



CITY OF
**West
Linn**

Personnel Policy

Human Resources

Original 2010

Updated periodically:

August 5, 2015

January 1, 2016

June 11, 2018

October 2019

January 1, 2020

September, 2022

INTRODUCTION TO PERSONNEL POLICIES	8
Policy 1. Equal Employment Opportunity.....	9
Policy Statement	9
Disabilities Accommodation	9
Reporting Discrimination	9
Retaliation	10
Policy 2. Policy Against Harassment	11
Policy 3. Ethics	17
Policy Statement	17
Conflict of Interest	17
Employment of Relatives	18
Confidential Information	18
Outside Employment or Business Activities	18
Use of City Property	19
Public Speech	19
Political Activities	19
Policy 4. Personal Information and Privacy	24
Policy Statement	24
Personnel Records.....	24
Requests for Employment References.....	24
Third Party or Government Requests	25
Medical Records.....	25
Electronic Communications	25
Searches.....	25
Policy 5. Appropriate Workplace Conduct.....	27
Policy Statement	27
Office Pet Policy	29
Personal Appearance and Dress	27
Attendance and Punctuality	28
Abusive, Threatening or Violent Behavior	30
Weapons Policy.....	31
Concealed Handgun Permits	33
Policy 6. Complaint Resolution Process.....	34
Policy Statement	34

Four-Step Process.....	34
Policy 7. Emergency Closures	36
Policy Statement	36
Guidelines	36
Policy 8. Employee Status	37
Policy Statement	37
Regular Employee	37
Probationary Employee.....	37
Temporary and Seasonal Employees	37
Eligibility for Benefits	38
Orientation	38
Policy 9. Filling of Job Vacancies.....	39
Policy Statement	39
Publicizing Job Vacancies	39
Policy 10. Performance Appraisal.....	40
Policy Statement	40
Job Expectations	40
Annual Performance Reviews	40
Policy 11. Corrective Action	41
Policy Statement	41
Additional Guidelines.....	41
Disciplinary Process.....	42
Policy 12. Electronic Communications Systems	43
Policy Statement	43
Application.....	43
Intended Use.....	43
No Expectation of Privacy.	43
Permissible Use	43
Expectation of Professionalism	44
Specific Uses Prohibited	44
Appropriate use of disclaimers.....	45
Duty to Report Violations.....	45
Agreement to Comply with this Policy	46

Policy 13. Job Changes	47
Policy Statement	47
Promotion	47
Reclassification	47
Transfers	48
Non-Disciplinary Demotions.....	48
Policy 14. Hours of Work.....	49
Policy Statement	49
Work Week	49
Work Schedule	49
Flexible Schedules	49
Telecommuting Policy	49
Rest and Meal Periods.....	50
Overtime	51
Compensatory Time	51
Time Reporting.....	51
Management Leave.....	51
Policy 15. Compensation.....	53
Policy Statement	53
Pay Days.....	53
Compensation Plan	53
Job Classifications	53
Pay Rates	54
Pay Increases	54
Pay Upon Promotion	54
Pay Upon Reclassification	55
Pay for Modified Assignments.....	55
Pay for Acting in Capacity or Working Out Of Class	55
Discretionary Bonus	55
Policy 16. Vacations	56
Policy Statement	56
Eligibility	56
Amount of Vacation Leave (Accrual)	56
Use of Vacation Leave	56

Vacation Sell-Backs	57
Policy 17. Sick Leave	58
Policy Statement	58
Eligibility	58
Amount of Paid Sick Leave (Accrual)	58
Use of Paid Sick Leave	58
Sick Leave Bank Policy	59
Policy 18. Holidays	64
Policy Statement	64
Eligibility	64
Days Observed as Holidays.....	64
Working on a Holiday.....	64
Holidays During Scheduled Vacations	65
Holiday-In-Lieu Pay	65
Religious Accommodation.....	65
*Veteran’s Day.....	65
Policy 19. Family Medical Leave.....	66
Policy Statement	66
Family and Medical Leave	66
Definitions	66
Eligible Employee	66
Family Medical Leave	67
Family Member	67
Serious Health Condition	67
Reasons for Taking Leave	68
Length of Leave	69
One-Year Calculation Period	70
Intermittent Leave	70
Employee Responsibilities – Notice	70
Certification	71
Fitness-for-Duty Certification	71
Substitution of Paid Leave for Unpaid Leave	72
Holiday Pay While on Leave	72
On-the-Job Injury or Illness	72
Benefits While on Leave	72
Job Protection and Reinstatement	72

Policy 20. Leave of Absence	74
Policy Statement	74
General Guidelines	74
Non-Discretionary Leave	74
Military Leave.....	74
Jury Duty	75
Witness Duty	75
Loss of a Family Member Leave	76
Family Medical Leave.....	76
Domestic Violence Leave and Accommodation Policy	76
Discretionary Personal Leave	77
Policy 21. Return to Work	79
Policy Statement	79
Definition of Light Duty	79
Communication Regarding Employee’s Ability to Return to Work.....	79
Temporary Duration of Light Duty Assignments	80
Monitoring Light Duty Return-To-Work Program	80
Return to Light Duty After a Non-Work Related Injury	80
Policy 22. Business Expenses	81
PURPOSE	81
SCOPE	81
POLICY STATEMENT	81
ADMINISTRATION	81
PROCEDURES AND FORMS	82
TRANSPORTATION EXPENSES.....	85
TRAVEL TIME.....	86
Reporting to Location Other Than Worksite	87
BUSINESS MEALS AND RELATED EXPENSES	87
Frequent Flier Miles, Reward Points, Discounts or Coupons.....	89
Policy 23. Employee Insurance.....	90
Policy Statement	90
Health Insurance	90
C.O.B.R.A.....	91
Life Insurance.....	91
Long-Term Disability (LTD)	91

Retirement.....	91
Workers' Compensation.....	92
Employee Assistance Program	92
Policy 24. Workplace Breastfeeding Support	93
Policy Statement.....	93
Flexible Schedules for Breastfeeding Mothers.....	93
Refrigeration	93
Notice to Human Resources	93
Policy 25. Safety and Health.....	94
Policy Statement	94
City Identification Cards	94
Safety Training	94
Safety Committee	94
Reporting of Incidents and Unsafe Conditions.....	94
Illness at Work	95
Operation of Vehicles.....	95
Workplace Violence	96
First Aid Kits	97
Hazardous and Toxic Materials	97
Policy 26. Alcohol and Drug Testing	98
Policy Statement	98
Prohibited Conduct	98
Testing	99
Procedures and Safeguards	100
Searches.....	100
Prescribed Medication	101
Rehabilitation and Return to Work	101
Policy 27. Alcohol and Drug Policy for Employees Covered by Department of Transportation (DOT)	
Regulations 103	
Introduction	103
Policy	103
Employees Covered.....	103
Prohibitions.....	104
Required Testing of Covered Employees	105

Procedures and Safeguards used for Testing	107
Consequences of Refusal to Submit to Alcohol and/or Drug Testing	108
Consequences for Testing Positive or Otherwise Violating the DOT Regulations	109
Background Investigation.....	110
Training for Employees.....	110
Record-Keeping Requirements	110
Annual Summary Report	112
Policy 28. Educational Opportunities	113
Policy Statement	113
Policy 29. Separation of Employment	114
Resignation	114
Exit Interview	114
Layoff	114
Final Pay.....	115
Death of an Employee	115
Name Clearing Hearing.....	115

INTRODUCTION TO PERSONNEL POLICIES

The City of West Linn has adopted these personnel policies in order to communicate procedures and guidelines relating to hiring, compensation, hours of work, leave, safety, working conditions, job changes, standards of conduct, discipline, and other matters affecting the employees of the City of West Linn. These policies are intended to provide a foundation for handling personnel matters with consistency and predictability.

These policies apply to all City employees. If any policy conflicts with a collective bargaining agreement, employment contract, City ordinance, or state or federal law, the policy yields to the contract or law. In all other cases, the personnel policies apply.

It is important to understand that these policies ***are not intended to serve as a contract for employment or benefits***. Because our primary responsibility is service to the public, the City reserves the right to make changes in its policies and practices that it deems appropriate to promote efficient and cost-effective operations. Nothing in these policies should be construed as a guarantee of continued employment or benefits.

It is also important to understand that no representative of the City has the authority to make promises or representations that vary from these policies, unless it is in writing and signed by the City Manager. When this policy refers to the City Manager, Department Director, or Human Resources Director, that term includes any person the City Manager, Department Director, or Human Resources Director has designated to be responsible for any duty or act in these policies. Department Directors may establish separate policies when necessary to accommodate department operational issues; however, department policies must be consistent with the intent of the City personnel policies. Please check with your Department Director for policies as they may apply to your department.

POLICY 1. EQUAL EMPLOYMENT OPPORTUNITY

Policy Statement

The City of West Linn is committed to equal employment opportunity as a way to recruit, hire, and retain the most qualified employees. Moreover, it is the intent of the City to actively support and comply with local, state and federal law. Accordingly, personnel actions are administered without regard to an individual's race, color, religion, national origin, age, sex, marital status, political affiliation, veteran's status, physical or mental disability, sexual orientation, gender identity or any other status protected by federal, state or local laws.

Disabilities Accommodation

The City of West Linn is committed to complying fully with the Americans with Disabilities Act and any other applicable state and federal laws pertaining to employees with disabilities. The City of West Linn will also make reasonable accommodations for known physical or mental disabilities of an applicant or employee as well as known limitations related to pregnancy, childbirth or a related medical condition, such as lactation, unless the accommodation would cause an undue hardship.

Among other possibilities, reasonable accommodations could include:

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

If workplace modification or other assistance to accommodate a disability is required, it is the employee's responsibility to contact the Department Director and/or the Human Resources Director to initiate the accommodation process.

The request will be considered with respect to the disability and the accommodations necessary for the employee to perform the essential functions of the job. The employee is responsible for providing information that may be necessary for the verification of the disability and the development of an accommodation plan.

If a reasonable accommodation for the employee's disability is not available, other alternatives will be considered.

Reporting Discrimination

All employees are responsible for supporting equal employment opportunities and reporting conditions that could be construed as discriminatory. If an employee believes that this policy has

been violated, the employee *will* report the policy violation to the Department Director or the City's Human Resources Director.

A complaint involving the City's Human Resources Director should be reported to the City Manager. A complaint involving the City Manager should be reported to the Human Resources Director, who will immediately refer the complaint to the City Attorney.

The City takes all complaints of discrimination seriously and will investigate the allegations in a timely manner. Appropriate action will be taken with substantiated allegations. Complaints regarding harassment are addressed under Policy 2 (Policy Against Harassment).

Retaliation

Retaliation against an employee for reporting alleged discrimination is prohibited. "Retaliation" is broadly defined and can include any adverse action against an employee as a result of a complaint. It may include either on-duty or off-duty conduct, whether related to employment or not, that could discourage an employee from making a complaint of discrimination. Please refer to the Retaliation section under Policy 2 (Policy Against Harassment) for additional information.

POLICY 2. POLICY AGAINST HARASSMENT

Policy Statement

The City of West Linn believes that all employees have the right to work in an environment free from discrimination, harassment, workplace intimidation based on or because of employee's protected class, and sexual harassment and assault (collectively identified hereinafter as "workplace harassment"). All employees are expected to conduct themselves in a business-like and professional manner at all times with concern for the well-being of their co-workers.

Policy Objective

The objective of this policy is to define workplace harassment and to outline procedures for filing complaints, investigating workplace harassment claims and issuing appropriate disciplinary measures in the case of violations.

Policy Scope

This policy applies to all employees of the City of West Linn including limited duration/temporary employees, board and commission members, elected officials, volunteers and interns, unless it contradicts with applicable Collective Bargaining Agreements.

This policy seeks to prevent discrimination and harassment that occurs between employees or between an employer and an employee in the workplace or at a work-related event that is off the employment premises and coordinated by or through the employer, or between an employer and an employee off the employment premises.

This policy shall be made available to all employees in the workplace. This policy shall be included in any orientation materials that are provided to new employees at the time of hire.

All employees shall be required to complete discrimination and harassment training upon their initial hire and annually thereafter. All employees must sign an acknowledgement indicating they have read the policy and have had an opportunity to ask questions relating to the policy. The City shall maintain signed acknowledgements, including electronic signatures, on file.

Defining Workplace Harassment

Workplace harassment of employees, as defined by that conduct prohibited by ORS 659A.030, 659A.082 and 659A.112, is not permitted regardless of their working relationship or supervisory status. Employees who engage in this behavior are subject to disciplinary action, up to and including termination.

Specifically forbidden is unwelcome, unwanted or offensive conduct related to a person's race, color, religion, national origin, age, sex, marital status, mental or physical disability, sexual orientation, gender identity or expression, whistleblower, expunged juvenile record, injured worker or any other protected class as defined by applicable federal, state or local laws. This includes, and is not limited to, the following examples:

- sexual advances, gestures or innuendos;
- requests for dates;
- touching (other than handshakes);
- making jokes or derogatory comments related to sexual issues, or related to the gender, race, ethnicity, religion, age, etc., of a particular person or group;
- displaying sexual pictures or images in the workplace;
- using abusive or profane language;
- using City equipment or communication systems to access, send, receive or store sexual or derogatory material;
- making fun of a person's mental or physical limitations, religious beliefs or sexual orientation; or
- engaging in any other verbal, graphic, electronic or physical conduct of a sexual or derogatory nature which has the purpose or effect of creating an offensive work environment or interferes with an employee's performance of their job.

Employees should assume that conduct of this nature is unwelcome and will offend other employees. Therefore, employees will refrain from engaging in this type of conduct at all times, regardless of the circumstances. It is not an acceptable excuse that others participated in the conduct or did not appear to be offended.

Inappropriate conduct by business visitors, vendors, suppliers, and other members of the public is also prohibited if it creates an offensive work environment for City employees. Likewise, it is also prohibited for our employees to subject business visitors, vendors or suppliers, or members of the public to conduct that is prohibited by this policy.

No one should suggest or threaten that an employee's cooperation, tolerance or objections to conduct of this nature will have any effect on that employee's continued employment or terms and conditions of employment. The City strictly prohibits managers and supervisors from making employment decisions based on an employee's tolerance or resistance to harassment. This type of conduct is considered to be a violation of the City's harassment policy.

Complaint Reporting

The City identifies the Human Resources Director as the Designated Individual responsible for receiving reports of workplace harassment. The City identifies the City Manager an Alternate Individual to receive such reports.

Any employee who is subject to or aware of incidents of workplace harassment should report the incidents to the Human Resources Director or City Manager.

Upon receipt of a report of workplace harassment, the Human Resources Director or City Manager, shall provide a copy of this policy to the employee. All records of workplace harassment must be maintained.

A complaint, whether orally or written, by employee should:

- Identify the name of the complainant and the name(s) of the employee(s) subjected to the alleged workplace harassment, if they are not the same person;
- Identify the names of all parties involved, including any and all witnesses to alleged workplace harassment;
- Set forth a specific and detailed description of the alleged workplace harassment, including date and time;
- Request a desired remedy.

Any complaint for workplace harassment must be filed with the Designated Individual or Alternate within five (5) years from the date on which the alleged workplace harassment occurred; however, failure to file a complaint within the stated time period does not remove the City's responsibility for conducting an investigation.

Other Reporting Options

Nothing in this policy prevents an employee from filing a formal grievance in accordance with a collective bargaining agreement; a formal complaint with the Bureau of Labor and Industries ("BOLI") or the Equal Employment Opportunity Commission ("EEOC"); or, if applicable, the United States Department of Labor ("USDOL") Civil Rights Center. However, some collective bargaining agreements require an employee to choose between the complaint procedure outlined in the collective bargaining agreement and filing a BOLI or EEOC complaint.

A complaint filed with BOLI alleging an unlawful employment practice as described in ORS 659A.030, 659A.082 to 659A.865, 659A.112 or section 2 of Senate Bill 726 (2019) must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

Nothing in this policy prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the City as required by ORS 30.275.

Investigation of Complaints

The City will coordinate and conduct, or delegate the responsibility for coordinating and conducting, an investigation of the alleged workplace harassment.

All complaints will be taken seriously and investigation will be initiated as quickly as possible. All complaints will be handled in a discreet and confidential manner, to the extent possible.

The City will provide information to connect a victim of workplace harassment with legal resources and counseling and support services, including any available employee assistance services.

The City will take, if necessary, appropriate steps to ensure employees are protected from further potential workplace harassment, including notifying the accused and witnesses that any retaliation against the reporting employee will not be tolerated.

All employees are expected to cooperate with the investigation and maintain all information regarding the investigation confidential.

The City will notify the complainant and the accused when the investigation has been concluded and whether the alleged workplace harassment has been substantiated. If the investigation substantiates the alleged workplace harassment, the City will take immediate and appropriate action against the accused. The City will not, however, provide the details of the action to the complainant.

The City will follow up with the victim of alleged workplace harassment, unless the victim objects to such action in writing, once every three (3) months for the calendar year following the date on which the employer received a report of the workplace harassment, to determine whether alleged workplace harassment has stopped or if the victim has experienced retaliation.

A victim of workplace harassment may voluntarily disclose information regarding an incident of workplace harassment that involves the victim.

Retaliation Prohibited

The City respects the rights of its employees to raise harassment and discrimination concerns and to participate in investigations. Retaliation against any employee for making a complaint or for providing information in an investigation is prohibited, and any such action may be subject to disciplinary action, up to and including dismissal.

“Retaliation” is broadly construed and can include any adverse action against an employee for opposing harassment or discrimination. It may include any on-duty or off-duty conduct, whether related to employment or not, that could discourage an employee from making a complaint of discrimination or harassment, or from testifying, assisting or participating in an investigation,

proceeding or hearing. It can include obvious conduct such as changing a person's job duties, giving a negative employment reference, or refusing to work with a person. It can also include more subtle conduct such as "cold shoulder" treatment.

If you believe you have been subjected to retaliation for making a complaint or participating in an investigation, you must immediately report your concerns to the Human Resources Director. Report your concerns to the City Manager if you are not comfortable reporting them to the Human Resources Director. If the complaint of retaliation is directed towards the City Manager, you should report your concerns to the Human Resources Director, who will refer the complaint to the City Attorney.

Non-Disclosure Agreements and Non-Disparagement Agreements

It is an unlawful employment practice under ORS Chapter 659A for the City to enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation or the receipt of benefits, that contains a nondisclosure provision, a non-disparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment:

- a) That occurred between employees or between an employer and employee in the workplace or at a work-related event that is off the employment premises and coordinated by or through the employer; or
- b) That occurred between an employer and an employee off the employment premises.

The City may enter into a settlement, separation or severance agreement with an employee only when an employee claiming to be aggrieved by workplace harassment requests to enter into the agreement. The agreement must include:

- a) the provision described above,
- b) a provision that prevents the disclosure of factual information relating to the claim of discrimination or conduct that constitutes sexual assault;
- c) or a no-rehire provision that prohibits the employee from seeking reemployment with the employer as a term or condition of the agreement.

Any such agreement must provide the employee with at least seven (7) days after executing the agreement to revoke the agreement. Any such agreement may not become effective until after the revocation period has expired.

The City may enter into a settlement, separation or severance agreement after a good faith determination has been made that an employee has engaged in workplace harassment. The agreement must include:

- a) the provision described above,

- b) a provision that prevents the disclosure of factual information that relates to the workplace harassment;
- c) or a no-rehire provision that prohibits the employee from seeking reemployment with the employer as a term or condition of the agreement.

POLICY 3. ETHICS

Policy Statement

Employment with the City of West Linn carries a high standard of integrity and trust. These responsibilities include the promotion and protection of public trust and confidence, avoidance of conflicts of interest and appearances of impropriety, as well as careful and informed management of public finances. These responsibilities will guide the conduct of all employees who serve the City.

Conflict of Interest

A. Identifying a Conflict of Interest.

A “conflict of interest” refers to situations in which private interests or personal considerations may compromise an employee’s judgment and their responsibility to act in the best interest of the City. It includes using an employee’s position, confidential information, or City time, materials or facilities for private gain or advancement.

A conflict also may occur when an interest benefits any member of an employee’s family, close friends or business associates. For example, a conflict of interest exists if an employee or family member has a financial interest in a City contract or business transaction, and the employee is involved in any way in the City’s decision-making process. For the purposes of this policy, family members include domestic partners and in-laws.

A conflict of interest may arise if an employee accepts gifts, money, discounts or favors, including a benefit to family members, friends or business associates. The City applies the standards of the State of Oregon Government Ethics Commission, as set forth in Oregon Revised Statutes Chapter 244. See www.gspc.state.or.us for more detailed information.

B. Reporting a Conflict of Interest.

If you believe you may have a conflict of interest in connection with your duties as a City employee, you must report the potential conflict to your Department Director or the Human Resources Director before taking action on behalf of the City.

If you believe in good faith that wrongdoing may have occurred on the part of the City or its representatives (including Council members), you should report this directly to the City Manager. If the report concerns actions by the City Manager, you should report to the Human Resources Director, who will immediately refer the report to the City Attorney.

If you are not sure whether a situation presents a conflict of interest, you should err on the side of caution and seek advice and direction from your Department Director, the Human Resources Director, or the City Attorney.

Employment of Relatives

Applicants are not considered for jobs if their employment would cause them to be in a line of supervisory authority either under or over a “family member.” “Family member” means the spouse or same-sex domestic partner of the employee, and also means the child, stepchild, parent, stepparent, sibling, aunt, uncle, niece, nephew, grandparent, or grandchild of the employee or the employee’s spouse or same-sex domestic partner. Relationships resulting from legal adoptions shall be treated the same as biological relationships.

Confidential Information

You may not disclose confidential or privileged information obtained in the course of your job duties without authorization from your supervisor, or use confidential information to advance your own personal interests or the interests of others. This includes information regarding City property or City business, or information regarding members of the public.

Confidential information also includes personal information regarding co-workers, which is discussed under Policy 4 (Personal Information and Privacy). Some information that the City considers to be confidential may be subject to disclosure under the Public Records Laws; that is not your decision to make unless you are expressly authorized by your supervisor to do so.

The policy against giving out confidential information does not apply to an employee who alleges wrongdoing on the part of the City or its Council members, officers, employees, agents or contractors, provided the disclosure is based on a good faith belief and is made to an appropriate official person in order to protect the interests of the public.

Outside Employment or Business Activities

Employees may not engage in outside work or business activity that conflicts, in the City’s opinion, with their ethical obligations as City employees or interferes with assigned job duties.

Examples include, but are not limited to, outside employment which:

- Runs contrary to the central mission of the organization, or could reasonably be expected to result in damage to the City’s reputation with the general public;
- Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular or expected part of the employee’s job;

- Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
- Might induce or require an employee to disclose confidential information acquired by reason of employment with the City.

Employment with the City should be considered the primary employment of full-time City employees. An employee who chooses to have an additional job, contractual commitments or self-employment must notify the Department Director in advance. If an employee engages in outside employment that the City considers to be a violation of the standards discussed above, the employee may be required to resign from such outside employment, or be terminated if the employee refuses to resign.

Use of City Property

Use of City property and equipment, including City vehicles, is limited to the conduct of official business, or any uses that are allowed to the general public. City property may not be used for an employee's personal interests.

Prohibited uses of the City's computer systems and equipment (including Internet access, e-mail and voice mail) are covered under Policy 12 (Electronic Communications Systems).

Additional rules regarding the use of City vehicles are contained in Policy 25 (Safety and Health).

Public Speech

The City respects the rights of employees to express opinions on matters of public interest, to the same extent as other citizens. However, this does not include statements made in the course of the employee's duties. Employees expressing opinions as citizens should not identify themselves as City employees unless they clarify that the views expressed are their own and do not necessarily reflect the views of the City.

Political Activities

Political activity by public officials and employees is regulated by ORS 260.432, which states in pertinent part:

- (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

- (2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.

Conduct Prohibited During Working Hours

While on the job during working hours, public employees may not:

- Promote or oppose any political committee;
- Promote or oppose the nomination or election of any political candidate;
- Promote or oppose any ballot measure or the recall of a public office holder; or
- Gather signatures on any initiative, referendum or recall petition.

Promoting or opposing would include:

- Soliciting for money, services, or anything of value while on the job during working hours, or
- Using City resources, such as email, phones, printers, copiers, or meeting space, to advocate for or against a measure or candidate.

NOTE: Oregon ethics law, specifically ORS 294.100, prohibits employees from using public facilities, funds, materials or assets for political activity, even if the employee is off duty. For example, an employee cannot come in after hours and use a City computer to write letters or print labels for campaign literature.

In addition, no person may direct or coerce any public employee to take such actions, on or off the job.

Meaning of “On-The Job During Working Hours”

This phrase is interpreted to prohibit any political activity by a public employee at the job site during working hours. “Working hours” does not include an employee’s breaks or lunch hour. However, “working hours” does include evening or weekend meetings where an officer or employee is appearing in an official capacity and anytime an employee is working on a duty assigned to him or her by a supervisor, a board, or commission.

ORS 260.432 does not restrict political activity of public employees while off duty.

Conduct Allowed During Working Hours

During working hours an employee can:

1. Provide factual, neutral, and balanced information on City measures. Local government is frequently the only source of information about its own ballot measures. The courts and the Oregon Attorney General's office have concluded that public bodies may use public funds to inform voters of facts pertinent to a measure, as long as the information is impartial and does not "promote" or "oppose" a measure. See 35 Op. Atty. Gen. 169 (1970).
 - A city or county may publish and mail fact sheets and information brochures explaining a proposed levy or measure, such as: information on how much money will be raised, what it will be used for, and what will happen if the levy does not pass.
 - An "informational" brochure may not be structured in such a manner that it implicitly supports the measure. The Attorney General has opined that "informational" material may be found to "promote or oppose" a measure even if it does not do so in so many words, if the information is presented in a manner that, taken as a whole, is intended to generate votes for or against the measure. (Letter of Advice, OP-3322, July 24, 1975.)
 - Any written matter relating to a measure prepared by a city, county or special district must contain the name and address of the city, county or special district. ORS 260.522(3)(b).
 - City facilities that are regularly open to the public, such as the Library and City Hall, may receive requests from persons outside the City to display or distribute election literature. Materials that clearly or impliedly advocate for a position on a candidate or measure may not be displayed or distributed. Impartial materials, e.g., the Voters Pamphlet or informational materials published by a governmental entity about its own measure, may be displayed.
 - Informational materials must be approved by the City Manager's office prior to display or distribution.
2. Wear political buttons, ribbons, or clothing as long as it does not violate the City's dress code. For more information see "The 'Expression of Personal Political Views' Exception" below.
3. Continue with their job duties, even if it requires the person to encounter political advocacy materials. Some examples include:

- **Requests or proposed resolutions from Citizens to the City Council to support a measure:** It is not a violation of ORS 260.432 or this policy for staff to process requests from citizens to the City Council that ask the City Council to take a position on a measure as long as staff processes the request in the same way it processes other citizen requests for council action by following standard administrative procedures and Public Meetings and Records. Permitted activities include placing the request on the council agenda, making copies for the packet, editing a proposed resolution to the City format and numbering system, and maintaining any minutes or enactments as part of the public record. However, public employees may not do any substantive work on the request, such as drafting the resolution, making more than formatting or clerical changes to the text of a submitted resolution, typing letters regarding the measure for the elected officials or issuing press releases about the decision.
- **Requests for use of public facilities for political advocacy:** Staff can process requests from candidates or political parties wanting to hold events at public facilities. Such requests must receive the same access as other groups or individuals, but should not receive special access. For example, if a meeting room or a park picnic area is generally available for use by community groups, candidates and political groups should be granted the same access under the same regulations. If a public facility is not generally available to other groups, then allowing a candidate or political group could be considered “promotion” with respect to ORS 260.432.

The “Expression of Personal Political Views” Exception:

The last sentence of ORS 260.432(2) permits expression of “personal political views” while on the job during working hours. This is a limited exception to acknowledge the right of freedom of expression granted to individuals under Article 1, Section 8 of the Oregon Constitution. This provision has been interpreted to allow personal political expression, such as the wearing of campaign buttons or the expression of personal political views, while on the job. However, while regular employees may wear campaign buttons, uniformed police officers are restricted from doing so. In addition, all employees are prohibited from posting or displaying campaign signs, literature or other political material in their office or cubicle. Political or campaign bumper stickers, decals or signs may not be placed on City vehicles. Employees may place political or campaign bumper stickers, decals or signs on their own vehicles, even when parked in a City lot.

Although some personal political expression is allowed, such expression, may not:

- Rise to the level of solicitation of the public or other employees;
- Result in the expenditure of public funds or use of public resources; or
- Suggest official City support.

The “Elected Officials” Exception:

ORS 260.432(4)(a) exempts elected officials from the restrictions of the statute on the theory that taxpayers expect their elected politicians to exercise their political views on the job. Therefore, elected officials may endorse, promote or oppose candidates or measures while on the job. However, they may not require any public employee to do anything outside the employee’s standard job duties to help the elected official with their political advocacy, and the elected official may not expend public funds or use public resources for political purposes. See examples above of activities allowed during working hours.

- **NOTE:** Citizen Advisory Group members are considered to be public employees with respect to ORS 260.432; they are not elected officials. Therefore, they are subject to the restrictions of this policy, just like any other public employee.

Penalties:

In addition to potential disciplinary action under this Policy, violators are subject to a fine by the Secretary of State. Use of public employee time or public materials is also considered a misuse of public funds. The violator can be found personally liable and required to reimburse the City General Fund.

The City Elections Officer is statutorily required to report any violations to the Secretary of State’s office.

POLICY 4. PERSONAL INFORMATION AND PRIVACY

Policy Statement

The City maintains employee records for various business purposes, e.g., evaluating performance, tracking attendance, ensuring proper compensation, and determining eligibility for benefits. The City strives to protect its employees' privacy interests in their personal information and to prevent inappropriate disclosures of information from an employee's personnel record.

Outside organizations or individuals may file information requests with the City, seeking information about current or former employees. In responding to these requests, the City will comply with state and federal law. When the requirements of those laws are not clear, the City will attempt to balance the confidentiality and privacy concerns of its employees with the legitimate information needs of other organizations, in accordance with the Oregon Public Records Law and other applicable laws.

Personnel Records

Personnel records are confidential and are the property of the City. They are stored in the Human Resources offices under the supervision of the Human Resources Director.

Typically, personnel records contain information pertinent to an employee's employment with the City, including, but not limited to, applications, written performance appraisals, performance counseling notices, correspondence, and other pertinent information.

Employees are expected to keep their personnel records up to date by notifying the City of any change in address or phone number, emergency contact, legal name, marital status and dependent status (for insurance purposes), number of income tax exemptions, insurance beneficiaries, etc., when such changes occur. This information should be directed to the Human Resources Department.

Employees may request to view information contained in their personnel file, in accordance with applicable laws. Supervised access will be granted, generally within one (1) business day, in the presence of the Human Resources Director.

Requests for Employment References

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

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

Third Party or Government Requests

Third -party or governmental access to employee records is granted in response to a properly documented summons, subpoena, or government audit.

Where information about a current or former employee is released in response to a subpoena, the City normally informs or attempts to inform the individual about the disclosure. However, in accordance with the law, neither current nor former employees are generally informed of any government information requests related to ongoing investigations of criminal activity.

Medical Records

Medical Records are confidential. Employee medical information is kept in a confidential file, separate from the personnel file, under the direction of the Human Resources Director.

An employee's medical information may be shared with a supervisor or manager only on a need-to-know basis, such as for the purpose of considering reasonable accommodation for disability, or when medical information is needed to determine the reason for an absence.

Information in the employee's medical file may be released to the employee's designated physician with the employee's specific written request.

An employee may be granted supervised access to their personal medical file in the presence of the Human Resources Director.

Electronic Communications

Electronic communications such as e-mail messages, phone records, internet and other computer usage are official internal City communications, which may be subject to summons in legal proceedings. Moreover, the City may access and monitor such communications as provided in Policy 12 (Electronic Communications Systems).

Searches

The City may inspect and/or search City premises and property (including lockers, desks, work spaces, City vehicles and equipment, etc.) when it deems appropriate; for example, when there is reasonable suspicion that an employee has engaged in theft or brought controlled substances or weapons onto City premises. Employees are strongly discouraged from using City-provided equipment to store personal belongings, as these personal belongings will be viewed during an inspection or search pursuant to this policy.

An employee's refusal to cooperate with a lawful search or inspection is considered to be insubordination, and the employee may be subject to disciplinary action up to and including termination.

POLICY 5. APPROPRIATE WORKPLACE CONDUCT

Policy Statement

The City expects all employees to maintain the highest standards of professionalism, judgment, maturity and personal integrity; to comply with all applicable laws; and to treat others with dignity and respect. Conduct that is inconsistent with these expectations may result in disciplinary action, up to and including termination.

Specific standards and rules that are not addressed under other policies are set forth below. This is not intended to be a complete list of the City's expectations for employee conduct. Specific exceptions to the dress code outlined are at the discretion of the Department Director.

Personal Appearance and Dress

The City respects employees' individuality and good judgment in choosing appropriate clothing to be worn during business hours. All employees are expected to present a well-groomed personal appearance and dress consistent with their job classification, wearing attire that is modest and promotes a respectful work environment. Since positions and interaction with the public vary by department and position, not all dress standards will be the same for all employees. It is up to the department director's discretion.

Employees of the City generally interact with the public in their job duties and are expected to create an impression of professionalism. Therefore, you must dress in a clean and neat manner appropriate to your job responsibilities and consistent with the City's standards of professional conduct, modesty, appearance, and dress.

In general, dress or grooming issues which may reasonably create a customer service or safety issue, or which detract in any way from the effective performance of your job, including customer service, are prohibited.

General guidance:

- **Pants:** Slacks made of such materials as cotton or other synthetic materials, wool pants, flannel pants, dress denims, and dress Capris are acceptable. Dress denim jeans are acceptable. Dress denims are not flashy (have no excessive use of stitching, jewelry, or similar), no holes or rips, and can be paired with shirts and shoes listed below. Employees attending business meetings representing the City should still dress for the occasion. Inappropriate pants are: sweatpants, exercise pants, short shorts, pajamas, or bib overalls.

- **Skirts, Dresses, and Skirted Suits:** Dress and skirt length should be at a length at which you can sit comfortably in public. Mini-skirts, beach dresses, and spaghetti-strap dresses are inappropriate for the office.
- **Shirts, Tops, Blouses, and Jackets:** Casual shirts, dress shirts, sweaters, tops, golf-type shirts, suit jackets and turtlenecks are acceptable attire for work. Inappropriate attire for work includes midriff tops, shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans, halter-tops and t-shirts unless worn under another blouse, shirt, jacket, or dress. Undergarments should not be visible.
- **Shoes and Footwear:** Footwear should match the job responsibilities of the classification. Flip-flops and slippers are not acceptable in the office.
- Clothing should never be wrinkled, torn, dirty, or frayed. Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable. Clothing that has the City logo is encouraged.
- Fridays are declared dress down days. On these days more casual clothing, although never clothing potentially offensive to others, dirty, worn or torn is allowed.
- Employees whose jobs or work assignments require particular types of protective clothing or equipment must wear this attire when necessary or when instructed to do so.
- Employees who have medical conditions or religious reasons that necessitate the need to wear clothing or footwear outside the scope of these parameters, should consult with their supervisor. Any questions should be addressed with your supervisor.

Attendance and Punctuality

Each of our employees plays an important role in our organization. Your punctuality and regular attendance are essential for efficient operations.

You are expected to report for work at your assigned work site in sufficient time to begin working at the scheduled starting time. You are also expected to continue working during your regular work schedule, except meal periods and rest periods, unless otherwise approved by your supervisor. If it is necessary for you to leave work during working time, you must obtain prior approval from your supervisor.

If you are going to be late or absent, it is your responsibility to personally notify your supervisor as far in advance as possible by following the guidelines established for your department, preferably no later than one hour before the beginning of your scheduled shift. Conveying a

message through a coworker or another employee does not qualify as notifying your supervisor. If your supervisor is not available to receive your call, you must leave a voice mail or send an email or text to your supervisor instead.

If you are incapacitated and unable to make the contact yourself, you are responsible for making sure that someone makes the appropriate contact on your behalf.

Tardiness or excessive and unexcused absences may result in disciplinary action.

Employees who fail to call in and/or show up for scheduled work for two (2) consecutive working days will be considered to have abandoned their position and may be subject to immediate termination.

When you are off work due to an illness or injury, you must keep your supervisor informed of your status and anticipated date of return to work on a daily basis, unless you have provided medical documentation verifying your need to be absent until a specific date. This will allow the City to make staffing arrangements to meet our needs.

Extended absences are covered under Policy 20 (Leaves of Absence).

Office Pet Policy

The City of West Linn is responsible for assuring the health and safety of all employees. In keeping with this objective, The City of West Linn does not permit employees to bring their household pets to work. Animals may pose a threat of infection and may cause allergic reactions in other employees. Some employees may feel threatened or be distracted by the presence of animals, particularly dogs. In addition, The City of West Linn wishes to prevent pets from fouling the office space or damaging City property. Special events may be exempt from this policy.

An employee who requires the help of a service animal (defined by 28 CFR 36.104 as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability") will be permitted to bring a service animal to the office, provided that the animal's presence does not create a danger to others and does not impose an undue hardship upon the City. The employee must request ADA accommodation with their supervisor and HR.

Any employee who requires a support animal for medical purposes that do not include specific training, may still request ADA accommodation, but is not guaranteed. The support performed by a [service animal](#) must be directly related to the individual's [disability](#).

In both cases, to make an ADA request, employee should articulate in writing to their supervisor and HR what tasks or work functions they are unable to complete due to a disability, and how the dog will support or make it possible for them to perform the functions of the job.

Employee does not need to identify the nature of the disability, only what it is about the work that needs accommodated.

An animal may be excluded from the office if it:

- causes any person to experience allergic reactions, fear, or any other physical or psychological discomfort;
- distracts any employee from their work; or
- reduces any employee's productivity or quality of work. Any individual with a grievance regarding an animal at the office should bring the matter to the attention of the owner's immediate supervisor.

In addition, the following animals may not be brought to the workplace:

- sick animals;
- animals with fleas or any disease that is communicable to other animals in the office or to humans;
- animals that have not been properly vaccinated, or that have internal or external parasites;
- dogs that bark or behave aggressively;
- animals that foul the inside or outside of the building;
- animals that have not been spayed or neutered will not be permitted to come to the office in season.

Expectation of dogs in the office:

- All dogs must be leashed at all times.
- All animals must be in the continuous full control of their owners. They should be in the physical presence of the owner, in the owner's office, or in the space around the owner's desk at all times.
- Owners are expected to clean up, completely and immediately, after their animals.
- An employee who brings an animal to the office is completely and solely liable for any injuries or any damage to personal property caused by the animal.
- Any repair or cleaning/maintenance costs incurred by an animal will be charged in full to the owner.

The City of West Linn may, at its discretion, require animal owner to maintain a liability insurance policy covering damage or injuries caused by the animal while at the office. The City may specify minimum coverage amounts under such a policy, and may require the owner to pay for such coverage. The City of West Linn shall not be liable for loss of, or injury to, any animal brought to the office.

Abusive, Threatening or Violent Behavior

The City prohibits and will not tolerate any form of abusive, threatening or violent behavior by its employees toward co-workers, members of the public or City property.

Examples of unacceptable behavior include the following:

1. Communicating any threat or making any communication that is reasonably interpreted as a threat;
2. Vandalism of City property or employee property;
3. Yelling or using abusive language;
4. Assault, including any offensive contact by a part of the body or an object;
5. Stalking behavior, including following or spying on a person;
6. Causing, by any means, a person to fear for their safety, or the safety of a family member;
7. Harassment or retaliation of any kind, including conduct prohibited under Policy 2;
8. Pushing, fighting, shoving, or physical horseplay, even when mutual;
9. Carrying, displaying or using any weapons, including firearms, knives, martial arts devices, stun guns, Tasers, or similar devices. (See Weapons Policy below for exceptions);
10. Any similar conduct that jeopardizes or threatens to jeopardize another person's physical or emotional well-being.

It will not be a defense for an employee engaging in this conduct to claim that the behavior was in jest or that no harm was intended.

Employees are responsible for notifying their Department Director or the Human Resources Department of any threats or abusive or violent behavior that they have witnessed or received, or have been told that another person has witnessed or received.

Note: This policy is not intended to prohibit ordinary communications by a supervisor in the course of issuing disciplinary action to an employee.

Weapons Policy

The City Council adopted an ordinance prohibiting firearms and dangerous weapons in City buildings. The Ordinance is below, and it applies to all people, including City employees, in City buildings.

FIREARMS AND DANGEROUS WEAPONS PROHIBITED IN CITY BUILDINGS

Ordinance No. 1628, adopted 08-11-2014

2.660 Purpose.

The purpose of the following provisions is to ensure the safety of the public and City personnel. ORS 166.170 expressly vests the power to regulate firearms to the State's Legislature; therefore, nothing in these sections shall be construed as an attempt to regulate firearms in contradiction

with State or Federal law. The Council intends Sections 2.660 to 2.675 to supplement and be uniformly interpreted with the laws and regulations of the United States and the State, to avoid infringing on a citizen's Constitutional right to bear arms for purposes limited to self-defense.

2.665 Definitions.

As used in Sections 2.660 to 2.675, except where the context clearly indicates a different meaning, the following words mean:

- (1) **Dangerous Weapon.** Any weapon, device, instrument, material or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury and includes but is not limited to:
 - (a) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument, a knife other than an ordinary pocketknife, the use of which could inflict injury upon a person or property;
 - (b) Mace, tear gas, pepper mace or any similar deleterious agent;
 - (c) An electric stun gun or any similar instrument;
 - (d) An tear gas weapon; or
 - (e) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any similar instrument, the use of which could inflict injury upon a person or property.
- (2) **Firearm.** A pistol, revolver, gun, rifle, miniature weapon or other mechanism which projects a missile or shot by force of gunpowder or any other explosive, or by spring or by compressed air.
- (3) **Peace Officer.** A member of the Oregon State Police, marshal service, reserve officer, or as otherwise defined by ORS 133.005(3).
- (4) **City Building.** Any City-owned or controlled building, including but not limited to the public library, Police Department building, public works building, adult community center, City Hall, the portion of any other buildings occupied by a department of the City of West Linn, and the grounds adjacent to each building.

2.670 Firearms and Dangerous Weapons Prohibited.

- (1) It is unlawful for any person to knowingly possess, whether concealed or unconcealed, a loaded or unloaded firearm or dangerous weapon of any kind in a City building.
- (2) Subsection (1) of this section does not apply to or affect:
 - (a) A West Linn police officer, sheriff, peace officer, or a corrections officer while acting within the scope of employment.
 - (b) A person summoned by a West Linn police officer or peace officer to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.
 - (c) An active or reserve member of the military forces of Oregon or the United States, when engaged in the performance of duty.
 - (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.
 - (e) A person who is authorized by the City of West Linn to possess a firearm or dangerous weapon in City Hall or a public building.

- (f) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a firearm in the course of the lawful taking of wildlife.

2.675 Administrative Search.

- (1) Any person entering a City building may be subject to an administrative search which may include metal detectors and consent searches.
- (2) The West Linn Police Department, security guard, or any other peace officer shall enforce the prohibition on firearms and dangerous weapons, in ORS 166.370, and the provisions of Section 2.670 by every lawful means, including but not limited to:
 - (a) Lawful searches of an individual's person;
 - (b) Lawful searches of carried items;
 - (c) Examination of any lawfully carried firearm, pursuant to ORS 166.380; and
 - (d) Seizure of any proscribed item.
- (3) Refusal of a person or employee to submit to an administrative search shall require the immediate removal of the person from the City building. Refusal to leave when requested by law enforcement or City personnel shall be considered trespass.

Concealed Handgun Permits

An employee that has a concealed handgun permit and possesses a concealed firearm while at work must:

- (1) submit a copy of their valid concealed handgun permit to Human Resources; and
- (2) carry the handgun on their person or place the handgun in a secured location approved by the employee's Department Director.

POLICY 6. COMPLAINT RESOLUTION PROCESS

Policy Statement

The City recognizes the importance of providing timely procedures for the resolution of complaints and disagreements arising from the employment relationship. Accordingly, employees are encouraged to use the Complaint Resolution Process when informal efforts to resolve disputes have not been successful.

This policy does not apply to complaints regarding:

- Discrimination, harassment or retaliation. Please refer to Policy 1 (Equal Employment Opportunity) or Policy 2 (Policy Against Harassment).
- Discipline. Please refer to Policy 11 (Corrective Action).
- A collective bargaining agreement. Please refer to the grievance procedure in the applicable collective bargaining agreement.

Employees who have questions about how to proceed with a complaint under this policy may seek guidance from Human Resources at any time in the process.

Four-Step Process

Step One: Supervisor Review. The employee must initiate their own complaint resolution process by submitting a written complaint to their supervisor describing the incident or action in question. If the complaint concerns the supervisor, the employee may proceed to Step Two below rather than present the complaint to the supervisor. If the complaint concerns the Department Director, the employee may proceed to Step Three below rather than present the complaint to the supervisor or Department Director. The supervisor should review the complaint and discuss it with the employee within a reasonable time, but generally no later than five (5) weekdays, excluding holidays, after receiving the complaint. The supervisor should respond to the complaint in writing within a reasonable time, but no later than five (5) weekdays, excluding holidays, after discussing the complaint with the employee. If the employee is not satisfied with the supervisor's response, the employee may present the complaint to the Department Director under Step Two below, or proceed to Step Three if the employee's supervisor is the Department Director.

Step Two: Department Director Review. If the employee is not satisfied with the supervisor's response, the employee may present the complaint to the Department Director within five (5) weekdays, excluding holidays, after receiving the supervisor's response. The employee should provide the original written complaint and the supervisor's response. The Department Director shall review the situation, investigate as appropriate, and issue a written determination within a reasonable time, but no later than ten (10) weekdays, excluding holidays, after receiving the

complaint. If the employee is not satisfied with the Department Director's response, the employee may proceed to Step 3.

Step Three: Human Resources Review. If the employee is not satisfied with the Department Director's response, the employee may forward the written complaint and any supplemental materials to the Human Resources Director within five (5) workdays of receiving the Department Director's response. The written complaint and the supplemental materials should fully define the problem, explain reasons for dissatisfaction with the Department Director's reply, and specify the remedy requested. The Human Resources Director will review the situation, investigate as appropriate, and issue a determination within a reasonable time, but no later than ten (10) weekdays, excluding holidays, after receiving the complaint.

Step Four: City Manager Review. If the employee is not satisfied with the response of the Human Resources Director, the employee may file a written appeal to the City Manager within ten (10) weekdays, excluding holidays. The City Manager's decision is final and will be issued within 30 days of receiving the written appeal.

POLICY 7. EMERGENCY CLOSURES

Policy Statement

There may be times when severe weather, fires, power failure, earthquakes, other natural disasters or crises disrupt City operations and cause it to be unsafe or impossible for employees to report to work or remain at work. In these cases, the City may temporarily close certain facilities to assess safety issues and to accommodate employee needs, while continuing emergency operations to protect and support the community.

Guidelines

Notification

The City Manager determines when to close City facilities. Official notification should be communicated to Department Directors and supervisors, who identify which departments and personnel need to continue to work during the closure. It is the responsibility of City employees to check the City website to determine if City facilities are closed. The City's Facebook page, twitter feed, and similar social media accounts will also provide information about the closure of City facilities.

If the Emergency Operations Center has been activated, Department Directors should contact the Incident Commander or Police Chief to receive instructions before taking any action, including releasing employees from their duties.

Pay

Employees who voluntarily choose to remain at home or leave the work site because of safety concerns about getting to work may do so subject to supervisor approval. Employee may be authorized to telework, or this absence may be compensated with the employee's accrued paid leave, with the supervisor's approval. Otherwise, it is unpaid leave.

POLICY 8. EMPLOYEE STATUS

Policy Statement

Employees are assigned to various employment classifications. Employee benefits are based on the employee's schedule and the status of their employment.

Regular Employee

"Regular employee" means an employee who is not seasonal or temporary.

Regular Full-time: The employee is normally scheduled to work at least 40 hours per week.

Regular Part-time (20 to 40 hours): The employee is normally scheduled to work at least 20 hours per week but less than 40 hours per week.

Part-time (below 20 hours): The employee is normally scheduled to work less than 20 hours per week, and may not have an expectation of continued employment.

Probationary Employee

Regular employees who are new to the City are considered "probationary employees." The probationary period after hiring is specified in a job offer, individual employment agreement or collective bargaining agreement. Employees who are transferred or promoted to a new position may have an additional probationary period in that position.

A Department Director may waive all or part of the probationary period if a newly appointed employee served as a temporary employee in the same position. The director must initiate the waiver at the time of appointment.

In cases of promotion or transfer, an employee who does not successfully complete the probationary period may return to their original position only if it is available and meets the City's needs.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both the employee and the City may terminate the employment relationship during the probationary period for any or no reason. Further, completion of the probationary period or continuation of employment after the probationary period does not entitle an employee to employment with the City for any definite period of time.

Temporary and Seasonal Employees

Employees who are hired for a limited duration not to exceed six (6) consecutive months are considered “temporary” employees.

Employees who are hired for a limited duration, during March – October, not to exceed six (6) consecutive months in a calendar year are considered “seasonal” employees, to comply with Affordable Care Act requirements for medical insurance.

Eligibility for Benefits

Regular employees may be eligible to participate in the City’s benefit package if they meet the criteria under the City’s policies and/or applicable labor agreement, and subject to the terms, conditions, and limitations of each benefit program.

Temporary, seasonal, and Part-time Below 20 Hours per Week employees are not eligible for benefits except as required by law.

Orientation

All newly hired employees, other than temporary and seasonal employees, will be provided orientations regarding the City’s benefits programs. During these meetings, eligible employees may sign up for City benefits and learn about personnel policies, wage and salary review procedures, and general information about City activities and facilities.

POLICY 9. FILLING OF JOB VACANCIES

Policy Statement

The City endeavors to obtain a diversified pool of qualified applicants by recruiting both within and outside its workforce. Internal recruitments may be used to support the career progress of qualified internal candidates.

The City strives to ensure all individuals equal opportunity and consideration for employment, and to place the most qualified individual in a vacant position.

Selection decisions are based on the job-related qualifications of applicants, subject to any reinstatement rights of employees returning from layoff or leave status.

Publicizing Job Vacancies

Job vacancies for regular positions are advertised through the Human Resources Department for a minimum of seven (7) business days.

Exceptions to the posting requirements include positions:

- Open due to reclassifying a current non-represented employee to another position within the same department when the employee's general job duties or responsibilities do not change; for example, this could occur when an employee is given additional duties due to the loss of an employee if the vacant position is later eliminated;
- Open due to the City Manager creating different or additional positions, or filling positions, at the Department Director-level or higher;
- Open due to an employee being laid off or on leave;
- Open due to the demotion of an employee within a division or department; or
- Filled by an individual who meets the minimum qualifications and was interviewed for another City position with the same or similar job duties within the last 180 days.

POLICY 10. PERFORMANCE APPRAISAL

Policy Statement

Performance appraisal is a communication tool, providing valuable feedback to an employee regarding their performance. In addition, it links individual performance to the goals of the City and the department.

Supervisors and employees are expected to discuss job performance and goals on an informal, day-to-day basis in addition to a formal performance appraisal.

Job Expectations

Department Directors are responsible for ensuring that employees have an accurate job description that sets forth the employee's essential functions, general responsibilities and goals. Department Directors may request assistance from the Human Resources Department when updating job descriptions. All job descriptions will be retained and managed by Human Resources. In addition, where appropriate, supervisors should communicate to employees more detailed standards for job performance and expectations regarding factors such as attendance, communication skills, safety, working relationships and proper work appearance.

Where a need for improvement has been identified in a performance area, Department Directors should ensure that the expectations are clearly communicated in a written work plan. Work plans should then be consistently applied and monitored by the employee's supervisor. Failure to successfully complete the work plan may lead to poor performance evaluations and/or discipline.

Annual Performance Reviews

The annual performance appraisal is a written review and assessment of the employee's performance during the previous 12 months. Typically, it occurs during the month in which the employee's pay anniversary date occurs. However, the supervisor and employee should regularly and routinely discuss job performance throughout the year.

If an employee is absent for a significant portion of the evaluation period, the evaluation period may be extended by the period of absence (except where prohibited by law).

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

The performance appraisal document and any materials submitted by the employee are sent to the Human Resources Department for placement in the employee's personnel file.

POLICY 11. CORRECTIVE ACTION

Policy Statement

The City expects that employees will conduct themselves in a professional manner. Every employee is responsible for contributing to a positive work environment. The City uses a progressive discipline process when an employee fails to meet this standard. The progressive discipline process is designed to provide the employee with the information and feedback necessary to make the required improvement.

Progressive discipline provides a means of communicating with the employee about the serious nature of the situation. The progression of discipline will be followed except in situations where the magnitude or seriousness of the problem warrants skipping elements in the progressive discipline process. It is expected that the employee will take the necessary steps to resolve their problem in a timely manner.

The progressive discipline process may include the following elements:

- Written reprimand
- Suspension with pay
- Demotion
- Suspension without pay
- Last chance agreement
- Termination

Examples of infractions that may result in discipline

- Excessive absenteeism and tardiness
- Inadequate performance
- Unsafe work practices
- Interfering with the work of others
- Being rude or uncooperative
- Personal use of City property
- Unauthorized leaving of work area
- Violating City policies, procedures or practices
- Threatening, intimidating, or coercing behavior

Additional Guidelines

Any questions concerning the application or intent of these rules should be directed to your Department Director or the Human Resources Director. The disciplinary approach will be based on an analysis of the employee's performance, job history and the immediate situation. Positions covered under a collective bargaining agreement are subject to the disciplinary approach and corrective action stated in the applicable bargaining agreement.

Disciplinary Process

Disciplinary action may be initiated by the supervisor or Department Director. Disciplinary actions involving demotion, suspension or termination will be done with the collaboration and direction of the Human Resources Director. The Human Resources Director will consider all disciplinary actions from the viewpoint of consistency and fairness.

Regular employees who have completed their initial probationary period shall be entitled to the following, prior to any suspension without pay, demotion, or termination:

- Written notification of the allegations;
- Written notification of the sanctions being considered;
- An opportunity to refute the allegations in a hearing before the City Manager or other designated decision-maker.

Written notice of a disciplinary action shall be given to an employee when the action is taken. The notice shall state the reasons for the action and the effective date. A copy of the notice shall be placed in the employee's personnel file. Employees may also be entitled to additional rights under a relevant collective bargaining agreement or applicable Constitutional law.

POLICY 12. ELECTRONIC COMMUNICATIONS SYSTEMS

Policy Statement

It is the policy of the City to provide employees with electronic communications systems, at the City's expense, to assist employees in carrying out business activities. It is also the policy of the City to ensure that these resources are used efficiently, professionally, and in the interests of the City at all times.

Application

This policy applies to all forms of electronic communications systems maintained or provided by the City or located on City premises, including but not limited to telephones (including City provided mobile phones), voicemail, computer hardware, software and network systems, laptops, notepads or tablets, electronic mail, facsimile, video conferencing, and access to the Internet. This policy is applicable 24 hours a day, 7 days a week.

Intended Use

All communications systems and equipment described above are provided by the City of West Linn for the purpose of supporting and carrying out City business. Such electronic communication systems and equipment are, and at all times remain, the property of the City. This means that all electronic communications and other data that is created, stored, accessed, sent, and/or received on these systems is also the property of the City. Furthermore, because these communications are City property, they may not be deleted without authorization from your supervisor.

No Expectation of Privacy.

Electronic communications on systems provided by the City (including any message composed, sent, or received) *are not private*. They may be monitored, reviewed, copied, and/or disclosed by the City for any business purpose the City deems necessary or appropriate, at any time without further notice or other restriction.

In addition to monitoring by the City, employees are reminded that information transmitted or stored on City computers and the City's email and voice mail systems may be subject to disclosure under Oregon's Public Records Law.

Permissible Use

As stated above, the City's electronic communication systems is intended to be used only for City business. Electronic communications that support City business activities with outside professionals, colleagues, suppliers, etc. are permitted, provided they otherwise comply with City policies. Occasional personal use of City electronic communication systems by exempt

employees is permitted, provided it does not interfere with work duties. Non-exempt employees are not permitted to engage in personal use of City equipment during work time, but may use computers for personal use during their break time.

As stated above, any information connected with an employee's personal use is not private, and the communications must comply with all applicable City policies, including Policy 2 (Policy Against Harassment).

Additionally, employees who use social networking websites or media, whether on or off duty, are expected to use good judgment and avoid postings that could be damaging to the City's interests or reputation or offensive to others who may see your posts. In particular, employees are reminded that messages and images of a sexual, racial, ethnic, religious or other nature prohibited under the City's Equal Employment Opportunity policy that are shared with other City employees who are "friends" on those networking websites can be viewed as offensive by those employees and may be a violation of the City's harassment policy.

Expectation of Professionalism

Electronic communications on City equipment and systems should be professional and businesslike at all times. No electronic communications using City equipment or systems may contain content that could reasonably be viewed as offensive, harassing, or inappropriate in the workplace.

Specific Uses Prohibited

Each type of electronic communication system the City maintains represents a valuable resource for legitimate business uses, but it also presents an opportunity for abuse and potential liability for both the City and the employees who use those systems. Therefore, abuse or any other improper use of any City electronic communication system may result in the employee's access privileges being restricted or taken away, as well as disciplinary action up to and including termination of employment.

Prohibited uses include, but are not limited to:

- Sending, forwarding, accessing, or storing material that is sexual in nature, or contains discriminatory or derogatory content, or could reasonably be viewed as offensive or inappropriate in the workplace.
- Engaging in personal activities that result in financial or other costs to the City (e.g., incurring long distance charges by use of a phone or modem).
- Engaging in activities that interfere with an employee's work performance (e.g., personal use of the Internet during work time).
- Personal, profit-making ventures or political activities.

- Unlawful activities such as sending, receiving or copying copyrighted materials in violation of copyrights laws or license agreements.
- Sending or disclosing confidential information regarding City business, City employees, or members of the public.
- Sending, forwarding or responding to chain letters.
- Making any installation, upgrade, download, modification, repair or other change to City computer equipment or software, without written approval from your supervisor.
- Connecting any device or equipment to a City computer without written approval from your supervisor.
- Breaking into any system or making unauthorized use of a password or mailbox, or pretending to be another individual.
- Creating unauthorized passwords or sharing password information with others.
- Engaging in unauthorized destruction or deletion of electronic communications or electronically stored materials.

Appropriate use of disclaimers

When the City's systems are used for electronic communications, the City's name is carried along with the communication. Therefore, whenever expressing opinions outside the assigned duties of an employee's job, the employee should include the following disclaimer:

"Any ideas or opinions expressed here do not necessarily reflect the ideas or opinions of the City of West Linn."

This disclaimer generally should be placed at or with the employee's tag line at the end of the communication.

NOTE: This provision does not apply to patron access to computing equipment at the City library.

Duty to Report Violations

Any employee who witnesses or otherwise becomes aware of any use of the City's electronic communication systems in violation of this policy is expected to notify their Department Director, the Human Resources Director, or the City Manager.

Agreement to Comply with this Policy

Access to the City's electronic communication systems is permitted subject to an individual's agreement to comply with this policy. Every employee will be required to sign an agreement stating that they have read this policy and will abide by it. The City reserves the right to limit and/or terminate any person's access to the City's electronic communication systems at any time.

POLICY 13. JOB CHANGES

Policy Statement

The City strives to achieve the best possible match of City jobs to individual skills, and may initiate transfers, promotions, demotions, or reclassifications in response to the needs of the organization and its employees.

Promotion

A promotion is the appointment of an employee to a vacant or reclassified position with a higher salary range and greater duties and responsibilities. Current qualified employees may be given priority consideration as candidates for job vacancies.

Unless stated otherwise in an employment agreement, promoted employees may have a probationary period of three (3) months for the new position. If the employee does not successfully complete this period, the employee may be considered for their former position if it is available and if it meets the City's needs. However, there is no guarantee of continued employment and the employee may be terminated.

Reclassification

A reclassification is an approved change in pay grade of an existing position as a result of changes in job duties or requirements.

Reclassifications can be initiated by:

- A request from an individual employee who has been in the same position for at least 12 months and believes that actual job duties and responsibilities vary in class from those in the job description.
- A supervisor of the position, who can request reclassification of a position based on an assessment of job duties and responsibilities.

Requests will be submitted to the Human Resources Director and will include written documentation of the job duties that have been changed, added or deleted.

The Human Resources Department will review the classification and determines whether to grant or deny the reclassification request. Employees have 10 days to appeal the decision to the Human Resources Director. Department Directors may appeal to the City Manager for final determination.

The Department Director recommends the salary step for the reclassified individual to the Human Resources Department for approval. Generally, an approved reclassification will become effective within three months, subject to budget restrictions.

Transfers

The change of an employee from one position to another in the same classification and pay grade is termed a transfer.

A Department Director may approve a transfer within their department. The Human Resources Director must approve transfers between departments. All transfers must be implemented in accordance with any applicable collective bargaining agreement.

Non-Disciplinary Demotions

The Department Director may transfer an employee to a lower pay grade when an employee voluntarily requests a demotion (for example, as a reasonable accommodation for a disability), or as part of the City's lay-off procedures. In any case, the employee must meet the minimum qualifications for the new position. Decisions will be made in the best interest of the operations of the department, unless otherwise legally obligated.

Disciplinary Demotions are not covered by this Policy. Please refer to Policy 11 (Corrective Action).

POLICY 14. HOURS OF WORK

Policy Statement

It is the policy of the City that employees shall perform work in accordance with all applicable state and federal wage laws, and that there will be accurate recordkeeping to ensure that employees are paid for all hours worked.

Work Week

The normal City business hours are 7:00 a.m. to 5:00 p.m., Monday through Friday. The standard workweek for City employees will begin at 12:01 a.m. on Sunday and ends at midnight on Saturday.

City Hall and Public Works are on an MOU with AFSCME to work a 9-80 schedule. See AFSCME Collective Bargaining Agreement for workweek rules.

A Department Director may request authorization from the Human Resources Director for an alternative workweek for a group of employees or an individual employee based on the operating needs of the department and subject to the provisions in any applicable collective bargaining agreement.

Work Schedule

Regular employees are assigned a regular work schedule identifying the number of hours worked per day and the days worked.

Except as provided otherwise in an applicable collective bargaining agreement, the City maintains the right to alter an employee's workday or workweek, and to require an employee to work overtime and on weekends or holidays. The City shall give reasonable notice of changes in the workday or workweek, to the extent possible.

Flexible Schedules

Employees may request a schedule that varies from the standard work hours within the workweek. Upon receiving a request, supervisors should consider the needs of the department as it relates to the needs of the City. These changes must be approved by the Department Director, and may be changed by the City at any time, subject to an applicable collective bargaining agreement.

Telecommuting Policy

The City of West Linn considers telecommuting to be a viable alternative work arrangement in cases where position, employee, and supervisor characteristics are best suited to such arrangements. Telecommuting allows an employee to work at home, on the road, or in a satellite location for a portion of their regular workweek. Telecommuting is a voluntary work alternative that may be appropriate for some employees in some positions. It is not an entitlement; it is not a city-wide benefit, and it in no way changes the terms and conditions of employment with the City of West Linn. This alternative work agreement must be mutually agreed to by both the employee and Department Head/supervisor. Employee and Department Director or supervisor will follow the guidelines for telecommuting provided in the Telecommuting Agreement*.

To be considered for an alternative telecommuting schedule option, an employee shall submit a written request to their supervisor; the employee's otherwise-assigned schedule shall be the default unless an alternative is requested and approved. An employee's request for an alternative schedule option shall be considered. The supervisor will articulate in writing the reasons for a denial as it directly relates to the City's business needs. Denial shall not be arbitrary or capricious. If the Telecommuting Agreement is approved by the Department Director or supervisor, the Department Director or supervisor will supply Human Resources with a copy of the signed agreement for the employee's personnel file.

*See the full guidelines outlined in the Telecommuting Policy and Agreement document.

Rest and Meal Periods

Rest periods and meal periods are scheduled by the employee's supervisor to ensure that the employee's position and duties are covered during periods of rest. Employees should be relieved of all work duties during rest and meal periods.

A paid 15-minute rest break during each four-hour period is provided to non-exempt employees. Paid rest periods are considered 'time worked' and should be scheduled as near as possible to the middle of each four (4) hour period of work. This means that it may not be added to the lunch hour, or taken at the beginning or conclusion of the workday, and rest breaks may not be combined.

Unpaid meal periods of at least 30 minutes are provided for each non-exempt employee who works 6 hours or more in a shift, and must be taken no later than five hours after the beginning of the employee's workday.

Employees who work more than 10 hours in a day may be eligible for a third paid rest break, and an employee who works more than 12 hours in a day may be eligible for a second unpaid meal period.

Meal periods and rest breaks are mandatory and are not optional. Meal periods and rest breaks may not be "skipped" in order to come in late or leave early. An employee who fails to abide by this policy may be subjected to discipline, up to and including termination.

Overtime

Employees who are not exempt from the Fair Labor Standards Act (FLSA) and State overtime laws are paid overtime for all hours worked in excess of 40 hours per week, or as otherwise specified in an applicable collective bargaining agreement. In some cases, non-exempt employees who are paid on a salary basis may be paid overtime rates under a different method as permitted by law.

Paid absences during the workweek other than holidays (i.e., vacation, sick leave, and compensatory time) are not considered time worked for purposes of computing overtime, unless specified in an applicable collective bargaining agreement.

All overtime hours must be approved by an employee's supervisor in advance of being worked. Employees working unauthorized overtime are subject to disciplinary action.

Compensatory Time

Non-Exempt employees (FLSA designation) may be granted compensatory time off in lieu of overtime pay at the rate of time and one-half, for a maximum accumulation of eighty (80) hours of compensatory time, or as otherwise specified in an applicable collective bargaining agreement. Compensatory time shall be accrued in accordance with any applicable collective bargaining agreement.

Any accrued compensatory time not used prior to an employee's termination from service is paid with the last paycheck.

Time Reporting

Employees are responsible for keeping accurate and complete records of their time. Employees should discuss with their supervisor any questions regarding the appropriate process to be followed.

Falsification of an employee's own time records or anyone else's time records will result in disciplinary action up to and including termination.

Employees are responsible for reviewing their paychecks to make sure that they are accurate and reflect all hours worked. Any concerns regarding the accuracy of an employee's paycheck should be reported immediately.

Management Leave

As specified in the Salary and Benefits Plan for Management and Confidential Employees, exempt employees who are not eligible for overtime accrue additional hours of paid leave each fiscal year to be taken as Management Leave. This leave is “use it or lose it” and must be used in the fiscal year it was accrued. The use of Management Leave must be approved in advance by the employee’s supervisor.

POLICY 15. COMPENSATION

Policy Statement

It is the policy of the City to pay salaries that are consistent with the duties and responsibilities of the position. The City complies with the Oregon Pay Equity Act.

Pay Days

Employees are paid bi-weekly. If the payday falls on a weekend or City Holiday, employees normally are paid on the previous workday.

Paychecks include earnings for all work performed through the end of the payroll period.

Compensation Plan

The Human Resource Manager is responsible for the development and maintenance of the compensation plan in collaboration with the City Manager.

The compensation plan is comprised of a series of pay ranges that identifies minimum and maximum pay rates for job classifications. The Human Resources Director then assigns each job at the City to a pay range based on internal equity. **Internal equity** refers to the maintenance of proper alignment among and between jobs at the City, and takes into account, among other compensable factors, knowledge required to perform the job, degree of complexity, and level of responsibility within each workgroup.

The Human Resources Director reviews the compensation plan annually and recommends changes to the City Manager.

Job Classifications

When a position is created, it is usually documented with a written position description. This document is referred to as a job description. The job description contains the unique set of duties, responsibilities, essential functions, required qualifications, and reporting relationships.

Each position has a classification title, which is the official title of the position. It is used in all official records and reports relating to the position.

Pay Rates

Employees are paid a pay rate within the pay range to which their positions are assigned. Generally, employees are hired at step one of a range; however, if conditions warrant, employees may be hired at any step within the pay range for the position.

Hiring manager and Human Resources will not ask for salary history to help determine or negotiate a starting salary, in accordance with the Oregon Pay Equity Act.

The determination of the appropriate step is the responsibility of the Department Director in consultation with the Human Resources Director, based on the experience and qualifications of the new employee.

If the Department Head deems it necessary to bring the new employee on at a step higher than mid-range, the Human Resources Director will require a justification memo, which will be placed in the employee personnel file.

Pay Increases

The primary way for employees to progress through a position's pay range is to receive periodic step increases that are contingent on a rating of satisfactory performance as measured by the supervisor's annual performance review.

In some cases, an employee may receive a pay increase upon successful completion of the first six months of their probationary period. These exceptions are typically addressed at the time of hire in a written offer letter.

Employees who continue to receive a rating of at least satisfactory ("Meets Expectations") in the annual performance review will be eligible for subsequent step increases, through the top step, on each pay anniversary date.

Employees who demonstrate outstanding performance may be rewarded by accelerated advancement through the steps in the pay range. The employee's supervisor must provide Human Resources with a written request and justification for pay acceleration, including documentation of the performance achievement.

The Human Resources Director then considers the acceleration and, when appropriate, approves the request. Accelerated pay increases may alter an employee's pay anniversary date.

Pay Upon Promotion

Employees promoted to a position in a higher classification are typically paid the entrance salary of the new pay range, or a salary within the new pay range closest to, but not less than, their current salary, whichever is greater.

Pay Upon Reclassification

When an employee's position is reclassified to a higher classification, employee is normally paid a salary with the new pay range that is closest to, but not less than, the employee's salary before the reclassification occurred.

In a reclassification situation, employees are not required to complete a probationary period. A reclassified employee normally becomes eligible for a pay increase on the employee's regularly scheduled pay anniversary date.

When an employee's position is reclassified to a lower salary classification, normally the employee's salary is frozen until the pay range for that classification catches up with the employee's salary.

Pay for Modified Assignments

When an employee is temporarily assigned to light duty work because of an illness or injury, the employee's rate of pay may be reduced or increased, in accordance with applicable law, to fit within the classification most similar to the modified duties of the employee.

The employee's pay anniversary date is not affected.

Pay for Acting in Capacity or Working Out Of Class

Non-represented employees who are temporarily assigned to a position in a higher classification not less than four (4) hours may receive a temporary pay increase as determined appropriate by the City Manager. Represented employees should refer to the applicable collective bargaining agreement.

Discretionary Bonus

At the complete discretion of the Department Director, in coordination with Human Resources, an exempt employee may be awarded a discretionary bonus to reward instances where the employee's extraordinary service and contribution warrant such a bonus. A Department Director may consider a discretionary bonus when special services are required of an exempt employee, such as a prolonged or unique commitment of effort to meet special and usually temporary needs; however, nothing in this policy requires the award of a discretionary bonus.

POLICY 16. VACATIONS

Policy Statement

It is the policy of the City that eligible employees shall accrue paid vacation time as recognition for the completion of service over time. Employees are encouraged to use their vacation, subject to the needs of the City.

Eligibility

All regular employees (i.e. not seasonal or temporary) who are regularly scheduled to work at least 20 hours per week are eligible for paid vacation benefits under this policy.

Employees shall not accrue paid vacation leave during their first six (6) months of employment. On the first day of the month after completing six (6) months of employment, eligible employees will begin accruing paid leave benefits as set out below. Employees will also be credited with the appropriate amount of vacation leave benefits that they would have accrued during the first 6 months of employment.

Amount of Vacation Leave (Accrual)

The amount of vacation accrual is determined by collective bargaining agreement, an employment agreement, or in accordance with the Salary and Benefit Plan for Management and Confidential employees..

Eligible part time employees shall accrue paid vacation leave on a pro-rata basis.

Accrual of vacation leave is capped at 400 hours for full-time non-represented employees, and 200 hours for part-time employees. Depending on the amount of compensable hours during a pay period, employees may be subject to a pro-rated benefit for said pay period. In order to accrue vacation leave hours, an employee must have compensable hours during the same pay period.

Use of Vacation Leave

Employees should make every effort to use their vacation leave in the year it is earned.

Vacation requests must be submitted in writing and should be made at least 10 working days in advance. The Department Director must approve vacation requests.

Exempt employees will be paid for vacation leave based on an 8-hour workday.

Accrued vacation leave may be used for any qualifying military leave, refer to Policy 20 (Leaves of Absence) for additional information. Accrued vacation leave may also be used for any qualifying purpose under the Family Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA). Please refer to Policy 19 (Family Medical Leave) for additional information regarding leave under FMLA and OFLA.

Post-probation employees who terminate employment with the City shall be paid in a lump sum for all accrued vacation leave earned prior to the effective date of termination.

FLSA exempt employees are required to use appropriate accrued leave (hour-for-hour) to cover absences from work more than four (4) hours of their average daily work schedule. Use of accrued leave is not required if the exempt employee's absence is made up by flexing work schedules due to workload.

Examples: Regularly scheduled for 9 hour day, employee leaves 2 hours after start time. Seven (7) hours would be taken as vacation time. Conversely, if the employee leaves 2 hours early, no vacation time is required because the employee is not gone more than four hours of that day. In either case, flexing due to workload may be necessary, and is up to each exempt employee to be accountable for.

Vacation Sell-Backs

Any employee may "sell-back" for cash payment accrued vacation time up to eighty (80) hours per fiscal year, provided the employee requests an equivalent amount of vacation time to be taken at a specified time, and the request is approved by the Department Director. Employees must have a minimum of forty (40) hours of vacation leave accrual remaining after the request, pro-rated for part-time employees.

The City Manager shall approve the vacation periods and sell backs of all Department Directors of the City.

POLICY 17. SICK LEAVE

Policy Statement

The City provides eligible employees with paid sick leave benefits for use when they are unable to work due to illness or injury, or to care for an immediate family member who is ill or injured.

Eligibility

All employees are eligible for paid sick leave benefits, subject to the conditions in this policy.

Amount of Paid Sick Leave (Accrual)

Eligible employees shall begin to accrue paid sick leave benefits on the first day of employment, as follows:

- Full-time employees shall accrue sick leave at the rate of 3.70 hours per pay period.
- Part time employees shall accrue sick leave on a pro-rata basis.
- Temporary, seasonal and part-time employees not represented by a collective bargaining agreement, shall accrue sick leave at the rate of one (1) hour for every thirty (30) hours worked (accumulative), and is available for use on the 91st calendar day of employment.

Accrual of sick leave is capped at 960 hours for full-time employees, and 480 hours for part-time regular employees. Depending on the amount of compensable hours during a pay period, employee may be subject to a pro-rated benefit for same pay period. (In order to accrue sick leave hours, an employee must have compensable hours during the same pay period.)

Seasonal and temporary employees may accrue up to 80 hours, and may have up to 40 hours of unused sick leave restored if the temporary employee is reemployed within 180 days of last separation.

Use of Paid Sick Leave

Employees may use accrued paid sick leave for their own injury or illness, or the injury or illness of an immediate family member. "Immediate family member" means the employee's spouse, same-gender domestic partner, child, sibling or parent; or the child, sibling or parent of the employee's spouse or same-gender domestic partner. Employees may also use paid sick leave for any qualifying reason under the Family Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA). Please refer to Policy 19 (Family Medical Leave) for additional information regarding leave under FMLA and OFLA.

Verification of the need for leave by a medical provider may be required by the Department Director.

FLSA exempt employees are required to use appropriate accrued leave (hour-for-hour) to cover absences from work more than four (4) hours of their average daily work schedule. Use of accrued leave is not required if the exempt employee's absence is made up by flexing work schedules due to workload.

Examples: Regularly scheduled for 9 hour day, employee leaves 2 hours after start time. Seven (7) hours would be taken as sick time. Conversely, if the employee leaves 2 hours early, no sick time is required because the employee is not gone more than four hours of that day. In either case, flexing due to workload may be necessary, and is up to each exempt employee to be accountable for.

NOTE: Unused sick leave is not paid to an employee when employment with the City is terminated.

Sick Leave Bank Policy

Purpose

The leave bank allows employees to donate accumulated sick leave for use by other employees whose sick and other paid leave has been exhausted. This leave bank is available to assist those on a medical leave of absence with closing the gap between accrued paid-time-off and long-term disability benefits.

Note: Members of Clackamas County Peace Officers Association (CCPOA) are not eligible to participate in this program, as they have their own sick leave donation policy in their CCPOA contract.

Eligibility for Leave Bank

Regular, continuous employees, on approved leave of absence for reasons such as FMLA, personal illness, family illness, accident or injury will be eligible for participation in the Leave Bank.

Employees will not receive Leave Bank benefits while receiving any other compensation for lost wages. If an employee has a claim against a third party, a condition of leave may be made to donate days back at a later time.

Granting/Denial of Leave Bank Days

Subject to the eligibility requirements, an employee, upon approval of the Human Resources Department, may receive up to 90 days of paid leave from the leave bank when all other leave is used. Such leave will not cover any time for which long-term disability or worker's compensation benefits are received and is granted in one-day increments (except when the individual is eligible for intermittent leave under FMLA).

Employees may apply for Sick Leave Bank hours:

- (1) When all of their available paid leave is exhausted, and
- (2) When additional leave is required for one of the following reasons:

- Serious illness or injury of the employee or the employee's spouse;
- Serious illness or injury of the employee's dependent, child or parent;
- An extraordinary circumstance that the Human Resources Director or City Manager deems appropriate.

"Serious illness or injury" uses the definition found in the Family and Medical Leave Act. It can also include a disability as defined in the Americans with Disabilities Act.

Requests for the use of the Leave Bank must include the reason for the request and the anticipated leave time. Appropriate documentation from a licensed health care provider is to be submitted.

Each request for use of Leave Bank will be evaluated. Various factors, including the following will be considered:

- Whether the reason for the leave is covered under this policy;
- The availability of sick leave, vacation leave, compensatory time, long-term benefits or similar benefits; and
- The availability of leave within the Leave Bank.

Possible reasons to deny request for Leave Bank use:

- The employee does not meet leave criteria;
- The employee appears to have managed leave ineffectively (has used leave as accrued without medical certification);
- A lack of proper medical documentation; or
- An insufficient balance in the leave bank.

The Leave Bank generally does not cover the following events:

- Elective procedures;
- An illness or injury incurred while committing an illegal act;

- Treatment required to avoid incarceration;
- Illness or injury resulting from uniformed service;
- Other procedures not covered under the employee health care plan (whether or not the individual is enrolled in that plan); or
- Other procedures determined by the Human Resources Department to be an inappropriate use of the Leave Bank.

These examples are not exhaustive. These policies may be varied in order to comply with applicable law.

To Request Donated Leave

Employee completes the request for banked sick leave and gives to supervisor.

Supervisor verifies with Human Resources-Payroll Administrator that all paid leave will soon be exhausted. Supervisor writes their recommendations and sends request to Human Resources Department for review.

Human Resources approves or denies request and forwards result to employee with a copy to supervisor.

Donation of Leave

Donations will be accepted during open enrollment periods conducted annually or at other times set by the Human Resources Department.

Employee completes donation of leave form and gives to supervisor.

HR-Payroll Administrator verifies that donating employee has sufficient leave balance and transfers leave from individual to leave bank account.

A donor may contribute no more than five (5) days of sick leave in a calendar year and donation may not exceed 50 percent of the donor's accrued sick leave.

Donations will be made in hourly increments and sick leave will be used in hourly increments without respect to level of compensation.

Administrative Procedures

The Human Resources Department (Payroll and Benefits Administrator) will maintain records regarding the Leave Bank including deductions, contributions, usage, and other transactions and will schedule and conduct open enrollment periods. The Leave Bank will be activated when at least five days are donated.

When two or more applications are pending simultaneously and the Leave Bank does not contain sufficient days to grant the total amount of leave that the Human Resources Department

approves for all applicants, the Human Resources Department will ask all employees for more days to be donated. Alternatively, the days available may be prorated among the applicants by a method selected by the Human Resources Department. The Human Resources Department may seek days to be donated when it is judged necessary.

General Rules

Participation in the Leave Bank is voluntary.

With the approval of the Human Resources Department, Leave Bank contributions for the benefit of a specific individual will be accepted. However, once leave is donated it remains in the Leave Bank even if not used by the specific individual. Donations for a specific position or illness are not accepted.

Medical information will be maintained in confidence in accordance with applicable law.

The City will seek to administer this policy so that leave donated by employees will not be taxable income to the employee donating the time and will only be taxable to the employee using the donated time. However, the City does not guarantee this tax result.

Abuse of leave from the Leave Bank includes, but is not limited to the following:

- Misrepresentations
- A fraudulent medical certification
- Working elsewhere while on leave
- Violation of general leave policies

Employees who abuse of the Leave Bank benefits are subject to personnel action that may include, but are not limited to, repayment of leave days or initiation of the progressive disciplinary process.

Appeal Process

An Ad Hoc Appeal Committee will be established to hear appeals from employees who have been denied a request for time from the Sick Leave Bank. The committee will consist of a member selected by each bargaining unit participating in the Sick Leave Bank and a management employee selected by the City Manager.

An employee wishing to bring forward an appeal may submit the appeal in writing either to their union representative or the City Manager. The Committee will be established and the appeal will be heard within ten calendar days of the notice of appeal.

The decision of the Appeal Committee will be final.

Annual Review

This policy will be reviewed at least annually, in August, by the Department of Human Resources and leadership from the participation bargaining units. The policy will be reviewed for its effectiveness in meeting the employee needs and its acceptance and credibility with employees. Modifications may be suggested and made at that time.

POLICY 18. HOLIDAYS

Policy Statement

In recognition of nationally observed holidays and special occasions, the City provides paid holidays for eligible employees without decreasing their earnings.

Eligibility

Regular employees (i.e., not seasonal or temporary) are eligible for paid holidays starting with the first day of employment. Employees are not eligible for holiday pay if they are on unpaid leave status at the time of the holiday.

Days Observed as Holidays

The City has designated the following days for the observance of holidays, and most facilities are closed on these days:

- New Year's Day
- Martin Luther King's Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day* (see discussion below)
- Thanksgiving Day
- Friday Following Thanksgiving
- Christmas Day

Generally, a holiday that falls on a Saturday will be observed on the preceding Friday, and a holiday that falls on a Sunday will be observed on the following Monday.

Working on a Holiday

Employees who are required to work on a holiday are compensated at their regular rate of pay. Employees who are eligible for paid holidays will be given the option of taking an alternative day off with pay.

Holidays During Scheduled Vacations

If a recognized holiday falls within an eligible employee's approved vacation, it will be paid as a holiday and will not be deducted from the employee's vacation leave bank.

Holiday-In-Lieu Pay

In lieu of holidays, all employees engaged in continuous operations (sworn police officers, special assignment police officers, Sergeants) shall accrue eight (8) hours credit for each full month worked. Holiday accrual shall be maintained in an account which is separate from vacation accrual. There shall be a maximum accumulation of eighty (80) hours of in lieu of holiday time at any one time for each eligible employee. The employee may elect to take the credit as vacation time off at a time mutually agreeable to the supervisor and employee, or receive straight time pay in lieu of time off.

Upon resignation/termination, any unused hours of Holiday-In-Lieu of Holiday accruals will be paid out in the same manner as vacation accruals.

Religious Accommodation

The City will make an accommodation for such 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.

***Veteran's Day**

The City will provide paid time off for Veterans Day if an employee would otherwise be required to work on that day and if the employee provides: a) at least three (3) weeks' written notice to their supervisor that they intend to take time off for Veterans Day; and b) documents showing that employee is a veteran. To take this leave, the veteran must have served on active duty in the armed forces for at least six (6) months and received an honorable discharge. If the individual served in a reserve or National Guard unit, the employee is not qualified for leave unless the employee was deployed or served on active duty for at least six months. The supervisor will notify the employee, at least fourteen (14) days before Veterans Day, whether the employee will receive time off for Veterans Day. If the City determines that providing time off on this holiday would cause significant economic or operational disruption or undue hardship, the request will be denied, but the City will allow the worker to take a single day off within one year of Veterans Day.

POLICY 19. FAMILY MEDICAL LEAVE

Policy Statement

The City is covered by the Oregon Family Leave Act (OFLA), Oregon Military Family Leave Act (OMFLA), as well as the Federal Family Medical Leave Act (FMLA). You may be eligible for leave under one or both of these laws. Please note that an employee may be entitled to more than one leave for the same absence. If so, the leaves will run concurrently when permitted. In all circumstances, the City's policy will be interpreted and applied in accordance with applicable state and federal regulations.

Family and Medical Leave

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

The law requires the City to offer the leaves of absence under FMLA and OFLA and their respective entitlements. Employees seeking further information should contact Human Resources. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in the break room, which are incorporated here by reference.

Definitions

Eligible Employee

OFLA – To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days, no per-week hourly minimum is required.

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

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

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

Family Medical Leave

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

Family Member

- For purposes of FMLA, “family member” is defined as a spouse, parent or a “son” or “daughter”.
 - A “son or daughter” is defined by FMLA as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age or is 18 years of age or older and “incapable of self-care because of a mental or physical disability” at the time FMLA leave is to commence. FMLA also provides separate definitions of “son or daughter” for FMLA military family leave that are not restricted by age – see below.
- For purposes of OFLA, “family member” includes the definitions found under FMLA and also includes a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.
 - For purposes of OFLA, “child” includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the “child” can be any age; for all other types of leave under OFLA, the “child” must be under the age of 18 or over 18 if incapable of self-care.

Serious Health Condition

“Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Reasons for Taking Leave

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

1. **Call to Active Duty Leave**: Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include:
 - a. attending certain military events and related activities,
 - b. arranging for alternative childcare or school activities,
 - c. addressing certain financial and legal arrangements,
 - d. attending certain counseling sessions,
 - e. spending time with a covered servicemember for rest and recuperation, and
 - f. attending post-deployment activities and reintegration briefings.

This type of leave is available under FMLA only. However, under OFLA, specifically under the Oregon Military Family Leave Act (“OMFLA”), an eligible employee is entitled to a total of 14 days of unpaid leave per deployment when: there is a period of military conflict, as defined by the statute, and the eligible employee has a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. that has been notified of an impending call or order to active duty, or who has been deployed. OMFLA leave is available: after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty; before deployment; and when the military person is on leave from deployment.

2. **Employee’s Serious Health Condition Leave**: To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
3. **Family Member’s Serious Health Condition Leave**: To care for a family member with a serious health condition.
4. **Parental Leave**: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. **Pregnancy Disability Leave**: For incapacity due to pregnancy, prenatal medical care or birth. This type of leave is available only to employees who are eligible under OFLA.

6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform their duties for which the servicemember is: undergoing medical treatment, recuperation, or therapy; in outpatient status; or on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.” This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. This type of leave is available only to employees who are eligible under OFLA.
8. Bereavement Leave: To grieve, attend a funeral or other memorial type event, or take care of personal business necessitated by the death of a family member. This type of leave is available only to employees are eligible under OFLA.

Length of Leave

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

- Up to twelve (12) weeks of Parental Leave, Serious Health Condition Leave (employee’s own or family member), Sick Child Leave, or Call to Active Duty Leave;
- In some cases, an additional twelve (12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
 - In some cases, employees who take the entire twelve (12) weeks of OFLA Parental Leave will be entitled to an additional twelve (12) weeks of Sick Child Leave;
- Up to two (2) weeks of Bereavement Leave to be taken within sixty (60) days of the death of a covered family member. (Also see Loss of a Family Member Leave under Policy 20).

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

One-Year Calculation Period

The “twelve month period” during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a rolling twelve-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 will be the balance of the twelve weeks which has not been used during the immediately preceding twelve months.

Intermittent Leave

Intermittent or reduced schedule leave may be taken during a period of Family Member Leave, Employee Serious Health Condition Leave, Servicemember Family Leave, or Call to Active Duty Leave. Intermittent leave means that an employee may take leave in blocks of time or by reducing their normal weekly or daily work schedule. Use of intermittent leave for Parental Leave is subject to the City’s approval. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without their express consent and agreement.

Employee Responsibilities – Notice

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

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

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let Human Resources know as soon as practicable if dates of scheduled leave change, are extended, or were initially unknown. The employee must keep Human Resources apprised of their status and intent to return to work during FMLA leave.

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

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

Certification

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

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

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

Employees may be required to 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 FMLA/OFLA medical certification.

Fitness-for-Duty Certification

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

Substitution of Paid Leave for Unpaid Leave

Family medical leave is generally without payment of wages. Employees are required to use accrued paid leave, including sick leave, vacation, compensatory time, and floating holiday or management leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

Holiday Pay While on Leave

Employees 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

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

Leave for a compensable workers' compensation injury will qualify for FMLA Leave if the injury or illness is a "serious health condition" as defined by applicable law. However, leave for a compensable worker's compensation injury will not reduce an employee's OFLA leave unless:

1. the injury or illness is a "serious health condition" as defined by Oregon law, and
2. the employee has refused a bona fide offer of light-duty or modified employment.

Benefits While on Leave

If an employee is on approved FMLA Leave, the City will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work.

If an employee is on approved OFLA Leave, the City will continue the employee's health coverage under any "group health plan" through the end of the month in which the leave began. Employees wishing to maintain health insurance during a period of approved unpaid OFLA leave will be responsible for bearing the cost of coverage.

Job Protection and Reinstatement

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. With the exception of employees on leave as the result of an on-the-job injury or illness or otherwise required by law, reinstatement shall not be considered if the leave period exceeds the maximum allowed.

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.

POLICY 20. LEAVE OF ABSENCE

Policy Statement

When employees are hired, it is expected that they will work continuously as needed. However, the City recognizes that uncontrollable situations do arise, which require employees to take temporary leaves of absence from employment. Therefore, the City provides eligible employees with leaves of absence.

General Guidelines

During a period of leave of absence, employees must use any accrued paid leave benefits, in the following order, before taking any* unpaid time off:

- Sick leave (ONLY If Applicable);
- Vacation leave;
- Compensatory;
- Floating holiday or Management Leave.

*Exception: Military service. See Military Leave below.

All leaves of absence must be requested by the employee in writing and approved by the Department Director in order to allow the City to make arrangements for proper staffing during the absence. Employees who do not provide notification to the City and/or fail to obtain approval for leaves of absence will be considered absent without authorization.

Employees who wish to continue their health insurance benefit during a period of approved unpaid Discretionary Personal Leave, other types of unpaid leave, or as required by Policy 19 (Family Medical Leave), should contact Human Resources for information.

The City Manager may, at their discretion, place an employee on administrative leave, with pay, in non-disciplinary situations.

Non-Discretionary Leave

Types of leave in this category will be provided to any employee that meets the eligibility requirements for the requested type of leave.

Military Leave

Employees requiring a leave of absence for service in the uniformed services are provided leave and are eligible for reinstatement at the end of the leave pursuant to applicable state and federal law. Policies governing this leave are intended to comply with the Uniformed Services

Employment and Re-employment Rights Act (USERRA) and its amendments, and applicable state regulations.

Under Oregon law, public employees who have completed six (6) continuous months of service are eligible for paid leave to participate in annual active duty training as a member of the National Guard, National Guard Reserve or any reserve component of the Armed Forces of the United States or of the United States Public Health Service. The paid leave is equal to the number of days the employee would normally be scheduled to work within a consecutive fifteen (15) calendar day period, for each federal fiscal year (October 1 through September 30). The Department Director may make exceptions for split annual training, on a case-by-case basis.

Employees who require a leave of absence due to the military service of a family member should refer to the applicable provisions of Policy 19 (Family Medical Leave). Employees should contact the Human Resources Director for additional information regarding Military Leave.

Jury Duty

All regular status employees are eligible to receive paid leave when serving as a juror. Employees required to serve on jury duty will receive their regular rate of pay for the time served, and will be required to transfer any compensation less expenses for parking, transit, etc., received for such duty to the City.

Employees must notify the Department Director the next working day after receiving a summons for Jury Duty. Employees must notify their supervisor immediately upon being released from jury service for the remainder of a workday or at the end of the service. The supervisor will inform the employee whether to report for work at that time.

Witness Duty

All employees who have been subpoenaed or otherwise requested to testify as witnesses on behalf of the City receive their regular pay for the entire period of the witness duty.

Employees who have been subpoenaed to appear in court as a witness, by a party other than the City, may be granted unpaid time off. Employees may use vacation or compensatory time off for the period of this absence and may retain any compensation received for their duty.

Subpoenas should be shown to the employee's supervisor immediately after they are received so that staffing arrangements can be made to cover the employee's absence.

Employees must notify their supervisor immediately upon being released from witness duty. The supervisor will inform the employee whether to report for work at that time.

Loss of a Family Member Leave

All employees may take up to forty (40) hours of paid time off in the event of the death of a family member. Part-time employees will receive Loss of a Family Member Leave on a prorated basis. "Family member" is defined as the employee's spouse or same-gender domestic partner; or the child, stepchild, parent, sibling, grandparent or grandchild of the employee or of the employee's spouse or same-gender domestic partner. Some employees may be eligible for Bereavement Leave under OFLA, as described in Policy 19 (Family Medical Leave); if so, the OFLA eligible employee's Bereavement Leave will be deducted from the employee's OFLA leave. Please refer to Policy 19 (Family Medical Leave) for additional details.

Leaves of absence due to the death of a person not listed above will be granted at the discretion of the Department Director.

Family Medical Leave

Please refer to Policy 19 (Family Medical Leave) for information regarding leaves of absence covered under state and federal medical leave laws.

Domestic Violence Leave and Accommodation Policy

An employee that is a victim or an employee that has a minor child or dependent that is a victim of domestic violence, harassment, sexual assault or stalking is eligible for reasonable Domestic Violence Leave.

Domestic Violence Leave may be taken for the following purposes related to domestic violence, sexual assault, or stalking:

- To seek legal or law enforcement assistance or remedies;
- To seek medical treatment or recover from injuries;
- To obtain counseling from a licensed mental health professional;
- To obtain services from a prosecutor or non-profit victim services provider; or
- To relocate or take steps to secure an existing home.

Domestic Violence Leave is generally unpaid leave; however, employees who are eligible for Domestic Violence Leave must:

- Use any accrued, but unused vacation leave, administrative leave, compensatory time, holiday-in-lieu, sick leave if permitted under Policy 18, or other available and applicable

leave, during the leave period. Any additional reasonable leave will be granted as unpaid leave;

- Provide as much advance notice as is practicable of their intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to the Human Resources Director as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

The City will 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 practicable before the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

An employees who is a victim 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 the Human Resources Director immediately if you are a victim of domestic violence and need to utilize this policy or to request reasonable safety accommodations. Requests for Domestic Violence Leave and all supporting documentation will be treated confidentially, subject to legally required disclosures.

Discretionary Personal Leave

An employee may request a leave of absence without pay for personal reasons. The request will be granted or denied at the discretion of the Department Director. Personal leave exceeding thirty (30) days in duration requires the approval of the City Manager. Discretionary Personal leave may be granted to provide an employee with a sabbatical, to allow an employee to be absent from work for extended periods of time due to serious injuries or illnesses that are not covered under the family medical leave laws, or for other reasons at the discretion of the Department Director. The maximum amount of personal leave the City Manager may grant to an employee at one time is six (6) months. Employees on unpaid Discretionary Personal Leave that wish to continue their health insurance benefit during the period of leave may be responsible for bearing the cost of the continued benefit.

A request for personal leave for a medical purpose will be referred to the Human Resources Director who will evaluate the request with the Department Director. An employee who is absent

from work due to work-related illnesses and injuries may be eligible to receive workers' compensation benefits.

An employee granted personal leave for medical purposes is required to report their status to a supervisor a minimum of once per week to keep the supervisor apprised of the anticipated date the employee will be returning to work, unless they have provided medical verification of the need to be absent from work until a specific date. Reporting to a co-worker or another person will not be sufficient to comply with this reporting requirement. The reinstatement of persons returning from personal leave for medical purposes is subject to the availability of suitable work; however, the City will comply with applicable laws.

All employees who are released by their medical provider to return to work must contact the City by the next working day. This applies to limited and full duty releases. Employees with on-the-job injuries or illnesses may lose reinstatement rights if they do not return to work within three (3) days after receiving a notice from the City's workers' compensation insurer.

POLICY 21. RETURN TO WORK

Policy Statement

In the event that you are injured on the job, the City will offer you light duty or modified work, when possible, during your recovery. Such positions will be temporary in nature and will be monitored by your Supervisor.

Definition of Light Duty

Light duty is defined as work assignments within the injured worker's current physical abilities, as well as knowledge and skills. "Light Duty" positions for on-the-job injuries are developed by the Department Director and the Human Resources Director, consistent with the restrictions imposed by the worker's attending physician. Light duty jobs may include duties taken from the injured worker's regular job, when the injured worker cannot perform full duties.

Additionally, all workers injured on-the-job must complete the accident report forms including a Worker's Compensation Report of Injury (FORM 801), which is available in each City department and return the completed forms to their supervisor. The City's policy is to communicate with the medical provider whenever necessary.

Communication Regarding Employee's Ability to Return to Work

An employee who has been excused from work as a result of an on-the-job-injury is required to contact their supervisor on a weekly basis, unless the employee has been taken off work until a specific date. An employee must also notify their supervisor immediately upon receiving a full or partial release to work from the treating medical provider.

Frequently an employee is released to work after an on-the-job injury or illness, but is unable to perform some or all of the regular job duties due to work restrictions. In this situation, it is important for the City to communicate with the employee's medical provider to determine the precise limitations on the employee's ability to work. The medical provider will generally be asked to complete a job analysis form to provide this information. The employee is expected to cooperate in this process and facilitate the return of the form as quickly as possible.

Upon receipt of the job analysis form signed by the medical provider, a written description outlining the duties and responsibilities of a light duty position will be made, if such a position is available. If there are questions regarding the appropriateness of the light duty tasks, the job description will be reviewed and adjusted by the medical provider, and approved in a final signed document.

A written job offer letter will be prepared and delivered to the employee, including a copy of the signed approval from the medical provider. The offer letter should include the following

information: wage, hours, report time, report date, location, supervisor and phone number and approximate duration of light duty assignment. The worker will be asked to sign the bottom of the job offer letter indicating acceptance or refusal of the offer.

Temporary Duration of Light Duty Assignments

Light duty assignments are intended to be temporary while an employee is transitioning back to regular duty. Continuation of light duty work assignments for injured workers will be reviewed regularly. The City of West Linn reserves the right to determine the feasibility and duration of light duty work assignments and each situation will be considered on a case-by-case basis.

Monitoring Light Duty Return-To-Work Program

Upon receiving additional information from the treating medical provider, the City of West Linn will re-evaluate its ability to provide temporary modified work and to increase or decrease the job responsibilities, based on the restrictions outlined by the medical provider.

Failure to comply with the above policy could cause delay in compensation payment. Refusal of appropriate work could cause reduction or termination of time loss benefits, affect re-employment and reinstatement rights, and affect possible future vocational eligibility, consistent with applicable laws.

Return to Light Duty After a Non-Work Related Injury

An employee returning to light duty work after a non-work injury may be offered a light-duty assignment if one is available. Light duty assignments are intended to be temporary while an employee is transitioning back to regular duty. Continuation of light duty work assignments for injured workers will be reviewed regularly. The City of West Linn reserves the right to determine the feasibility and duration of light duty work assignments and each situation will be considered on a case-by-case basis.

POLICY 22. BUSINESS EXPENSES

PURPOSE

This policy establishes guidelines regarding reasonable and allowable travel and business expenses incurred in the course of conducting official City business expenses and provides procedures for the reimbursement of such expenses.

SCOPE

This policy is applicable to anyone traveling on City business, unless a contractor has a contract that specifies otherwise. Elected officials are employees of the City for income tax purposes, and for this reason, are subject to this policy. Members of citizen advisory groups and other authorized individuals traveling on official city business are also subject to this policy. Departments may apply additional requirements as long as any additional requirements are at least as restrictive as the standards in this policy.

POLICY STATEMENT

This policy is intended to provide clarity and uniformity in reimbursements, ensure fiscal responsibility with public funds, and meet the Internal Revenue Service requirements for an Accountable Plan. This policy utilizes the Internal Revenue Service (“IRS”) Regulations as its primary framework, including the Accountable Plan methodology in IRS publication 535, which results in allowable expenses being non-taxable to employees. An Accountable Plan requires those seeking reimbursement to:

1. Incur the expenses while on official City business,
2. Adequately account for expenses within a reasonable period of time, and
3. Return excess reimbursements or allowances within a reasonable period of time.

Individuals traveling on City business are expected to be prudent with public funds and strive to limit travel costs by such measures as carpooling, business class (not luxury) hotels, and sharing accommodations when applicable and appropriate. Incidental purchases (forgotten toothbrush, aspirin, etc.) or expenses solely for the benefit of the person traveling are not allowable (movies, shopping, personal entertainment, etc.). Any person traveling on official City business has the responsibility to keep accurate and complete cost documentation and to submit requests for prepayment and reimbursement in accordance with this policy.

ADMINISTRATION

The Finance Department oversees this Travel and Business Expense Policy, reviews department travel records for policy compliance, provides training to departments on the policy and forms, and advises on what is considered adequate supporting documentation. Questions about the policy should be directed to the Finance Director.

The City Manager and Department Director shall be responsible for the implementation and compliance of this policy within their department and for ensuring expenditures are appropriate and related to City business. The City Manager or Department Director shall be responsible for determining the reasonable and necessary business expense. The City Manager or their designee shall have final authority for administering, interpreting and applying the terms of this policy.

DEFINITIONS

Business expenses: expenses incurred while conducting City business that are necessary and prudent. Examples of business expenses include, but are not limited to, faxes, photocopies, internet charges, data ports and business telephone calls incurred while on business travel.

Local travel: travel within a fifty (50) mile radius of West Linn City Hall, including travel to Portland and Salem.

Out-of-town travel: travel outside of a fifty (50) mile radius of West Linn City Hall that also requires the person to be away for more than 12 hours.

Per diem: allowance for meals and incidental expenses. Refer to the U.S. General Services Administration (“GSA”) Meals and Incidental Expenses website at <http://www.gsa.gov> for the rates for Portland, Oregon for breakfast, lunch, dinner, and incidental expenses.

Traveler: anyone traveling on approved official City business as defined by the Scope of this Policy; this includes employees, elected officials, citizen advisory group members, and volunteers.

PROCEDURES AND FORMS

By using the following two forms and attaching all itemized receipts, employees will meet the IRS’ “Accountable Plan” rules. This allows conference and training trip expenses to be tax-free to employees. If a charge card is used, the itemized receipt showing the purchased items must be submitted in addition to the charge receipt.

Pre-Travel Authorization Form: This form is used to estimate travel expenses and receive prior signed authorization to attend. The traveler retains this form and attaches it to the Post-Travel Reconciliation Form that is submitted for reimbursement after the trip’s completion. Business meetings of one day or less do not require prior approval. The Pre-travel Authorization form may be found at L:\Finance\Forms, Policies and Procedures.

Post-Travel Reconciliation Form: This form is used to reconcile all trip expenses. All personal or City-paid trip expenses should be reflected on this form. The form allows for lines to back-out any expenses the City already paid, and it shows the reimbursable amount payable to the employee for the expenses the employee paid directly. If a City purchasing card is used for some of the expenses, then a copy should be attached to that purchasing card statement. The originals

should then be submitted into Accounts Payable for reimbursing or filing support. The Post-travel Reconciliation form may be found at L:\ Finance\FORMS, Policies and Procedures.

Reimbursement with Check Request for Payment Form: This form is used to request payment when a traveler incurs a business expense at the traveler's expense that is reimbursable by the City when the reimbursement is not for out-of-town travel. The traveler must save all receipts and attach the original receipts for the expenses to the form. The form allows a traveler to submit a request for multiple expenses on the same form. When the form is completed, it should be submitted to Accounts Payable for reimbursement. The Check Request for Payment form may be found at L:\ Finance\FORMS, Policies and Procedures.

LOCAL TRAVEL

General Rule. Local travel is not subject to reimbursement by the City for meals, per diem, or lodging costs. Out-of-pocket expenses of these types will not be reimbursed, unless these costs are included in the cost of a conference or seminar registration.

Exception. The City Manager or Department Director may authorize payment or reimbursement for meals, incidental expenses, and lodging costs for local travel if:

1. The lodging is necessary for the traveler to participate fully in or be available for a bona fide business meeting, conference, training activity, or other business function;
2. The lodging is for a period that does not exceed five calendar days and does not occur more frequently than once per calendar quarter.
3. The City requires the traveler to remain at the activity or function overnight; and
4. The lodging is not lavish or extravagant under the circumstances and does not provide any significant element of personal pleasure, recreation, or benefit.

Reimbursements that meet the requirements of this exception are not taxable to the traveler.

OUT-OF-TOWN TRAVEL

I. General Rule. Individuals authorized to take out-of-town travel are allowed reimbursement for meals, per diem, and lodging costs that are not included in the cost of a conference or seminar registration.

II. Lodging. When out-of-town travel requires overnight absence, the City pays the actual cost of reasonably priced lodging at the single occupancy room rate, unless travelers share accommodations. Travelers are required to inquire about commercial or government lodging rates while traveling for City business. Lodging costs that exceed the

single room rate are borne by the traveler. No payment is made for lodging in a private residence.

The City only reimburses for lodging for nights required to engage in official City business. The City will not reimburse the traveler for lodging before or after it is necessary for the traveler to engage in official City business. The City does not require travelers to share accommodations, and the sharing of accommodations does not allow reimbursement for additional nights of lodging.

- III. Per Diem - Meals and Incidental Expenses.** When a traveler is on approved overnight business, per diem amounts for breakfast, lunch, dinner, and incidentals are available. The per diem allowance amounts are intended to provide for meals, tips, baggage handling and miscellaneous expenses. The latest authorized per diem allowance amounts are equal to the current per diem rates set forth by the U.S. General Services Administration (“GSA”), which are available at <http://www.gsa.gov>, for the Portland, Oregon area. The general GSA rate is listed on the Post-Travel Reconciliation Form. When using per diem rates specific to a geographic area, computation of the rate must be attached to the Post-Travel Reconciliation form. If a traveler is reimbursed for meals using per diem, no accounting or receipts are required for this portion of the reimbursement.

On the first day of overnight travel, if a traveler needs to leave at or before:

- 7:00 a.m., then the per diem allowance includes breakfast, lunch, and dinner;
- 12:00 p.m., (noon), then the per diem allowance includes lunch and dinner; and
- 6:00 p.m., then the per diem allowance includes dinner.

On the return day, if a traveler returns at or after:

- 8:00 a.m., then the per diem allowance includes breakfast;
- 1:00 p.m., then the per diem allowance includes breakfast and lunch; and
- 7:00 p.m., then the per diem allowance includes breakfast, lunch, and dinner.

As an alternative to the per diem method described above, the traveler may be reimbursed for actual meal expenses, if the Department Directors or City Manager approves this method, and if the receipts are itemized listing the individual purchases. The City will not reimburse, and per diem allowances are not to be used for, purchases of alcoholic beverages.

The traveler must use either the per diem method or the alternative receipt method for each trip. The two methods cannot be combined during one trip.

- IV. Combining Personal Travel with City Business.** When a traveler combines official City travel with holiday, weekend, vacation or other personal travel, the City reimburses only for those costs necessary for the City's business portion of the trip. Transportation costs chargeable to the City must be for the most direct route for the purpose of City business.

- a. Combining personal with authorized business travel including, but not limited to, staying extra days on personal leave at the destination or additional non-business destinations is allowed provided; the traveler is required to pay any additional costs incurred as a result of combining personal with authorized travel. The City will not reimburse the traveler for these additional expenses.
- b. If a person accompanies a traveler on official business travel, reimbursements for lodging shall not exceed that of the single occupancy government rate. The traveler will be personally responsible for any additional lodging costs.
- c. Travelers including additional destinations in their travel for non-City business shall pay for the difference between the airfare cost that would be required for the business portion of the trip under the Transportation Expenses policy below, and the cost of the airfare containing their personal travel portion. Travelers are not permitted to use a City purchasing card for any non-City business purchases.
- d. The traveler is solely responsible for reporting or addressing any tax consequences association with this benefit.
- e. State law prohibits public employees from using government rates, discounts, or contract services for personal travel expenses.

TRANSPORTATION EXPENSES

Whether for local or out-of-town travel, travelers are expected to use the most reasonable and economical method of transportation available when traveling on City business.

I. City or Private Vehicle.

- a. **Local Travel.** Use of a City vehicle is encouraged for local travel. Reimbursement for use of a private vehicle to conduct official City business may be allowed if authorized by the appropriate Department Director or the City Manager. Reimbursement for use of a private car will be made at the rate published by the IRS. This reimbursement shall be considered full payment for personal vehicle use in lieu of a City vehicle, including depreciation, insurance, maintenance, fuel, and other operating costs. Travelers are responsible for providing adequate personal auto insurance coverage under Oregon law. Daily commute miles are not reimbursable.
- b. **Out-of-town Travel.** For approved out-of-town travel, the Department Director or City Manager may authorize the use of the traveler's private car. The following items will be considered when allowing a traveler to use a private vehicle for out of town travel:
 - if there are any common carrier alternatives to a private car;
 - the cost of coach fare on a common carrier;
 - the cost of the mileage reimbursement;
 - the cost of lodging and meals for car-travel days; the cost of normal wages and benefits for car travel days (unless accumulated leave is used); and
 - other specific costs directly related to travel by automobile.

Reimbursement for use of a private car will be made at the rate published by the IRS. This reimbursement shall be considered full payment for personal vehicle use in lieu

of a City vehicle, including depreciation, insurance, maintenance, fuel, and other operating costs. Travelers are responsible for providing adequate personal auto insurance coverage under Oregon law.

- II. **Airfare.** Travelers will be expected to arrange their travel itinerary to take advantage of the lowest available fare that corresponds to the departure times and direct routing required to conduct City business. Travelers are encouraged to book flights at least 30 days in advance to avoid premium airfare pricing. Exceptions to this requirement must be approved by the City Manager or Department Director.

Reasonable judgment should be used by the traveler and the administrative staff in determining whether the additional cost associated with a nonstop flight, or another flight that would result in a significant savings of travel time, is acceptable. The Department Director will determine any questions relating to the reasonableness of the airfare and the time saving.

If the traveler is combining personal travel, the traveler must pay for the difference between the airfare cost that would be required for the business portion of the trip under the guidelines stated above, and the cost of the airfare containing their personal travel portion. Generally, the business portion of the trip will be based on a round trip flight from Portland International Airport directly to the business. The traveler is responsible for adequately documenting the airfare.

- III. **Ground Transportation.** Taxis, car-sharing services, buses and public transit are reimbursable when use is necessary to conduct official City business. Other costs of transportation, such as parking meters, tolls, parking fees are also reimbursable. Rental car expenses will be allowed for out-of-town travel only if specifically authorized by the Department Director or City Manager. Receipts must be submitted for reimbursement of all ground transportation expenditures that are necessary to conduct City business.

TRAVEL TIME

Commute time from an employee's home to their regular workplace is not compensable work time. In contrast, travel time during the regular workday that is part of the employee's duties is paid as hours worked.

Travel time that is spent in travel away from home outside of regular work hours as a passenger on an airplane, train, boat, bus, or automobile is generally not considered work time. Moreover,

the City is not obligated to compensate for travel time if an employee who is offered transportation as a passenger chooses to drive.

Reporting to Location Other Than Worksite

On special one-day assignments (i.e. training conference) when an employee is sent directly to a location other than from the employee's regular workstation, travel time from home to the workstation (training/conference location) is compensable if the work station is located more than 30 miles from the traveler's regular workplace, depending upon the situation.

Examples:

Less than 40 hours, less than 30 miles = no travel time

Less than 40 hours, more than 30 miles = yes travel time

If an employee is required to stop at one location at the beginning of the workday to perform a work duty before reporting to the actual work site (e.g. to receive instructions, or to pick up tools or a City vehicle), the travel from the employee's home to the first location is not compensable. However, once the employee arrives at the first location, the employee is 'on the clock'.

Temporary Workstation

If the work assignment or training/conference is for a period of 40 hours or more, occurring on consecutive days in a fashion that would generally be considered a normal "work week", this will constitute a 'temporary workstation' assignment and as such, travel time from the employee's home to the workstation is not compensable, if the workstation is located less than 50 miles from the travelers regular work location.

Examples:

40 hours or more, less than 50 miles = no travel time

40 hours or more, more than 50 miles = yes travel time

BUSINESS MEALS AND RELATED EXPENSES

- I. **Business Expenses.** Business expenses, excluding meals, required for City business may be reimbursed by providing individual receipts for business items. A traveler must justify the business purpose of the item purchased, retain sales slips, cash register receipts, invoice order forms and receiving reports. Some examples of business expenses that qualify for reimbursement include tools, parts, shop supplies, office supplies, books, software, team-building activities, and training costs that benefit the City.
- II. **Business Meals.** The IRS considers local travel and local meals to be taxable to the traveler. Accordingly, the City elects not to reimburse for meals for local travel related to the conduct of routine duties and responsibilities.

Local business meal expenses that the City will reimburse for occur when a City employee/representative entertains a business associate, professional colleague, and/or others

over a reasonably priced meal while business is actively conducted. Business meals must be ordinary and necessary and may not be lavish or extravagant under the circumstances. The employee must be present at the furnishing of the food or beverages.

The City may reimburse for business related meals taken with other employees/representatives when it does so in accordance with the IRS Rulings and:

1. The meal is authorized by City for reward, recognition, or other appropriate business purpose;
2. A meal is part of a meeting of an administrative nature, the meal is a necessary and integral part of the business meeting, and it is not a matter of personal convenience; or
3. A meal authorized by the City Manager for those required to attend a City Council meeting, work session, or other night meetings; or
4. The meal is provided because employees are unexpectedly scheduled to work through and around a normal meal period and: 1)the meals are brought onto the City's premise for consumption as a convenience to the employer; and 2) there is a business purpose for the meeting.

Unallowable local business meal expenses include:

1. Cost related to social occasions, such as birthdays, weddings, anniversaries, farewell gatherings (other than retirement), illnesses, etc.;
2. When two or more employees from the same work location choose to go to lunch together to continue their business as an incidental part of the meal or when the meeting could have been scheduled during regular working hours on City premises;
3. Food routinely purchased for regularly scheduled department meetings;
4. Alcohol also not allowed as a travel related expense; and
5. Meal costs of employees attending training locally when it is not part of the conference or seminar registration fee.

III. Documentation Required for Business Meals. An employee may use their purchasing card or be reimbursed for all local business meal expenses if the appropriate documentation provides:

1. Business purpose to the meal,
 - a. Was the meal associated with the City's business?, and
 - b. Was the meal consumed directly before or after a substantial business discussion?
2. Names and organizations of all those in attendance, at least one must be a non-City employee;
3. Date of business meal,
4. Place or location of meal,
5. Itemized breakdown of the meal charges, and
6. Total cost, including a reasonable gratuity.

IV. Gift Cards. Gift cards, regardless of the amount, to employees are not a permitted business expense.

If you have questions about whether a meal is eligible to be paid for by the City, please contact the Finance Department. The IRS is the final decision authority regarding whether a business meal expense is non-taxable. If the City is audited by the IRS, and an IRS representative determines that a business meal expense is taxable to employees, even with the above documentation, the employees will be responsible for all penalties and taxes related to the expense.

Frequent Flier Miles, Reward Points, Discounts or Coupons

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

Employees should be aware of provisions of the Oregon public employee ethics statutes (ORS 244.040) which prohibits a public employee from using or attempting to use his/her official position to obtain a financial gain or avoid a financial detriment that would not be available but for the person's employment by a public agency. This includes the use of a personal credit card that offers incentives such as cash rebates, frequent flyer miles or other benefits based upon the dollar amount of purchases made.

POLICY 23. EMPLOYEE INSURANCE

Policy Statement

The City balances the needs of its employees with available resources when planning and designing a benefit package. This process is conducted in partnership with the Benefits Review Committee. Consideration is given to changes in the workforce, advantages and disadvantages of various programs, cost containment, and the ability to attract and retain skilled employees. The City reserves the right to modify or discontinue these benefits as it deems necessary or appropriate, consistent with applicable laws, collective bargaining agreements and/or individual employment contracts.

Health Insurance

The City strives to provide health insurance benefits to eligible employees, their spouses and same-sex domestic partners, and dependent children.

Regular employees (i.e., not temporary or seasonal) who are regularly scheduled to work at least 20 hours per week are eligible to enroll themselves and qualified dependents in a health plan on the first day of the month following their hire date with the City, provided they meet the other eligibility criteria in the plan.

Employees pay a portion of the premium cost, which varies depending on the number of hours they are regularly scheduled to work. Employees are responsible for complying with all premium, deductible, and co-payment requirements and procedures and are required to sign authorizations to have these amounts deducted from their paychecks.

Health plan enrollment is limited to the following periods:

- Within 5 working days of hire
- During the designated open enrollment period
- Within 30 days of changes in dependent status due to marriage, childbirth, divorce, etc.

Covered employees continue to be eligible while they are being compensated by the City for at least 20 hours per week, or as otherwise required by law (e.g., FMLA). Coverage through the City's group plan will end on the last day of the month in which an employee resigns, is terminated, laid off, or has a reduction in hours below 20 per week. Employees also continue to be eligible for coverage while they are on a qualifying family medical leave, in accordance with applicable law.

Employees must keep the City advised of any changes in family status that may affect the maintenance of their health insurance coverage. This includes address changes, marital status, dependent status, etc.

Employees who retire from service may be eligible under Oregon law to continue their health insurance coverage at their own expense.

C.O.B.R.A.

Upon separation from City employment or other qualifying event, an employee and their covered dependents may elect to continue City health benefits at their own expense, to the extent provided for under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA). A notice explaining the right to elect this coverage and the process for doing so will be sent to the employee or their covered dependent.

An administrative handling fee not to exceed 2% may be charged to the employee or the dependents that choose to continue health benefits under COBRA.

Life Insurance

The City provides group term life insurance and accidental death or dismemberment benefits to all regular employees (i.e., not temporary or seasonal) who are regularly scheduled to work a minimum of 20 hours a week.

Long-Term Disability (LTD)

The City's insurance carrier provides a partial wage loss benefit to eligible employees who have been unable to work for 90 days or more due to accident or illness. Employees who are being compensated by the insurance carrier for long-term disability are not eligible to accrue vacation leave, sick leave, holiday pay or other benefits.

Long-term disability payments (LTD) are reduced by the amount of any workers' compensation or social security disability benefits received by the employee, as specified by the insurance carrier.

Retirement

The City is a member of the Oregon Public Employees Retirement System (PERS).

Information regarding these benefits can be found on-line at the PERS website. Employees acquire rights to retirement plan benefits according to the rules and procedures set forth in the plan and applicable laws.

Workers' Compensation

All employees are covered by the City's workers' compensation insurance. It provides for medical treatment and time loss benefits for approved claims arising from on-the-job injuries and occupational disease. Employees are responsible to report a workplace injury to their supervisor. The supervisor will work with Human Resources to file the appropriate forms and claim with the insurance carrier. Please note that the City is not responsible for determining whether a claim is approved.

Neither the City nor the insurance carrier is liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

Employee Assistance Program

Employees who need counseling or other help with personal problems may contact a professional counselor with the employee assistance program (EAP) sponsored by the City. All inquiries to or contacts with EAP personnel are kept confidential, except where disclosures are required by law.

In some cases, a supervisor may refer an employee to the EAP if the employee is experiencing performance or behavior problems that indicate such help may be needed. Supervisors are expected to consult with Human Resources prior to making such referrals.

POLICY 24. WORKPLACE BREASTFEEDING SUPPORT

Policy Statement

The City of West Linn supports employees who choose to perform breastfeeding activities at work by providing reasonable break periods and a reasonably accessible private space.

Flexible Schedules for Breastfeeding Mothers

The City allows a flexible schedule for an employee to nurse her child, or express milk for later use, in a reasonably accessible private space. She may also request permission to leave work to go where the child is located.

Effective September 29, 2019, Oregon employers will need to provide a reasonable rest period to express milk each time the employee has a need to do so, until the child reaches the age of 18 months. Prior law had defined the break as a fixed amount of time for each four-hour segment of the work period. Under the new language, the frequency, timing and duration of the rest period will likely vary, unless the accommodation would cause an undue hardship.

Any portion of the breastfeeding break that exceeds the employee's normal paid rest period shall be unpaid.

At the employee's request, the supervisor may authorize her to use appropriate accrued leave, or adjust her starting and/or ending times for that day to make up time that exceeds the employee's regular rest or meal periods.

Refrigeration

Breastfeeding employees have access to refrigerators. If a breastfeeding employee works in a field office where no refrigerator exists, the breastfeeding employee should provide a portable ice chest. Employees must provide their own containers for expressed breast milk, and must clearly label milk stored in the refrigerator with their name and the date.

Notice to Human Resources

An employee who wishes to engage in breastfeeding activities at work must provide advance notice to Human Resources in order to allow for preparations necessary to comply with this Policy.

POLICY 25. SAFETY AND HEALTH

Policy Statement

The City seeks to provide a safe and healthful place to work and to comply with all federal, state and local regulations pertaining to the health and safety of all employees as well as the safety of the public.

City Identification Cards

When City employees are out in the field they should have with them at all times a City-issued photo identification card.

Only one City identification card will be issued to each eligible individual, and it must not be transferred or loaned to any other individual. If it is lost, notify your Department Director immediately.

Upon termination of employment, contract, or other services, all City identification cards must be returned to the issuing department.

Safety Training

Employees will receive appropriate safety training and instruction regarding safety and health responsibilities, potential hazards at the work site, and what to do in case of an emergency. Training is provided by the employee's supervisor during job orientation and periodically thereafter.

Safety Committee

The City of West Linn maintains a safety committee, in accordance with Oregon law. The Safety Committee is responsible for steering and monitoring the City's safety and health initiatives and conducting regular workplace inspections. Employees are eligible to serve as committee members. Safety committee meetings are held as needed, but not less than monthly. If you would like additional information regarding the Safety Committee's activities, please contact the Human Resources Department.

Reporting of Incidents and Unsafe Conditions

The Federal Occupational Safety and Health Act and state workers' compensation laws require records and reports of illnesses and injuries on the job. All accidents, regardless of severity, or incidents that could result in injuries or illness, including "near misses," should be immediately reported to the employee's supervisor.

In the case of an on-the-job injury, an Accident/Incident Report form must be promptly completed and submitted to Human Resources. If medical treatment is sought, the employee's department contact will provide you with a Form 801 to be completed and returned to Human Resources.

All employees are **required** to immediately report to their supervisor or Department Head any accident involving injuries to members of the public or other non-employees, as well as accidents involving any type of property damage. These accidents should be reported in sufficient detail to allow the City to respond. Employees are also expected to cooperate fully with all accident investigations.

Additionally, employees are expected to report any safety hazards or conditions they believe are unsafe. These reports should be made to your supervisor or a member of the City's Safety Committee. You should familiarize yourself with the members of the Safety Committee by asking your supervisor or Department Director.

Because the City expects its employees to report all workplace accidents, injuries and unsafe working conditions, and to participate in investigations, the City does not allow supervisors, managers or other employees to retaliate against employees who comply with the City's safety reporting policies. Employees should bring complaints of retaliation to their supervisor, their Department Director or the Human Resources Director. These types of complaints will be promptly investigated and violators will be subject to appropriate disciplinary action, up to and including termination of employment.

Illness at Work

An employee who becomes ill at work should notify their supervisor immediately. Depending on the circumstances, the supervisor may encourage the employee to seek medical attention, or to go home. However, employees have the primary responsibility for determining whether or not they are fit for duty or if they are contagious. If you are unable to transport yourself, your supervisor may assist you in making necessary transportation arrangements.

Operation of Vehicles

Employees whose work requires driving City vehicles, or driving their own vehicles on City business, must hold a valid driver's license for the type of vehicle they drive. If the license is changed, suspended, or revoked, the employee must immediately report the change, revocation or suspension to their supervisor and Human Resources.

Any employee who fails to immediately report such a change, revocation, or suspension of their driver's license and continues to operate the vehicle on City business may be subject to dismissal.

Whenever operating a City vehicle or driving on City business, the employee must:

- Be in possession of a valid driver's license and proof of insurance;

- Use the seat belt/safety restraint device and require any passengers to do the same;
- Not consume any amount of alcohol or intoxicants within four (4) hours prior to operating a city vehicle; and
- Obey all traffic laws.

Employees that have authorization to use City vehicles are prohibited from allowing any unauthorized person to operate the vehicle.

In the event of an accident involving a City vehicle, or a personal vehicle while on City business, the employee must:

- Seek emergency medical attention if appropriate; otherwise, remain at the scene until all relevant information has been exchanged with the other driver(s), pedestrian(s), etc. involved in the accident;
- Remain at the scene until law enforcement has arrived if anyone else at the scene is injured; and
- Report the accident to the Department Director or the Human Resources Director at the first opportunity.

Any citation received while operating a City vehicle must also be reported immediately to the Human Resources Director and Department Director.

Smoking is prohibited at all times in any City vehicle. Smoking is also prohibited in an employee's own vehicle while on City business if another employee is present in the vehicle.

Workplace Violence

Any acts or threatened acts of violence between coworkers, or between citizens and City employees, will not be tolerated. Employees engaging in violence or threats of violence will be subject to disciplinary action, up to and including termination, and may be subject to other civil suits or criminal liability.

All employees are expected to report any and all incidents or circumstances that pose a risk of harm to employees or others associated with the City.

Employees should make such reports directly to their supervisor, Human Resources, or the City Manager. Complaints of workplace violence are taken seriously and investigated promptly. Appropriate corrective action will be taken.

In order to ensure everyone's safety, employees should always take threats of harm to persons or property very seriously and not ignore them. If an employee believes they are in a dangerous situation or if an employee receives threats either by phone or in person, the employee should immediately call 911 for assistance and then notify their supervisor or another manager of your concerns.

Retaliation against an individual for reporting concerns of workplace violence is a serious violation of this policy and will subject the retaliating individual to corrective action, up to and including termination.

First Aid Kits

The City maintains first aid kits in various locations on City premises. Employees should familiarize themselves with the first aid kit in closest proximity to their work areas. The supplies contained in the First Aid Kits are solely for the treatment of an injury at work. An employee is required to notify a member of the Safety Committee in their department, if the employee uses the last of an item so the supplies can be promptly replaced.

Hazardous and Toxic Materials

If an employee's job requires him or her to use hazardous or toxic materials, the employee is expected to comply with all laws and regulations concerning the safe handling and disposal of the materials. If an employee has questions about the materials they work with, or the proper safety precautions to be followed, please discuss all questions with a supervisor.

If an employee is uncertain regarding whether a material in the workplace is potentially toxic or hazardous, please refer to the MSDS sheets and discuss all concerns with a supervisor or Human Resources.

MSDS files are maintained in each department. All new employees will be given MSDS training relevant to their department. If an employee does not understand the information contained in the MSDS sheets, ask a supervisor for assistance. Reports relating to accidental exposure to hazardous materials will be maintained in the employee's medical file, similar to other on-the-job injuries.

POLICY 26. ALCOHOL AND DRUG TESTING

Policy Statement

The City of West Linn is committed to providing a workplace where employees and the general public can safely conduct business. To ensure these standards, the City will not tolerate employees reporting to work with their ability to perform impaired by alcohol, illegal drugs or inappropriately used prescription or over-the-counter drugs.

The City of West Linn recognizes a responsibility to the citizens of West Linn and the City's employees to maintain safe and productive working conditions. The purpose of this policy is to promote safety and prevent accidents, injuries and property damage that may result from inappropriate drug and/or alcohol use. This policy applies to all employees of the City including employees subject to Department of Transportation regulations, who are also covered under Policy 27 (DOT Drug and Alcohol Testing). Where this policy conflicts with the express terms of an applicable collective bargaining agreement, the collective bargaining agreement shall govern.

As used in this policy, "drugs" includes all controlled substances regulated under the federal Controlled Substances Act, including any medication containing controlled substances, and any "designer drugs" not approved for use by the U.S. Food and Drug Administration. Because marijuana is an illegal drug under the federal Controlled Substances Act, employees who lawfully use marijuana under any state's law (including Oregon) are not exempt from Policy 26 and will be treated the same way as employees who choose to use other drugs made illegal by the federal Controlled Substances Act.

Prohibited Conduct

The following conduct will subject an employee to disciplinary action up to and including discharge:

- Consuming, manufacturing, buying, selling, distributing or possessing drugs or alcohol while on City property or in City vehicles or equipment, or during work hours, or while performing duties on behalf of the City.
- Consuming alcohol or intoxicants four (4) hours prior to operating a City vehicle, even if off duty, is prohibited.
- Reporting to work, working, or returning to work from rest or meal periods with any amount of drugs or alcohol present in the body. Having drugs "present in the body" includes, but is not limited to, testing positive for any detectable level of controlled substances. It is not the intention of this policy to limit incidental work that may be performed off-hours from home.

- Failing to fully cooperate with any aspect of the City's enforcement of this policy, including but not limited to refusing to promptly submit to required testing; giving false, diluted or altered urine samples, and failure to comply with rehabilitation conditions imposed by the City or rehabilitation counselors.
- Failing to promptly report any conviction, arrest or plea bargaining for an alcohol or drug related criminal offense. All drug and alcohol related convictions, arrests and plea bargaining arrangements must be promptly reported to the Human Resources Department. This obligation to disclose applies to all convictions, arrests or plea bargains that occur after the effective date of this policy.
- Failing to comply with the law regarding prescription medication requirements.
- Failing to comply at all times with all federal and state statutes and regulations regarding alcohol and the use of drugs.

Testing

Pre-employment testing

Applicants for job positions that the City considers to be “safety-sensitive” will be required to submit to and pass a pre-employment urinalysis for the presence of drugs in the body.

Random testing

The City reserves the right to require all employees, or a percentage of all employees, to submit to urine testing for drugs without advance notice. The City will use a random selection process so that all employees within the pool have an equal chance to be selected for testing. Employees whose names are randomly drawn will be required to immediately submit to such testing as instructed, and without any delay or detour.

Reasonable suspicion testing

An employee will be required to immediately submit to *breathalyzer or blood testing* for alcohol whenever the City reasonably suspects that the employee may be under the influence of alcohol. Likewise, an employee will be required to immediately submit to *urine* testing for drugs whenever the company reasonably suspects that the employee may have drugs present in their body.

“Reasonable suspicion” shall be based on specific identifiable criteria, which may include observed behavior, witness statements, or employee admissions.

Employees who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to the collection site. A management employee will provide transportation, and will arrange for the employee to be taken home after testing.

Post-Accident testing

Employees who are involved in a work-related accident that results in bodily injury to anyone, or property damage that the City considers to be significant, may be subject to immediate *urinalysis or blood* testing for the detection of drugs and/or alcohol. The employee may also be subject to *breathalyzer or blood* testing to detect alcohol if the accident is accompanied by a reasonable suspicion that the employee had alcohol in their system when the accident occurred.

For employees who are injured, the City's first concern will, of course, be medical treatment. However, all such employees may be required to authorize testing as part of their medical treatment and may also be required to authorize the release of appropriate medical records to enable the City to determine whether drugs or alcohol were present in their system upon the City's request.

Procedures and Safeguards

The City recognizes the need for sensitivity and safeguards in enforcing this policy. The City will use qualified supervisory personnel and make arrangements with a certified laboratory to administer this policy. The City will pay for the cost of required testing. Additionally, the time an employee spends undergoing required testing will also be paid and, consequently, should be reported as hours worked, except in the case of pre-employment testing.

As stated above, any detectable level of drugs in the system will constitute a "positive" test result for the presence of drugs, and a blood alcohol content of .02% will constitute a "positive" test result for the presence of alcohol. All positive test results will be confirmed using the GCMS testing method, or another confirmatory testing method approved by law.

Test results and other information concerning drug and alcohol investigations will be treated confidentially and released only when there is a legitimate business need to know, or as required by law.

Searches

When the City has reasonable suspicion that an employee is in possession of drugs or alcohol on City premises, as defined above, or during working time, City property such as desks and common areas will be subject to search. The right to search also extends to City owned vehicles.

No one shall be forcibly searched or detained by the City, but may be detained by the Police in a criminal investigation. Reasonable efforts will be made to respect employee privacy.

All drugs or drug paraphernalia found in or on City property will be released to a law enforcement agency.

Prescribed Medication

An employee who uses a prescription medication is responsible for consulting with their medical provider to determine whether there are any side effects that could affect the employee's ability to safely and competently perform the job duties. For over-the-counter medications, the employee is responsible for reviewing the product warning information for potential side effects.

If there are any potential side effects, or the medication contains controlled substances, the employee must notify their supervisor *prior* to working with the medication in their system. Medical verification of the ability to safely perform job duties may be required before the employee is allowed to continue their work assignment. Generally, the employee need not disclose the medical condition for which the medication is being taken.

Although the lawful use of prescription or over-the-counter medications is not grounds for disciplinary action by itself, failure to follow the reporting procedure discussed above will subject an employee to disciplinary action. Employees may also be disciplined for using medication that is unlawfully obtained, or for use that is inconsistent with the prescription or label.

As stated above, the prescription use of marijuana under Oregon's Medical Marijuana Act is unlawful under federal law, and may be subject to discipline under this policy. *Employees who fall under this category should contact the Human Resources Director to discuss available options.*

Rehabilitation and Return to Work

Self-Reporting

Employees who believe they may have a substance abuse problem are encouraged to discuss the problem with Human Resources. Although the City will generally support treatment efforts for employees with substance abuse problems who voluntarily seek assistance, it is up to each employee to pursue treatment before the substance abuse results in unsatisfactory performance, attendance problems, safety violations, or a violation of this policy.

When an employee voluntarily reports a current substance abuse problem and seeks assistance, that employee may be placed on a leave of absence to allow for evaluation by a qualified Substance Abuse Professional (SAP) and/or rehabilitation treatment. The employee will not be permitted to work until such time as a qualified medical professional verifies that the employee is fit for duty. The time an employee is off work for evaluation and/or treatment is unpaid, unless the employee has accrued paid leave available. The employee, subject to any applicable insurance coverage, shall pay the cost of evaluation, treatment or counseling.

First-Time Violators

If an employee engages in prohibited conduct under Section titled “Prohibited Conduct” in this policy and has not previously violated the City’s drug and alcohol standards, the employee may be allowed to retain their employment on condition of entering into a Rehabilitation and Return to Work Agreement that includes the following provisions:

- Evaluation by a qualified SAP approved by the City;
- Authorization for the City to communicate directly with the SAP;
- Compliance with and completion of all treatment, counseling and follow-up care recommended by the SAP;
- Certification by the SAP that the employee is fit to return to the employee’s job duties;
- Passing a return to work urinalysis test;
- Follow-up suspicion-less testing for a period of time determined by the City and/or recommended by the SAP; and
- A “Last Chance Agreement” or immediate termination of employment if the employee violates the terms of the Rehabilitation and Return to Work Agreement or engages in additional prohibited conduct under this policy.

POLICY 27. ALCOHOL AND DRUG POLICY FOR EMPLOYEES COVERED BY DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS

Introduction

Each person reacts differently to drugs and alcohol, but one thing is clear--these substances affect judgment and the ability to perform. The danger of abusing these substances becomes especially clear when the use of motor vehicles is involved.

Policy

The objectives of this policy are to formalize the standards and policy of the City of West Linn concerning the use of alcohol, controlled substances and medication affecting the work environment; to provide a drug-free workplace; and to conform to the requirements of law. Employees are required to abide by the terms of this policy and to cooperate with its administration as a condition of employment.

If you are an employee covered by these requirements, you should familiarize yourself with the provisions of this policy because compliance with this policy is a condition of your employment.

Employees Covered

Under the FMCSA, all employees who are required to hold a commercial driver's license and perform "safety-sensitive" job functions are covered under these regulations. This policy also includes Supervisors of anyone performing "safety-sensitive" functions.

"Commercial Motor Vehicle" means:

1. Vehicles with a gross combination weight of at least 26,001 pounds and inclusive of a towed unit gross weight rating more than 10,000 pounds;
2. Vehicles with a gross weight of at least 26,001 pounds;
3. Vehicles designed to carry or transport 16 or more individuals, including the employee;
4. Vehicles used to transport hazardous materials found in the Hazardous Materials Transportation Act.

Prohibitions

The following conduct constitutes a violation under DOT Regulations and will result in discipline, up to and including termination, in addition to the prohibitions under the City's regular Drug and Alcohol Policy (Policy 26).

Alcohol:

1. No employee shall report for duty or remain on duty requiring performance of a safety-sensitive function while having an alcohol concentration of 0.04 or greater evidential breath testing (EBT).
2. No employer knowing an employee has an alcohol concentration of 0.02 or greater shall permit the employee to continue to perform the duties of a defined safety-sensitive position.
3. No employee shall possess alcohol while on duty or while operating a commercial motor vehicle.
4. No employee shall perform a safety-sensitive function within four (4) hours of using alcohol.
5. No employee shall use alcohol while on duty.
6. No employee shall use alcohol for eight (8) hours following an accident or until the employee takes a post-accident test, whichever comes first.
7. No employee shall refuse to take a test required under this policy.

Controlled Substance:

1. No employee shall report for duty, remain on duty, or perform a safety-sensitive function, if the employee tests positive to a controlled substance test for marijuana, cocaine, opiates, amphetamines, and phencyclidine. Effective January 1, 2018, employers are required to test DOT-regulated employees for hydrocodone, hydromorphone, oxycodone and oxymorphone. In addition, the new rules remove MDEA (ingredient for Ecstasy) for confirmatory testing; raise pH cutoff levels from three to four to identify altered samples and allow Medical Review Officers to recommend additional oral fluid testing in certain situations.
2. No employee shall possess any controlled substance or report to work while using any controlled substances, except when the employee is under a doctor's care and the doctor has advised the employee that the substance does not affect the

employee's ability to safely operate a commercial motor vehicle. The use of medication that could affect an employee's job performance is prohibited while working. An employee shall notify their manager of use of any prescribed medication and shall provide a certificate from the employee's doctor that the use of the medication will not impair the employee's ability to safely and effectively perform their duties. If, as a result of testing under this policy, the employee is found to have the presence of controlled substances in the body which is a result of the use of their legally prescribed medication that has not been reported, the employee shall be removed from service without pay until it is determined that the use of medication will not impair the employee's ability to safely and effectively perform assigned duties.

3. No employee shall refuse to take a test required under this policy.
4. No employer, having actual knowledge of an employee using controlled substance or testing positive to a controlled substance, shall permit the employee to perform or continue to perform a safety-sensitive function.
5. No employee may manufacture, sell or distribute controlled substances or possess controlled substances with the intent to sell or distribute during working hours (including lunch or break periods) or on City property.

Under the regulations, controlled substances strictly prohibited are marijuana (THC metabolite); cocaine; amphetamines; opiates (including heroin); and phencyclidine (PCP). The City and DOT view marijuana as a Schedule 1 narcotic and prohibit employees from having any detectable level of marijuana in their system while working for the City.

Required Testing of Covered Employees

Pre-Employment Testing:

An individual who is offered one of the positions required to hold a CDL must be tested and receive a negative result for controlled substances after an offer of hire, but before an actual safety-sensitive function is performed for the first time. If an employee transfers from a position which is not covered under these regulations to a position which is covered, the employee will be required to submit to a pre-employment drug test.

Post-Accident Testing:

Following an accident, drug and alcohol tests will be performed on all employees involved if: 1) a fatality occurs (where the employee was performing a safety-sensitive function with respect to the vehicle), or 2) the CDL employee receives a citation for a moving violation in connection with an injury or tow away accident.

An alcohol test must be performed generally within two (2) hours of the accident with no test being administered after eight (8) hours following the accident. A post-accident drug test shall be conducted within thirty-two (32) hours following the accident. If no test is conducted, the City will record the incident, including why testing was not administered, and maintain this information on file.

An employee shall remain available for post-accident testing. If the employee is unavailable for the necessary testing (except as necessary due to emergency medical treatment), the employee will be treated as though they/them refused to test.

The City will provide the employee with the necessary post-accident information, procedures, and instructions prior to the employee operating a Commercial Motor Vehicle.

Random Testing:

The required number of CDL employees will be randomly selected to undergo alcohol and/or drug testing. Each employee will have an equal chance of being tested each time a selection is made. An employee may be tested more often than once a year, while another employee may not be tested. The employee selection depends on the random selection of the individual.

The City is required to randomly test for alcohol at least 10% of the total covered employees per year. A random alcohol test will be administered before a safety-sensitive activity, while the employee is performing a safety-sensitive activity, waiting to be dispatched, or immediately after an employee has stopped performing a safety-sensitive function. The rules do provide for possible adjustments to the annual random alcohol testing rates based upon the violations found in the industry.

The City is required to randomly drug test at least 50% of the total covered employees per year. The rules do provide for possible adjustments to the annual random drug testing rates based upon the violations found in the industry.

If an employee is randomly selected for a drug and/or alcohol test, the supervisor will ensure the employee's duties are covered and allow the employee adequate time for testing procedures. The employee will receive an unannounced written notification (on the actual day of testing) of a random test and will immediately report to the lab for testing.

Reasonable Suspicion Testing:

If a supervisor has reasonable suspicion that an employee is under the influence of alcohol or a controlled substance, the supervisor must request the necessary testing (alcohol/controlled substance) of the employee. The covered employee is then required to submit to the testing.

The City will require an employee to submit to an alcohol test when the supervisor has reasonable suspicion to believe that the employee has violated this rule. The supervisor's observation is based

on the employee's appearance, behavior, speech or body odors. The necessary alcohol testing will be conducted within eight (8) hours after the observation has occurred. The observations must have just occurred prior to, or during the employee's performance of a safety-sensitive function or waiting to be dispatched. The supervisor shall document the actual observations within 24 hours following the observations or before the results of the test are released, whichever is earlier.

The City will require an employee to submit to a controlled substance test when the supervisor believes the employee has violated this rule. The observations include the employee's appearance, behavior, speech, body odors, or other observable signs and symptoms. The observations must have just occurred prior to, or during the employee's performance of a safety-sensitive function or waiting to be dispatched. The supervisor shall document the actual observations within 24 hours following the observations or before the results of the test are released, whichever is earlier.

If there is reasonable suspicion of alcohol or controlled substance use by an employee covered by this policy, the employee shall not remain on-duty performing a safety-sensitive function. The City will not permit the employee (where there is reasonable suspicion of alcohol use) to perform the safety-sensitive functions of their job until the employee's alcohol concentration level is below 0.02 or 24 hours has gone by following the reasonable suspicion. When there is reasonable suspicion of controlled substance use, the City will not permit the employee to perform the safety-sensitive functions of their job until the employee tests negative on a controlled substance test.

Supervisors shall be trained on observation techniques in accordance with DOT regulations.

Procedures and Safeguards used for Testing

Specific requirements are placed on the collection, chain of custody, confidentiality and record retention of this process.

Alcohol Testing:

Alcohol testing will be conducted by the use of an EBT device approved by the National Highway Traffic Safety Administration.

Time spent away from actual duties to take a drug and alcohol test required by the City is considered "on-duty" time.

A screening test shall be conducted first. If the result of an alcohol screening test level is less than 0.02, the test is considered a negative test by the DOT. If the result of an alcohol screening test level is at or above 0.02, a second "confirmation" test will be conducted after a period of 15 minutes.

Drug Testing:

The following is the testing procedure to comply with the regulations. The analysis must be performed by a certified laboratory and monitored by the Federal Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

1. The urine specimen is split into two (2) bottles labeled "primary" and "split" specimen. Both of these bottles will be sent to the lab;
2. If the "primary" specimen tests positive for the presence of an illegal, controlled substance (marijuana, cocaine, opiates, amphetamines and phencyclidine), the employee has 72 hours to request that the split specimen (confirmation) be analyzed by a different certified lab;
3. If the test is positive for one or more of the drugs listed above, the confirmation test will be conducted using a gas chromatography/mass spectrometry analysis;
4. All drug test results will be reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the employee and to the City;
5. With all positive drug tests, the MRO will first attempt to contact the employee to determine if there is an alternative medical explanation for the positive test results. If documentation is provided and the MRO determines there was a legitimate medical use for the prohibited drug, the test results may be reported to the City as "negative".

Consequences of Refusal to Submit to Alcohol and/or Drug Testing

An employee who refuses to submit to the mandatory testing procedures required by law will be treated in the same manner as an employee who tested 0.02 or greater on an alcohol test or tested positive on a controlled substance test. The employee will immediately be removed from their safety-sensitive duties and may be subject to discharge. (See Consequences for Testing Positive or Otherwise Violating the DOT Regulations paragraph). To return to work, the employee will be referred to a SAP for an evaluation. The employee must begin the recommended treatment or education prior to being authorized to take a return to duty test. An employee must undergo a return to duty test with a result of less than .02 alcohol concentration and/or a verified negative result for controlled substances.

Refusal to submit to an alcohol or controlled substance test as required by this Policy includes, but is not limited to:

1. Refusal to provide a urine sample for a drug test;
2. Inability to provide a urine sample without a valid medical explanation;

3. Refusal to complete and sign the breath alcohol testing form or any other non-cooperation with the testing procedure in a way to prevent the completion of the test;
4. Inability to provide breath or an adequate amount of breath without a valid medical explanation;
5. Tampering or attempting to tamper with any part of the collection procedure, including substitutions or adulterations of a sample;
6. Failure to immediately report to the collection site;
7. Failure to remain at the testing site until the testing process is complete;
8. Leaving the scene of an accident without a valid reason and not remaining readily available for testing.

Consequences for Testing Positive or Otherwise Violating the DOT Regulations

A violation of this policy will result in disciplinary action up to and including discharge under the City's regular Drug and Alcohol Policy (Policy 26). In addition, the DOT Regulations require the following actions if an employee engages in conduct under the "Prohibitions" section of this policy:

1. The employee must be removed immediately from their safety sensitive function.
2. The employee must submit to an evaluation by a SAP. The employee must comply with any rehabilitation or treatment recommended by the SAP. If the SAP indicates the employee needs a leave of absence to participate in treatment, the City shall allow the indicated time period. Failure to comply will not allow the employee to return to work.
3. The employee must submit to a return-to-duty alcohol and/or controlled substance test before being returned to their safety-sensitive position. The return-to-duty depends on the employee's test results, alcohol concentration level of less than .02 or a negative controlled substance test.
4. The employee will be required to submit to unannounced, random follow-up testing for at least 12 months up to 60 months, as determined by the SAP, after the employee has returned to their safety-sensitive position. This unannounced follow-up testing will include at least six (6) independent tests during the next twelve (12) month period after the employee returns to their position. The number and frequency of follow-up tests shall be determined by the SAP. Follow up testing will be at the employee's expense.

5. Exception: Under the DOT Regulations, an employee who tests positive for an alcohol concentration of .02 or more, but less than 0.04, must be removed from performing safety-sensitive functions for **24 hours**. A reading for alcohol concentration must be verified at below 0.02 before resuming safety-sensitive functions.

Background Investigation

Under Part 382.413, an individual offered a covered position will provide the names and phone numbers of all previous employers for the previous two (2) years from the date of application. Previous employers will be contacted to determine if the applicant has violated DOT safety rules by refusing to test (including verified adulterated or substituted test results), testing positive for drugs or alcohol, failing to successfully complete any applicable DOT return to duty requirements or any other violations of DOT agency drug and alcohol testing regulations. If the applicant fails to disclose information or omits previous employers, the job offer will be withdrawn.

Training for Employees

Supervisors will be trained to observe reasonable suspicion determinations for alcohol and controlled substance use by attending at least one hour (60 minutes) of training on alcohol misuse and at least one hour (60 minutes) of training on controlled substances. Training shall cover physical, behavioral, speech, and performance indicators resulting from alcohol and controlled substance use.

Covered employees shall receive educational materials outlining the DOT's drug and alcohol requirements and the City's policies and procedures to comply with these regulations.

Questions regarding referral resources for treatment and rehabilitation should be referred to Human Resources.

Record-Keeping Requirements

Before performing an alcohol or drug test under these regulations, the employer must notify the employee (orally or in writing) that they/them are/is being tested under the DOT Federal Motor Carrier Safety Administration Regulations. By using the U.S. Department of Transportation Breath Alcohol Testing form or the controlled substance custody and control form, the City has given the employee proper written notice.

Records must be available for inspection by a FMCSA representative within two (2) business days' notice. Access to the records will be controlled by the Human Resources Department so that no information is released to any person without the employee's consent, except as required by law or authorized in this section.

1. The employee may obtain, in writing, copies of their alcohol or controlled substance records.
2. The City will permit access and make available copies of all test results and other information to all facilities utilized in complying with the requirements of Part 382 of the DOT regulations, including Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the City, or any of its employees.
3. The City will disclose information related to post-accident testing as required as part of an accident investigation.
4. Records will be made available to subsequent employers with a written request from the former employee. The employee must specify what items they/they would like released.
5. The City may disclose information maintained in Part 382 of the DOT regulations pertaining to an employee, to the proper authority in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee.
6. The City will release information regarding the employee's records, with written consent of the employee, to an identified person.

Upon the employee's written consent, the City will release the employee's information about positive test results as defined by DOT regulations, refusals to be tested or other violations of DOT agency drug and alcohol testing regulations within the prior two (2) years.

The City will provide records to subsequent employers upon receipt of a written request from the employee.

The City must retain the following records for a period of five (5) years:

1. Records of all employee alcohol tests resulting in a level of concentration of 0.02 or greater and all verified positive drug tests;
2. Documentation of all refusals to submit to the required drug and alcohol testing;
3. Documentation on calibration of EBT devices;
4. Employee evaluations and referrals;
5. Records related to the administration of the alcohol and drug testing programs; and
6. A copy of each annual calendar year summary of testing.

The employer must maintain records related to the alcohol and drug collection process for a period of two (2) years.

All records regarding negative or canceled controlled substance test results, and alcohol test results with concentrations of less than 0.02, must be maintained for a period of one (1) year.

The types of records defined by the retention provision include collection process records, test results, violation records, evaluation records, education and training, and drug testing records.

Annual Summary Report

By March 15 of each year, the employer is required to complete an annual summary indicating the information for the previous year. If the FMCSA notifies an employer, the employer must submit its annual summary for review. If no notification is given, the employer is not required to submit the annual summary to FMCSA.

The annual summary will include the following information:

- number and types of tests conducted;
- number of the employees subject to testing;
- number and type of verified positive and negative test results;
- number of applicants rejected or failing an alcohol or drug test;
- number of refusals to submit to tests (or submitted substituted or adulterated tests);
- number of employees with verified positive tests for multiple controlled substances;
- number of employees who were administered alcohol and drug tests at the same time, with both a verified positive drug test result and an alcohol test result of 0.04 or greater;
- number of employees found to have violated any non-testing prohibitions and any action taken in response;
- number of supervisors who received alcohol or controlled substance training;
- number of employees who were returned to duty after a prior violation of the rules.

POLICY 28. EDUCATIONAL OPPORTUNITIES

Policy Statement

The City pays the cost of classes or seminars it requires an employee to attend during an employee's regularly scheduled work hours in accordance with federal and state laws, and the applicable collective bargaining agreement.

Subject to a maximum of five hundred dollars (\$500) per employee, per fiscal year and the availability of funds, the City may reimburse an employee for tuition and books for courses directly related to the employee's work, provided that:

- The course is approved in advance by the Department Director and the cost of the course must be within the department budget.
- The employee submits evidence of satisfactory completion with grade of "C" or 2.0 on a 4.0 scale, or better, or a passing grade if the class is graded on a "pass/fail" basis.
- The employee is not receiving reimbursement for tuition and books from any other source.
- Any books, texts, or other materials paid for by the City will become the property of the department and evidence of placement in the department is verified.
- The City may allow time-off with pay and reimburse an employee for the expense of attending classes, lectures, conferences or conventions when attendance is on an assignment basis with prior approval of the Department Director and the City Manager.

POLICY 29. SEPARATION OF EMPLOYMENT

Resignation

An employee who wishes to resign their position is asked to notify their supervisor in writing of the anticipated departure date at least two weeks in advance.

Upon receipt of an employee's resignation, the supervisor will notify Human Resources by sending a copy of the resignation letter or notification to Human Resources and any other pertinent information (e.g., employee's reason for leaving, last day of work, and final anticipated hours).

Human Resources will coordinate the employee's out-processing. This process will include:

- a. The employee's returning all company property (e.g., keys, ID cards, Pcard).
- b. A review of the employee's post-termination benefits status.
- c. The employee's completion of an exit interview, if the employee chooses.

Exit Interview

An Employee who voluntarily leaves City employment will be asked to participate in an exit interview. The exit interview is not confidential and is not part of the employee's personnel file.

The Human Resources Department will generally schedule an exit interview to provide a departing employee with details about pay or benefit eligibility and to obtain the employee's opinions about, and suggestions for, improvements to specific or general policies or practices of the City.

Layoff

In the event that a temporary or permanent workforce reduction becomes necessary due to reduced funding, changes in the nature and scope of the work, or for other operational reasons, the City may respond by implementing a layoff.

When selecting employees to layoff in a job classification, department, or work group, the Human Resources Director, in coordination with Department Directors, will make the decision based on an evaluation of the comparative work performance of the employees in the classifications affected, as well as the skills and abilities of those employees to perform the work remaining. If the City determines that the performance, skills and abilities of the affected employees are relatively equal, preference may be given to the employees with the longest length of service.

Employees who are laid off have no recall rights unless provided in an applicable collective bargaining agreement.

Final Pay

An employee who resigns or is discharged will be paid through the last day of work, plus any unused vacation, comp time, Holiday-in-Lieu, less any deductions required or authorized by law or agreement. The employee's supervisor should ensure that Human Resources receives the employee's timecard.

If an employee resigns with less than 48 hours' notice, excluding weekends and holidays, the paycheck will be paid within five (5) days, excluding weekends and holidays, or on the next regular payday, whichever comes first. If an employee resigns with notice of at least 48 hours, the final check will be paid on the final day worked, unless the last day falls on a weekend or holiday. In that case, the check is written on the next business day. If an employee is discharged, the final paycheck will be paid by the end of the next business day. When the City and employee mutually agree to terminate the relationship, the check will be paid by the end of the following business day, as in the case of discharge.

In cases of an employee's death, the final pay due to that employee will be paid to the deceased employee's estate.

Death of an Employee

A termination due to the death of an employee will be made effective as of the date of death. Upon receiving notification of the death of an employee, the employee's supervisor should immediately notify the Human Resources Department. The benefits administrator will process all appropriate beneficiary payments from the various benefits plans.

Name Clearing Hearing

When required by law, the City will provide a name clearing hearing for a former employee. The name clearing hearing will take place after the termination of the employee.