, with or without notice, will be asked immediately by the supervisor to complete a current Voluntary Resignation form. The completed notice will be forwarded to the Personnel Manager for filing in the employee's permanent record.
- F. Return of Equipment and Keys. Prior to the last day of work, the supervisor must obtain all equipment and keys from the separated employee.
- G. Exit Interview. Separated employees, whether voluntary or involuntary, will be referred to the Personnel Manager for an exit interview before their last day of work. (See Policy No. 820, Exit Interviews.)
- H. Employment References for Separated Employees. (See Policy No. 060, Personnel Records and Privacy.)

#### V. BENEFIT ELIGIBILITY

Generally, when an employee is separated, benefit credits are lost (beyond those paid for at the time of termination), with these exceptions:

- A. Reduction in Force.
- B. Health and Life Insurance Benefits. Separated employees will receive information about COBRA rights to extended health insurance coverage. Extended coverage and conversion privileges of the health and life insurance benefit plan is provided in accordance with conditions outlined in the information provided by the City's current carrier. This information is available through the Personnel Manager.
- C. Vacation. (See Policy No. 310, Vacations.)

## **EXIT INTERVIEWS**

### **I. PURPOSE**

To determine and document the reasons employees leave the City, to provide an opportunity for the airing of unresolved grievances, and to solicit constructive feedback to improve the City.

### **II. SCOPE**

This policy applies to all City employees, except those being separated due to reduction in force.

### **III. POLICY**

Prior to leaving the City upon separation, full-time employees will have an Exit Interview with the Personnel Manager or a designated representative. Part-time employees will be given an exit interview survey with a return envelope.

### **IV. PROCEDURE**

- A. Supervisors and/or department directors will refer separating employees to the Personnel Manager for an Exit Interview as soon as possible after the separation decision has been made and communicated.
- B. The Personnel Manager will use the current Exit Interview form to cover the following points:
  1. job duties and work load, understanding of the job, match with interests and abilities, quality of training;
  2. City policies and practices: working environment, opportunities for advancement, wages and benefits;
  3. quality of supervision: fairness, supportiveness; and
  4. reasons for leaving.
- C. If it is felt the information covered during the Exit Interview might become a point of contention in the future, the Personnel Manager should ask the employee to sign the Exit Interview form. The employee may be given a copy upon request.
- D. Following the Exit Interview the Personnel Manager will make an appointment with the department director for the purpose of reviewing the interview findings. The information gathered in the Exit Interview is intended to provide department

directors with the important perspectives of the departing employee. In many cases these perspectives should initiate change in department procedures, policies and/or practices with regard to performance, behavior and operations.

If the Exit Interview raises cause for concern regarding a co-worker's performance and/or behavior then the department director should research the complaint and gather any relevant information. Appropriate action should then be taken.

If the Exit Interview raises cause for concern regarding the department director's performance and/or behavior then the Personnel Manager will make an appointment with the department director and the City Manager to discuss the issues that were raised.

- E. Documents relating to the Exit Interview will be placed in the employee's personnel file.

**INDEX OF FORMS  
PERSONNEL POLICY MANUAL  
CITY OF OREGON CITY**

<b>Policy No.</b>	<b>Policy Name</b>	<b>Form</b>	<b>Available From</b>	<b>Date Last Amended</b>
		<ul style="list-style-type: none"> <li>• Receipt of Personnel Policy Manual</li> </ul>	Human Resources	July 1999
030	EEOC Harassment	<ul style="list-style-type: none"> <li>• EEOC Acknowledgement</li> <li>• Discrimination Harassment Complaint Form</li> </ul>	Human Resources	Oct 2004
210	Hours of Work and Paydays	<ul style="list-style-type: none"> <li>• Payroll Advance</li> </ul>	Human Resources	July 1999
350	Workers' Compensation	<ul style="list-style-type: none"> <li>• ACTION Form</li> </ul>	Human Resources	July 1999
475	Electronic Mail Use and Voice Mail Use	<ul style="list-style-type: none"> <li>• E-Mail/Voice Mail Acknowledgment</li> </ul>	Human Resources	Nov 2003
480	Internet Access	<ul style="list-style-type: none"> <li>• Internet Web Access</li> </ul>	Human Resources	July 1999
725	Bloodborne Pathogens	<ul style="list-style-type: none"> <li>• Hazardous Materials Exposure Form</li> <li>• Bloodborne Pathogen Exposure Record</li> <li>• Refusal Statement</li> </ul>	City Safety Officer and/or Human Resources	July 1999
810	Employee Separation	<ul style="list-style-type: none"> <li>• Voluntary Resignation</li> </ul>	Human Resources	July 1999
820	Exit Interviews	<ul style="list-style-type: none"> <li>• Exit Interview</li> <li>• Mail-In Exit Interview</li> </ul>	Human Resources	July 1999

**RECEIPT FOR PERSONNEL POLICY MANUAL**

I acknowledge that I have thoroughly read the City's Personnel Policy Manual and I agree to comply with the policies and procedures of the City as set forth in the Personnel Policy Manual. I understand that a copy of the Personnel Policy Manual is available for my review at all times both in the department where I work and in the office of the Personnel Manager.

I further understand that the Personnel Manager has this manual available on request in other forms to accommodate persons with disabilities.

I understand that this policy manual is an overview and summary of the City's personnel policies and procedures, which are presently in effect. As policies and procedures are changed, withdrawn, interpreted, or added to by the City, changes will be communicated to me through standard communications channels and advance notice may not always be possible.

I understand that the City offers no employment contracts other than City Manager, nor does it guarantee any minimum length of employment. I may resign at any time for any reason and the City may terminate my employment at any time for any lawful reason. A supervisor, director or manager of the City has no authority whatsoever to make any contrary representations to me.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Print or Type Name

NOTE: One copy of this Receipt should be retained with the Personnel Policy Manual, and one copy is to be returned to the Personnel department.

**CITY OF OREGON CITY  
ACKNOWLEDGMENT OF EMPLOYEE AWARENESS ON  
HARASSMENT FORM**

*(Policy No. 030)*

I, \_\_\_\_\_(Print Name)  
acknowledge that I have received a copy of the City's Equal  
Employment Opportunity and Harassment Policy and I have read  
and understand the policy in its entirety.

I understand that I must report violations to one of the persons  
identified in the City's Equal Opportunity and Harassment Policy.  
I will contact the Human Resources Director or Department Head  
if I do not understand the Equal Employment Opportunity and  
Harassment Policy, or if I have any questions.

**EMPLOYEE SIGNATURE:**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF OREGON CITY  
DISCRIMINATION OR HARASSMENT COMPLAINT FORM (Policy 030)**

1. Name(s) of complainant(s): \_\_\_\_\_
2. Name(s) of person(s) who discriminated or harassed the complainant(s): \_\_\_\_\_  
\_\_\_\_\_
3. Name(s) of witnesses: \_\_\_\_\_
4. The date(s) the incidents took place, which you consider, to be harassing or discriminating:  
\_\_\_\_\_
5. Describe how the discrimination or harassment occurred, specifically what was said and/or done, by whom, and whether the incident was isolated or part of a continuing practice.
6. List the relevant documents, if any that should be reviewed as part of the complaint investigation process and attach to this form.
7. List any action taken by complainant or other on complainant's behalf, to address/correct the situation.
8. List the corrective action desired.
9. Other comments or concerns related to this complaint:

Date Submitted to the City of Oregon City: \_\_\_\_\_

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Phone Number

**Attach additional sheets, if needed.**

Submit completed complaint form to the Human Resources Manager at the City of Oregon City, Human Resources Department. 320 Warner Milne Road, Oregon City OR 97045: 503-496-1528.

Accommodation is available if needed to complete this form.

**PAYROLL ADVANCE REQUEST**  
*(Policy No. 210)*

DATE: \_\_\_\_\_

TO: The Payroll Department

FROM: (Please Print Name) \_\_\_\_\_

SUBJECT: Payroll Advance

---

I would like to request a payroll advance for the month of \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Payroll Advance Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

Date Payroll Advance Issued: \_\_\_\_\_ Check No. \_\_\_\_\_

# ACTION Form

**Accident/Incident Analysis:** a step-by-step approach that simplifies the analysis process

Company: \_\_\_\_\_ Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Employee: \_\_\_\_\_ Job title: \_\_\_\_\_ Date hired: \_\_\_\_\_

Date/time of incident: \_\_\_\_\_ Date/time reported: \_\_\_\_\_ Incident location: \_\_\_\_\_

Witnesses: \_\_\_\_\_

Incident/near miss       Accident       First Aid  
 \*Medical care       \*Time loss       \*Fatal

\*File 801 if these boxes are checked

Describe accident/incident:

## A-C-T-I-O-N

Establishing accident analysis procedures are not only required, but also beneficial to your business. Having a process in place will allow you to recognize the contributing factors involved and prevent future injuries. In order to simplify the analysis process, here is an approach using six easy ACTION steps. Each step requires action, either by the employer or safety committee members.

### Accident/incident scene preservation

This is the beginning of your analysis. Your primary goal is to secure the scene. The scene must be secured as soon as possible in order to preserve critical physical clues.

Is the hazard sufficiently controlled to prevent further injury?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Was first-aid provided to ensure well being of injured employee?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Is the scene secured to protect clues for analysis purposes?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

Protect tools and equipment from being relocated.

### Collect the facts

Focus on finding the facts about the event. Remember to gather valid information without drawing conclusions or assigning blame.

Document your observations. Take photos and check video surveillance if available.

Interview employees and witnesses.

Review relevant records, such as maintenance, training, policies, procedures, etc.

### Track sequence of events

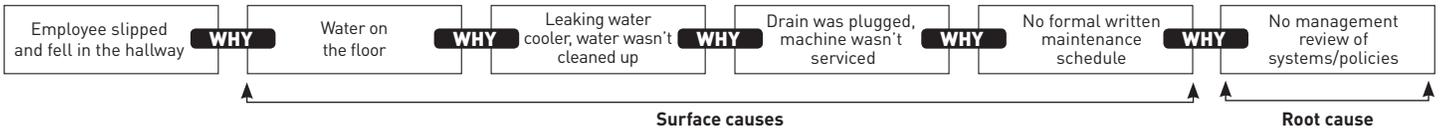
Review the information gathered and determine the series of events. Reconstructing an accurate timeline is critical to conducting an effective analysis.

Document what happened before, during and after the event.

Arrange this information to accurately determine the order of events.

**OSHA requirements: All work-related fatalities and catastrophes must be reported to Oregon OSHA within eight hours. Report a work-related inpatient hospitalization, loss of an eye, or an amputation or avulsion within 24 hours. Call 800.922.2689 or call your nearest Oregon OSHA area office.**

### Contributing factors example



**Identify contributing factors**  
 Every accident/incident is caused by a set of contributing factors. These factors represent the surface or root causes that led to the event. The goal is to identify these by analyzing how/why each consecutive event happened.

Use the diagram above as an example.

Surface cause: unsafe behaviors and hazardous conditions.

Root cause: underlying problems with policies/procedures.

**Organize possible solutions**  
 Once the surface and root causes have been determined, you are ready to identify possible solutions. These should be prioritized based on their level of effectiveness. Remember to list multiple solutions.

**Engineering controls:**

**Management controls:**

**Personal protective equipment (PPE):**

Use guarding, less hazardous material or a different design to remove/reduce the hazard.

Use work practices, scheduling, or job rotations to remove/reduce the exposure.

Place a barrier, such as safety glasses, gloves, ear plugs, between employee and hazard.

**Note corrective measures**  
 The last ACTION step is to use your notes from the steps above to complete this form.

Your recommendations should be relevant and concise.

Identify who will be responsible for completing the action items on your list.

Report your findings to members of management who have the authority to act.

Remember to keep accident reports on file for record keeping purposes.

How will you correct the issues addressed in the boxes above?	Person assigned:	Completion date:

Supervisor/prepared by: \_\_\_\_\_ Date: \_\_\_\_\_ Copy: Safety Committee, Management Team, Owner/President

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

This is only an accident/incident analysis form. You will need to complete the workers' compensation claim form (801) if the injury required medical treatment beyond first aid. There are also other Oregon record keeping requirements for recording and reporting work-related fatalities, injuries, and illnesses. Please reference <http://www.orosha.org/subjects/recordkeeping.html> for additional information on these requirements.

**OREGON CITY  
E-MAIL/VOICE MAIL ACKNOWLEDGEMENT FORM**

DEPARTMENT: \_\_\_\_\_

REQUESTED FOR: \_\_\_\_\_  
(Last Name, First Name)

DATE REQUESTED: \_\_\_\_\_

1. The person has read and understands the City Electronic e-mail use; voice mail use and Internet access Policy No. 475, including the formatting standards.
2. The person understands that there is no right to privacy through the use of the Internet.
3. The person understands that Internet e-mail communications are public records and subject to Oregon's Public Records Law in terms of the public right of access and inspection and compliance with retention policies.
4. The person understands that they are expected to use network access in a responsible and legal manner.
5. The person understands the NO executable; compressed (e.g. ZIP) or binary files shall be downloaded to City systems or over City Networks without authorization from the System Administrator and active virus scanning.
6. The person understands that web access of the City's e-mail system from off site locations and during non-pay status times is expressly prohibited, except by management level employees, without the written authorization of their supervisor/department head.

EMPLOYEE SIGNATURE:

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

CERTIFIED AND AUTHORIZED BY:

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

# OREGON CITY

## INTERNET WEB

### ACCESS REQUEST FORM

DEPARTMENT: \_\_\_\_\_

REQUESTED FOR: \_\_\_\_\_

(Last Name, First Name)

DATE REQUESTED: \_\_\_\_\_

1. The person has read and understands the City Electronic Information Resources policy.
2. The person understands that there is no right to privacy through the use of the Internet.
3. The person understands that Internet email communications are public records and subject to Oregon's Public Records Law in terms of the public right of access and inspection and compliance with retention policies.
4. The person understands that they are expected to use network access in a responsible and legal manner.
5. The person understands that NO executable, compressed (e.g. ZIP) or binary files shall be downloaded to City systems or over City Networks without authorization from the System Administrator and active virus scanning.

EMPLOYEE SIGNATURE:

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

CERTIFIED AND AUTHORIZED BY:

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**CITY OF OREGON CITY  
HAZARDOUS MATERIALS EXPOSURE FORM**

Purpose: To provide a permanent record of individual personnel exposure to possible hazardous materials.

This is a reporting requirement of State and Federal OSHA and the City of Oregon City. It does not replace any required reports when an injury occurs and should not be used for the purpose of reporting injuries as otherwise required. It is for developing an exposure history only.

Reporting: Any employee of the City of Oregon City, who has entered a clandestine laboratory or otherwise been exposed to suspected hazardous materials, shall complete a single copy of this form and submit it to the Human Resources. This form is to be completed in all cases, regardless of whether or not an injury has occurred.

I. Employee Information

A. Name \_\_\_\_\_

B. Assignment \_\_\_\_\_

II. Incident Date

A. Date of exposure \_\_\_\_\_

B. Case Number of Incident \_\_\_\_\_

C. Type of incident (i.e. chemical spill, drug lab) \_\_\_\_\_

\_\_\_\_\_

III. A. Medical Treatment – If you were injured, attach a copy of injury reporting form.

B. Name any co-workers you know that were also exposed during this incident:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. List any protective equipment used: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## BLOODBORNE PATHOGEN EXPOSURE RECORD

Employee Name \_\_\_\_\_ Social Security No. \_\_\_\_\_

Date of Incident \_\_\_\_\_ Time of Incident \_\_\_\_\_

Circumstances under which the incident occurred:

Personal protection worn at the time: \_\_\_\_\_

\_\_\_\_\_

Exposure control practices followed and the first aid rendered to the employee:


The name of the sources individual if known: \_\_\_\_\_

The age or preferably the date of birth of the source individual if known: \_\_\_\_\_

The receiving hospital or alternate facility if transported: \_\_\_\_\_

The name of the transporting agency: \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Department Director Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**HEPATITIS B VACCINATION REFUSAL STATEMENT**  
*(Policy 725)*

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_



**EXIT INTERVIEW FORM**  
(Policy No. 820)

**To Be Filled Out By Employee**

Name \_\_\_\_\_

Department \_\_\_\_\_ Social Security Number \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Start Date \_\_\_\_\_ Quit Date \_\_\_\_\_

**Are you planning to move?**

Yes New Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

No

**Please check the following benefit programs you wish to retain:**

Medical       Dental

Please explain your reasons for leaving the City: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Do your reasons for leaving have anything to do with a work-related grievance or problem? If yes, please describe:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Do you plan to return to work for the City?**

Yes Expected date of return \_\_\_\_\_

No

**Describe what, if any, changes would convince you to return to the City** \_\_\_\_\_

\_\_\_\_\_

**Describe what you most liked about working for the City** \_\_\_\_\_

\_\_\_\_\_

**Describe what you liked least about the City or the areas you feel need the most improvement** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Were you treated fairly while with the City?**  Yes  No **If not, what was the problem?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Do you know or have you heard of other problems that employees have had working here** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PERSONNEL USE**

Written resignation letter attached for voluntary quits?

Continuation-of-benefit forms attached?

Procedures for terminating financial accounts completed?

All City keys returned?

Phone code returned?

Interviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Personnel Manager: \_\_\_\_\_ Date: \_\_\_\_\_

**MAIL-IN EXIT INTERVIEW FORM**

(Policy No. 820)

*The City of Oregon City would appreciate your time to fill in the following form and return it to the City in the attached envelope. Our exit interviews are a valuable resource to continually improve daily operations and the quality of work life here at the City. Many thanks.*

Name \_\_\_\_\_

Department \_\_\_\_\_ Social Security Number \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Start Date \_\_\_\_\_ Quit Date \_\_\_\_\_

**Are you planning to move?**

Yes New Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

No

**Please check the following benefit programs you wish to retain:**

Medical       Dental

Please explain your reasons for leaving the City: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Do your reasons for leaving have anything to do with a work-related grievance or problem? If yes, please describe:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Do you plan to return to work for the City?**

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\_\_\_\_\_

**Describe what you liked least about the City or the areas you feel need the most improvement** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Were you treated fairly while with the City? Yes No If not, what was the problem?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Do you know or have you heard of other problems that employees have had working here** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THANK YOU**