



# EMPLOYEE HANDBOOK

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**CITY OF OAKRIDGE  
EMPLOYEE HANDBOOK**

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## ***Welcome to the City of Oakridge!***

We are glad you have joined us! We take pride in selecting people such as you to join our City, and we believe you will be a positive addition to our most important asset – our employees.

We hope you will enjoy a productive and pleasant association with us. We have created a work environment, compensation and benefits program, and interactive culture that fosters positive work relationships. We expect that you will enhance the atmosphere by contributing your best efforts in whatever is asked of you.

We feel that the best way to help you achieve this goal is to help you understand our City and your role in it. This handbook has been prepared as a general guide to give you a better understanding of our policies, procedures, and practices. It is not intended to grant any contractual rights or to make any promises regarding benefits or salary. Please familiarize yourself with its contents and keep it handy for reference.

Our City supports an "open door" policy and encourages you to ask questions if there are policies or procedures you do not understand. We welcome your ideas and suggestions for ways to improve our operations and/or services or to save unnecessary costs during your employment with us.

Again, welcome to our team. We wish you success in your new position and truly value you and the contribution you will make during your employment with us.

**Bryan Cutchen**  
**City Administrator**  
**August 2021**

## INTRODUCTION

The greatest asset of the City of Oakridge as an organization is its human resources - the employees who perform all those tasks necessary to deliver municipal services and exercise government functions. It is vital that an organization have well-defined personnel rules to ensure the employment of qualified individuals and that those employees will be fairly and objectively treated.

The personnel rules contained in the Employee Handbook for the City are based on the belief that the success of the City and its benefits to the citizens are primarily dependent on its employees and that the development of each employee's capabilities not only benefits the employee, but also the organization and the citizens it serves.

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

The Employee Handbook is designed to clarify and to specify the terms and conditions of employment, and to serve as a basis for the decisions that are made with respect to vacations, work schedules, the assignment and compensation of overtime, promotions, wage and benefit adjustments and infractions of rules. The expectations of both the employee and the employer need to be clearly stated and compatible.

The is compatible with current practices in public employment and conforms to federal, state and local laws. This handbook is not intended to confer any right in continued employment or benefits, to constitute a contract, or to contradict any binding past practice under any collective bargaining agreement.

Success in the application and administration of the City's personnel program will be greatly enhanced if when all employees read and understand this handbook. And while the handbook has been updated to reflect current operational practices, the search for better ways to enhance working conditions of and interrelationships among employees will continue. For the personnel system to be reflective of a dynamic and innovative organization, the rules which govern that

system must have the capaCity to change in accordance with organizational conditions.

Please note that the policies and procedures in this handbook are not intended to contradict any provision of a current labor agreement. In the event of a conflict between the provisions of this handbook or individual department rules and the provisions of an in-force collective bargaining agreement, the provisions of the bargaining agreement will prevail.

## 1. GENERAL PROVISIONS

**Purpose.** The purpose of this Employee Handbook, and regulations adopted under it, is to establish procedures which will serve as a guide to administer the personnel activities and transactions within the City. They are intended to provide for and improve the quality of personnel administration consistent with sound personnel practices.

**Authority.** This Employee Handbook shall be initially adopted by ordinance of the City Council and may be amended by resolution of the City Council.

**Administration.** This Employee Handbook shall be administered by the *Administrator*.

**Positions.** This Employee Handbook covers all employees in the City service, except that these policies shall not apply to the appointment, discipline or removal of the City Administrator, the Municipal Judge, and such other persons as the Mayor or City Council designate as appointees of the Mayor or City Council. Department Heads are not appointees of the Mayor or City Council and shall be supervised by the City Administrator.

**Application of the handbook.** This handbook shall govern any personnel actions taken after the date of its adoption. Any personnel action taken prior to the official adoption of a new or amended Employee Handbook shall be governed by the Employee Handbook in effect at the time of the action and shall not be affected by the proposed Employee Handbook or Ordinance unless such Employee Handbook or Ordinance provides for a retroactive effect.

**Collective Bargaining Agreements.** Provisions of collective bargaining agreements and written employment agreements approved by the City Administrator or City Council, shall automatically take precedence over any conflicting provisions of this Employee Handbook.

**Acts of Authorized Representatives.** The Administrator and City Department Heads, or their authorized representatives or deputies, may exercise any power



granted by this handbook to the Administrator or Department Head. The Administrator and Department Heads remain responsible for the performance of such acts.

**Gender.** The masculine gender includes the feminine and neuter, and the feminine includes the masculine and neuter.

**Variances.** After conferring with the affected Departmental Head, the Administrator has the power to vary or modify the strict application of this in any case where such strict application results in practical difficulties or unnecessary hardship.

**Employment Relationship.** Employees and the City of Oakridge reserve the right to end the employment relationship, with or without cause, at any time. No one in the City has the authority to enter into any agreement contrary to this at-will relationship and it cannot be altered except when in writing and signed by the City Administrator and you. The City is not bound by any oral promises concerning the length or terms of your employment.

## **2. Equal Employment Opportunity (EEO) Policies**

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

All employees are encouraged to discuss these EEO Policies with the City Administrator at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

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

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

The City of Oakridge's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring,

compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

**B. Statement Regarding Pay Equity**

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

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

**C. No-Harassment Policy**

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

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

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

## **Sexual Harassment**

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

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

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

This is not a complete list.

## **Other Forms of Prohibited Harassment**

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

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

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

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

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

### **Complaint Procedure**

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

### **Investigation and Confidentiality**

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

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

remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

### **Protection Against Retaliation**

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

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

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

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

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

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

### **Other Employee Rights**

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

The City of Oakridge is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Oakridge to inform

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

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

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

1. Verbal Bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include

transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

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

## **E. Disability Accommodation Policy**

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

### **Accommodations**

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

### **Requesting an Accommodation**

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

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with the City Administrator and should specify which essential

functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her need for a reasonable accommodation. Both the City and employee must monitor the employee's accommodation situation and adjust as needed.

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

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

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

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

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

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

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

Employees who ask about, request or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer cannot require an employee to use sick leave, OFLA if a reasonable



accommodation can be made that does not impose an undue hardship on the operations of the City of Oakridge. Also, no employee will be denied employment opportunities if the denial is based on the need of the City to make reasonable accommodations under this policy.

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

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, the Oregon Family Leave Act. (See OFLA policies) or speak with the City Administrator.

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

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

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

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

### **Employee Reporting Options**

In addition to the City's Open-Door Policy, employees who wish to report improper or unlawful conduct should first talk to his/her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with City Administrator, Supervisors and managers are required to inform the City Administrator about reports of improper or unlawful conduct they receive from employees.

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

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

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

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

### **Policy Against Retaliation**

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

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

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

## II CLASSIFICATION AND COMPENSATION

### A. INTRODUCTORY PERIOD OF EMPLOYMENT

The introductory, or "work test" period is an integral part of the selection process and shall be utilized by the Department Head to observe a new or promoted employee's work performance relative to the position requirements, and to familiarize and assist the employee in adjustment to the position and work environment.

**Duration:** All new, promoted, or transferred employees and re-employments shall serve a six-month probationary period as part of their evaluation process in the new job. During this period the employee shall demonstrate fitness for the duties to which the employee is appointed by actual performance of the duties of the position. Individual bargaining unit contracts may address this for specific groups.

### B. EMPLOYEE CLASSIFICATION

The City of Oakridge classified employees as follows:

Introductory Status: Newly hired or promoted employees within the introductory period. Newly hired employees normally earn, but cannot use, vacation benefits. The typical introductory period lasts for six months.

Regular Full-time: An employee who has successfully passed the introductory period and is regularly scheduled to work 40 hours or more per week. Classification normally is eligible for benefits.

Regular Part-time: An employee who is regularly scheduled to work at least 20 but less than 40 hours per week. Classification normally is eligible for benefits, though they may be on pro-rata basis and subject to the benefit providers rules.

Temporary: An employee who is hired for a short period of time, usually no more than six months. This classification is generally not eligible for benefits unless required by law.

On-Call: An employee who is regularly scheduled to work less than 20 hours per week, or who does not have a set schedule, or who works only when called upon. This classification is generally not eligible for benefits.

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

*For further description of the City’s classification policy please see the City’s Operation Manual Section IV Position Classification Plan*

### **C. The Workweek**

The workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. Typically, business hours are from Monday through Friday, 8:00 a.m. through 5:00 p.m. For departments that are 24 hours a day operations schedules are determined by department.

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

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

Non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her supervisor before the end of the shift so that the City may pay the employee for that work.

Meal periods and rest breaks are mandatory and are not optional. An employee’s meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be “skipped” to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

## **E. Rest Break for Expression of Breast Milk**

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

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

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

The City will make a reasonable effort to provide the employee with a private location within proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, near the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within proximity to the employee's work area, the City will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

### **Notice**

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

### **Storage**

Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If

an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

## **F. Overtime**

### **Time-and-a-Half**

The City pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. See "Employee Classification," above.

### **Limitation on Overtime Pay**

Paid hours not actually worked (for example, sick, vacation, holidays, and family leave) will not be counted toward the 40 hours worked per workweek required to receive overtime pay.

### **Assignment of Overtime Work**

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

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

### **Supervisor Authorization**

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or manager. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

### **Compensatory Time (COMP TIME)**

Overtime hours can be paid or, at the employee's option with Department head approval, accumulated at time and one-half up to a maximum of 40 hours and taken as comp time off. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued. At the discretion of an employee's manager/supervisor, employees who have accrued less than 40 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. Any hours not taken in the fiscal

year in which they were earned will be paid to the employee with the last payroll check in June of each year. When an employee is separated from employment with the City, any remaining comp time will be paid to the employee.

### **Administrative Leave**

All full-time, regular exempt employees will receive 40 hours of Administrative Leave per year in addition to the City's vacation and regular paid holidays. These 40 hours of administrative leave may be used throughout the year on an hour-by-hour basis.

Administrative Leave bank becomes available at the beginning of each calendar year for all exempt employees. A new exempt employee hired before the end of the first half of the calendar year will receive 40 hours of administrative leave, upon hire; a new employee hired during the second half of the calendar year will receive 20 hours of administrative leave upon hire.

The Administrative Leave bank will not be carried over to the next calendar year, nor may they be cashed out if not taken or paid upon termination of employment.

### **G. Timekeeping Requirements**

All non-exempt employees must accurately record time worked on a timecard for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City business. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his/her time may be subjected to discipline as well.

Salaried exempt employees also may be required to record their time on either a timecard or timesheet. These employees will be instructed separately on this process.

### **H. Compensation Plan**

The compensation plan shall be to establish the framework for providing equal pay for equal work; in compliance with the Oregon Pay Equity Act. The pay plan will provide an appropriate *salary* structure to recruit and retain competent *employees*; to provide a means for rewarding *employees* for above average performance; to establish equitable internal relationships between *classes*; and to provide a basis for facilitating adjustments to meet changing economic and employment conditions.

The City has various categories of pay to acknowledge various employment actions. Including:

**Pay for Acting in CapaCity.** Employees officially assigned to an "Acting in CapaCity" status for thirty (30) consecutive workdays shall be paid an additional percentage of their existing base pay for the added responsibility. For higher level, non-supervisory classifications, up to five (5) percent shall be paid; for supervisory or management classifications, up to ten (10) percent shall be paid. Assignments extending beyond the thirty (30) consecutive workdays shall be paid at the pay rate for the class or at the above formula, whichever is greater.

**Pay for Overtime.** *Overtime* must be authorized. Overtime shall be paid at the rate of time and one-half of the *employee's hourly base rate*.

**Pay for Call Back.** *Employees* called back to work on off-duty hours due to an emergency or other urgent situation shall be paid for actual time worked in accordance with the *overtime* provision.

**Pay For Standby.** *All Employees*, union or non-union will be paid the current rate of standby pay as set forth in the current union contract for employee's department.

*For further description of the City's payment categories please see the City's Operation Manual Section V Compensation Plan*

## **I. Recruitment and Selection**

The City is firmly committed to recruiting the best and most qualified persons available for positions in the City service using recruiting practices based on the guidelines of Federal and State regulations concerning hiring. The City is committed to the principle of career development for its employees and will carefully consider their applications in instances of promotional opportunities.

No person may be appointed to a position in the City service unless verified information on an official application form indicates that the applicant has the minimum qualifications set forth in the class description for the position,

The City is an equal opportunity employer and is committed to prohibiting discrimination in employment based on race, color, sex, age, religion, national origin, political affiliation, non-disqualifying disability, or any other protected class or work relationship.

*For further description of the City's Recruitment and Selection please see the City's Operation Manual Section III Recruitment and Selection.*



## **J. Temporary Assignment**

When there is no candidate from which a position may be filled, or when the City needs to hire for a specific project or group of assignments, the City may hire for a temporary appointment. Temporary appointments may be made with internal candidates or external candidates. Employees within the organization who fulfill a temporary assignment will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

- **Promotions**

To be eligible for promotion, a person must meet the minimum requirements of the higher-level position. When a vacancy occurs, all qualified personnel are eligible to apply and will be given equal opportunity for the position.

Following a promotion, a regular employee will be in a probationary period for six months. During that probationary period, such employee's vacation and sick leave and all other benefits will continue to accrue the same as prior to the promotion.

If, during the probationary period, the employee does not qualify in the new position for reasons other than misconduct or delinquency, the employee may be reinstated to the former position. Individual bargaining unit contracts may address this for specific groups.

- **Transfers**

The Department Head may authorize the transfer of any person holding one position to a similar position in the same classification. No transfer shall be made from a position in one classification to a position in another classification.

- **Demotion** An employee may be demoted from their position for various reasons. Following are a few examples of when an employee might be demoted:

- ✓ For ongoing unsatisfactory performance. If an employee has been put on a performance plan, and the employee fails the plan an employee may be demoted.

- ✓ For failure to satisfactorily complete a promotional probationary period.
- ✓ Denoted to a vacant position in lieu of layoff, with the employee's consent; provided the minimum requirements are met for the lesser position.
- ✓ A voluntary demotion to a position with less pay provided the minimum requirements are met.

**K. Hiring of Family Members**

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

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

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

## **L. Payroll Policies**

You will be paid monthly. For hourly (non-exempt) employees, “month” is defined as the 2, and those are the dates you should report on your timecard.

For salaried (exempt and non-exempt) employees, “month” is defined as the 1<sup>st</sup> – 31<sup>st</sup>.

Paydays are generally the last working day of each month, for both non-exempt and exempt employees.

The City does not provide advance payments of salary or loans from salary to be earned.

Net pay will be directly deposited into the employee's bank account unless an employee request otherwise. If an employee requests to pick up his/her paycheck from the City, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to the City of Oakridge for someone else to receive the check.

## **Statement Regarding Pay Practices**

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

See also “Statement Regarding Pay Equity” policy, above.

## **M. Employee Personnel Files**

For each City employee a personnel file shall be maintained by the Administrator or designee. The personnel file shall include documents such as regarding the employees' position and performance such as job description, salary and accruals, performance evaluations, training documents. The personnel files of the City are confidential and open for inspection only as provided by law. Any employee may inspect the employee's own personnel file upon reasonable notice and may receive copies thereof at the employee's expense. Any unauthorized removal, alteration or revision of personnel records may be grounds for disciplinary action.

## **Employee Confidential Files**

The City may also have confidential files for an employee. These files may retain confidential information such as forms that contain employee's personal confidential information such as forms that have banking information, an employee or their family's social security number or date for birth. Employees medical information such as OFLA leave form, medical notes from healthcare providers or workers compensation are examples of items placed in a confidential file. The confidential files are maintained and locked in the City Administrator's office and are not accessible any employee other than the sole purpose of administering the files.

## **Change in Personnel Data**

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

- Name
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only)
- Address or telephone number
- Dependents
- Person to be notified in case of emergency
- Other information having a bearing on your employment; and
- Tax withholding.

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

## **N. Performance Reviews**

All City employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and discipline/termination. Any employee who fails to satisfactorily

perform the duties of his/her position is subject to disciplinary action (including termination).

City's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

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

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

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

### **III. TIME OFF AND LEAVES OF ABSENCE**

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

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

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

**B. Vacation**

It is the policy of the City to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his/her employment anniversary date.

All regular and introductory period, full-time employees shall be eligible to accrue annual leave with pay but are not eligible to take any vacation or compensation in lieu of vacation, until six months after their date of employment. Temporary employees do not accrue vacation leave.

An employee begins accruing annual leave from the date of employment monthly in relation to the number of hours worked.

- Each regular and introductory period full-time employee shall earn working hours, days or shifts of annual leave at the completion of each month as outlined below:

CATEGORIES	SERVICE MONTHS/YEARS	MONTHLY ACCRUAL	ANNUAL ACCRUAL
<i>Employees (except 24-hour shift employees)</i>	1-36 mos. (0-3 yrs.)	6.67 hrs.	10 days
	37-96 mos. (4-8 yrs.)	8.67 hrs.	13 days
	97-168 mos. (9-14 yrs.)	11.34 hrs.	17 days
	169 + mos. (15 yrs.+)	15.34 hrs.	23 days
<i>24-hour shift employees</i>	1-36 mos. (0-3 yrs.)		5 shifts
	37-96 mos. (4-8 yrs.)		6 shifts
	97-168 mos. (9-14 yrs.)		8 shifts
	169 + mos. (15 yrs.+)		11 shifts

- Vacation accrual rates will change after the completion of continuous months of service.
- No employee may carry more than twice the employee's annual rate, unless approved by the City Administrator.

### **Scheduling and use of Vacation**

- Requests for vacation shall be submitted on a City approved *Vacation Leave Request Form*. Request for vacation should be submitted not less than two weeks in advance and must be approved by the employee's department head, A copy of the Leave Request Form should be attached to appropriate time sheet.
- Holidays which occur during vacation leave shall not be charged against vacation leave.
- Non-represented employees may request a vacation buyout for up to 40 hours per year. A request for up to 40 hours may be submitted on the monthly timecard, "vacation buy out" shall be listed in the "reason" section and will not count towards hours worked. The employee must take at least one week vacation in the 6 months prior to making a request. An employee's vacation balance must be sufficient to cover the requested buyout. Request for buyouts shall be signed off by the Finance Director prior to payout. Any hours over 40 must be approved by the City Administrator for his/her hires and the Mayor for the City Administrator.

### **Vacation hours and separation from the City**

Upon the termination of an employee's service with the City, the employee shall be paid a lump sum for all accrued vacation that the employee has earned in accordance with these rules prior to the termination. In case of death, compensation for accrued vacation shall be paid in the same manner that salary due the decedent is paid.

### **C. Sick Leave Provisions**

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

Employees with questions about this policy may contact the City Administrator. Please also refer to the Oregon Sick Leave Law poster that is posted in the break room and is incorporated here by reference.

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

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

Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91st day of employment. After the 91st day of employment, paid sick leave may be used as it is accrued.

Regular and introductory period full-time employees shall accrue sick leave at the rate of eight hours per full calendar month of service. An employee may not accumulate more than seven hundred and twenty (720) hours of accrued sick leave. Employees who are granted a leave of absence with pay for any purpose shall continue to accrue sick leave at the regularly prescribed rate. Sick leave shall not accrue during a leave of absence without pay.

Seasonal and temporary employees accrue and may use up to 40 hours of unpaid sick leave per calendar year. Unpaid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. Unpaid sick leave shall be taken in hourly increments.

### **Use of Sick Leave**

Up to 40 hours of paid sick leave may be used each calendar year for any of the following reasons:

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.

"Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.



2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).

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

Foreseeable Sick Leave. If the need for sick leave is foreseeable, an employee must notify the Finance Director as soon as practicable before the leave is to begin. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the City. Employees must notify the Finance Director of any change in the expected duration of sick leave as soon as is practicable.

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and comply generally with the City's call-in procedures. (*See Section A Attendance, Punctuality and Reporting Absences*).

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

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

### **Sick Leave Abuse**

If the City suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, the City may require documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

### **Sick Leave Documentation**

If an employee takes more than three consecutive scheduled workdays as sick leave, the City may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation

includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.

### **Sick Leave upon Termination.**

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

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

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

The City of Oakridge does not have any "eligible employees" for purposes of the federal Family Medical Leave Act.

Employees seeking further information should contact City Administrator. Please also refer to the "Oregon Family Leave Act" notice posted in the [Location], which is incorporated here by reference.

### **Definitions**

#### *Family Member*

"Family member" is defined as a spouse (including registered, same-sex domestic partners), parent (biological, adoptive, step, foster, or *in loco parentis*), parent of a registered, same-sex domestic partner, parent-in-law, grandparent, grandchild, or "child" (see definition below).

#### *Child*

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

## **Eligible Employee**

To qualify for OFLA Leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave, an employee must have been employed for at least 180 days (no per-week hourly minimum is required). For purposes of Oregon Military Family Leave Act leave, an employee becomes eligible after having worked only 20 hours per week (no minimum length of employment required).

## **Serious Health Condition**

“Serious health condition” is defined under OFLA as an illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home; requires constant or continuing care such as home care administered by a health care professional; or involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. “Serious health condition” also includes any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

Other conditions may qualify as “serious health conditions;” please see the City Administrator for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as “serious health conditions.”

## **Reasons for Taking Leave**

Family Medical Leave is defined to include and may be taken under any of the following circumstances:

1. Employee’s Serious Health Condition Leave: To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
2. Family Member’s Serious Health Condition Leave: To care for a Family Member with a serious health condition.

3. Oregon Military Family Leave Act Leave ("OMFLA"): During a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a Serious Health Condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick Child Leave is not available if another family member is able and willing to care for the child.
7. Bereavement Leave. See the Bereavement Leave Policy on page \_\_\_ of this handbook.

### **Length of Leave**

In any one-year calculation period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), or Sick Child Leave.
- An additional 12 weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee ("Pregnancy Disability Leave"); and
- Employees who take the entire 12 weeks of Parental Leave may be entitled to an additional 12 weeks of Sick Child Leave.

### **One-Year Calculation Period**

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

## **Intermittent Leave**

Intermittent or reduced schedule leave may be taken when medically necessary due to the serious health condition of a covered family member or the employee. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of the City's operations, including consulting management prior to the scheduling of treatment to work out a treatment schedule which best suits the needs of both the City and the employee. Intermittent leave for Parental Leave is not available.

## **Employee Responsibilities — Notice**

Employees must provide at least 30 days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, or for planned medical treatment for a serious health condition of the employee or of a family member. If 30 days' notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to the City within 24 hours of commencement of the leave.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise their Department Head as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify their Department Head within three business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with the City's normal call-in procedures. Employees who fail to comply with the City's call-in procedures may be disciplined or may have their period of OFLA leave reduced.

## **Certification**

Employees must provide sufficient information for the City to determine if the leave may qualify for OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider.

Additionally:

1. Employees requesting Serious Health Condition leave for themselves or to care for a family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting Sick Child Leave may be required to submit, at a minimum, a note from a doctor or health care provider if the employee has used more than three days (*i.e.*, one, three-day occurrence or three separate instances) of sick child leave within a One-Year Calculation Period.

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

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

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

If family medical leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

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

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

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

Employees receiving short or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved family medical leave in which a holiday occurs will qualify to receive holiday pay.

Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

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

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

### **Benefits While on Leave**

The City of Oakridge will continue the employee’s health coverage under any group health plan during a period of approved OFLA leave on the same terms as if the employee had continued to work. The employee must continue to make any regular contributions to the cost of the health insurance premiums during the period of approved OFLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on an OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the City’s benefit plans.

### **Job Protection**

Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

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

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

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

for which leave had been granted may be subject to discipline up to and including termination.

#### **E. Bereavement Leave**

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

Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The two weeks of bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee's available leave time under OFLA. For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse.

Employees who wish to take bereavement leave must inform the City as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, verbal notice must be provided within 24 hours of beginning leave. Written notice must be provided to the City within three days of returning to work. Employees are required to use any available sick leave during the period of bereavement leave; vacation time will be used if the employee has no available sick leave.

#### **F. Jury Duty**

The City will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. Although jury duty leave is unpaid, the employee may keep the jury duty pay he/she receive, and the employee may use any accrued vacation or sick leave during the stint of jury service.

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



### **G. Witness Duty**

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

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

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

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

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

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

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

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period.
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and

- Submit a request for the leave in writing to the City Administrator as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

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

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

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

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

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

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

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

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

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an

accommodation would impose an “undue hardship” on the City. Please contact City Administrator immediately with requests for reasonable safety accommodations.

**K. Military Leave**

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

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

**L. Personal Leave of Absence Without Pay**

Upon written request and approval by the Department Head, the Administrator may grant an employee a leave of absence without pay for a period not exceeding one (1) year. Except for military service leave without pay or any other leave protected by state or federal law, such leave will be granted only in extraordinary circumstances and may not create a hardship on the City.

**Extension of Benefits.** An employee granted such leave shall have benefits of medical, dental and life insurance continued for the remainder of the month in which the employee enters non-pay status. If the leave extends this period, all premium costs shall be paid by the employee for a period not to exceed twelve (12) months. During such absence, the *employee* shall not accrue annual or sick leave or be granted authorized holidays.

**M. Holidays**

The City of Oakridge recognizes ten holidays each year. All Regular and Introductory full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for

each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week. The holidays celebrated are:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

- (a) Part-time employees who work under 20 hours and seasonal or temporary employees are not entitled to holidays with pay.
- (b) Whenever a holiday falls on Sunday, the following Monday shall be observed as a holiday. Whenever a holiday falls on Saturday, the previous Friday shall be observed as a holiday.
- (c) Holidays which occur during vacation or sick leave shall not be charged against such leave.
- (d) When an authorized holiday falls on an *employee's* day off, such coincidence shall not reduce the total time off with pay that the *employee* shall receive. The holiday shall be treated as if it had fallen on the *employee's* next *workday*.
- (e) An *employee* required to work on holidays to maintain essential *City services* is entitled to compensatory holiday time off.
- (f) *Employees* working 24-hour shifts shall earn four (4) shifts ~~each~~ full year worked in lieu of the holidays enumerated above.

#### **IV. EMPLOYEE BENEFITS**

##### **A. Healthcare Benefits**

Employees who meet the definition of "benefit eligible" under both the City of Oakridge policy and that of its health insurance provider are entitled to the benefit options offered by the City of Oakridge. Generally speaking, that means the City of Oakridge offers medical insurance for all of its regular, full-time employees unless otherwise established by law. [Organization] pays the cost of individual coverage for its regular, full-time employees. Part-time employees are

not eligible for health-insurance coverage. Those employees who wish to have their dependents included in the insurance plan are required to pay a portion of the monthly premium for that coverage on a payroll deduction basis.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by The City of Oakridge. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by The City of Oakridge, employees will be advised and provided with copies of relevant plan documents. Copies are available from the Finance Director.

**B. Employee Assistance Program (EAP)**

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

Cascade Centers also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting [Contact], or you can contact Cascade Centers directly at 1-800-433-2320, or at [www.cacadecenters.com](http://www.cacadecenters.com).

**C. Workers Compensation and Safety on the Job**

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

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

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

If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all the following:

1. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to the Finance Director.

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

### **Return to Work.**

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

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

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

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

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

If your doctor determines that you can perform modified work, the City will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except were provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or

report at the designated time and place may affect your compensation and employment with the City. While you are on modified or transitional work, you are still subject to all other City rules and procedures.

### **Overlap with Other Laws**

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

## **V. SAFETY/ WORKPLACE VIOLENCE / ALCOHOL/ DRUGS**

### **A. Safety**

The City of Oakridge recognizes that it has the responsibility to provide a safe and healthy work environment for its employees, and that each employee must pursue the highest standard in his/her assigned activity.

The City has established a loss prevention program and expects its employees to respond to all safety efforts and to perform their jobs in the safest possible manner.

The responsibility for the overall effort and direction of the City's loss control program will rest with the City Administrator.

The City is committed to making its loss prevention program a success and expects all employees to assist in this effort. The City will provide training and instruct employees in the recognition and avoidance of unsafe conditions, and the regulations applicable to the work environment.

On job sites where harmful plants, animals, toxic material or any other condition exists which may be harmful, the City will instruct the employee regarding the potential hazard, and the personal protective measures required.

All requests for personal protective equipment will be made following the chain of command. Each Department Head is responsible for evaluating and obtaining, and instruction in the proper maintenance of, all personal protective equipment.

The loss control/safety committee will make regular inspections to evaluate and detect physical and chemical hazards, prepare written corrective action, and recommend appropriate controls.

All work sites will be evaluated to help *employees* adjust to the working conditions. This loss control program will be evaluated annually to ensure success.

### **Safety Rules**

Safety rules may be developed as a guide in assisting *employees* to identify and avoid accidents, as well as promote safety. Each department may develop safety regulations which shall be compatible with City, as well as State and Federal, OSHA regulations.

### **B. Workplace Violence**

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

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

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

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

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



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

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

### **Prohibited Conduct**

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

affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.

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

## **Prescription Drugs and Medical Marijuana**

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

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect the City operations or safety of the City employees or other persons, the City may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the

medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide the City with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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

### **Testing**

the City reserves the right to:

- a. Subject applicants who are given a condition offer of employment in a safety-sensitive position to a drug and alcohol test.
- b. Test employees reasonably suspected of using drugs or alcohol in violation of this policy.
- c. Discipline or discharge employee who test positive or otherwise violate this policy; and
- d. Test employees when they: (1) cause or contribute to accidents that seriously damage the City vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; or (3) when the City reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

### **Reasonable Cause Testing**

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

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

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the [Contact] or the [Contact]'s designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy.

Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:

- a pattern of abnormal or erratic behavior.
- information provided by a reliable and credible source.
- direct observation of drug or alcohol use.
- presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
- unexplained significant deterioration in individual job performance.
- unexplained or suspicious absenteeism or tardiness.
- employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

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

### **Search of Property**

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on the City property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City may search furniture, equipment or other property provided to the employee by the City, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any property, equipment or supplies provided by the City to employee.

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

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

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

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

Employees shall report:

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

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

#### **Drug and Alcohol Treatment**

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

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask a supervisor or [Contact] for assistance.

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

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

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

An employee who violates this policy will be subject to either termination or a last-chance agreement.

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

### **Confidentiality**

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

## **VI. MISCELLANEOUS POLICIES**

### **A. Travel and Vehicle Policy**

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

The City will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. The City will not pay for or reimburse the costs incurred by a spouse, registered same-sex domestic partner or travel companion who accompanies the employee on City-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting his/her payment or reimbursement.

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

- *Conferences or Workshops:*
- *Education:*
- *Meals:*
- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees

relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City.

In case of local travel within a 100-mile radius of the City, employees shall give first consideration to using a City vehicle, if available. When not available, the employee may provide the employee's own transportation which shall be reimbursed at the IRS reimbursement rate.

### **Use of City Vehicles**

City owned vehicles shall be used only for City business. The *Administrator* may assign a City vehicle to an *employee* who is required to respond to emergencies during other than the *employee's* normal working day. Intermittent personal use (such as using the vehicle to drive to lunch or run personal errands while on call) of such vehicles by designated employees required to respond to emergencies is permitted because it is in the public interest that emergency responders be available to respond, with the appropriate vehicular equipment, 24 hours a day.

### **B. Training and Continuing Education**

City encourages employees to remain current in their training and continuing education, to enhance job performance and service delivery. Employees may be required to participate in some in-service training programs or other training or education. Employees are encouraged to participate in non-required training or education programs, with the prior written approval of the Administrator or designee. Request for approval shall specify the costs, times, and dates of the continuing education or training. Costs may be reimbursed if pre-approval is obtained. Employees will be paid for time spent attending training or education classes if required by law or if pre-approved by the Administrator or designee.

### **C. ETHICS AND CONDUCT**

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

We at the City of Oakridge employees are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on

these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If you have questions about whether an activity meets the City's or Oregon's ethical standards, please talk with City Administrator Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

### **Political activity**

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

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

Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

### **Gratuity and Gifts**

Oregon law prohibits a City *employee*, his or her relative, or a member of his or her household from accepting any gifts or rewards from a person or entity who has a legislative or administrative interest in the City unless that gift or reward is worth less than \$50 per year. No gift shall include an alcoholic beverage or intoxicant. Tokens of appreciation or gifts, however, may be given directly to the City.

### **Outside Activities**

No City *employee* shall engage in any activity or employment which is detrimental to the *employee's* City employment. The outside activity must be compatible with, and in no way detract from City work, nor be a discredit or be paramount to City employment.

### **D. Outside Employment**

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



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

Employees may not accept outside employment that involves:

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

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

#### **E. Open-Door Policy**

The City's Open-Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. The City's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the City Administrator.

#### **F. Workplace Inspections — No Right to Privacy or Confidentiality**

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

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

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

### **G. Criminal Arrests and Convictions**

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

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on [Organization] property, or in an [Organization] vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above).
2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

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

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

### **H. Smoke-Free Workplace**

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

the City buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, the City

prohibits tobacco/marijuana use in or around the City vehicles and equipment or machinery.

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

## **I. Use of the City Email and Electronic Equipment and Services**

the City uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet and any new technologies used in the future. This policy governs the use of such the City property.

### Ownership

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

### Use

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

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

- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use the City-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). the City email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

### **Inspection and Monitoring – No Right to Privacy**

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

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

### **Personal Hardware and Software**

Employees may not install personal hardware or software on the City's computer systems or mobile devices without approval from [Contact]. All software installed on the City's computer systems must be licensed. Copying or transferring of the City-owned software to a personal device/equipment may be done only for personal devices/equipment used for the City business and with the written authorization of the [Contact].

### **Unauthorized Access**

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

## **Security**

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

## **Inappropriate Web Sites**

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

## **J. Social Media**

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

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

## **Prohibited Postings**

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

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

Express only your personal opinions. Never represent yourself as a spokesperson for the City, unless you are authorized by your manager/supervisor to do so. If the City is a subject of the content you are creating, be clear and open about the

fact that you are the City employee and make it clear that your views do not represent those of the City or its employees or elected officials.

### **Encouraged Conduct**

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

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, the City employees or elected officials, that might constitute harassment or bullying, and/or that violate the City policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment based on race, sex, disability, religion or any other status protected by law or the City policy.

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

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

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

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

Nothing in this policy prohibits the City from requiring an employee to produce content from his/her social media or internet account in connection with the City-

sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

#### **K. Confidential City Information**

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

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of the City) may be removed from our premises without permission from the City Administrator. Likewise, any materials developed by the City's employees in the performance of their jobs are the property of the City and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained regarding the City's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

#### **L. Mobile Devices Policy**

*This policy applies to employee use of cell phones, smart phones, tablets and similar devices, all of which are referred to as "mobile devices" in this policy.*

##### **Cell Phones and Mobile Devices in General**

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

Employees who use personal or the City-provided mobile devices may not violate the City's policies against harassment and discrimination. Thus, employees who use a personal or the City-provided mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by the City) that is harassing or otherwise in violation of the City's policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or the City-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from the City Administrator. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee's obligation from recording time for all hours worked.

### **Employee Use of the City -Provided or Paid for Mobile Devices**

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

Employees who receive a mobile device from the City must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Further, employees who receive a cell phone or mobile device from the City must acknowledge and understand that because the mobile device is paid for and provided by the City, or subsidized by the City, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if the City has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Mobile Device Policy or any other the City policy. Employees should have no reasonable expectation of privacy in the City-provided or -paid for mobile device. An employee who refuses to provide the City access to his/her personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

, Family and friends may not use an employee's the City-provided mobile device.

### **Mobile Devices and Public Records**

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

### **Employee Use of Mobile Devices with Cameras**

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used during working hours, or at any the City-sponsored function unless authorized to do so by the City Administrator.



## **Mobile Device Use While Driving**

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

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

## **VII. TERMINATION OF EMPLOYMENT**

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

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

- Falsification of employment or other City records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City equipment, materials or facilities.

- Provoking a fight or fighting during work hours or on the City property.
- Carrying firearms or any other dangerous weapon on City premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City employee, customer or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City.
- Misrepresentation of City policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City. Employees may not use the City's name, logo, likeness, facilities, assets or other resources of the City for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or City policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory or legislative bodies.
- Failing to timely pay water/sewer/tax accounts with the City on time, and/or whose City -provided services are disconnected. This includes, without limitation, situations where the employee writes a check to the City that is refused for payment due to non-sufficient funds.
- Harassment or discrimination that violates City policy.

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

## **B. Corrective Action/Discipline Policy**

Employees are expected to always perform to the best of their abilities. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City standards, the City will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

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

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

## **C. Retirement or Resignation from Employment**

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

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

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

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

**D. Lay Off from Employment.**

The Administrator or a Department Head may lay off an employee in the event of unusual circumstances such as lack of funds, or curtailment of work.

**Criteria for Lay Off.** Layoffs shall be based on the operational needs of the City. Evaluation of layoff factors is at the discretion of the Administrator, with input from managers. After receiving an explanation of the layoff procedure, the employee(s) will be given a letter describing the conditions of the layoff, such as effects on benefits, the possibility of re-employment, and any outplacement services, etc. When possible, a two-week notice of layoff is to be given.

**E. References**

All requests for references or recommendations must be directed to the Finance Director. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

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

**APPENDIX A**  
**The City of Oakridge**  
**Manual Receipt Acknowledgment Form**

I acknowledge that I have received and will read a copy of the City's 2021 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the City Administrators Office.

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

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

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

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

I have read this acknowledgement carefully before signing.

---

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

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

*VERSION TWO: For Employees Covered Under a CBA*

Acknowledgment of Receipt of 2021 Employee Handbook I acknowledge that I have received and will read a copy of The City of Oakridge's 2021 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the office of the City Administrator.

I understand that the City has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment. I acknowledge that the Employee Handbook are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to the City Administrator, or any trusted manager or supervisor. I understand that I may bring complaints about these issues to my shop steward or trusted union representative, but that [The City of Oakridge may not be able to address the issue unless notice is provided to The City of Oakridge by you or the shop steward/union representative.

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

I have read this acknowledgement carefully before signing.

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

\_\_\_\_\_  
Date

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