

# City of Brookings

## MEETING AGENDA

### **CITY COUNCIL**

**Monday, September 11, 2017, 7:00pm**

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

The City Council will meet in Executive Session at 6:00 PM, in the City Manager's office, under the authority of ORS 192.660 (2)(a) "To consider the employment of a public officer, employee, staff member or individual agent," and under the authority of ORS 192.660 (2)(h) "To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed."

#### **A. Call to Order**

#### **B. Pledge of Allegiance**

#### **C. Roll Call**

#### **D. Ceremonies**

1. National Emblem Club Week Proclamation [City Recorder, Pg. 3]
  - a. Proclamation [Pg. 4]
2. Don Vilelle Volunteer Resignation

#### **E. Oral Requests and Communications from the audience**

1. Public Comments on non-agenda items – 5 minute limit per person.\*

#### **F. Staff Reports**

1. Chetco Bar Fire Update [City Manager, Pg. 5]
  - a. Talking Points [Pg. 6]
2. Employee Handbook Revisions [City Manager, Pg. 7]
  - a. Handbook with redline revisions [Pg. 8]
  - b. Handbook [Pg. 70]

#### **G. Consent Calendar**

1. Approve Council minutes for August 23, 2017 [Pg. 120]
2. Approve Council minutes for August 28, 2017 [Pg. 122]
3. Accept Planning Commission minutes for June 6, 2017 [Pg. 125]
4. Accept Planning Commission minutes for August 1, 2017 [Pg. 127]
5. Accept Don Vilelle Parks & Rec Committee Resignation

#### **H. Informational Non-Action Items**

1. August Vouchers [Pg. 129]
2. Vacant Committee Positions [Pg. 134]

#### **I. Remarks from Mayor and Councilors**

1. Council Liaison Reports

#### **J. Adjournment**

\*Obtain Public Comment Forms and view the agenda and packet information on-line at [www.brookings.or.us](http://www.brookings.or.us), at City Hall and at the local library. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.


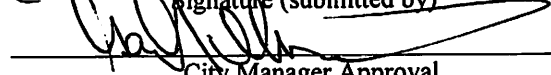
All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 11, 2017

Originating Dept: City Recorder

  
Signature (submitted by)  
  
City Manager Approval

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Subject: National Emblem Club Week Proclamation

Recommended Motion:

Motion to authorize the Mayor to proclaim the week of September 10-16, 2017, as "National Emblem Club Week."

Financial Impact:

None.

Reviewed by Finance & Human Resources Director: \_\_\_\_\_

Background/Discussion:

This is an annual request from the local Supreme Emblem Club to proclaim the week of September 10-16 as "National Emblem Club Week."

Attachment(s):

- a. Proclamation

# City of Brookings *Proclamation*

**WHEREAS**, the members of the Supreme Emblem Club of the United States of America, in promulgating community service, have actively engaged in seeking out the worthy and the needy in every community; and

**WHEREAS**, their assistance and guidance to young men and women is evidenced by great numbers of scholarships, assuring the advanced education of the deserving; and

**WHEREAS**, the requirements of those who have special needs are considered and fulfilled insofar as can be; and

**WHEREAS**, the members are vitally concerned with the immediate and permanent needs of those placed in stress by reason of flood, quake, hurricane, and other disasters of nature; and

**WHEREAS**, these are dedicated to the principle of philanthropic endeavor; and

**WHEREAS**, be it resolved that the deeds of dedicated, charitable members of the Supreme Emblem Club of the United States of America be recognized;

**NOW, THEREFORE**, I, Jake Pieper, Mayor of the City of Brookings, Oregon, do hereby proclaim the week of September 10<sup>th</sup>, 2017, as

## *National* *Emblem Club Week*

### *In Witness Whereof,*

I, Mayor Jake Pieper, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 11<sup>th</sup> day of September, 2017.

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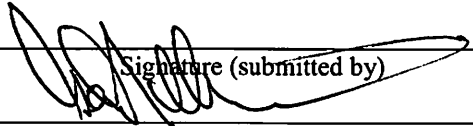
Mayor Jake Pieper

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 11, 2017

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Chetco Bar Fire Update

Recommended Motion:  
Information only.

Financial Impact:  
Not applicable

Reviewed by Finance & Human Resources Director: \_\_\_\_\_

Background/Discussion:

The City Manager will provide a verbal update concerning the City's role in the emergency response to the Chetco Bar Fire. The City Manager has also prepared a "talking points" document for use in discussing post-emergency assistance for the community.

Federal legislative staff has recommended that the City develop a mitigation budget by mid-September for possible legislative consideration. Staff is currently working on developing a scope that would include the economic impact analysis mentioned in the talking points; fire equipment needs; water system needs and Emergency Operating Center needs.

The U.S. Economic Development Administration (EDA) has a technical assistance grant program available of up to \$50,000 that could be used in performing the economic impact analysis. The City Manager has made preliminary contact with EDA staff. The City has obtained one estimate from a private contractor to undertake such an analysis at \$33,000. The City Manager will be approaching the County to propose a joint application.

Attachment(s):

- a. Talking Points

## **CITY OF BROOKINGS**

### **CHETCO BAR FIRE IMPACT TALKING POINTS**

1. As of September 6 the fire has burned about 16.0 per cent of the land area of Curry County (167,000 acres of 1,041,288 acres).
2. The federal government should fund an economic impact study of the fire. What are the short and long-term economic impacts on Curry County and Brookings? What is the impact on the timber resource; the fishery resource; tourism; people interested in relocating here?
3. Since this fire originated on federal land, the federal government has a big responsibility to assist with recovery. What economic assistance can/will they offer to the community?
4. There needs to be a plan for rehabilitating the burn area.
5. Local agencies need to be fully reimbursed by the federal government for their costs associated with the fire response...not 75 per cent as is the normal reimbursement. Again, this fire originated on federal land.
6. There are impacts to come. The fire will expose drainage systems to increased erosion and could potentially impact our river intake. This needs to be evaluated.
7. In addition to economic and local agency cost reimbursement, the federal government should help fund infrastructure improvements needed to help keep the community firesafe.
8. Finally, there needs to be a Congressional inquiry into why this fire was not dealt with in its early stages and the strategy used in dealing with the fire. In an early briefing (when the fire was 10 acres or so) by USFS District management and firefighters, we were told that USFS was restricted on its use of retardant because the fire was burning in a wilderness area under a policy document entitled "Minimum Impact Suppression Tactics Guidelines" or MIST. We were also advised that they did not have adequate resources available. Their early strategy was to develop a fire line that they could defend (called an indirect line) and let the fire burn to them. It is my understanding that the initial fire line was overwhelmed; did they not have adequate resources to construct and staff a defensible line?

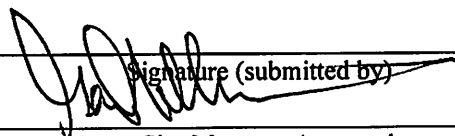
September 6, 2017

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 11, 2017

Originating Dept: City Manager

  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: City of Brookings Personnel Policy Handbook

Recommended Motion:

Motion to adopt the City of Brookings Personnel Policy Handbook dated September 11, 2017.

Financial Impact:

No direct impact.

Reviewed by Finance & Human Resources Director: \_\_\_\_\_

Background/Discussion:

The City periodically reviews and updates the City of Brookings Personnel Policy Handbook. The last update was in 2013. The Handbook establishes policies, standards and procedures applicable to all City employees. Compensation and working condition matters are addressed in union agreements and the Management Compensation Plan. Some items have been removed from the Handbook and relocated to those agreements/plans. Most of the changes are as recommended by City/County Insurance Services (the City's liability and workers compensation provider) and attorneys at the Local Government Personnel Institute (of which the City is a member and utilizes their employee relations consulting services). Some of the changes, such as in "Travel Time Pay" are clarifications of existing policy.

Attachment(s):

- a. City of Brookings Personnel Policy Handbook redline.
- b. City of Brookings Personnel Policy Handbook September 11, 2017

# CITY OF BROOKINGS



## PERSONNEL POLICY HANDBOOK

Approved by City Council on: ~~December 9~~September 11, ~~2013~~2017

(Distributed ~~March 31~~September 12, ~~2014~~2017)



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### **Employee Acknowledgement Form**

This Personnel Policy Handbook describes important information about the City and its employment policies, and I understand that I should consult my supervisor or the Finance and Human Resources Director regarding any questions not answered in the handbook.

Because the information and policies described in this handbook are necessarily subject to change, I acknowledge that revisions to the handbook may occur and that I am subject to whatever policy is in effect at the time an event occurs. All changes to the handbook will be communicated through official notices, and I am aware that revised information may supersede, modify, or eliminate existing policies. Only the City Council has the authority to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand that this handbook is not to be construed by myself, or any employee, as binding terms and conditions of employment.

I acknowledge that some employees of the City of Brookings are covered by collective bargaining agreements. If there is a difference between the policies in this handbook and a collective bargaining agreement clause, I understand that the collective bargaining agreement provisions govern for union represented employees.

I acknowledge that I have received a copy of this handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I further understand that this handbook supersedes any previous handbook, written policy or oral communication.

I acknowledge that I have read and understood the above paragraphs.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

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

(Please sign and date this acknowledgement and return it to your supervisor for placement in your personnel file).

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## **CITY OF BROOKINGS PERSONNEL POLICY HANDBOOK**

### **I. INTRODUCTION**

#### **SCOPE AND PURPOSE**

This handbook is designed as a guide to the City's policies, procedures and practices relating to employment matters. Employees should familiarize themselves with its contents and keep it handy as a periodic reference source. This handbook is not intended to be comprehensive or to address all the possible applications or exceptions to the general policies and procedures of the City. Questions should be directed to the Finance and Human Resources Director.

All references to the Finance and Human Resources Director are considered to be to the City Manager in the absence of a Finance and Human Resources Director.

This handbook covers all employees of the City. Some employees are, however, covered by a collective bargaining agreement, in which case those employees should be aware that if there is a difference between this handbook and a collective bargaining agreement provision, the collective bargaining agreement provision governs those respective union members. Bargaining unit employees should always refer to their collective bargaining agreement as well as this handbook.

The Brookings Police Department Policy Manual is hereby incorporated by reference, and provisions and procedures prescribed therein shall supersede those conflicting provisions of this handbook as to employees assigned to the Police Department. The City subscribes to the Lexipol system of periodic updates to the Police Department Policy Manual. To assure compliance with changes in state and federal law with respect to Police employees, all future updates to the Police Department Policy Manual shall be incorporated by reference as a part of this handbook.

The City Manager's terms and conditions of employment are established by contract, and only the provisions of this handbook referenced in said contract, shall be applicable to the City Manager.

The City reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate at its sole discretion. The Finance and Human Resources Director may adopt policies and guidelines for the implementation of any of the policies in this handbook. Employees will be notified and provided with copies of changes as they occur in writing. Employees are subject to whatever policy is in effect at the time an event occurs. Only the City Council has the ability to adopt revisions to this handbook.

This handbook supersedes all prior versions and any other prior oral or written provisions, descriptions or understandings of the City's policies, rules, procedures and benefits addressed in this handbook. No oral statements or representations can change or alter the provisions of this handbook.

### **II. EMPLOYMENT POLICIES**

#### **2.1 EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION**

~~The City of Brookings is committed to hiring qualified personnel without regard to sex, race, religion, age, marital status, sexual orientation, disability or any other status protected by law. It is an unlawful employment practice for an employer, because of an individual's race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older, or because of the race, color, religion, sex, sexual orientation, national origin, marital status or age~~

of any other person with whom the individual associates to refuse to hire or employ the individual or to bar or discharge the individual from employment. All employment decisions will be based on the occupational qualifications and essential job functions of the position and the individual's demonstrated skills, knowledge, and ability to succeed in the position being filled.

The City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, transfer, promotion, compensation, reclassification, discipline, layoff, termination, and access to benefits and training.

Any individual who feels they have experienced employment discrimination in violation of this policy should bring their complaint to the immediate attention of the Finance and Human Resources Director or to any manager or supervisory employee with whom the person filing the complaint feels comfortable in accordance with Section XVIII, Grievance Procedure, herein. Complaints should be filed in writing and should include: 1) the name and address of the person filing the complaint; 2) a description of the discrimination leading to the complaint; and 3) any other pertinent information that will help in the investigation process. Following receipt of the complaint, the Finance and Human Resources Director will institute an investigation and respond in writing as soon as practicable thereafter. A written record will be kept of the investigation and resolution. All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City's need to investigate the complaint and address the situation.

The City prohibits retaliation against any employee for filing a complaint under this policy, or for assisting in a complaint investigation. All employees of the City are required to refrain from any conduct or practice that is in violation of this policy. If you believe there has been a violation of this policy, follow the complaint procedure outlined in this section.

## 2.2 HARASSMENT

The City of Brookings is committed to providing a work environment for all employees that is free from harassment. Harassment is behavior perceived by the receiver as unwelcome and includes the use of verbal or practical jokes, unwelcome touching, offensive remarks or put-downs, and displays of objects and materials that create an offensive environment or interferes with or adversely affects a person's work performance. Actions such as these are prohibited and will subject the offender to discipline, which in some cases may be termination, if the prohibited conduct is repeated or severe, will be subject to disciplinary action up to and including termination.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City-related or –sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of the City's employees. This policy also provides protection to City employees who are unlawfully harassed during working hours by individuals who are not employed by the City, such as elected officials, members of the community, and vendors.

Sexual harassment is considered sex discrimination not only because of the sexual nature of the conduct to which the victim is subjected, but also because the harasser treats the victim differently based on the victim's sex. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitute sexual harassment when:



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

Officials, employees, volunteers or agents of the City may not engage in any conduct that violates this policy. Any retaliation at work or work-related events by an official, employee, volunteer or agent of the City is prohibited.

Other forms of prohibited harassment under City policy and Federal and Oregon law include harassment against an individual based on the individual's race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law.

The City encourages anyone wishing to file a complaint for harassment to follow the complaint process outlined in this section. Employees who believe they have been subjected to or witnessed harassment should take affirmative action to stop it immediately either by telling the alleged harasser to stop the offensive conduct or ~~by filing a harassment complaint~~ by reporting it immediately to their supervisor or the Finance and Human Resources Director, or to any manager or supervisory employee with whom the person filing the complaint feels comfortable. No employee will suffer any adverse consequences as a result of acting in good faith to bring the harassment to the City's attention or participate in an investigation.

Harassment complaints shall be documented in writing by the supervisor receiving the complaint. The information provided should specifically state the incident(s) of harassment leading to the complaint and any other pertinent information that will assist in the investigative process. All investigations will be conducted in a prompt, thorough and impartial manner.

The person with whom the complaint is filed will take immediate and appropriate action. In all cases, action must include immediate notification of the Finance and Human Resources Director who will institute the investigation. Confidentiality will be maintained to the extent practical.

A written report will be created documenting the nature of the alleged harassment and the steps taken during the investigative process. The report will be made as soon as practical. At the conclusion of the investigation the Finance and Human Resources Director will make a decision relative to what, if any, immediate, appropriate and corrective action should be taken and the results communicated to the employee and the other parties involved. Appropriate corrective action, up to, and including termination, will be taken against any employee engaging in discrimination and/or harassment. An employee dissatisfied with the Finance and Human Resources Director's report or decision regarding corrective action may file a grievance to the City Manager in accordance with Section XVIII.

### 2.3 ~~SEXUAL~~ HARASSMENT RESPONSIBILITIES AND TRAINING

All City officials, employees, volunteers and agents are responsible for knowing the City's policy ~~on prohibiting~~ sexual and other forms of harassment and following this policy. All Department Directors and supervisors are responsible for maintaining a workplace free of any form of ~~sexual~~ harassment and for enforcing this policy. To ensure this policy is followed, Department Directors shall require all employees to participate in at least one ~~sexual~~ harassment training program every

two years. If a department is experiencing any issues with respect to ~~sexual~~ harassment, additional training programs should be added. Department Directors will be required to have each participating employee certify their attendance in writing and to place the written certification in the employee's personnel file. Employees may receive this training in a personally attended workshop, or by viewing a video, as deemed appropriate by management.

## 2.4 POLICY ON NON-RETALIATION

City of Brookings prohibits the taking of any retaliatory action for reporting or inquiring about alleged improper or wrongful activity. All City of Brookings employees, managers/supervisors and elected officials are encouraged to report in good faith all information regarding alleged improper or wrongful activity that may constitute:

- Discrimination or harassment;
- Fraud;
- Unethical or unprofessional business conduct;
- Noncompliance with City of Brookings policies/procedures;
- Circumstances of substantial, specific or imminent danger to an employee, manager/supervisor, elected official or the public's health and/or safety;
- Violations of local, Oregon or federal laws and regulations; or
- Other illegal or improper practices or policies

City of Brookings encourages timely disclosure of such concerns and prohibits retribution or retaliation against any employee (or member of the public) who, in good faith, reports such concerns. No employee, manager or supervisor will be exempt from the consequences of misconduct or inadequate performance by reporting his or her own misconduct or inadequate performance.

### Protection from Retaliation

Any City of Brookings employee, manager/supervisor or elected official who, in good faith, reports such incidents as described above or other related unlawful or unethical conduct will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, discharge, or other discrimination including but not limited to discrimination in compensation or terms and conditions of employment that occur because of the disclosure of such information. In addition, no City of Brookings employee may be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations.

### Reporting Process

Employees should timely report evidence of alleged improper activity as described above by contacting their immediate supervisor, department head or City Manager. Any instances of alleged retaliation or retribution should be reported in the same manner.

All reports will be handled as promptly and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.

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## 2.5 OPEN-DOOR POLICY

City of Brookings's Open Door Policy is based on our belief that employee suggestions for improving City of Brookings are welcome at any time. If the employee has a complaint, suggestion, or question about the job, working conditions, or the treatment received by anyone in City of Brookings, the employee should first raise them with their immediate supervisor. If the employee is not satisfied with the response from the immediate supervisor, or if the issue involves the immediate supervisor, the employee should request to have the facts/situation reviewed by the City Manager.

## 2-4.6 DISABILITY ACCOMMODATION

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

The City's hiring procedures provide persons with disabilities meaningful employment opportunities. The City will afford reasonable accommodation to qualified applicants and employees with a known disability, unless to provide the accommodation creates an undue hardship on the operation of City business. ~~All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.~~

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

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position or participate in the employment process. All requests for accommodation should be made with the Department Director, and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his or her need for a reasonable accommodation.

## 2.5 — IMMIGRATION LAW COMPLIANCE

~~Employees must be citizens of the United States, resident aliens or persons possessing a visa permitting them to work in the United States. The immigration status of an alien will be ascertained by the City prior to consideration for employment. Employment of a permanent nature, whether full-time or part-time, is possible only for those aliens having immigrant status as permanent resident aliens; however, employment of a temporary nature is provided for under certain non-immigrant visa classifications.~~

## **III. RECRUITMENT AND HIRING**

### 3.1 JOB POSTINGS

The Finance and Human Resources Director, in consultation with the hiring Department Director, shall determine if there is a sufficient and /or qualified pool of existing employees to meet the needs of the City if an appointment is made through promotion of a current employee.

All position vacancies not filled through promotion or resulting from a Department reorganization and reassignment of duties shall be advertised sufficiently to obtain a pool of qualified candidates.

Employee applicants for open positions are subject to the same testing and review process as non-employee applicants.

All vacancies in employee positions shall be posted at City Hall for a minimum of three days. The Finance and Human Resources Director shall advertise vacancies as he/she deems appropriate to develop a pool of qualified applicants.

### 3.2 EMPLOYMENT APPLICATIONS AND REFERENCE CHECKS

Employment applications received by the City become the property of the City and cannot be returned. Misrepresentations, falsifications, or material omissions in any of the information or date may result in the exclusion of the individual from further consideration for employment or, if the person is hired, termination of employment.

To ensure that applicants are well qualified and have a strong potential to be productive and successful, it is the City's policy to check employment references of all applicants being considered for employment. For public safety and financial employees, The City may request a consumer report or investigative consumer report from an applicant only with the applicant's written authorization and upon providing the required disclosure of the employee's rights under the Fair Credit Reporting Act. Pursuant to the Fair Credit Reporting Act, if the City requested and obtained a consumer report or investigative consumer report regarding an applicant and decides not to extend an offer of employment to the applicant, the Finance and Human Resources Director will provide a copy of the report to the applicant as soon as possible before formally notifying the applicant that an offer will not be extended. The formal notification must include notice to the applicant explaining how to contact the reporting agency.

Only the Finance and Human Resources Director is authorized to respond to outside employer reference check inquiries regarding current or former employees. The Finance and Human Resources Director may authorize the supervisor of an employee or former employee to respond to specific reference check questions or provide a letter of reference. The City Manager may respond to reference check inquiries concerning management employees. No one else is authorized to comment on or provide information regarding a current or former employee's employment or departure. Information regarding current employees will be given only if the employee provides a signed Reference Request Release to the Finance and Human Resources Director. Responses to employment reference checks will be limited to dates of employment, position, title, and job location. More detailed responses addressing the employee's job performance and record will be provided only if indicated on the signed Reference Request Release.

### 3.3 EMPLOYMENT MEDICAL EXAMINATIONS

All prospective employees for safety sensitive positions must pass a pre-employment drug screen after receipt of a conditional offer of employment and prior to becoming an employee of the City.

To help ensure that employees are able to perform their duties safely, medical examinations may be required for some job classifications and satisfactory completion of the examination and appropriate medical clearance will be conditions of employment. Prospective applicants will be notified of medical examination requirements. The examination will be performed by a health professional of the City's choice and at the City's expense.

Current employees may be required to take medical examinations to determine fitness for duty. These examinations will be scheduled at reasonable times and also performed at the City's expense and by a health professional of the City's choice.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained in confidentiality by the Finance and Human Resources Director. Access to this information will be limited to those who have a legitimate need to know and in accordance with the federal Health Insurance Portability Accountability Act (HIPAA).

### 3.4 DRUG AND ALCOHOL TESTING

#### Applicant Testing.

All applicants (including current employees) for employment in safety sensitive positions with the City must consent to testing for drug usage as part of the pre-employment process. As part of the application process, the applicant will be requested to sign an Applicant Consent to Drug Testing form.

All offers of employment for safety sensitive positions are conditioned upon the applicant receiving a negative drug test.

### 3.45 EMPLOYMENT MOTOR VEHICLE RECORD CHECKS

Driving is among the most hazardous tasks performed by employees and most employees are required to drive at some point while on duty, whether as part of their job duties, or to attend an education or training program, an event, or meeting. In order to ensure employee safety, the City will conduct a motor vehicle record check for all applicants for employment for positions for which driving is an essential function. Only applicants meeting the guidelines provided under the City's policies on Motor Vehicle Use Safety (see Section 16.5) will be eligible for employment for those positions.

Applicants for positions for which driving is an essential job function will ~~be required to provide, with their application, a five (5) consecutive year driving history, with a beginning date not more than 30 days prior to date of application. An applicant will not be offered employment if the applicant's five year record does not meet the following standards:~~

- a. ~~No felony or misdemeanor driving convictions within the past 60 months, class "A" infraction convictions during the past 36 months and no more than one (1) class "A" infraction conviction between the past 36 and 60 months.~~

b. ~~No more than two (2) traffic citation convictions within the past 12 months.~~  
Demonstrated ability to maintain a driver's license without suspensions for the past 60 months, or from first issue of license if applicant has possessed a license for less than 60 months, have his or her five (5) consecutive year driving history, with a beginning date not more than 30 days prior to the date of application reviewed during the background phase of employment. Felony and Misdemeanor

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traffic convictions within the last 24 months will be an immediate disqualification. A record of DUII, moving violations and/or accidents shall be considered as a part of the hiring process.

If ~~out of state~~ the applicant's driver's license was issued by a state other than Oregon, he or she must, be able to obtain Oregon ~~driving privileges~~ or, if the applicant will be a California resident, a California driver's license within 30 days of employment.

### 3.56 EMPLOYMENT OF RELATIVES

The employment of relatives or members of the same household in the same department or in any supervisory relationship may cause conflicts and problems with favoritism and employee morale.

For the purposes of this section, a "relative" means the spouse, registered, same-sex domestic partner, son, daughter, mother, father, brother, brother in law, sister, sister in law, son in law, daughter in law, mother in law, father in law, aunt, uncle, niece, nephew, stepparent or stepchild of the employee or of the employee's spouse or registered, same-sex domestic partner. This applies to all employees without regard to gender or sexual orientation, or genetic relationship. A member of the household is any person who resides with the employee.

Relatives of a current employee may not occupy a position that will be working directly for, or supervising, the relative. Likewise, a domestic partner involved in a dating relationship with a current employee may not occupy a position that will be working directly for, or supervising, the employee. Members of the same household should not occupy positions in which one member directly works for or supervises the other.

When these situations occur, each situation will be individually evaluated by the Finance and Human Resources Director, who will also make the final determination as to whether an exception to the above rules applies.

If a relative relationship (a relative relationship includes dating) is established after employment between employees who are in a reporting situation described above, the employee in the supervisory role is responsible to disclose the existence of the relationship to the Department Director or Finance and Human Resources Director.

With respect to a relative or household relationship, the employees and the City will jointly attempt to find an alternative work assignment for one of the two employees. If no alternative work assignment is available one of the employees will be required to resign. If neither agrees to resign, the Finance and Human Resources Director will determine which employee will need to be terminated.

### 3.67 HIRING PROCEDURES

All recruitment and hiring must be through the Finance and Human Resources Director who is responsible for establishing the appropriate recruitment and hiring procedures. The Department Director will participate in the process and, at the conclusion of the process, will provide recommendations to the Finance and Human Resources Director and City Manager. The City Manager makes the final decision as to hiring. After the final decision is made, either the City Manager or Finance and Human Resources Director may extend an offer of employment. Only written offers of employment are considered valid offers.

## **IV. EMPLOYEE CATEGORIES**

### **4.1 EMPLOYEE CATEGORIES**

#### Exempt/Nonexempt.

Each employee is designated as either “Exempt” or “Nonexempt” under federal wage and hour laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. The Finance and Human Resources Director is responsible for determining an employee’s exempt status. At the City of Brookings, exempt employees, and employees classified as confidential employees are also not covered by collective bargaining agreements.

All Department Directors and supervisors are exempt employees and serve at the will of the City Manager. The City Manager is an exempt employee who serves at the will of the City Council. Nonexempt employees can only be terminated in accordance with the termination policy of this handbook or, if subject to a collective bargaining agreement, in accordance with that agreement.

Nonexempt employees are paid only for hours worked or for hours charged to approved and available leave. They are entitled to overtime pay under the specific provisions of federal and state laws (and in some cases, collective bargaining agreements).

#### Regular Employees (Full Time and Part Time).

Regular employees are those who have successfully completed their probationary period. Regular full time employees are regularly scheduled to work the City’s full time schedule.

Regular part time employees are scheduled to work on a regular basis, but less than the full time schedule.

#### Temporary Employees.

Temporary employees are hired to work less than 20 hours per week and/or 6 months or less in any 12 month period, to temporarily supplement the work force or as interim replacements. Employment beyond the 6 month period (or other initially stated period) does not convert the employee to a regular employee.

### **4.2 CONTINUOUS EMPLOYMENT**

Continuous employment shall be employment unbroken by separation from service to the City, other than military, Peace Corps, vacation or sick leave. Time spent on other types of authorized leave will not count as time of continuous employment; except that, employees, returning from such leave, or employees who are laid off, shall be entitled to credit for service prior to the leave or layoff.

## **V. EMPLOYEE RECORDS**

### 5.1 PERSONNEL FILES

The Finance and Human Resources Director maintains the personnel records for all City employees. These files are the only authorized record of an employee’s status and history with the City. The file may be kept indefinitely, even after termination of employment. Only the Finance and Human Resources Director may authorize removal of documents or information from a personnel file.

The personnel file includes information such as application forms, resumes, transcripts, reference letters, background investigations and other employment related documents submitted to the City for original employment or subsequent position changes, training records, performance appraisals, copies of all official correspondence with the employee regarding commendations, discipline, grievances and employee comments regarding their performance or items in their file, and other employment records. The employee may include their own written statement of explanation or rebuttal with any material placed in the file.

Personnel files are the property of the City and are considered and kept confidential, with a few exceptions. Only the employee (or a person designated by the employee in writing), the employee's supervisor and management personnel have a legitimate reason to review information in a personnel file and are allowed to do so. Information in a personnel file may also be disclosed in response to a lawfully issued judicial or administrative subpoena, an order of a court of competent jurisdiction, to officials of the U.S. Internal Revenue Service or the Oregon Department of Revenue when authorized by applicable federal or state law or regulation, or City auditors when required by federal rules and regulations. Information in a personnel file may also be disclosed to the degree it is classified as public information by federal and state public records laws.

#### Right to Examine Personnel File.

An employee or former employee may request to view the employee's personnel file or may request a certified copy of the employee's personnel file during normal City Hall business hours. The City must comply with the request within 45 days after receipt of the request. Upon termination, the City must retain the employee's personnel file for at least 6 years. The City may charge an amount to the employee or former employee to recover the actual cost of providing locating, copying, and certifying services.

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~~Materials that may be construed as derogatory toward the employee will not be placed in the personnel file without the employee's written acknowledgement. The employee's written acknowledgement only allows the material to be placed in the file and does not constitute the employee's agreement with the contents of the material. The employee may include their own written statement of explanation or rebuttal with any material placed in the file.~~

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### 5.22 MEDICAL RECORDS AND PROTECTED CLASS INFORMATION

All information regarding medical examinations of employees is collected and maintained in separate medical files and treated as a confidential medical record in accordance with applicable federal and state laws and regulations (including HIPAA). Any information that would disclose protected class information is kept in separate, sealed, confidential files.

## **VI. PERFORMANCE REVIEWS**

The purposes of the City's performance review program are to enhance the motivation and productivity of each employee and to provide the City with a means by which it can continuously monitor the effectiveness of its operations and the services it provides. Under the City's performance review program, all employees receive regular performance evaluations. The first performance evaluations are conducted at or near the completion of 6 months of service and 12 months of service, and annually thereafter on or near the employee's anniversary date of employment.

Performance reviews serve as one factor in decisions related to employment such as training, merit pay increases, job assignments, employee development, promotions and retention. Written reports identify specific performance levels as compared to established standards, to acknowledge the merit of above standard performance, and to prescribe the means and methods for correcting performance deficiencies to the required level of performance. Supervisors and managers are accountable for providing employee development actions designed to improve and enhance employee performance.

A copy of the evaluation signed by the employee and supervisor will become part of the employee's personnel record. Nothing in this policy prohibits a supervisor from providing informal performance reviews on a more frequent basis than what is described here. The City encourages its supervisors and employees to have regular, productive conversations about performance.

## **VII. STANDARDS OF CONDUCT/DISCIPLINE**

### **7.1 EMPLOYEE PERFORMANCE AND CONDUCT**

In order to attain the highest standards of performance and conduct from each employee, all employees are expected to conform to the following standards of performance and conduct and, in accepting a position with the City, each employee accepts responsibility for performance and conduct both on and off the job that reflects and builds a positive image for the City.

The standards of performance and conduct set out in this section serve as the basis for selection, evaluation, and discipline (including termination) of City employees, and are not intended to be exhaustive or exclusive. There may be other types of behavior or conduct that form the basis for performance review or that establishes cause for disciplinary action.

Performance Standards

- a. Achieves and maintains a level of knowledge, skill and ability required by the employee's job classification and assignment.
- b. Is able to carry out assignments with the level of training and supervision appropriate to the employee's job classification and assignment.
- c. Exercises appropriate judgment, decision-making and initiative, including selection of work techniques, procedures and priorities.
- d. Knows and follows all relevant City and departmental policies and procedures.
- e. Carries out work assignments in a diligent, cost effective, efficient and timely fashion.
- f. Expresses disagreements in an appropriate setting and in a manner that is constructive and not disruptive or harmful to the delivery of services.
- g. Maintains required levels of accuracy and quality.
- h. Develops and maintains satisfactory working relationships with others, including the public, as necessary to effectively carry out job responsibilities.
- i. Maintains necessary licenses and certifications.
- j. Acts within proper authority.
- k. Maintains the level of punctuality required in the employee's job assignment.
- l. Maintains an acceptable attendance record and follows required procedures for requesting and reporting absences.

Conduct Subject to Disciplinary Action

The following list of causes for disciplinary action constitutes a portion of the City's disciplinary standards. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient City service.

- a. Attendance
  1. Leaving any assigned job during working hours without reasonable excuse or permission and approval.
  2. Unexcused or unauthorized absence or tardiness on scheduled work days, including failure to return from leave, or taking unauthorized or excessive breaks while on duty.
  3. Failure to report at specified time to work or work assignment location, fully prepared to perform duties without reasonable excuse.
- b. Conduct
  1. Falsification of official records or documents, including applications and pre-employment documents.
  2. Misrepresentation of qualifications for employment.
  3. Insubordination or refusal to obey instructions that pertain to the employee's work or

City requirements issued by a supervisor.

4. Use of force, intimidation, abusive language or mannerisms or other conduct that is inappropriate in a business setting.
5. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
6. Conduct which brings discredit upon the City or gives the appearance of receiving disparate treatment because they are a City employee.
7. Violation of City rules, ordinances and policies, including those set forth in this handbook.
8. Criminal violations that are related to job performance or are of such a nature that to continue as an employee in their position could constitute negligence on the City's part.
9. Misuse or abuse of City or public funds, or theft or misappropriation of another's property.
10. An action or conduct that is a violation of ethical standards and/or conflict of interest rules.
11. The use of profane or abusive language towards superiors, peers, subordinates, and/or the general public.
12. Making false accusations that discredit, embarrass, or abuse supervisors, peers, the governing body, or the general public.
13. Unauthorized destruction of City property and/or equipment.
14. Using department resources in association with any portion of an independent civil action. These resources include but are not limited to; personnel, vehicles, equipment and non-subpoenaed records.
15. Engaging in horseplay resulting in injury or property damage or the reasonable possibility, thereof.
16. Unauthorized possession of, loss of, or damage to City property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
17. Failure to promptly and fully report activities on the employee's part, or on the part of any other employee, where such activities may result in criminal prosecution or discipline under this policy.
18. Using or disclosing one's status as an employee with the City in any way that could reasonably be perceived as an attempt to gain influence or authority for personal business or activity.
19. Discourteous, disrespectful or discriminating treatment of any City employee, volunteer or member of the public.
20. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.
21. Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.
22. Wrongfully loaning, selling, giving away or appropriating any City property for personal use of the employee or any unauthorized person(s).

23. The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper use.
  24. Receiving or accepting a reward, fee, or gift from any person for services associated with the employee's duties.
- b. Discrimination
1. Discrimination against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability, or medical condition.
- c. Intoxication
1. Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of an intoxicant.
  2. Reporting for work or being at work following the use of "controlled substance" or drug, whether legally prescribed or otherwise, where such use may impair the employee's ability to perform assigned duties.
  3. Unauthorized possession, use of, or attempt to bring, a controlled substance or other illegal drug, to any work site.
- d. Performance
1. Unauthorized sleeping during work hours or on work assignments.
  2. Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
  3. Refusal, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
  4. Concealing, attempting to conceal, removing or destroying defective work without permission.
  5. Disobedience or insubordination toward constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee.
  6. The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
  7. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the City or its departments or subverts the good order, efficiency and discipline of the City or its departments, or which would tend to discredit any member thereof.
  8. Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the City, its elected officials, departments, employees, or volunteers.
  9. The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
  10. Any knowing or negligent violation of the provisions of a department manual, operating procedure or other written directive of an authorized supervisor.

11. Work related dishonesty, including attempted or actual theft of department property, services or the property of others.
  12. Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off-duty).
  13. Failure to disclose material facts or the making of any false or misleading statement on any application, examination or other official document, report or form.
  14. Offer or acceptance of a bribe or gratuity.
  15. Misappropriation or misuse of public funds.
  16. Unlawful gambling or unlawful betting on City premises or at any official worksite.
  17. Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has, or reasonable should have, knowledge of such criminal activities.
  18. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while at work or on department property except as expressly authorized.
  19. Engaging in political activities during assigned working hours.
  20. Violating any misdemeanor or felony statute.
  21. Any other on duty or off duty conduct which an employee knows, or reasonably should know, is unbecoming or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the City, its officials or employees.
  22. Any failure or refusal to properly perform the function and duties of an assigned position.
  23. False or misleading statements to a supervisor.
- e. Safety
1. Failure to observe posted rules, signs, written and/or oral safety instructions, while on duty and/or within City facilities or to use required protective clothing or equipment as required.
  2. Knowingly failing to report and on-the-job or work related accident or injury within 24 hours.
  3. Substantiated record of unsafe or improper driving habits or actions in the course of employment.
  4. Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
  5. Violation any departmental safety standard or safe working practices.
- f. Security
1. Unauthorized, intentional release, alteration removal of designated confidential information, materials, data, forms or report.
- g. Supervisory Responsibility
1. Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of the City and the actions of all personnel to comply

with all laws.

2. Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
3. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

## 7.2 DISCIPLINARY PROCEDURES

Discipline should be considered by supervisors as a constructive means of dealing with unacceptable behavior or performance deficiencies on the part of employees. Disciplinary actions should be appropriate to the seriousness of the infractions or performance deficiency. Department Directors are authorized to take any of the following actions and to recommend termination ~~for cause~~ subject to the guidelines in this section. Other supervisors are authorized only to issue warnings and reprimands. Only the City Manager has the authority to decide whether to discharge an employee.

The corrective action process will not always commence with a verbal warning or include a sequence of steps. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or subsequent offense. Consideration will be given to the seriousness of the offense, ~~your the employee's~~ intent and motivation to change the performance, and the environment in which the offense took place. There may also be circumstances that are serious enough to justify immediate suspension, or in extreme situations, immediate termination.

Also, in addition to the actions listed below, other non-disciplinary actions may be appropriate as part, or in lieu, of a corrective action program. These include performance evaluation, additional supervision or training, restructuring of job assignment(s), or other actions as deemed appropriate.

All disciplinary actions except warnings must be in writing and must address the following points: 1) the purpose of the action; 2) the specific nature of performance or conduct problems with supporting facts; 3) the corrective action required; 4) the fact that more corrective action will be taken (including termination) if the employee does not correct or improve the performance or conduct problems; and 5) the employee's right to appeal the action by filing a grievance under Section XVIII. The Disciplinary Action Form will be included in the employee's personnel file.

Warnings do require documentation, ~~but the documentation does not become part of the personnel file and will be kept with the supervisor who writes them.~~

Some disciplinary actions may be preceded by an investigatory interview with the employee. Represented employees should refer to their collective bargaining agreements regarding these interviews.

### Warnings

A warning, whether oral or written, is an official communication to the employee that performance or conduct improvements need to be made. Supervisors or Department Directors may issue warnings. A written warning should be used when a verbal warning has not produced the necessary corrective action and where the possibility of disciplinary action exists if the improvements are not made. Both types of warnings should indicate to the employee the specific problem, what action is required for correction, and that disciplinary action will follow if the employee does not satisfactorily correct the problem. A warning is not subject to the grievance procedure because no punitive action is taken. A written record of a verbal warning and copies of written warnings are

kept by the supervisor ~~but do not go into the employees personnel file~~. The Disciplinary Action Form does not need to be completed when issuing a warning.

#### Administrative Leave With Pay

The City Manager may place employees on administrative leave with pay while investigating allegations made by the employee or about the employee. The employee will suffer no loss of benefits or accruals during this period of administrative leave. Upon completion of the investigation, disciplinary action may be taken, or the employee may be reinstated. If no further disciplinary action is taken, no record of the administrative leave need be made in the employee's personnel file. Administrative leave with pay shall not constitute a disciplinary action.

#### Written Reprimand

Supervisors or Department Directors may issue written reprimands. A written reprimand is given when oral or written warnings have not lead to the desired conduct or performance improvements. A copy of a written reprimand is placed in the employee's personnel file.

#### Suspension Without Pay

Department Directors may suspend employees without pay with the prior approval of the Finance and Human Resources Director. Suspension without pay is involuntary leave without pay coupled with formal notice of unsatisfactory performance or conduct. The period of suspension may not exceed 20 working days. At the conclusion of the suspension period, the employee will be reinstated or subject to further disciplinary action, such as demotion, disciplinary probation, or termination.

#### Demotion

Department Directors may demote employees, with the prior approval of the Finance and Human Resources Director. Demotion is the reassignment of an employee to a lower level classification, with a reduction in pay and title, based on performance or conduct problems unique to the requirements of the higher classification.

#### Disciplinary Probation

An employee may be placed on disciplinary probation by their Department Director with the prior approval of the Finance and Human Resources Director as a final attempt to improve performance or conduct. The probationary period, and consequences for failing to successfully complete the probationary period, must be specified in writing. As noted herein, an employee on disciplinary probation may be terminated at any time during the probationary period if termination is a consequence of unsatisfactory performance.

#### "Last Chance Agreement"

At any point in the discipline process a Department Director, with the prior approval of the Finance and Human Resources Director, may draw up a "Last Chance Agreement" which will list all of the conditions that must be met, now, and in the future, for the employee to continue working for the City. If the employee signs the agreement and meets all of the conditions, the employee will be allowed to continue employment as long as conditions of the agreement are met. If the employee does not meet the conditions of the agreement, the employee will be subject to discharge. Only the City Manager may discharge an employee.

### Discharge

Discharge is the involuntary termination of employment. Department Directors may only recommend discharge and generally should not do so unless one other form of disciplinary action has been taken previously. However, as noted above, there may also be circumstances or extreme situations serious enough to warrant immediate termination.

Only the City Manager has the authority to discharge an employee. In some cases, the employee may be offered the option of resigning in lieu of discharge. If the employee chooses to resign, the employee will be required to sign a statement indicating that the resignation was voluntary.

An exit interview will be conducted with all discharged employees. (Refer to Section 8.6).

## **VIII. TERMINATION**

### **8.1 RESIGNATION**

Resignation is a voluntary act by the employee to terminate employment with the City. Employees must provide at least two weeks' written notice specifying the employee's anticipated final day of employment in order to be considered as having resigned in good standing. Employees absent from work without reporting for a period of three days or more, or who fail to return to work following a leave of absence, are considered to have voluntarily resigned. The employee's last day of work will be considered the termination date.

Resigning employees will be asked their reasons for resignation at the exit interview.

### **8.2 LAYOFF**

A layoff is the termination of an employee due to the elimination of a position. A position may be eliminated as part of reorganization, contracting out a program or service, lack of work or funds, or other reasons. Layoff is not an alternative to a disciplinary termination or demotion of an employee.

### ~~8.3 DISABILITY~~

~~Loss of ability to perform job requirements through illness or injury may result in termination for disability.~~

### ~~8.4~~ **DISCIPLINARY TERMINATION**

Disciplinary termination (or discharge) is the termination of an employee for cause as described in Section VII above. When disciplinary termination is recommended by a Department Director, the Department Director will provide a written recommendation to the Finance and Human Resources Director along with supporting documentation. The final decision to discharge is made by the City Manager.

### Pre-Termination Hearing.

Pre-termination hearings are not required, but are always recommended. A pre-termination hearing may be required by a collective bargaining agreement. Pre-termination hearings are to be documented in writing by the supervisor in attendance.

### ~~8.5~~ **TERMINATION PROCEDURE/EXIT INTERVIEW**



An exit interview must be conducted with all terminating employees prior to, or at the time of resignation or termination. The purposes of the interview is to secure forwarding addresses, review final hours accrued and due at termination, complete all retirement and insurance forms, and explain the final check due the employee. In the case of discharge and resignation, the purposes will also include an explanation of reasons for termination. The Finance and Human Resources Director shall conduct the exit interview.

Except as provided through COBRA, all pay and benefits shall cease as of the date an employee terminates. The final check will include compensation for accrued leaves that are payable at termination.

Upon termination, the Department Director is responsible for ensuring that the terminated employee has returned all keys, tools, uniforms, and/or other City property in their possession. Documentation that all City property has been returned shall be placed in the employee's personnel file.

Employees will be asked to sign a Reference Request Release which will allow the City to release only the information specified on the form to anyone seeking information regarding the employee's employment with the City. If the employee requests that the City Manager, Department Director, a supervisor or other employee serve as a reference for the employee, the employee must make the request on the Reference Request Release.

## **IX. BENEFITS**

### **9.1 FAMILY MEDICAL LEAVE**

This policy is intended to comply with applicable federal and state law under the Federal Family Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA).

The City of Brookings recognizes that employees need support in balancing their work with personal and family responsibilities. Accordingly, eligible employees may take up to twelve weeks of family leave in a twelve month period for their own serious health conditions, or to attend to a family member's serious health condition.

#### Eligibility

City of Brookings' employees are eligible to take family leave once they have been employed for at least six months and work an average of 25 hours per week or more.

#### Qualifying Events

- a. When the employee is unable to perform the essential functions of the job because of a serious health condition, including pregnancy-related conditions. In some situations, additional leave may be available for pregnancy-related disability; and/or
- b. In the event of the birth or adoption of a child; and/or
- c. To care for a spouse, parent, or child under the age of 18 who has a serious health condition or a mentally/physically impaired child aged 18 or over.

#### Request for Leave

- a. Anticipated Situations  
In situations where the need for family leave is known or anticipated, employees must give thirty (30) days notice to take family leave. If the leave is anticipated less than thirty (30) days in advance, employees must give notice as soon as is practical.
- b. Unanticipated Situations  
In unanticipated or emergency situations where there is no opportunity to give notice,

employees must notify their supervisor verbally within two working days of the emergency situation.

Upon notice, the Finance and Human Resources Director will provide the employee with the required forms. All employees will be required to complete a *Family Leave Request Form* and to have the applicable certification form completed and returned prior to the commencement of family leave.

#### Medical Certification

Certification of the need for family leave is required. In the event of a personal health condition or that of a family member, the certification must be provided by a medical professional within fifteen (15) days of the request for family leave.

If medically necessary, family leave may be taken on an intermittent or reduced schedule. Details of the proposed schedule should be verified by the certifying medical professional. Employees should discuss the need for intermittent leave with the employer. The employer may require updated medical certifications during intermittent leave periods.

#### General Provisions

- a. Definition of Year and Week. The City of Brookings uses a *rolling forward* year for purposes of tracking FML/OFL time. A week is an employee's normal workweek schedule. FML/OFL time will be tracked in hours. Employees are entitled to take up to 12 weeks family medical leave during a 12 month period.
- b. Use of Accrued Leave. Accrued leave may be used in accordance with leave policies of the City of Brookings. All accrued balances must be exhausted prior to taking leave without pay.
- c. Reinstatement. Employees returning from family leave will be reinstated to the same or an equivalent position with equivalent benefits, pay and other terms and conditions of employment, unless their former positions have been eliminated for bona fide business reasons.
- d. Medical Release. Employees returning from family leave taken for their own health condition may be required to provide a medical release to return to work prior to or upon return indicating they are able to return to work and whether there are any restrictions.

#### 9.2 GENERAL LEAVE OF ABSENCE WITHOUT PAY

A general leave of absence without pay may be available to regular full time employees. A general leave of absence is a temporary suspension of employment for a period of not more than 12 months. Only the City Manager may grant general leaves of absence.

#### Written Request.

A request for a leave of absence must be made in writing to the Department Director (or in the case of a Department Director requesting leave, to the City Manager), who will provide a recommendation to the City Manager. The written request must state the purpose, and beginning and ending dates of the proposed leave.

#### Benefits.

Employees granted a general leave of absence do not receive any pay while on leave. All benefits will cease to accrue during this period of leave including time earned toward seniority. However, an employee may continue to receive insurance coverage if the employee pays the insurance premiums

through COBRA. Arrangements must be made with the Finance and Human Resources Director prior to beginning such leave in order for insurance to continue.

#### Reinstatement.

Reinstatement following a general leave of absence is not guaranteed. When taking a general leave of absence, the employee should thoroughly understand that their former position may become unavailable. The vacated position may be filled or operating conditions may change during the period of leave to such an extent as to make reinstatement impracticable. An employee must notify their Department Director of their intention to return to work fifteen days prior to the anticipated date of return. Failure of the employee to return to work on the day following the expiration of the approved general leave will be considered a voluntary termination of employment.

### 9.3 MILITARY LEAVE

Military leave is granted to an employee who is absent from work because of service in the US uniformed services in accordance with the Uniformed Services Employment and Reemployment Act (USERRA) and the Oregon Military Leave and Reemployment Rights Act, and ORS 408240 to 408.290. Employees needing to request Military Leave should contact the Finance and Human Resources Department to see the full policy and to obtain the appropriate documentation.

#### Federal Annual Active Duty For Training Leave With Pay

~~When an employee is called to annual active duty for training or active duty in lieu of training, an employee shall be granted military leave with pay for a period not exceeding 15 calendar days or 11 work days (for an employee working 5—eight hour days) and 9 work days (for an employee working 4 to ten hour days) when the employee:~~

- ~~a. Has been employed with the City (or the State of Oregon, or its counties, municipalities, or other political subdivisions) for 6 months or more immediately preceding application for military leave;~~
- ~~b. Is a member of any National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States; and~~
- ~~c. Has provided advance written or verbal notice of the absence, except in instances involving "military necessity" or where the giving of notice is otherwise impossible or unreasonable.~~
- ~~d. To receive pay for the annual active duty for training, the employee must provide, before, during, or after the leave, and at the City's request, confirming documentation which indicates the call up was for annual active duty for training or active duty in lieu of annual training. The City shall request confirming documentation (military orders, training/drill schedule or other official documents for the absence.~~
- ~~e. Federal training year for the purpose of this policy is the federal fiscal year (October 1—September 30).~~
- ~~f. If the employee is called to active duty for a period longer than 15 calendar days, the employee may be paid for the first 11 or 9 work days (see section A above) only if such time served for the purpose of discharging an obligation of annual active duty for training as described in section A.~~
- ~~g. A Department Director may alter an employee's work schedule to provide for the employee's participation in "weekend" military training.~~
- ~~h. If the employee has been on military active duty for training leave for 15 days or less, the employee shall return to work at the beginning of the first regular scheduled work period~~

following completion of service, after allowance for safe travel home and an 8 hour rest period.

#### Federal/State Military Leave Without Pay

- a. ~~An employee shall be entitled to military leave without pay for military duty when an employee is a member of the organized militia of Oregon, or a member of an organized militia of another state, and is called into active service. The City shall grant an employee a leave of absence for military duty that continues through the applicable decompression time. Military duty means training and involuntary or involuntary service performed by an inductee, enlistee, or reservist or an entrant into a temporary component of the Uniform Services of the United States, and authorized time spent reporting for and returning from such training or service.~~
- b. ~~Leave shall be granted in accordance with ORS 408.240, 399.065, 399.075 and 399.230. The employee shall provide verbal or written notice of military service to the City. The City shall request confirming documentation (military orders, or other official documents) for the absence. The employee may provide documents prior to, during, or upon completion of the military training leave. In instances involving "military necessity" or where the giving of notice is otherwise impossible or unreasonable, the employee will be relieved of this obligation.~~
- c. ~~An employee may only be paid during active military leave or applicable decompression time if the employee elects to be paid for accrued vacation leave or compensatory time. Otherwise, military leave and applicable decompression time is without pay (for pay during Federal Active Duty Training Leave see 9.3.1):~~
  1. ~~Accrued leave does not have to be exhausted before leave without pay is granted for military leave or subsequent decompression time.~~
  2. ~~While the employee is on military leave without pay, he/she will not accrue vacation or sick leave but shall receive full credit for time spent on military leave and subsequent decompression time.~~
- d. ~~Continuation of health and dental insurance benefits is available as required by USERRA based on the length of leave and subject to terms conditions, and limitations of the applicable plans for which the employee is otherwise eligible.~~

#### Reemployment Rights

- a. ~~State Active Duty. For employees who are members of the Oregon militia and are called into active service of the state by the Governor under ORS 399.065 and 399.075 and for employees who are members of the organized militia of another state and are called into active service of the state by the Governor of the respective state.~~
  1. ~~To be eligible for reemployment an employee shall report back to work within seven calendar days of the last day of state active duty.~~
  2. ~~Upon meeting the requirement for reemployment, the employee shall be restored to the employee's position or an equivalent position without loss of seniority or other benefits.~~
- b. ~~Federal Active Duty (other than Federal Annual Active Duty of Training 408.290):~~
  1. ~~To be eligible for reemployment an employee shall:~~
    - i. ~~Have performed military duty as defined above in Section 9.3.2(A); and~~
    - ii. ~~Have given proper advance notice of the military duty, unless no notice is required; and~~
    - iii. ~~Have performed military duty that did not exceed five years; and~~
    - iv. ~~Have separated from the service with an honorable discharge; and~~
    - v. ~~Return or make application for reemployment within the applicable~~

~~decompression time following release from military duty (timelines vary by length of service).~~

- ~~vi. Upon meeting the requirements for reemployment, the City shall restore the employee to his/her former position without loss of seniority, status or other benefits as if the employee had remained continuously employed.~~
- ~~2. For an employee reemployed after military leave, his/her vacation accrual rate, salary eligibility date, and service credits shall be treated as though the employee had remained continuously employed. An employee who has not completed their probationary period at the time military leave begins, may under certain circumstances be required to complete the probationary period upon return from military leave. Contact the Finance and Human Resources Director for information.~~
- ~~3. For the purpose of calculating an employee's eligibility for Family and Medical Leave (under the Federal Family Medical Leave Act and Oregon Family Leave Act), months and hours that the employee would have worked, but for his/her military service, should be combined with the months employed and the hours actually worked to meet the eligibility requirements.~~
- ~~4. Immediately upon reemployment of an employee from military leave or decompression time, the employee should contact the Finance and Human Resources Director to determine eligibility for retroactive retirement benefits.~~

#### Oregon Military Family Leave Act (OMFLA):

~~Per ORS 659A.090-.099, the OMFLA provides employees with protected time off from work to spend time with a spouse or domestic partner who has been called to active duty or notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. The leave is counted as leave taken under the OFLA.~~

~~For OFLA military leave, employees are entitled to take up to 14 days per deployment. OMFLA leave is not required to be taken in one uninterrupted period, but may be taken intermittently.~~

~~The 14 days of unpaid leave are individual days which the employee would work if on the normal schedule. An employee seeking OMFLA leave is required to give the employer notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, or as soon as is practicable in situations where official notice is provided less than five days from commencement of the leave. The employee must provide a photocopy of the service member's orders.~~

#### 9.4 COURT LEAVE:

~~The City encourages employees to fulfill their civic responsibilities by serving on jury duty and witness duty when required by subpoena or other order of a court.~~

~~When requesting court leave, an employee must provide their Department Director with a copy of the summons documents. All payments to the employee by the court, except mileage, must be turned over the City if the court leave was paid leave. An employee is expected to report to work whenever the court schedule permits or when they are released from service for the remainder of a scheduled work day.~~

- ~~a. Jury Duty. Regular employees may be granted a leave of absence with pay when required to serve as a juror in Federal, State, County or Municipal Court. In order to receive pay for the time served, the employee must submit an attendance slip from the court verifying the dates~~

~~and time of service and compensation received. Employees shall request that they receive the customary payment from the court.~~

~~— Either the City or the employee may request a postponement of jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.~~

~~— Temporary employees are not eligible for paid time off when serving jury duty.~~

~~b. Witness Duty. Regular employees will be granted court leave with pay to appear as a witness in a proceeding only if the summons is required for a City-related matter or as a result of employment with the City. Witness duty does not qualify as on duty time, or for overtime, unless the employee's appearance has been requested by the City. All other appearances are without pay, but the employee may use any accrued paid leave.~~

~~Temporary employees are not eligible for paid time off when serving witness duty.~~

#### 9.54 WORKER'S COMPENSATION

All employees of the City are covered from their initial date of hire by Worker's Compensation Insurance. Premiums for this protection are paid by the City.

~~Worker's compensation benefits are paid while an employee is disabled from an injury suffered while on the job from the 3<sup>rd</sup> day of disability. If disability continues beyond the 14<sup>th</sup> day, benefits are paid from the date of the disability.~~

Employees must follow specific procedures in the event of job related accidents resulting in injury to employees. Information and forms to initiate the claims process can be obtained from individual departments or appropriate Finance and Human Resources Department personnel. Failure of an employee to report an accident or injury may result in delay or denial of coverage.

The City will continue to make contributions toward health insurance on behalf of an employee receiving worker's compensation benefits for a work related injury to the extent permitted by the City's health insurance administrator guidelines, after which the employee may be required to obtain COBRA coverage in order to continue to receive benefits. Leave benefits do not continue to accrue beyond 30 days of disability.

When the injured employee receives payment for worker's compensation, the City will pay the difference between the amount paid from workers compensation and the employee's base salary using any paid leave available from the employee's various leave accruals.

#### 9.65 RETIREMENT

The City participates in the retirement system provided through the State of Oregon, known as PERS and OPSRP, which currently provides that employees who have worked more than 6 months in a position requiring 600 hours or more of work a year are eligible to participate in the program. Eligibility for future employees is subject to modification by the Oregon Legislature.

Employees will become fully vested upon meeting the requirements of the plan that applies to their service. Employees who separate from service before vesting forfeit all accrued benefits except for amounts contributed to their member or individual accounts, as provided by the applicable plan.

The City makes contributions toward the employee's retirement benefit in accordance with state law.

Normal retirement age for employees depends on the classification and term of service of the employee, as well as the terms of the retirement plan or tier to which each employee belongs.

For more details, please refer to the PERS handbook, the PERS website at [www.oregon.gov/pers](http://www.oregon.gov/pers) or other official sources of information.

#### **9.76 DEFERRED COMPENSATION**

Employees may elect to enroll in one or more of the deferred compensation plans in which the City participates. Employees should contact the Finance and Human Resources Department for more detailed information regarding these plans.

#### **9.8 — SICK LEAVE DONATION**

~~An employee with more than 480 accumulated sick leave hours may transfer sick leave from their sick leave account to another employee's sick leave account by notifying the Finance and Human Resources Director in writing. Employees receiving donated sick leave must provide written documentation from an attending physician that such leave is necessary. No employee may receive more than 240 hours of donated sick leave in any one calendar year.~~ **9.7 MISCELLANEOUS FRINGE BENEFITS**

Miscellaneous fringe benefits are addressed in City of Brookings Administrative Regulation No. AR-17 entitled "Miscellaneous Fringe Benefits."

### **X. COMPENSATION AND PAY ADMINISTRATION**

#### **10.1 — COMPENSATION SCHEDULE**

~~The City compensates employees by providing certain benefits and paying a salary. In addition to salary, employees may receive additional compensation that is not part of the employee's pay and benefit package. Additional compensation may take the form of (1) occasional business related meals and entertainment of employees and their guests; (2) the ability to take vacation days in conjunction with a conference or meeting requiring out of area travel, provided that no additional cost accrues to the City; (3) the ability to include a non-City employee as a guest in conjunction with a conference or meeting requiring out of area travel, provided that no additional costs accrue to the City beyond that which is allowed the employee. It is the employee's responsibility to recognize when the employee receives additional compensation. Additional compensation is not taxed by the City. Employees receiving these forms of compensation are liable for any tax consequences of this compensation.~~

~~Classifications are placed in salary ranges based on several factors, including job analysis and evaluation. New or newly promoted employees generally begin at the first step. However, upon the recommendation of the Department Director and with the approval of the City Manager or the Finance and Human Resources Director, an employee may be hired at any step in the range. The City Manager may make an initial appointment of a Department Director at any step within the approved grade of that position. Whether an employee qualifies for a higher level will depend on the employee's education and experience, market factors, and budget. Employees hired at advanced levels in the range, due to their education and experience, receive increases at the interval appropriate to that level.~~

~~It is the City's policy to grant regular employees, who are performing satisfactorily, step increases according to the schedule in their classification. Performance appraisals must be completed prior to~~

receiving a step increase. Review dates for eligibility for step increases will be adjusted by any unpaid leave of absence of more than one full pay period.

Salary is administered within the budgetary constraints of the City. If, in the discretion of the City Council, insufficient funds exist, compensation practices may be altered or suspended.

#### 10.2 — PAY CHANGES

##### Transfer:

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An employee who is transferred to a classification in the same salary range as their current classification will remain at the same level in the salary range. Salary review dates will not be changed as a result of a transfer. Employees who are transferred to a classification in a different salary range will serve a probationary period in accordance with the policy on probation, and salary review dates will change as a result.

##### Reclassification and Reallocation:

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Reclassification and reallocation occur as a result of a change or re-evaluation of duties, responsibilities and/or knowledge, skill, and ability requirements of a position. Reclassification or reallocation may occur as a result of reorganization, reduction in workforce, or voluntary reassignment.

The increase and salary review date of an employee holding a position that is reclassified or reallocated to a classification in a higher salary level is handled in the same manner as a promoted employee.

If an employee is in a position that is reclassified or reallocated to a lower salary level, the employee's pay rate will be the highest level in the lower salary range that is less than or equal to the employee's former pay rate. The employee's eligibility for a level increase will be based on the time served in the previous level plus the time served at the new level.

##### Demotion:

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Demotion is a disciplinary action resulting in the employee being reclassified to a lower salary range. A demoted employee will be placed on the level in the lower salary range that is closest to, but not lower than, the employee's current pay rate. The first salary review date will be on the successful completion of the probationary period and successive salary review dates will be on the anniversary of the first date of employment in the reclassified position.

##### Training, Seminars and Conferences:

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City required outside training will be paid for by the City and time spent in required training will be considered time worked. Similarly, the City will pay for training and/or testing associated with certifications and professional licenses that must be maintained or upgraded solely as a continuing requirement of an employee's current position. With Department Director approval, paid time off may be granted in lieu of considering the time spent in required training or participating in examinations for the required certification as time worked.

#### 10.1 TRAVEL TIME PAY.

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Employees are not entitled to pay for time spent traveling home-to-work and work-to-home at the beginning and end of a single work day, travel between their home, or other off duty location and work for their regular shift, for overtime, or for extra duty assignments. Travel time from one job site to another in the course of a day's work will be compensated at the employee's regular hourly



rate. Employees will also be paid while engaged in business travel for the purpose of carrying out City business. On overnight trips, only travel time that falls within the employee's regular work hours will be paid. This also includes travel time that falls within the employee's regular work hours on days that the employee would ordinarily not be working. The City will not compensate an employee for overnight travel time outside of an employee's working hours which is spent as a passenger unless the employee is required or expected to drive, in which case the time spent driving is compensable work time. Travel Pay for Trainings, Seminars and Conferences is addressed in Section XI.

~~Employees are entitled to receive pay while engaged in business travel for the purpose of carrying out City business, in accordance with the Fair Labor Standards Act. If more than one employee is engaged in business travel where the use of a single motor vehicle is involved, only the driver of the vehicle is entitled to receive pay.~~

#### 10.32 TIME SHEETS

All employees are responsible for accurately recording time worked and leave used. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Timesheets are to be completed by the employee, signed, and then turned in to the immediate supervisor for verification and signature. Employee timesheets are due on the 9<sup>th</sup> and 24<sup>th</sup> day of each month unless these dates fall on a weekend or holiday, in which case time cards are due on the preceding regular work day.

#### 10.43 PAYDAYS

Employees shall be paid semi-monthly on the 15<sup>th</sup> and the last day of the month. In the event the regular pay day falls on a recognized holiday or weekend day, employees shall be paid on the preceding regular workday.

Employees may choose to receive a standard paper paycheck or have their wages electronically deposited. Employees who choose to have their wages deposited electronically will receive a report similar to a check stub on payday showing their earnings, deductions, accruals and net pay.

Each paycheck will include earnings for all work performed and reported through the end of the previous payroll period. If time sheets are not provided on time, the employee's pay check will reflect base salary only. Adjustments to base salary will appear on a subsequent pay check for which time sheets were timely received.

The City makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event the employee believes that the City has made any improper deductions, has failed to pay him or her for all hours worked or for overtime, or has failed to properly calculate the employee's wages in any way, the employee must immediately report the error to the Finance Director. The City will investigate all reports of improper pay practices, pay unpaid wages where due, and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination because he or she has reported any errors or complaints regarding the City's pay practices.

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### Electronic Payroll Deposit

Participation in electronic payroll deposit is voluntary. Employees must complete an authorization form in order to have their payroll funds electronically deposited. Funds deposited electronically are available to the employee on payday. Electronic Payroll Deposit Authorization forms are available from the Finance and Human Resources Department.

### 10.54 PAY DEDUCTIONS

The City makes certain pay deductions from an employee's earnings in accordance with state and federal law, such as income taxes, social security taxes, and worker's benefit fund assessments. Additional deductions may be authorized by an employee in writing to cover costs of participation in City provided programs, such as insurance.

Court ordered wage withholding or garnishments on an employee's wages will be processed in accordance with applicable law ~~and Section 10.4.~~

## **XI. TRAINING, EDUCATION, TRAVEL AND EXPENSES**

### 11.1 TRAINING AND EDUCATION

The City encourages employees to further their training and education in pursuit of improving job skills and enhancing their contribution to the City.

The term "training" as used in this section includes conferences, seminars, workshops, one day courses held at an educational facility or on-line, or for other professional development programs of a similar nature. The term "college course" is used to describe coursework taken at an accredited college, university, and/or business or technical school, either at a facility or on-line.

The policy outlined in this section applies only to training or education programs that:

- Enhance the employee's job performance;
- Serve as a beneficial retention tool in keeping high quality employees; or
- Are required for certification or licensing.

### Training and Education.

~~Each City Department budgets each year for employee training and education. Supervisors should identify their employee's training needs and meet with Department Directors during the annual budget preparation process to seek an appropriation of funds to meet these needs. Training programs may be mandatory or voluntary.~~

~~Training requests should include:~~

- ~~a. A clear justification for each requested amount. The Department Director should consider whether the proposed training is the best way to acquire the information for the City or to achieve a goal.~~
- ~~b. An explanation of how the expenditures relate to an employee's performance goals.~~
- ~~c. A prioritization of requested expenditures in the event not all requests are approved.~~

~~Supervisors should discuss training and education goals with the employee in their regular performance evaluation session and these goals should be specifically detailed in the written~~

~~evaluation form.~~

~~Training Classes and Programs.~~

~~Training, Seminars and Conferences.~~

~~City-required training in locations outside of the City will be paid for by the City and time spent in required training will be considered time worked. Similarly, the City will pay for training and/or testing associated with certifications and professional licenses that must be maintained or upgraded solely as a continuing requirement of an employee's current position. If the employee fails certification testing, and the City has pre-paid the fees, the employee will reimburse the City over the next three pay periods. With Department Director approval, paid time off may be granted in lieu of considering the time spent in required training or participating in examinations for the required certification as time worked.~~

The City will pay for all registration fees for training classes and programs approved by Department management.

When appropriate, employees may be asked to share/present information received at a training to others in their department.

All arrangements for training must be made in the most cost and time efficient manner as possible.

Only expenses for the employee will be paid. All books and materials paid for by the City will become the property of the city.

Education Classes and Programs (College Courses).

The City will ~~pay-reimburse~~ for tuition, books and related materials for education classes and programs included as approved by employee's Department Director. Reimbursement for education is made only if the employee receives a grade of "C" or better for undergraduate course work or a grade of "B" or better for graduate course work. Non-graded courses will require a written statement from the instructor indicating the employee successfully completed or passed the course.

The City will provide tuition reimbursement for college coursework not to exceed the tuition level established by the State of Oregon Higher Education Department for State colleges/universities. Department Directors should explore less costly college courses available at other institutions before approving

~~Prior to participating in a reimbursable education class or program, employees must sign a written authorization to have any costs reimbursed by the City deducted from their final paycheck, should they fail to comply with the following reimbursement guidelines:~~

~~The following reimbursement guidelines apply when an employee's employment with the City terminates for any reason:~~

- ~~● If termination is within one year of the completion date of the class, 100% of the amount of reimbursement for the education class or program will be deducted from the employee's final paycheck.~~
- ~~● If termination is within one and two years after the completion date of the class, 50% of the amount of the reimbursement will be deducted from the employee's final paycheck.~~

- ~~If termination occurs after two years from the completion date of the class, no amount will be deducted.~~

~~If the reimbursement amount owed is more than the final paycheck, the employee must pay off the remaining amount. Failure to re-pay the amount owed to the City will result in any outstanding amount being turned over to a collection agency.~~

## 11.2 PROFESSIONAL ORGANIZATIONS

The City may authorize membership in professional organizations where the membership is of benefit to the City in terms of keeping the employee abreast of current developments in their field or profession. Additionally, the City recognizes the value of community service through applicable organizations and in membership in those programs. In all cases, membership fees must be approved by the Department Director in advance of payment.

The City encourages attendance at related meetings and the employee's supervisor may approve periodic absences to attend these meetings. If participation in an organization is not part of the employee's Training and Education Plan, the employee must use accrued leave for these purposes.

Miscellaneous expenses associated with the programs conducted by professional organizations (luncheons and seminars) may be reimbursed in accordance with the Travel and Expense Guidelines if there has been prior approval from the Department Director in accordance with this section.

## 11.3 TRAVEL AND EXPENSE GUIDELINES

### Overview

The City will pay an employee for reasonable business travel expenses incurred while on assignment away from the normal work location, but only for expenses that are deemed non-taxable by the IRS. The paid and reimbursed amounts will be determined by IRS guidelines, when applicable, and in accordance to the guidelines provided in this section.

Employees are expected to limit expenses to reasonable and economical amounts and to utilize providers (i.e., airlines and hotels) that result in the lowest cost to the City. Room service is not a reasonable or economic expense and will not be reimbursed. The City retains the right to determine the mode of transportation most appropriate to the type of travel involved.

With prior approval, a family member or friend may accompany employees on business travel when not traveling in a City owned vehicle and when their presence will not interfere with the successful completion of business objectives. Generally, the employee is also permitted to combine personal travel with business travel, so long as time away from work is approved and, once again, a City vehicle is not being used. Additional expenses arising from non-business travel or incurred by the friend or family member are the responsibility of the employee and will not be reimbursed.

### Payment Options

The City pays per diem rates to cover meal expenses while employees are away for training based on the standard federal CONUS per diem rates as provided on the Travel Request Form. Department Directors with assigned City Credit Cards should refer to Administration Regulation No. 9 for policy direction.

### General Guidelines

The following guidelines are designed to assist employees through the City's travel processes. If

you have any questions regarding the following information please contact the Finance and Human Resources Department.

1. Submit a completed Travel Request Form to Department Director for pre-approval. Employees must submit lodging costs with the Travel Request Format at least one (1) week prior to travel. A check for the lodging expense will be made in the name of the hotel/motel.
2. Register for the training or education program and provide confirmation to the Accounts Payable Clerk with the Travel Request Form.

3. Hotel:

If overnight lodging is required, the employee is responsible for booking his/her hotel room.

Employees must book rooms at the lowest available government, or discount rate at the location of the training/meeting, or nearby motel/hotel. The federal per diem rate for lodging will be used as a guideline. Approved lodging expenses are paid at actual cost.

4. Air Travel

If air travel is required, the employee books the flight. The lowest cost flight that will meet the employee's needs must be selected.

In some cases it is important to consider the best use of the employee's time, or the employee's effectiveness upon arrival when selecting travel arrangements. In some cases, the employee can take advantage of the lowest fare only by leaving earlier or returning later than usual for the trip. In such situations, expenses for additional meals and lodging will be reimbursed. These added costs must be considered by both the employee and the employee's Department Director in determining the most economical travel arrangements.

5. Rental Car

If a rental car is required, it is the employee's responsibility to reserve the rental car. The lowest cost rate that will meet the employee's needs must be selected.

The City provides excess liability coverage to supplement the coverage automatically provided by car rental companies. However, the Oregon Tort Claims Act does not apply outside of Oregon. For that reason, drivers shall purchase the offered insurance through the rental company when traveling outside of Oregon. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the City if an accident occurs when the vehicle is used outside the approved scope of City business, (e.g., on an out-of-state trip where a rental vehicle is used for a non job-related side trip).

6. Vehicle Travel (Mileage)

The City will provide a City vehicle or pay for travel (mileage) expense during business travel, when approved by the employee's Department Director or designee. Employees must submit a completed Travel Request Form, approved by their supervisor. Payment options are:

- a. Drive a City vehicle (take a City gas card; no payment necessary).
- b. If no City vehicle is available, mileage will be calculated at the actual mileage traveled multiplied by the federal ~~mileage rate~~ **IRS business mileage rate**.
- c. If a City vehicle is available and the employee elects to drive a personal vehicle, ~~and they do not have a city assigned vehicle,~~ with prior Department Director approval, mileage will be paid at half the IRS mileage ~~"medical or moving purposes"~~ rate.
- d. ~~If a City vehicle is available and the employee elects to drive a personal vehicle, and they~~

~~have a city assigned vehicle, with prior Department Director approval, mileage will be paid at the IRS mileage "charitable organizations" rate.~~

e-d. ~~An employee may elect to use a City fuel card, with a personal vehicle, in lieu of payment for mileage, with prior Department Director approval. When using a City fuel card, an employee should fill up your vehicle with their own funds before beginning their travel for City business. While gone, any fuel purchases should be made on the City fuel card. When employee returns to Brookings, they should fill up a final time using the City fuel card.~~

7. Carpool

Employees are to carpool whenever possible. All employees travelling together to conduct City business or to attend training will be paid for time travelled.

8. Fuel Efficiency

The City encourages the use of fuel efficient vehicles. When using a City vehicle for travel, the preferred choice should be the most fuel efficient vehicle.

9. Meals

The City uses a per diem basis for employee meals during travel. Employees will receive a federal standard CONUS destination per diem rate, in advance, of travel. Meals are not allowed to be put on a credit card during travel. The only exception is for emergency travel, in which case the employee will be reimbursed for meals at the standard per diem rate upon the employee's return and submittal of a Travel Request Form.

Per diem requests should be submitted no later than one week in advance of travel. Accounts Payable will prepare the per diem check based upon this information and deliver it to the employee.

Receipts are not required for per diem expenses.

10. Upon return, complete an Expense Claim Form for any related out of pocket expenses and submit it to Accounts Payable.

11. Travel and expenses paid by City issued credit card are treated the same as other credit card purchases for purposes of completing necessary account coding and descriptions for purchases made via City issued credit cards. The travel and expense receipts must be treated like every other City issued credit card receipt and forwarded to the Finance and Human Resources Department at the end of the month.

12. Travel Request Forms and Expense Claim Forms are available from the Finance and Human Resources Department.

## ~~XII. — WORK SCHEDULE~~

### ~~12.1 — HOURS OF WORK~~

~~The standard City work week is a 40 hour week, beginning and ending Saturday at midnight. Most employees work five 8 hour days, but Department Directors may authorize alternative work schedules (AWS). AWS is a schedule that varies from the standard work week, but is not adjustable by the employee on a daily or weekly basis. The City may terminate or alter AWS at any time with reasonable notice.~~

~~Employee work schedules vary throughout the City's departments. Supervisors will advise each employee of their individual work schedule. Staffing needs and operational demands may~~

~~necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled in each day and week. Work schedules may also be established through a collective bargaining agreement.~~

#### ~~12.2 — REST AND MEAL PERIODS~~

~~Supervisors will advise employees of the regular rest and meal period length and schedule. To the extent possible, a rest period of 15 minutes will be provided at the approximate midpoint of each work period of four hours or longer. This time is counted and paid as time worked. Meal periods may be either one half hour or one hour in length and will be granted during shifts of five hours or longer. Meal periods are not counted or paid as time worked and employees are relieved of all active responsibilities during meal periods.~~

~~An employee may not shorten the workday or receive overtime by foregoing a break or meal period. It is important for employees and supervisors to understand that under State law, and unless otherwise provided in a collective bargaining agreement, employees must take all required rest and meal breaks and the breaks cannot be deducted from the beginning or end of the work period. Supervisors will be expected to make sure employees do not skip breaks and to discipline employees who refuse to take required breaks.~~

#### Nursing Mothers Accommodation:

~~The City will provide unpaid rest periods of up to 30 minutes for an employee to express milk for her child if no undue hardship to the City is caused. The employee and City may agree on periods of less than 30 minutes. The employee shall provide reasonable notice to the City of her intent to express milk upon her return to work. The employee shall use other provided rest and meal periods if feasible. The City may allow the employee to temporarily change job duties if the employee's regular duties do not allow her to express milk regularly.~~

### **XIII. WORK POLICIES AND PRACTICES**

#### ~~13.1 — OUTSIDE EMPLOYMENT~~

~~An employee may hold an outside job as long as they meet the performance standards of their job with the City, and so long as the outside employment does not constitute a conflict of interest. Outside employment for purposes of this provision includes volunteer work. If the City determines that outside employment interferes with performance or ability to meet the requirements of the City, the employee may be asked to terminate the outside employment if they wish to remain employed by the City.~~

~~Employee must consult and seek approval from their superior before accepting outside employment.~~

~~An employee's private business may not be conducted during work hours. An employee may not receive any outside income or material gain for materials produced or services rendered while on the job.~~

#### 13.2 CITY EQUIPMENT AND SUPPLIES

The City may provide supplies, uniforms, equipment, including vehicles, and other materials necessary for employees to perform their jobs. These items are intended to be used for City business purposes. Each employee is expected to exercise care in the use of City equipment and property and use City equipment and property only for authorized purposes. Loss, damages, or theft should be reported immediately to a supervisor.

City equipment and property may not be used for non-City business or personal purposes. When City-owned vehicles are provided and are available for an employee's City-related use, the employee should use the City-owned vehicle. Reimbursement of mileage for use of a personal vehicle when a City-owned vehicle is available must be approved in advance by the Department Director for reimbursement at a reduced rate. The City's insurance coverage may not extend to the employee's vehicle in all cases.

### 13.32 WORKPLACE MONITORING

Workplace monitoring may be conducted by the City to ensure quality control, employee safety, security, and customer satisfaction.

An employee who regularly communicates with customers may have telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training.

Computers furnished to an employee are the property of the City. As such, computer usage and files may be monitored or accessed. Refer to Section XVII for detailed information regarding this policy.

### 13.43 RECYCLING AND CONSERVATION

The City encourages recycling and waste prevention in its business practices and operating procedures. Employees are requested to use the recycling bins that are provided to promote the separation and collection of recyclable materials.

Employees are encouraged to reduce and, when possible, eliminate the use of disposable products to decrease costs and the consumption of valuable resources.

Employees are expected to manage equipment, vehicles and office areas assigned to them in a manner which conserves energy and other resources. Conservation activities would include, for example, turning off office lighting when offices are vacant and turning off computers during non-work hours.

## XIV. PERSONAL CONDUCT

### 14.1 CODE OF ETHICS

The successful operation and reputation of the City of Brookings is based on the ethical conduct of the City's employees. The City's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, regard for the highest standards of conduct and personal integrity, and fairness.

All City employees are considered public officials and are subject to the State of Oregon's Government Standards and Practices (ethics) laws. The City will comply with these and all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, use of good judgment based on high ethical principles will guide you with respect to lines of acceptable conduct. If a situation occurs where it is difficult to determine the proper course of action, the matter should be discussed with your immediate supervisor or Department Director, for advice and consultation.



Compliance with this policy of business ethics and conduct is the responsibility of every City employee. If you believe anyone has violated this code of ethics, you should report it to a supervisor immediately.

#### 14.2 GRATUITIES

Employees of the City may not accept any gift from any individual or entity (such as corporations or governmental bodies) engaged in, or attempting to engage in, business transactions with the City, or from any agency of the State or any local government that might affect, or give the appearance of affecting, the employee's judgment in the impartial performance of his/her duties.

Unsolicited "~~de minimus~~de minimis" gifts, however, such as flowers or candy, may be accepted so long as the gift does not provide the employee with any personal gain.

Questions regarding whether an unsolicited gift falls under the "de ~~minimus~~de minimis" rule should be directed to the immediate supervisor or Department Director.

#### 14.3 CONFLICT OF INTEREST

Employees must conduct the City's business in such a way that it prevents actual or potential conflicts of interest. An actual or potential conflict of interest occurs when, as a result of the City's business dealings, an employee is in a position to influence a decision or gain information that is unavailable to the public, and may result in the personal gain of an employee, or an employee's relative.

For the purpose of this section, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

The mere existence of a relationship with an outside firm or member of the public seeking a City service does not necessarily create a conflict of interest. However, if an employee has influence on transactions or a decision making process, the employee must immediately disclose the relationship to the employee's supervisor or Department Director so that any necessary safeguards can be established to protect all parties.

#### 14.4 POLITICAL ACTIVITY

Employee involvement in certain political activities is protected under the First Amendment. However, under state and federal law there are some restrictions that employees must observe.

State law (ORS 260.432.2) requires that:

"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."

Under federal law (Hatch Act), an employee whose principal job responsibilities are financed all or in part from federal loans or grants may not use official influence to interfere with or affect the result of an election or a nomination for office. An employee covered by the Hatch Act may not, directly or indirectly, coerce or advise another employee to contribute anything of value in any form to any person or entity for political purposes.

Employees may, therefore, express their own personal views while on the job by wearing T-shirts, buttons, etc., and may solicit for charitable or service organizations, to the extent that these activities do not interfere with the performance of the employee's duties or another employee's duties. Employees may not otherwise actively solicit or promote political positions or candidates while on the job, which includes activities such as fundraising, soliciting volunteer help on political campaigns, or disseminating partisan election material.

#### 14.5 PUBLIC INFORMATION

Media inquiries or other similar inquiries should always be referred to a Department Director and the City Manager before responding. If an employee has received permission to communicate to others, such as the media, on behalf of the City in the course of their work duties, the employee should remember that they are representing the City and should ensure that any comments made reflect the City's position on the issue being discussed.

The City has an obligation to keep citizens informed about issues of public interest. Citizens will be provided information through a variety of sources such as flyers, public notices, press releases and websites. Citizen request for written information are subject to the Oregon public records law.

All public records requests should be processed through the City Recorder.

#### 14.6 PERSONAL APPEARANCE

The City respects an employee's individuality, and the use of common sense in choosing appropriate clothing to be worn during business hours. Each employee should recognize the importance of personal appearance to the professional image of the City and dress and groom according to the requirements of the position. This is particularly true if the job involves dealing with members of the public.

Generally, neat and casual businesslike or professional apparel is appropriate. Employees performing labor or fieldwork may have additional guidelines and may be given a clothing allowance. In cases where a uniform is required, such as with public safety employees, it will be provided at the City's expense.

If a supervisor feels that an employee's personal appearance is inappropriate, the supervisor may ask the employee to leave the workplace until the employee is properly dressed and groomed. Under these circumstances, the employee will not be compensated for time away from work.

#### 14.7 SMOKING/TOBACCO PRODUCTS

The City seeks to provide a healthy and safe environment. Accordingly, the use of tobacco products (including e-cigarettes) is prohibited in all City buildings, vehicles and equipment and within ten feet of all entrances, exits, windows that open, and ventilation intakes as required by State law. Department Directors are responsible for determining appropriate designated employee smoking areas. An employee may utilize the rest and meal periods for the use of tobacco, but may not extend a break or meal period because of tobacco use or to walk to or return from a designated smoking area.

### XV. SUBSTANCE ABUSE/DRUG TESTING

#### 15.1 POLICY AND RULES

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

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

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

#### Prohibited Conduct

- Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees or others. Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence.
  - o The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees. (Law enforcement employees may possess narcotics or other controlled substances while engaging in law enforcement duties.) Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on City property or on City time.
  - o The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
  - o As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City property, or possessing, items or objects on City property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to employees engaged in law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other

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“controlled substance” to co-workers, members of the public, or elected officials while on work time or on/in City property.

- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, “vape” pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees while engaging in law-enforcement work.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property. This prohibition does not apply to employees while engaging in law-enforcement work.

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## 15.2 PRESCRIPTION DRUGS AND MEDICAL MARIJUANA

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

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Employees must inform their supervisor about any prescription drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. If an employee's use of such prescription drugs could adversely affect City operations or safety of City employees or other persons, the City may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.

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

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## 15.3 DRUG AND ALCOHOL TESTING

### Reasonable Cause Testing

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

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

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, psychoneurological examinations and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the Finance and Human Resources Director or their designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
  - a pattern of abnormal or erratic behavior;
  - information provided by a reliable and credible source;
  - a work-related accident;

**Comment [A1]:** CIS strongly recommends having the employee sign a “consent to test” form before testing. This form should include, among other things, an authorization of the test or search and permitting release of test or search results to those Organization officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the Organization’s drug and alcohol policy and to indicate current or recent use of prescription or over-the-counter medication.

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

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

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

#### Post-Accident Testing

Employees are subject to testing when they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention.

#### Search of Property

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

#### Employee Refusal to Test/Search

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

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

#### 15.4 CRIMES INVOLVING DRUGS AND/OR ALCOHOL

Employees shall report:

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**Comment [A2]:** The types of tests described here should be those that are used by your organization's testing company.

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**Comment [A3]:** Organizations may choose to implement a random drug testing policy under specified circumstances. Consult with counsel about the feasibility of issuing such a policy.

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**Comment [A4]:** CIS strongly recommends preparing a "consent to search" form for the employee to sign before a search is conducted.

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

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

#### 15.5 DRUG AND ALCOHOL TREATMENT

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

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

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

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

#### 15.6 DISCIPLINE AND CONSEQUENCES OF PROHIBITED CONDUCT

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

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

#### 15.7 CONFIDENTIALITY

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

The City is committed to providing its employees a safe work environment and to promoting high standards of employee health and performance. Using or being under the influence of or impaired by drugs or alcohol on the job may pose serious safety and health risks. The policy and rules in this Section cover all City applicants and employees, except those in the Police and Fire Departments when covered by separate drug and alcohol rules.

The City recognizes that alcohol and drug use may be a sign of chemical dependency and that

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**Comment [A5]:** As noted above, an employer has the right to decide whether the employee should be fired or given a last-chance agreement.

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employees with alcohol and drug problems can be successfully treated. An employee who seeks assistance with a drug or alcohol problem may contact the Finance and Human Resources Director for assistance in identifying any City benefits and benefit programs that may be available to help deal with the problem. Employees can be assured that the contact will remain confidential to the extent legally possible. The City will reasonably accommodate an employee's job circumstance as to allow treatment to take place as is necessary and practical.

The possession, transfer, offering, manufacture, use or being under the influence of, or impaired by, alcohol or illegal drugs while on City premises and while conducting business related activities off the City premises is prohibited. The conduct prohibited by this rule includes use of illegal drugs and/or consumption of alcohol prior to reporting to work, during breaks or lunch periods, or on the job, and includes the presence of the odor of alcohol or drugs on the employee's breath when reporting to work. An employee whose breath or blood alcohol level is .02 or greater or whose blood contains the presence of any controlled substance is deemed "under the influence" for the purpose of this policy.

Employees called back to work from being off duty shall, prior to performing any work, notify their immediate supervisor if they have consumed alcohol or drugs that may impair their performance.

The legal use of prescribed drugs or over the counter medications is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. The legal use of marijuana may be permitted only if the use is while off duty and the effects of the off duty use do not render the employee unqualified for the job, unable to perform essential job duties, and/or unable to work safely. In all cases, clearance from a qualified physician may be required and the City retains the right to make the final determination concerning the employee's fitness to perform work.

Employees must notify their Department Director of any felony drug arrest or conviction and of any drug conviction by the next regularly scheduled workday.

#### **15.2 — DISCIPLINE**

Employees of the City who violate the provisions of Section XV will be judged on a case by case basis. Discipline up to and including discharge may be imposed. Other corrective action may also be imposed as the City deems appropriate. If corrective action includes treatment or counseling, any part of the cost of treatment or counseling not covered by the employee's then existing health insurance policy will be the employee's responsibility.

#### **15.3 — DRUG AND ALCOHOL TESTING**

##### Applicant Testing:

All applicants (including current employees) for employment in safety sensitive positions with the City must consent to testing for drug usage as part of the pre employment process. As part of the application process, the applicant will be requested to sign an Applicant Consent to Drug Testing form.

All offers of employment for safety sensitive positions are conditioned upon the applicant receiving a negative drug test. In addition, the Finance and Human Resources Director may require an applicant (including a current employee) to consent to testing for drug usage if the Finance and Human Resources Director has individualized suspicion concerning the applicant necessitating a drug screen. In such a case, the applicant will be requested to sign an Applicant Consent to Drug Testing form and any offer of employment will be conditioned upon the applicant receiving a

~~negative drug test.~~

~~Employee Testing.~~

~~In those instances where an employee's impaired job performance or conduct provides reasonable suspicion of drug or alcohol use, the City may require appropriate testing. An employee in a position that requires a Commercial Driver's License (CDL) will be subject to random drug and alcohol testing pursuant to the federal Department of Transportation (DOT) guidelines.~~

~~An employee who is an applicant for another City position and who fails a drug test may be subject to disciplinary action.~~

~~Testing Procedures.~~

~~All drug and alcohol testing and result validation will be performed by a laboratory selected by the City and in accordance with the then-prevailing practices in the medical field. An employee who initially tests positive may request a second verifying test, at the employee's expense. The second test must be conducted at a DOT approved laboratory and in accordance with current federal regulations governing second tests and split samples (49 CFR, Part 40). If the second test is negative, the City will reimburse the employee for the cost of the test.~~

~~Laboratory test results will be retained in an employee or applicant's confidential medical file. The test results will be delivered to the Finance and Human Resources Director and the results will be disclosed to the City Manager and appropriate Department Director and supervisor on a need-to-know basis. Disclosure of the written records without the applicant or employee's consent will be made only in accordance with law.~~

## **XVI. RISK MANAGEMENT**

### **16.1 WORKPLACE SAFETY**

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

The City, through its Safety Committee, develops and implements safety rules and regulations contained in the Safety Manual. The manual resides with the Safety Committee Chair who maintains and makes the document available for viewing. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. The City will educate employees as to hazards of the workplace and train employees as to such hazards and the proper and safe method to perform job tasks.

Employees are expected to give their full-time skill and attention to the performance of their job responsibilities utilizing the highest standard of care and good judgment. Employees are also expected to follow all safety rules and regulations at all times including the use of protective clothing and equipment, attendance at all training sessions related to their job, and to follow the directions of warning signs or signals and/or directions of supervisory personnel. Employees are also expected to work within any restrictions placed upon their duties by their physician. Safety rules and regulations will be issued or modified from time to time and notice of these changes will be communicated in writing. Employees who violate this policy could be subjected to discipline, up to and including termination.

### **16.2 WORKPLACE VIOLENCE**



In addition to providing a safe place to work, the City is committed to providing a violence-free place to work. To this end, employees, visitors, or anyone else on City premises or engaging in City-related activities are prohibited from behaving in a violent manner or threatening to behave in a violent manner. In order to prevent any workplace violence before it begins, the City reserves the right to address any behavior suggesting a propensity towards violence, even prior to the occurrence of any violent behavior.

Workplace violence includes, but is not limited to, the following:

- Threatening words or behavior of any kind;
- Behavior that is threatening, physically aggressive, or violent, such as intimidation or attempts to instill fear in others;
- Belligerent speech, excessive arguing, swearing, threats of sabotage, or any other verbally violent behavior
- Causing physical damage to property; or
- Bringing any form of weapons or firearms onto City premises, including in vehicles on City parking lots, or while conducting City-related activity in any location (this does not apply to employees authorized to carry weapons as part of their job responsibility, such as police officers).

Any employee who believes that workplace violence has occurred should report the circumstances immediately to their supervisor, Department Director, or Finance and Human Resources Director, or any other person in a supervisory position with whom the employee feels comfortable. No employee will suffer any adverse consequences as a result of acting in good faith to bring the violence to the City's attention or participate in an investigation.

Any report of workplace violence will be promptly investigated and prompt corrective action taken to address any workplace violence found to have taken place, including action against the party engaging in workplace violence. If an employee is found to have committed workplace violence, the employee will be subject to discipline, including termination.

### 16.3 ACCIDENT / INCIDENT REPORTING

Employees should always report accidents as promptly as possible because prompt reporting will help mitigate damage or processing delays after an incident. Each employee is expected to cooperate fully and assist in reporting and gathering accident information. This policy applies equally whether the employee is at work or on business or other City-related travel.

A ~~city~~ City accident report, which can be obtained from the Finance & Human Resource Director or the employee's supervisor, should be completed whenever:

- a. An employee is involved in an accident that results in injury or damage to any person or property;
- b. An employee is involved in an accident that may result in injury or damage to any person or property;
- c. City property is lost, damaged or stolen; or
- d. An employee is injured on-the-job.

#### Medical Assistance.

If medical care is needed, a Form 801 should be completed.

Employees should render first aid consistent with their first aid/CPR training or seek medical attention as soon as possible for any injured person. Do not render first aid assistance unless you have been trained to do so, and possess a current first aid card.

#### Accident Reports.

Employees should report accidents to the supervisor immediately. As soon as possible after the accident, the employee and supervisor must complete a City accident report. The employee can get an accident report form from their supervisor or from the Finance and Human Resources Director. This should be completed after any injury even if medical care is not immediately needed. The accident report is submitted to the Finance and Human Resources Director with the supervisor retaining a copy for the department's records.

#### Accidents or Incidents Involving Private Parties.

Accidents involving private parties can and do occur. In these situations, *never* discuss who was at fault or who should pay for any costs. Doing so may prejudice the City's rights in any subsequent dispute and ability to ~~recover from insurance companies~~ defend against damage claims. Always complete an accident report with as much information as possible and, if possible, take pictures to ensure complete documentation of the incident.

#### 16.4 ~~TEMPORARY LIGHT~~ TRANSITIONAL DUTY

Whenever possible, an employee affected by a work related illness or injury may be offered ~~temporary light~~ transitional duty within the restrictions provided by the employee's treating physician. ~~Temporary light~~ Transitional duty may be to any department in the City and will be paid at the employee's regular rate of pay.

Employees unable to perform their regular job duties because of non-work related illness or injury may be offered ~~temporary light~~ transitional duty based on a variety of factors, including the needs of the department in which the employee works, the availability of suitable work in different departments, and whether the temporary assignment will create an undue hardship on the City's operations. ~~Temporary light duty is offered only at the discretion of the Department Director and Finance and Human Resources Director. If there is no business need~~ In some circumstances, the employee ~~will~~ may be expected to use available leave time.

#### 16.5 MOTOR VEHICLE USE SAFETY

All employees must follow safe driving practices. Failure to follow safe driving practices may result in discipline, including termination.

The following guidelines apply to all City employees in order to be allowed to drive on City business:

- Hold a valid Oregon driver's license
- Be at least 18 years old.
- Possess a valid Commercial Driver's License (CDL) if driving a vehicle requires a CDL.

If driving a personally owned vehicle, provide proof of insurance to the Department Director evidencing liability limits no less than the State required minimums.

#### Motor Vehicle Record Checks

The City will periodically check all employees' motor vehicle records to make sure they possess a

valid driver's license for the classification of vehicles used in the performance of their duties. Motor vehicle licenses verification shall be conducted by the Director of Public Safety for all employees. The Director of Public Safety will provide written notification to the Finance and Human Resources Director that verifications have been completed and of any findings of unlicensed drivers.

#### Driver Responsibilities.

The following responsibilities apply to anyone who drives any vehicle on City business:

1. Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion.
2. Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This should include tires properly inflated (i.e., not visibly deflated), clean windows, mirrors properly positioned and all lights in working order.
3. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all City and departmental safety policies and rules.
4. Drivers will drive according to the road conditions during inclement weather. Drivers will know how and be prepared, in advance, of bad weather/adverse weather and road conditions.
5. Drivers shall be held personally responsible and liable for any citations/fines received while driving a vehicle on City business. All violation citations for moving violations and/or parking fines received while driving City vehicles shall be paid or otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving any citation while in a City vehicle.
6. For photo radar or other citations issued against the vehicle's registration, the employee's Department Director will complete the "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver is personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
7. In the event of an accident on City business, drivers shall immediately contact their supervisor, and, if driving a City vehicle, follow all City instructions/procedures for reporting accidents.
8. A driver whose license has been suspended or revoked shall immediately notify their supervisor.
9. For employees who are required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered as grounds for disciplinary action up to and including dismissal, whether the offenses and infractions occurred during or outside work hours.
10. Drivers shall ensure that any passengers who ride with them in a City vehicle or in any vehicle while on City business, other than those defined in the "Passenger" section below, are authorized by their supervisor. Drivers shall not transport passengers unless the passengers are wearing safety belts or other restraint devices in accordance with Oregon Revised Statutes.
11. If an employee on City business encounters a stranded motorist, please be aware: a) there is no obligation to stop and render assistance; b) you should consider all objective circumstances regarding your own personal safety before choosing to stop; c) the only authorized action is to help connect the motorist with appropriate roadside assistance.

12. Drivers shall not drive City vehicles or private vehicles for City business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee should first obtain approval from their physician that it is safe to drive while taking the medication. If the employee comes to work but due to the medication cannot drive, the employee shall immediately inform their supervisor and ask for an alternate work assignment. If there is no work available, the employee may be placed on paid or unpaid leave.
13. Employees are expected to use good judgment at all times while driving on behalf of the City. In circumstances where the employee is uncertain if they should be operating or continuing to operate a vehicle (such as because of prescription or over-the-counter medication, extended or continuous shifts, end-of-day long distance travel, fatigue, poor weather or road conditions) the employee is expected contact their supervisor to assist in making the safest decision of whether to continue to drive or not.

#### Cell Phones.

Employees shall comply with the provisions of State law concerning the use of cell phones and personal data devices while driving.

#### Vehicle Use.

1. City-owned/supplied vehicles

The City provides vehicles for use by qualified drivers to conduct official City business in the course and scope of their job and/or to maintain the ability to respond to City business outside the employee's normal work hours when special equipment or tools are available in or on the vehicle. City vehicles shall not be used for personal business. Use of City vehicles to commute to and from work, except as stated above, is prohibited, unless approved in advance by the Department Director or City Manager.

2. Privately owned motor vehicles

The City allows use of privately owned motor vehicles to conduct official City business. A privately owned motor vehicle used for City business must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle equipment must conform to State of Oregon requirements. Vehicle registration and insurance must be current.

3. Insurance requirements

- a. The driver of a privately owned motor vehicle used to conduct official City business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon.

Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

- b. The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

4. Rental cars

- a. Drivers shall purchase the offered insurance through the rental company when renting vehicles out of state.
- b. Travelers are required to know the driving laws for any state they drive in, apply the criteria of common sense, propriety, and consider the relationship to business purpose to the use of rental vehicles and transporting passengers while on City business.

#### Passengers.

Only authorized passengers are allowed to ride in City vehicles and other vehicles while in use for City business. Authorized passengers are:

1. City employees conducting City business;
2. Volunteers acting on behalf of the City;
3. Vendors and contractors working on behalf of the City;
4. Participants in official City business, training, tours and programs;
5. Representatives of other governmental agencies working with the City; or
6. Anyone who has prior authorization from a Department Director or the City Manager.

#### 16.6 SECURITY INSPECTIONS

The City provides desks, drawers, lockers, vehicles, appliances, and other spaces to employees to use in the performance of a job. These items remain the property of the City at all times and are subject to search, seizure, transfer, or removal by the City with or without notice at any time. Consequently, employees should have no expectation of privacy when using any property or equipment owned by the City.

The City may search any City property for any reason with or without a legal warrant. The City may retain items found during a search for use in any legal matter, disciplinary process, or for any other lawful purpose.

#### 16.7 EMERGENCY CLOSING

Emergencies, such as severe weather, fires, etc., can disrupt City operations. In extreme circumstances this may require the closing of a City work facility. The City Manager, or his designee, will contact each Department Director who is responsible for contacting affected employees to notify them of the closure.

When the decision to close or cease operations is made after the workday has begun, employees released from work will be paid for the full workday. When the decision to close is made before the workday has begun, employees released from work will be authorized to use any available paid leave or unpaid leave if no paid leave is available. Public safety employees will follow procedures established by their departments.

In cases where extreme weather conditions make coming to work dangerous, employees may choose not to report to work. Employees who choose not to report to work must contact their supervisor as soon as possible. Employees may either make up missed work time within the same work week or use compensatory time, paid leave, or unpaid leave if no accrued paid leave time is available. The option to make up missed work time is available only with the supervisor's approval.

Employees in essential operations may be asked to work on days when some or all City facilities are closed. In these circumstances, employees who work will receive pay in accordance with federal and state wage and hour laws and or applicable collective bargaining agreement.

## **XVII. INFORMATION AND COMMUNICATIONS SYSTEMS**

### **17.1 PURPOSE/SCOPE**

The City owns and provides information and communications systems for the conduct of its official business. All information and communications systems tools purchased by the City are the property of the City. Employees should have no expectation of privacy in connection with the transmission, receipt or storage of information on any of these systems. Any personally owned electronic communication device an employee uses for City business is also governed by this policy.

This chapter was created to advise all users regarding the access to, and the disclosure of, information created, transmitted, received and stored via the use of the Internet, City e-mail, cell phones, and other computer, communications and information systems (collectively referred to as the “information systems” [or the “communication systems”](#)). A Department Director may, in some cases, authorize operations and practices that conflict with this document on a temporary basis as needed.

This policy applies regardless of the location or ownership of the equipment being used: e.g, if an employee uses a private PC and modem connection at home, but accesses the Internet via a service provided by the City; an employee accesses the Internet via service provided by the employee, but through City equipment; or an employee uses a City provided cell phone at home. Information on personal equipment used for City business may be a public record and must not only be kept according to the City’s retention schedule, but the employee’s personal equipment may also be subpoenaed to verify all City information has been provided as requested.

In order to ensure this policy is complied with, the City reserves the right to monitor Internet use, cell phone use, e-mail, and other computer transmissions, as well as any stored information created or received by City employees with or from the City's information systems. The reservation of this right ensures that public resources are not being wasted and that the City's information systems are operating as efficiently as possible in order to protect the public interest. All computer applications, programs and work-related information created or stored by employees on City's information systems, is City property.

The use of public resources for personal gain and/or private use by City employees, such as but not limited to outside employment or for political campaign purposes, is prohibited and punishable by disciplinary action which may include termination and/or criminal prosecution depending on the nature and severity of the transgression. Incidental and occasional personal use may be permitted in accordance with rules established by the Oregon Government Ethics Commission. The term public resource as used in this policy includes not only the unauthorized use of equipment, hardware, software or other tangible articles, but also the employee time spent engaging in the unauthorized use while on duty.

The Public Records Law (PRL), Oregon Revised Statutes Section 192.410, *et seq* requires the City to make all public records available for inspection and to provide copies upon request. A public record is any writing (which includes electronic documents), related to the conduct of the

public's business prepared, owned, used, or retained by the City. Although PRL includes a number of exceptions from the disclosure requirement, any information on the City's website may be subject to disclosure under the PRL. If there is some doubt, the employee should contact the City Recorder for advice as to whether the information is a public record.

All requests for public records shall be referred to the City Recorder.

The rest of this chapter addresses general City-wide Internet guidelines, specific issues related to appropriate content and use of departmental pages, and employee use of the Internet, e-mail and cell phones. All departments and employees are required to follow these general guidelines. Specific departments may have unique requirements and are encouraged to develop guidelines to cover those issues. The law and associated policy regarding the use of Internet, e-mail, cell phones and voice-mail is continually evolving. Accordingly, review of the policies and guidelines will occur with regularity, and changes will be made as required.

Each Department Director is responsible for the use of the City's information systems by their employees, and for the contents of their department's communications and information presented using these media.

## 17.2 SYSTEM SECURITY/ SAFETY

All employees have a responsibility to take reasonable precautions to protect the security and integrity of the City's information systems. Reasonable precautions include updating anti-virus software when requested by the City's Information Technology employee or consultant (IT), not allowing unauthorized access to the computer system, and safeguarding the employee's password.

If an employee becomes aware of a virus, or the threat of a virus, the employee should immediately contact IT with the information.

All employees are responsible for taking reasonable precautions against theft or damage to the City's information systems. Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Employees are prohibited from downloading and taking City files, programs, or anything else stored on the City's information system, out of the workplace without prior written approval by the employee's Department Director or the City Manager.

Software installations are to be performed by IT only. Only software owned by the City and approved by IT shall be installed on City computers. Installation of personal software on any City-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder.

Any theft or damage to any information systems equipment must be reported immediately to IT and the employee's immediate supervisor.

## ~~17.3 WEBSITE GUIDELINES~~

~~The City's official website (website) address is [www.brookings.or.us](http://www.brookings.or.us).~~

Field Code Changed

The website is a communication tool for providing City information to Brookings residents and the world. Its primary role is to encourage increased participation in City government.

The website includes pages for each department. The City encourages its departments to use the City's website, its department's web pages, and other website components available to them to disseminate information to its users (public and employee) in order to improve communications with the public, and to carry out official business when business can be accomplished consistent with the following policies and guidelines:

Reasons to use the Internet. Departments should base decisions on website use upon sound business practices. The conduct of business via the Internet is particularly compelling where costs are reduced and/or the services provided to the City's constituents are improved in measurable ways.

Ease of Use. Information and services presented via the website should emphasize ease of use to reach the broadest audience and impart a friendly manner which would include clear choices, easy navigation, on screen instruction, etc.

Information Management. Information released via the website is subject to the same official City policies for release of information via other media (such as printed documents), so that the information disclosed avoids potential problems with copyrights, trademarks, and trade secrets.

Accuracy and Timeliness. Users expect the information they find on the website to be both current and accurate. Often, the information found by users on the website will be the first information they receive on a particular subject.

Privacy and Security. Confidential and proprietary information entrusted to the City must be protected. Questions regarding confidential or proprietary information should be directed to the City Recorder, or the City Manager when the City Recorder is unavailable. City management has the right to monitor and log all transactions in or out of the website.

Professional Image. The website should promote a professional image for the City.

Official Use. The City's website is made available to City employees to support and promote official City business. It is inappropriate for employees to use these resources for the following reasons:

- Personal use
- Private gain
- To state as "city positions" those which are not officially endorsed by the City
- For illegal purposes;
- For inappropriate use as defined in these policies and guidelines.

Website Administration. The City Recorder serves as the City's website administrator and is the main point of contact with the City's contracted website provider. The website administrator has the authority to remove or edit content that does not conform to accepted website standards and the City's official website policy and to assign, reassign or remove website permissions as necessary to maintain the website's integrity.

Use of the City website for campaign related purposes. Use of the City's website for campaign-related purposes is prohibited by state law. Campaign-related purposes include, but are not limited to;

- Statements in support or opposition to any candidate or ballot measure



- ~~Requests for campaign funds or references to any solicitations of campaign funds~~
- ~~References to the campaign schedule or activities of any candidate.~~

~~No campaign-related links may be made to the City's website except as may be found on the City Recorder's election-related pages where general election and candidate filing information may be posted.~~

#### 17.4—3 INTERNET & E-MAIL GUIDELINES

The Internet and e-mail are among the most important tools employees need to perform their job. For a variety of reasons, employee use of the internet and City-provided e-mail may be monitored at any time, with or without notice.

##### Internet Sites.

Information used from an Internet site for City business decisions should be evaluated for its accuracy and integrity. The site provider and the current status of the information contained on the site should also be evaluated (the lack of a revision date might indicate out-of-date information). Just because it is on the internet does not mean that it is accurate or valid.

Internet resources are made available to City employees and Departments to support and promote official City business. It is inappropriate for employees and Departments to use these resources for personal use, private gain, to state as "city positions" those which are not officially endorsed by the City, illegal purposes, or for inappropriate use as defined in these policies and guidelines.

##### Department Use.

Department use of the internet to accomplish official City business should be consistent with the City's mission; should meet or exceed the standards of performance for traditional methods (such as meetings, use of telephone, etc.) and must comply with all statutory requirements as well as standards for integrity, accountability, and legal sufficiency.

##### Employee Use:

It is important to remember that the use of the Internet and e-mail are privileges in the work environment and require strict adherence to certain rules. Failure to follow these rules can result in disciplinary action. The use of the Internet is restricted to "official City business." Personal use of these tools, or time spent using these tools for personal gain is strictly prohibited, except on a very limited basis as permitted under Ethics Commission rules. No personal use may be made by, or on behalf of, any organization or third party. No publishing is allowed if the content or purpose is personal. No personal soliciting is allowed, except for non-profit fund raising or events in accordance with this handbook.

- Permitted personal use must be done during meals and breaks; not before, during or after work.
- Personal use may not interfere with your work or the work of another employee or have an undue impact on the network.
- The Internet may not be used to access inappropriate sites or to transmit or receive inappropriate information that violates the law or City policies prohibiting harassment and discrimination. Pornography, hate groups, and gambling are examples of inappropriate sites and accessing these sites is a misuse of City property.
- Internet games and personal games may not be used.

- Hacking is the unauthorized attempt or entry into any other computer. Never make an unauthorized attempt to enter any computer or private e-mail account. Such an action is a violation of the Federal Electronic Communications Privacy Act (ECPA) 18 U.S.C. § 2510.
- Sending threatening, slanderous, racially and/or sexually harassing messages is strictly prohibited. No use shall make rude or hostile reference to race, age, gender, sexual orientation, religious or political beliefs, national origin, health, or disability.
- The City will not be exercising editorial control by assuming responsibility to seek out and eliminate prohibited content—the employee who publishes this type of material remains responsible as the publisher.
- The representation of yourself as someone else, real or fictional, or a message sent anonymously, is prohibited.
- Never copy or transfer copyright protected electronic files without permission.
- Downloading a file from the Internet can bring viruses with it. Make sure all downloaded files are scanned with City standard virus prevention software.
- Never send, post or provide access to any confidential City materials or information.
- Almost all data and software is subject to Federal copyright laws. Care should be exercised whenever accessing or copying any information that does not belong to you. Software which requires purchase or reimbursement for its use, such as shareware, requires strict adherence to the terms and conditions specified by the owner unless written permission for unrestricted use has been obtained. When in doubt consult your Department Director.
- You are obligated to cooperate with any investigation regarding the use of your computer equipment and which your Department Director has authorized.
- Chain letters are illegal and may not be transmitted through e-mail.
- E-mail requires extensive network capacity. Sending unnecessary e-mail, or not exercising constraint when sending very large files, or sending to a large number of recipients consumes network resources that are needed for critical City business. When the City grants an individual employee access to the network, it is the responsibility of the employee to be cognizant and respectful of network resources.

#### Electronic Mail (E-mail)

The following guidelines apply to the use of e-mail.

- **MAIL ON THE INTERNET IS NOT SECURE.** Never include in an e-mail message anything that you want to keep private and confidential (or don't want in the local newspaper) because e-mail is sent unencrypted and is easily read. Never assume that only you can read or access your e-mail.
- **E-MAILS ARE PUBLIC RECORDS** *subject to the public records retention and disclosure laws.* Because e-mails are subject to disclosure as public records, use the same caution in creating e-mails that you do in creating other written documents in the course of your work.
- **YOUR E-MAIL BOX SHOULD NOT BE USED FOR STORAGE.** Generally, if an e-mail has value, it should be printed out and/or saved in an appropriate file. It is,

however, appropriate to retain an e-mail on the system until a project is completed, at which time it should be printed out and/or saved to an appropriate file.

- Management has the right to access all e-mail files created, received or stored on City-funded systems and can access these files without prior notification.
- Be careful when sending replies - make sure you are replying to a group when you want to reply to a group, and to an individual when you want to reply to an individual. It is best to address directly to a sender(s). Check carefully, the "To" and "From" before sending mail. It can prevent unintentional errors.
- Include a signature (an identifier that automatically appends to your e-mail message) that contains the method(s) by which others can contact you. (Include your e-mail address, phone number, and fax number)
- For important items, let senders know you have received their e-mail, even if you cannot respond in depth immediately. They need to know their e-mail is not lost.
- Watch punctuation and spelling. It can reflect on your professionalism. Use automatic checking programs if available.

#### 17.5.4 CELL PHONE GUIDELINES

##### Use of Cell Phone Provided by the City

- a. The use of City provided cell phones is restricted to "official" City business. Personal use of or time spent for personal gain on a City provided cell phone is strictly prohibited, except on a very limited basis in accordance with Oregon Government Ethics Commission standards. Examples of such limited use might be:
  - Contacting a spouse or childcare provider to advise that the employee is going to be late getting home.
  - Arranging to have children picked up for a reason directly related to official duties.
  - Receiving an incoming call regarding a family emergency.
- b. No personal use of a City provided cell phone may be made by, or on behalf of, any third party or organization.

##### Use of Personal Cell Phone with City Allowance

When there is a City benefit to an employee being accessible by cell phone, an employee may have the option of receiving a cell phone allowance and paying for that cell phone privately or through a payroll deduction.

- a. Employees receiving a cell phone allowance are required to maintain a cell phone account and to make the cell phone number available to the City. The employee must also agree to carry the cell phone at all times so that the employee is available for City business calls and emails (if applicable), unless prior arrangements have been made.
- b. Cell phone allowances are included in payroll and the employee is responsible for paying applicable taxes on the amount. Because the allowance is an appropriately taxed benefit the employee may use their cell phone for business and personal calls in compliance with Oregon Government Ethics Commission standards.

##### Employee's Personal Use of Cell Phones

- a. Conversations (which include text messages and voice messages) on City provided or subsidized cell phones are neither secure nor private. Employees should not have a conversation on a City provided or subsidized cell phone if it is intended to be private or privileged.
- An example of a privileged communication is one between an employee and an attorney acting on the City's or the employee's behalf.
  - While attorney/client communications are confidential and privileged, the privilege can be lost if steps are not taken to ensure that the conversation is confidential.
- b. Personal use of any cell phone during working hours, whether personally owned and maintained or provided or subsidized by the City, should be limited to breaks and meal times.
- ~~b.c.~~ Nonexempt employees may not use their personal or City-provided cell phone for work purposes outside of their normal work schedule without written authorization in advance from their supervisor unless being paid to be "on-call." This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

## ~~XVIII. SETTLEMENT OF DISPUTES/GRIEVANCE PROCEDURE~~

### ~~18.1 GRIEVANCE AND MEDIATION PROCEDURE- ALTERNATIVE RESOLUTION OF GRIEVANCE THROUGH COLLABORATIVE RESOLUTION~~

~~An employee may file a grievance under this article within the timelines established below. A grievance is a dispute which may arise between the parties concerning the application, interpretation or meaning of the policies contained in this handbook. Oral warnings, oral reprimands reduced to writing and counseling are not subject to the grievance process. Grievances shall be settled in the following manner:~~

~~Informal Initial Review: Before filing a written grievance, the employee shall discuss the complaint with their supervisor and/or Department Director in effort to informally resolve the dispute.~~

~~Collaborative Resolution Process: At any stage of the grievance process parties may mutually agree in writing to enter into a collaborative resolution process, freezing timelines established in each grievance step. For the purposes of this Article, email correspondence satisfies any writing requirement.~~

~~Upon agreeing to this process, parties shall mutually agree upon time frames for completion of the process. The parties may mutually agree to extend those time frames. If the parties are unable to resolve the dispute via collaborative resolution, the grievance may be advanced to the next step. All grievance settlements reached through the collaborative resolution process are non-precedential and shall not be cited by either party or their agents or members in any arbitration or fact finding proceedings. Grievance settlements reached through this process shall be reduced to writing and signed by the grievant, and a management representative. Actions taken pursuant to the resolution of grievances through the collaborative resolution process shall not be deemed to establish or change practices or policies contained herein.~~

~~**Step 1:** Department Director: The aggrieved employee(s) shall present the complaint, immediately upon discovery of the alleged infraction but no later than fourteen (14) calendar days after it arises or from the date the employee should reasonably have become aware, to the Department Director. The Department Director shall respond to the grievant in writing within 10 calendar~~

days.

**Step 2: City Manager:** If the grievance remains unadjusted, it may be presented to the City Manager within fourteen (14) calendar days after the response specified in Step 1 is due. A grievant must state specifically it is a grievance being filed at Step 2, the name of the parties involved, recites the essential facts of the dispute, identifies the policy or action underlying the grievance, and states the remedy sought. The City Manager and grievant shall engage in joint discussions in efforts to resolve the dispute and find settlement. In the event a settlement cannot be reached, the City Manager or designee shall respond in writing to the grievant within ten (10) calendar days upon receipt of the Step 2 notice. The decision of the City Manager shall be final.

#### **~~18.2 — GRIEVANCE MEETINGS.~~**

- ~~a. Grievance investigation and processing shall be scheduled in a manner that minimizes disruption to department operations.~~
- ~~b. When, because of operational reasons, a Union representative is denied participation in a grievance investigation or meeting, the Representative's supervisor shall arrange a meeting time within 48 hours.~~
- ~~c. Whenever possible, a grievance investigation shall be performed in a confidential setting apart from on going office operations.~~
- ~~d. Official grievance activities shall be limited to the affected parties.~~
- ~~e. All grievance processing and information should be confidential between the parties.~~
- ~~f. Union Representatives shall not actively seek grievances on City time.~~

#### **~~18.3 — TIME LIMITS~~**

~~Any time limits specified this agreement can be extended by mutual agreement in writing.~~

- ~~a. If the Union or grievant fails to adhere to a procedural time limit, the grievance shall end.~~
- ~~b. Whenever possible, a grievance investigation shall be limited to the affected parties.~~  
~~All grievance processing and information should be confidential between the parties.~~

# **CITY OF BROOKINGS**



## **PERSONNEL POLICY HANDBOOK**

**Approved by City Council on: September 11, 2017**

**(Distributed September 12, 2017)**

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## **Employee Acknowledgement Form**

This Personnel Policy Handbook describes important information about the City and its employment policies, and I understand that I should consult my supervisor or the Finance and Human Resources Director regarding any questions not answered in the handbook.

Because the information and policies described in this handbook are necessarily subject to change, I acknowledge that revisions to the handbook may occur and that I am subject to whatever policy is in effect at the time an event occurs. All changes to the handbook will be communicated through official notices, and I am aware that revised information may supersede, modify, or eliminate existing policies. Only the City Council has the authority to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand that this handbook is not to be construed by myself, or any employee, as binding terms and conditions of employment.

I acknowledge that some employees of the City of Brookings are covered by collective bargaining agreements. If there is a difference between the policies in this handbook and a collective bargaining agreement clause, I understand that the collective bargaining agreement provisions govern for union represented employees.

I acknowledge that I have received a copy of this handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I further understand that this handbook supersedes any previous handbook, written policy or oral communication.

I acknowledge that I have read and understood the above paragraphs.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

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

(Please sign and date this acknowledgement and return it to your supervisor for placement in your personnel file).

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# **CITY OF BROOKINGS**

## **PERSONNEL POLICY HANDBOOK**

### **I. INTRODUCTION**

#### **SCOPE AND PURPOSE**

This handbook is designed as a guide to the City's policies, procedures and practices relating to employment matters. Employees should familiarize themselves with its contents and keep it handy as a periodic reference source. This handbook is not intended to be comprehensive or to address all the possible applications or exceptions to the general policies and procedures of the City. Questions should be directed to the Finance and Human Resources Director.

All references to the Finance and Human Resources Director are considered to be to the City Manager in the absence of a Finance and Human Resources Director.

This handbook covers all employees of the City. Some employees are, however, covered by a collective bargaining agreement, in which case those employees should be aware that if there is a difference between this handbook and a collective bargaining agreement provision, the collective bargaining agreement provision governs those respective union members. Bargaining unit employees should always refer to their collective bargaining agreement as well as this handbook.

The Brookings Police Department Policy Manual is hereby incorporated by reference, and provisions and procedures prescribed therein shall supersede those conflicting provisions of this handbook as to employees assigned to the Police Department. The City subscribes to the Lexipol system of periodic updates to the Police Department Policy Manual. To assure compliance with changes in state and federal law with respect to Police employees, all future updates to the Police Department Policy Manual shall be incorporated by reference as a part of this handbook.

The City Manager's terms and conditions of employment are established by contract, and only the provisions of this handbook referenced in said contract, shall be applicable to the City Manager.

The City reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate at its sole discretion. The Finance and Human Resources Director may adopt policies and guidelines for the implementation of any of the policies in this handbook. Employees will be notified and provided with copies of changes as they occur in writing. Employees are subject to whatever policy is in effect at the time an event occurs. Only the City Council has the ability to adopt revisions to this handbook.

This handbook supersedes all prior versions and any other prior oral or written provisions, descriptions or understandings of the City's policies, rules, procedures and benefits addressed in this handbook. No oral statements or representations can change or alter the provisions of this handbook.

### **II. EMPLOYMENT POLICIES**

#### **2.1 EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION**

It is an unlawful employment practice for an employer, because of an individual's race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older, or because of the race, color, religion, sex, sexual orientation, national origin, marital status or age of any other person with whom the individual associates to refuse to hire or employ

the individual or to bar or discharge the individual from employment. All employment decisions will be based on the occupational qualifications and essential job functions of the position and the individual's demonstrated skills, knowledge, and ability to succeed in the position being filled.

The City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, transfer, promotion, compensation, reclassification, discipline, layoff, termination, and access to benefits and training.

Any individual who feels they have experienced employment discrimination in violation of this policy should bring their complaint to the immediate attention of the Finance and Human Resources Director or to any manager or supervisory employee with whom the person filing the complaint feels comfortable. Complaints should be filed in writing and should include: 1) the name and address of the person filing the complaint; 2) a description of the discrimination leading to the complaint; and 3) any other pertinent information that will help in the investigation process. Following receipt of the complaint, the Finance and Human Resources Director will institute an investigation and respond in writing as soon as practicable thereafter. A written record will be kept of the investigation and resolution. All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City's need to investigate the complaint and address the situation.

The City prohibits retaliation against any employee for filing a complaint under this policy, or for assisting in a complaint investigation. All employees of the City are required to refrain from any conduct or practice that is in violation of this policy. If you believe there has been a violation of this policy, follow the complaint procedure outlined in this section.

## 2.2 HARASSMENT

The City of Brookings is committed to providing a work environment for all employees that is free from harassment. Harassment is behavior perceived by the receiver as unwelcome and includes the use of verbal or practical jokes, unwelcome touching, offensive remarks or put-downs, and displays of objects and materials that create an offensive environment or interferes with or adversely affects a person's work performance. Actions such as these are prohibited and will subject the offender to discipline, which in some cases may be termination, if the prohibited conduct is repeated or severe.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City-related or –sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of the City's employees. This policy also provides protection to City employees who are unlawfully harassed during working hours by individuals who are not employed by the City, such as elected officials, members of the community, and vendors.

Sexual harassment is considered sex discrimination not only because of the sexual nature of the conduct to which the victim is subjected, but also because the harasser treats the victim differently based on the victim's sex. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- \* Submission to the conduct is made either explicitly or implicitly a term or condition of employment; or
- \* Submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting the individual; or

- \* The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Officials, employees, volunteers or agents of the City may not engage in any conduct that violates this policy. Any retaliation at work or work-related events by an official, employee, volunteer or agent of the City is prohibited.

Other forms of prohibited harassment under City policy and Federal and Oregon law include harassment against an individual based on the individual's race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law.

The City encourages anyone wishing to file a complaint for harassment to follow the complaint process outlined in this section. Employees who believe they have been subjected to or witnessed harassment should take affirmative action to stop it immediately either by telling the alleged harasser to stop the offensive conduct or by reporting it immediately to their supervisor or the Finance and Human Resources Director, or to any manager or supervisory employee with whom the person filing the complaint feels comfortable. No employee will suffer any adverse consequences as a result of acting in good faith to bring the harassment to the City's attention or participate in an investigation.

Harassment complaints shall be documented in writing by the supervisor receiving the complaint. The information provided should specifically state the incident(s) of harassment leading to the complaint and any other pertinent information that will assist in the investigative process. All investigations will be conducted in a prompt, thorough and impartial manner.

The person with whom the complaint is filed will take immediate and appropriate action. In all cases, action must include immediate notification of the Finance and Human Resources Director who will institute the investigation. Confidentiality will be maintained to the extent practical.

A written report will be created documenting the nature of the alleged harassment and the steps taken during the investigative process. The report will be made as soon as practical. At the conclusion of the investigation the Finance and Human Resources Director will make a decision relative to what, if any, immediate, appropriate and corrective action should be taken and the results communicated to the employee and the other parties involved. Appropriate corrective action, up to, and including termination, will be taken against any employee engaging in discrimination and/or harassment. An employee dissatisfied with the Finance and Human Resources Director's report or decision regarding corrective action may file a grievance to the City Manager in accordance with Section XVIII.

## 2.3 HARASSMENT RESPONSIBILITIES AND TRAINING

All City officials, employees, volunteers and agents are responsible for knowing the City's policy prohibiting sexual and other forms of harassment and following this policy. All Department Directors and supervisors are responsible for maintaining a workplace free of any form of harassment and for enforcing this policy. To ensure this policy is followed, Department Directors shall require all employees to participate in at least one harassment training program every two years. If a department is experiencing any issues with respect to harassment, additional training programs should be added. Department Directors will be required to have each participating employee certify their attendance in writing and to place the written certification in the employee's personnel file. Employees may receive this training in a personally attended workshop, or by viewing a video, as deemed appropriate by management.

## 2.4 POLICY ON NON-RETALIATION

City of Brookings prohibits the taking of any retaliatory action for reporting or inquiring about alleged improper or wrongful activity. All City of Brookings employees, managers/supervisors and elected officials are encouraged to report in good faith all information regarding alleged improper or wrongful activity that may constitute:

- Discrimination or harassment;
- Fraud;
- Unethical or unprofessional business conduct;
- Noncompliance with City of Brookings policies/procedures;
- Circumstances of substantial, specific or imminent danger to an employee, manager/supervisor, elected official or the public's health and/or safety;
- Violations of local, Oregon or federal laws and regulations; or
- Other illegal or improper practices or policies

City of Brookings encourages timely disclosure of such concerns and prohibits retribution or retaliation against any employee (or member of the public) who, in good faith, reports such concerns. No employee, manager or supervisor will be exempt from the consequences of misconduct or inadequate performance by reporting his or her own misconduct or inadequate performance.

### Protection from Retaliation

Any City of Brookings employee, manager/supervisor or elected official who, in good faith, reports such incidents as described above or other related unlawful or unethical conduct will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, discharge, or other discrimination including but not limited to discrimination in compensation or terms and conditions of employment that occur because of the disclosure of such information. In addition, no City of Brookings employee may be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations.

### Reporting Process

Employees should timely report evidence of alleged improper activity as described above by contacting their immediate supervisor, department head or City Manager. Any instances of alleged retaliation or retribution should be reported in the same manner.

All reports will be handled as promptly and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.

## 2.5 OPEN-DOOR POLICY

City of Brookings' Open Door Policy is based on our belief that employee suggestions for improving City of Brookings are welcome at any time. If the employee has a complaint, suggestion, or question about the job, working conditions, or the treatment received by anyone in City of Brookings, the employee should first raise them with their immediate supervisor. If the employee is not satisfied with



the response from the immediate supervisor, or if the issue involves the immediate supervisor, the employee should request to have the facts/situation reviewed by the City Manager.

## **2.6 DISABILITY ACCOMMODATION**

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

The City's hiring procedures provide persons with disabilities meaningful employment opportunities. The City will afford reasonable accommodation to qualified applicants and employees with a known disability, unless to provide the accommodation creates an undue hardship on the operation of City business.

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

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position or participate in the employment process. All requests for accommodation should be made with the Department Director, and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his or her need for a reasonable accommodation.

## **III. RECRUITMENT AND HIRING**

### **3.1 JOB POSTINGS**

The Finance and Human Resources Director, in consultation with the hiring Department Director, shall determine if there is a sufficient and /or qualified pool of existing employees to meet the needs of the City if an appointment is made through promotion of a current employee.

All position vacancies not filled through promotion or resulting from a Department reorganization and reassignment of duties shall be advertised sufficiently to obtain a pool of qualified candidates.

Employee applicants for open positions are subject to the same testing and review process as non-employee applicants.

All vacancies in employee positions shall be posted at City Hall for a minimum of three days. The Finance and Human Resources Director shall advertise vacancies as he/she deems appropriate to develop a pool of qualified applicants.

### 3.2 EMPLOYMENT APPLICATIONS AND REFERENCE CHECKS

Employment applications received by the City become the property of the City and cannot be returned. Misrepresentations, falsifications, or material omissions in any of the information or date may result in the exclusion of the individual from further consideration for employment or, if the person is hired, termination of employment.

To ensure that applicants are well qualified and have a strong potential to be productive and successful, it is the City's policy to check employment references of all applicants being considered for employment. For public safety and financial employees, The City may request a consumer report or investigative consumer report from an applicant only with the applicant's written authorization and upon providing the required disclosure of the employee's rights under the Fair Credit Reporting Act. Pursuant to the Fair Credit Reporting Act, if the City requested and obtained a consumer report or investigative consumer report regarding an applicant and decides not to extend an offer of employment to the applicant, the Finance and Human Resources Director will provide a copy of the report to the applicant as soon as possible before formally notifying the applicant that an offer will not be extended. The formal notification must include notice to the applicant explaining how to contact the reporting agency.

Only the Finance and Human Resources Director is authorized to respond to outside employer reference check inquiries regarding current or former employees. The Finance and Human Resources Director may authorize the supervisor of an employee or former employee to respond to specific reference check questions or provide a letter of reference. The City Manager may respond to reference check inquiries concerning management employees. No one else is authorized to comment on or provide information regarding a current or former employee's employment or departure. Information regarding current employees will be given only if the employee provides a signed Reference Request Release to the Finance and Human Resources Director. Responses to employment reference checks will be limited to dates of employment, position, title, and job location. More detailed responses addressing the employee's job performance and record will be provided only if indicated on the signed Reference Request Release.

### 3.3 EMPLOYMENT MEDICAL EXAMINATIONS

All prospective employees for safety sensitive positions must pass a pre-employment drug screen after receipt of a conditional offer of employment and prior to becoming an employee of the City.

To help ensure that employees are able to perform their duties safely, medical examinations may be required for some job classifications and satisfactory completion of the examination and appropriate medical clearance will be conditions of employment. Prospective applicants will be notified of medical examination requirements. The examination will be performed by a health professional of the City's choice and at the City's expense.

Current employees may be required to take medical examinations to determine fitness for duty. These examinations will be scheduled at reasonable times and also performed at the City's expense and by a health professional of the City's choice.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained in confidentiality by the Finance and Human Resources Director. Access to this information will be limited to those who have a legitimate need to know and in accordance with the federal Health Insurance Portability Accountability Act (HIPAA).

### 3.4 DRUG AND ALCOHOL TESTING

#### Applicant Testing.

All applicants (including current employees) for employment in safety sensitive positions with the City must consent to testing for drug usage as part of the pre-employment process. As part of the application process, the applicant will be requested to sign an Applicant Consent to Drug Testing form.

All offers of employment for safety sensitive positions are conditioned upon the applicant receiving a negative drug test.

### 3.5 EMPLOYMENT MOTOR VEHICLE RECORD CHECKS

Driving is among the most hazardous tasks performed by employees and most employees are required to drive at some point while on duty, whether as part of their job duties, or to attend an education or training program, an event, or meeting. In order to ensure employee safety, the City will conduct a motor vehicle record check for all applicants for employment for positions for which driving is an essential function. Only applicants meeting the guidelines provided under the City's policies on Motor Vehicle Use Safety (see Section 16.5) will be eligible for employment for those positions.

Applicants for positions for which driving is an essential job function will have his or her five (5) consecutive year driving history, with a beginning date not more than 30 days prior to the date of application reviewed during the background phase of employment. Felony and Misdemeanor traffic convictions within the last 24 months will be an immediate disqualification. A record of DUII, moving violations and/or accidents shall be considered as a part of the hiring process.

If the applicant's driver's license was issued by a state other than Oregon, he or she must be able to obtain Oregon or; if the applicant will be a California resident, a California driver's license within 30 days of employment.

### 3.6 EMPLOYMENT OF RELATIVES

The employment of relatives or members of the same household in the same department or in any supervisory relationship may cause conflicts and problems with favoritism and employee morale. For the purposes of this section, a "relative" means the spouse, registered, same-sex domestic partner, son, daughter, mother, father, brother, brother in law, sister, sister in law, son in law, daughter in law, mother in law, father in law, aunt, uncle, niece, nephew, stepparent or stepchild of the employee or of the employee's spouse or registered, same-sex domestic partner. A member of the household is any person who resides with the employee.

Relatives of a current employee may not occupy a position that will be working directly for, or supervising, the relative. Likewise, a domestic partner involved in a dating relationship with a current employee may not occupy a position that will be working directly for, or supervising, the employee. Members of the same household should not occupy positions in which one member directly works for or supervises the other.

When these situations occur, each situation will be individually evaluated by the Finance and Human Resources Director, who will also make the final determination as to whether an exception to the above rules applies.

If a relative relationship (a relative relationship includes dating) is established after employment between employees who are in a reporting situation described above, the employee in the

supervisory role is responsible to disclose the existence of the relationship to the Department Director or Finance and Human Resources Director.

With respect to a relative or household relationship, the employees and the City will jointly attempt to find an alternative work assignment for one of the two employees. If no alternative work assignment is available one of the employees will be required to resign. If neither agrees to resign, the Finance and Human Resources Director will determine which employee will need to be terminated.

### 3.7 HIRING PROCEDURES

All recruitment and hiring must be through the Finance and Human Resources Director who is responsible for establishing the appropriate recruitment and hiring procedures. The Department Director will participate in the process and, at the conclusion of the process, will provide recommendations to the Finance and Human Resources Director and City Manager. The City Manager makes the final decision as to hiring. After the final decision is made, either the City Manager or Finance and Human Resources Director may extend an offer of employment. Only written offers of employment are considered valid offers.

## IV. EMPLOYEE CATEGORIES

### 4.1 EMPLOYEE CATEGORIES

#### Exempt/Nonexempt.

Each employee is designated as either “Exempt” or “Nonexempt” under federal wage and hour laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. The Finance and Human Resources Director is responsible for determining an employee’s exempt status. At the City of Brookings, exempt employees, and employees classified as confidential employees are also not covered by collective bargaining agreements.

All Department Directors and supervisors are exempt employees and serve at the will of the City Manager. The City Manager is an exempt employee who serves at the will of the City Council. Nonexempt employees can only be terminated in accordance with the termination policy of this handbook or, if subject to a collective bargaining agreement, in accordance with that agreement.

Nonexempt employees are paid only for hours worked or for hours charged to approved and available leave. They are entitled to overtime pay under the specific provisions of federal and state laws (and in some cases, collective bargaining agreements).

#### Regular Employees (Full Time and Part Time).

Regular employees are those who have successfully completed their probationary period. Regular full time employees are regularly scheduled to work the City’s full time schedule.

Regular part time employees are scheduled to work on a regular basis, but less than the full time schedule.

#### Temporary Employees.

Temporary employees are hired to work less than 20 hours per week and/or 6 months or less in any 12 month period, to temporarily supplement the work force or as interim replacements.

Employment beyond the 6 month period (or other initially stated period) does not convert the employee to a regular employee.

#### **4.2 CONTINUOUS EMPLOYMENT**

Continuous employment shall be employment unbroken by separation from service to the City, other than military, Peace Corps, vacation or sick leave. Time spent on other types of authorized leave will not count as time of continuous employment; except that, employees, returning from such leave, or employees who are laid off, shall be entitled to credit for service prior to the leave or layoff.

### **V. EMPLOYEE RECORDS**

#### **5.1 PERSONNEL FILES**

The Finance and Human Resources Director maintains the personnel records for all City employees. These files are the only authorized record of an employee's status and history with the City. The file may be kept indefinitely, even after termination of employment. Only the Finance and Human Resources Director may authorize removal of documents or information from a personnel file.

The personnel file includes information such as application forms, resumes, transcripts, reference letters, background investigations and other employment related documents submitted to the City for original employment or subsequent position changes, training records, performance appraisals, copies of all official correspondence with the employee regarding commendations, discipline, grievances and employee comments regarding their performance or items in their file, and other employment records. The employee may include their own written statement of explanation or rebuttal with any material placed in the file.

Personnel files are the property of the City and are considered and kept confidential, with a few exceptions. Only the employee (or a person designated by the employee in writing), the employee's supervisor and management personnel have a legitimate reason to review information in a personnel file and are allowed to do so. Information in a personnel file may also be disclosed in response to a lawfully issued judicial or administrative subpoena, an order of a court of competent jurisdiction, to officials of the U.S. Internal Revenue Service or the Oregon Department of Revenue when authorized by applicable federal or state law or regulation, or City auditors when required by federal rules and regulations. Information in a personnel file may also be disclosed to the degree it is classified as public information by federal and state public records laws.

#### **Right to Examine Personnel File.**

An employee or former employee may request to view the employee's personnel file or may request a certified copy of the employee's personnel file during normal City Hall business hours. The City must comply with the request within 45 days after receipt of the request. Upon termination, the City must retain the employee's personnel file for at least 6 years. The City may charge an amount to the employee or former employee to recover the actual cost of providing locating, copying, and certifying services.

#### **5.2 MEDICAL RECORDS AND PROTECTED CLASS INFORMATION**

All information regarding medical examinations of employees is collected and maintained in separate medical files and treated as a confidential medical record in accordance with applicable

federal and state laws and regulations (including HIPAA). Any information that would disclose protected class information is kept in separate, sealed, confidential files.

## **VI. PERFORMANCE REVIEWS**

The purposes of the City's performance review program are to enhance the motivation and productivity of each employee and to provide the City with a means by which it can continuously monitor the effectiveness of its operations and the services it provides. Under the City's performance review program, all employees receive regular performance evaluations. The first performance evaluations are conducted at or near the completion of 6 months of service and 12 months of service, and annually thereafter on or near the employee's anniversary date of employment.

Performance reviews serve as one factor in decisions related to employment such as training, merit pay increases, job assignments, employee development, promotions and retention. Written reports identify specific performance levels as compared to established standards, to acknowledge the merit of above standard performance, and to prescribe the means and methods for correcting performance deficiencies to the required level of performance. Supervisors and managers are accountable for providing employee development actions designed to improve and enhance employee performance.

A copy of the evaluation signed by the employee and supervisor will become part of the employee's personnel record. Nothing in this policy prohibits a supervisor from providing informal performance reviews on a more frequent basis than what is described here. The City encourages its supervisors and employees to have regular, productive conversations about performance.

## **VII. STANDARDS OF CONDUCT/DISCIPLINE**

### **7.1 EMPLOYEE PERFORMANCE AND CONDUCT**

In order to attain the highest standards of performance and conduct from each employee, all employees are expected to conform to the following standards of performance and conduct and, in accepting a position with the City, each employee accepts responsibility for performance and conduct both on and off the job that reflects and builds a positive image for the City.

The standards of performance and conduct set out in this section serve as the basis for selection, evaluation, and discipline (including termination) of City employees, and are not intended to be exhaustive or exclusive. There may be other types of behavior or conduct that form the basis for performance review or that establishes cause for disciplinary action.

#### Performance Standards

- a. Achieves and maintains a level of knowledge, skill and ability required by the employee's job classification and assignment.
- b. Is able to carry out assignments with the level of training and supervision appropriate to the employee's job classification and assignment.
- c. Exercises appropriate judgment, decision-making and initiative, including selection of work techniques, procedures and priorities.
- d. Knows and follows all relevant City and departmental policies and procedures.
- e. Carries out work assignments in a diligent, cost effective, efficient and timely fashion.
- f. Expresses disagreements in an appropriate setting and in a manner that is constructive and not disruptive or harmful to the delivery of services.

- g. Maintains required levels of accuracy and quality.
- h. Develops and maintains satisfactory working relationships with others, including the public, as necessary to effectively carry out job responsibilities.
- i. Maintains necessary licenses and certifications.
- j. Acts within proper authority.
- k. Maintains the level of punctuality required in the employee's job assignment.
- l. Maintains an acceptable attendance record and follows required procedures for requesting and reporting absences.

#### Conduct Subject to Disciplinary Action

The following list of causes for disciplinary action constitutes a portion of the City's disciplinary standards. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient City service.

- a. Attendance
  - 1. Leaving any assigned job during working hours without reasonable excuse or permission and approval.
  - 2. Unexcused or unauthorized absence or tardiness on scheduled work days, including failure to return from leave, or taking unauthorized or excessive breaks while on duty.
  - 3. Failure to report at specified time to work or work assignment location, fully prepared to perform duties without reasonable excuse.
- b. Conduct
  - 1. Falsification of official records or documents, including applications and pre-employment documents.
  - 2. Misrepresentation of qualifications for employment.
  - 3. Insubordination or refusal to obey instructions that pertain to the employee's work or City requirements issued by a supervisor.
  - 4. Use of force, intimidation, abusive language or mannerisms or other conduct that is inappropriate in a business setting.
  - 5. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
  - 6. Conduct which brings discredit upon the City or gives the appearance of receiving disparate treatment because they are a City employee.
  - 7. Violation of City rules, ordinances and policies, including those set forth in this handbook.
  - 8. Criminal violations that are related to job performance or are of such a nature that to continue as an employee in their position could constitute negligence on the City's part.
  - 9. Misuse or abuse of City or public funds, or theft or misappropriation of another's property.
  - 10. An action or conduct that is a violation of ethical standards and/or conflict of interest rules.

11. The use of profane or abusive language towards superiors, peers, subordinates, and/or the general public.
12. Making false accusations that discredit, embarrass, or abuse supervisors, peers, the governing body, or the general public.
13. Unauthorized destruction of City property and/or equipment.
14. Using department resources in association with any portion of an independent civil action. These resources include but are not limited to; personnel, vehicles, equipment and non-subpoenaed records.
15. Engaging in horseplay resulting in injury or property damage or the reasonable possibility, thereof.
16. Unauthorized possession of, loss of, or damage to City property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
17. Failure to promptly and fully report activities on the employee's part, or on the part of any other employee, where such activities may result in criminal prosecution or discipline under this policy.
18. Using or disclosing one's status as an employee with the City in any way that could reasonably be perceived as an attempt to gain influence or authority for personal business or activity.
19. Discourteous, disrespectful or discriminating treatment of any City employee, volunteer or member of the public.
20. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.
21. Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.
22. Wrongfully loaning, selling, giving away or appropriating any City property for personal use of the employee or any unauthorized person(s).
23. The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper use.
24. Receiving or accepting a reward, fee, or gift from any person for services associated with the employee's duties.

b. Discrimination

1. Discrimination against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability, or medical condition.

c. Intoxication

1. Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of an intoxicant.
2. Reporting for work or being at work following the use of "controlled substance" or drug, whether legally prescribed or otherwise, where such use may impair the employee's ability to perform assigned duties.
3. Unauthorized possession, use of, or attempt to bring, a controlled substance or other



illegal drug, to any work site.

d. Performance

1. Unauthorized sleeping during work hours or on work assignments.
2. Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
3. Refusal, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
4. Concealing, attempting to conceal, removing or destroying defective work without permission.
5. Disobedience or insubordination toward constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee.
6. The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
7. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the City or its departments or subverts the good order, efficiency and discipline of the City or its departments, or which would tend to discredit any member thereof.
8. Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the City, its elected officials, departments, employees, or volunteers.
9. The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
10. Any knowing or negligent violation of the provisions of a department manual, operating procedure or other written directive of an authorized supervisor.
11. Work related dishonesty, including attempted or actual theft of department property, services or the property of others.
12. Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off-duty).
13. Failure to disclose material facts or the making of any false or misleading statement on any application, examination or other official document, report or form.
14. Offer or acceptance of a bribe or gratuity.
15. Misappropriation or misuse of public funds.
16. Unlawful gambling or unlawful betting on City premises or at any official worksite.
17. Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has, or reasonable should have, knowledge of such criminal activities.
18. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while at work or on department property except as expressly authorized.

19. Engaging in political activities during assigned working hours.
20. Violating any misdemeanor or felony statute.
21. Any other on duty or off duty conduct which an employee knows, or reasonably should know, is unbecoming or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the City, its officials or employees.
22. Any failure or refusal to properly perform the function and duties of an assigned position.
23. False or misleading statements to a supervisor.

e. Safety

1. Failure to observe posted rules, signs, written and/or oral safety instructions, while on duty and/or within City facilities or to use required protective clothing or equipment as required.
2. Knowingly failing to report and on-the-job or work related accident or injury within 24 hours.
3. Substantiated record of unsafe or improper driving habits or actions in the course of employment.
4. Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
5. Violation any departmental safety standard or safe working practices.

f. Security

1. Unauthorized, intentional release, alteration removal of designated confidential information, materials, data, forms or report.

g. Supervisory Responsibility

1. Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of the City and the actions of all personnel to comply with all laws.
2. Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
3. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

## 7.2 DISCIPLINARY PROCEDURES

Discipline should be considered by supervisors as a constructive means of dealing with unacceptable behavior or performance deficiencies on the part of employees. Disciplinary actions should be appropriate to the seriousness of the infractions or performance deficiency. Department Directors are authorized to take any of the following actions and to recommend termination subject to the guidelines in this section. Other supervisors are authorized only to issue warnings and reprimands. Only the City Manager has the authority to decide whether to discharge an employee.

The corrective action process will not always commence with a verbal warning or include a sequence of steps. Some acts, particularly those that are intentional or serious, warrant more severe

action on the first or subsequent offense. Consideration will be given to the seriousness of the offense, the employee's intent and motivation to change the performance, and the environment in which the offense took place. There may also be circumstances that are serious enough to justify immediate suspension, or in extreme situations, immediate termination.

Also, in addition to the actions listed below, other non-disciplinary actions may be appropriate as part, or in lieu, of a corrective action program. These include performance evaluation, additional supervision or training, restructuring of job assignment(s), or other actions as deemed appropriate.

All disciplinary actions except warnings must be in writing and must address the following points: 1) the purpose of the action; 2) the specific nature of performance or conduct problems with supporting facts; 3) the corrective action required; 4) the fact that more corrective action will be taken (including termination) if the employee does not correct or improve the performance or conduct problems; and 5) the employee's right to appeal the action by filing a grievance under Section XVIII. The Disciplinary Action Form will be included in the employee's personnel file. Warnings do require documentation, and will be kept with the supervisor who writes them.

Some disciplinary actions may be preceded by an investigatory interview with the employee. Represented employees should refer to their collective bargaining agreements regarding these interviews.

### Warnings

A warning, whether oral or written, is an official communication to the employee that performance or conduct improvements need to be made. Supervisors or Department Directors may issue warnings. A written warning should be used when a verbal warning has not produced the necessary corrective action and where the possibility of disciplinary action exists if the improvements are not made. Both types of warnings should indicate to the employee the specific problem, what action is required for correction, and that disciplinary action will follow if the employee does not satisfactorily correct the problem. A warning is not subject to the grievance procedure because no punitive action is taken. A written record of a verbal warning and copies of written warnings are kept by the supervisor. The Disciplinary Action Form does not need to be completed when issuing a warning.

### Administrative Leave With Pay

The City Manager may place employees on administrative leave with pay while investigating allegations made by the employee or about the employee. The employee will suffer no loss of benefits or accruals during this period of administrative leave. Upon completion of the investigation, disciplinary action may be taken, or the employee may be reinstated. If no further disciplinary action is taken, no record of the administrative leave need be made in the employee's personnel file. Administrative leave with pay shall not constitute a disciplinary action.

### Written Reprimand

Supervisors or Department Directors may issue written reprimands. A written reprimand is given when oral or written warnings have not lead to the desired conduct or performance improvements. A copy of a written reprimand is placed in the employee's personnel file.

### Suspension Without Pay

Department Directors may suspend employees without pay with the prior approval of the Finance and Human Resources Director. Suspension without pay is involuntary leave without pay coupled

with formal notice of unsatisfactory performance or conduct. The period of suspension may not exceed 20 working days. At the conclusion of the suspension period, the employee will be reinstated or subject to further disciplinary action, such as demotion, disciplinary probation, or termination.

#### Demotion

Department Directors may demote employees, with the prior approval of the Finance and Human Resources Director. Demotion is the reassignment of an employee to a lower level classification, with a reduction in pay and title, based on performance or conduct problems unique to the requirements of the higher classification.

#### Disciplinary Probation

An employee may be placed on disciplinary probation by their Department Director with the prior approval of the Finance and Human Resources Director as a final attempt to improve performance or conduct. The probationary period, and consequences for failing to successfully complete the probationary period, must be specified in writing. As noted herein, an employee on disciplinary probation may be terminated at any time during the probationary period if termination is a consequence of unsatisfactory performance.

#### “Last Chance Agreement”

At any point in the discipline process a Department Director, with the prior approval of the Finance and Human Resources Director, may draw up a “Last Chance Agreement” which will list all of the conditions that must be met, now, and in the future, for the employee to continue working for the City. If the employee signs the agreement and meets all of the conditions, the employee will be allowed to continue employment as long as conditions of the agreement are met. If the employee does not meet the conditions of the agreement, the employee will be subject to discharge. Only the City Manager may discharge an employee.

#### Discharge

Discharge is the involuntary termination of employment. Department Directors may only recommend discharge and generally should not do so unless one other form of disciplinary action has been taken previously. However, as noted above, there may also be circumstances or extreme situations serious enough to warrant immediate termination.

Only the City Manager has the authority to discharge an employee. In some cases, the employee may be offered the option of resigning in lieu of discharge. If the employee chooses to resign, the employee will be required to sign a statement indicating that the resignation was voluntary.

An exit interview will be conducted with all discharged employees. (Refer to Section 8.6).

### **VIII. TERMINATION**

#### **8.1 RESIGNATION**

Resignation is a voluntary act by the employee to terminate employment with the City. Employees must provide at least two weeks’ written notice specifying the employee’s anticipated final day of employment in order to be considered as having resigned in good standing. Employees absent from work without reporting for a period of three days or more, or who fail to return to work following a leave of absence, are considered to have voluntarily resigned. The employee’s last day of work will be considered the termination date.

Resigning employees will be asked their reasons for resignation at the exit interview.

## **8.2 LAYOFF**

A layoff is the termination of an employee due to the elimination of a position. A position may be eliminated as part of reorganization, contracting out a program or service, lack of work or funds, or other reasons. Layoff is not an alternative to a disciplinary termination or demotion of an employee.

## **8.3 DISCIPLINARY TERMINATION**

Disciplinary termination (or discharge) is the termination of an employee for cause as described in Section VII above. When disciplinary termination is recommended by a Department Director, the Department Director will provide a written recommendation to the Finance and Human Resources Director along with supporting documentation. The final decision to discharge is made by the City Manager.

### **Pre-Termination Hearing.**

Pre-termination hearings are not required, but are always recommended. A pre-termination hearing may be required by a collective bargaining agreement. Pre-termination hearings are to be documented in writing by the supervisor in attendance.

## **8.4 TERMINATION PROCEDURE/EXIT INTERVIEW**

An exit interview must be conducted with all terminating employees prior to, or at the time of resignation or termination. The purposes of the interview is to secure forwarding addresses, review final hours accrued and due at termination, complete all retirement and insurance forms, and explain the final check due the employee. In the case of discharge and resignation, the purposes will also include an explanation of reasons for termination. The Finance and Human Resources Director shall conduct the exit interview.

Except as provided through COBRA, all pay and benefits shall cease as of the date an employee terminates. The final check will include compensation for accrued leaves that are payable at termination.

Upon termination, the Department Director is responsible for ensuring that the terminated employee has returned all keys, tools, uniforms, and/or other City property in their possession. Documentation that all City property has been returned shall be placed in the employee's personnel file.

Employees will be asked to sign a Reference Request Release which will allow the City to release only the information specified on the form to anyone seeking information regarding the employee's employment with the City. If the employee requests that the City Manager, Department Director, a supervisor or other employee serve as a reference for the employee, the employee must make the request on the Reference Request Release.

## **IX. BENEFITS**

### **9.1 FAMILY MEDICAL LEAVE**

This policy is intended to comply with applicable federal and state law under the Federal Family Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA).

The City of Brookings recognizes that employees need support in balancing their work with personal

and family responsibilities. Accordingly, eligible employees may take up to twelve weeks of family leave in a twelve month period for their own serious health conditions, or to attend to a family member's serious health condition.

#### Eligibility

City of Brookings' employees are eligible to take family leave once they have been employed for at least six months and work an average of 25 hours per week or more.

#### Qualifying Events

- a. When the employee is unable to perform the essential functions of the job because of a serious health condition, including pregnancy-related conditions. In some situations, additional leave may be available for pregnancy-related disability; and/or
- b. In the event of the birth or adoption of a child; and/or
- c. To care for a spouse, parent, or child under the age of 18 who has a serious health condition or a mentally/physically impaired child aged 18 or over.

#### Request for Leave

- a. Anticipated Situations  
In situations where the need for family leave is known or anticipated, employees must give thirty (30) days notice to take family leave. If the leave is anticipated less than thirty (30) days in advance, employees must give notice as soon as is practical.
- b. Unanticipated Situations  
In unanticipated or emergency situations where there is no opportunity to give notice, employees must notify their supervisor verbally within two working days of the emergency situation.

Upon notice, the Finance and Human Resources Director will provide the employee with the required forms. All employees will be required to complete a *Family Leave Request Form* and to have the applicable certification form completed and returned prior to the commencement of family leave.

#### Medical Certification

Certification of the need for family leave is required. In the event of a personal health condition or that of a family member, the certification must be provided by a medical professional within fifteen (15) days of the request for family leave.

If medically necessary, family leave may be taken on an intermittent or reduced schedule. Details of the proposed schedule should be verified by the certifying medical professional. Employees should discuss the need for intermittent leave with the employer. The employer may require updated medical certifications during intermittent leave periods.

#### General Provisions

- a. Definition of Year and Week. The City of Brookings uses a *rolling forward* year for purposes of tracking FML/OFL time. A week is an employee's normal workweek schedule. FML/OFL time will be tracked in hours. Employees are entitled to take up to 12 weeks family medical leave during a 12 month period.
- b. Use of Accrued Leave. Accrued leave may be used in accordance with leave policies of the City of Brookings. All accrued balances must be exhausted prior to taking leave without pay.
- c. Reinstatement. Employees returning from family leave will be reinstated to the same or an equivalent position with equivalent benefits, pay and other terms and conditions of

employment, unless their former positions have been eliminated for bona fide business reasons.

- d. Medical Release. Employees returning from family leave taken for their own health condition may be required to provide a medical release to return to work prior to or upon return indicating they are able to return to work and whether there are any restrictions.

## 9.2 GENERAL LEAVE OF ABSENCE WITHOUT PAY

A general leave of absence without pay may be available to regular full time employees. A general leave of absence is a temporary suspension of employment for a period of not more than 12 months. Only the City Manager may grant general leaves of absence.

### Written Request.

A request for a leave of absence must be made in writing to the Department Director (or in the case of a Department Director requesting leave, to the City Manager), who will provide a recommendation to the City Manager. The written request must state the purpose, and beginning and ending dates of the proposed leave.

### Benefits.

Employees granted a general leave of absence do not receive any pay while on leave. All benefits will cease to accrue during this period of leave including time earned toward seniority. However, an employee may continue to receive insurance coverage if the employee pays the insurance premiums through COBRA. Arrangements must be made with the Finance and Human Resources Director prior to beginning such leave in order for insurance to continue.

### Reinstatement.

Reinstatement following a general leave of absence is not guaranteed. When taking a general leave of absence, the employee should thoroughly understand that their former position may become unavailable. The vacated position may be filled or operating conditions may change during the period of leave to such an extent as to make reinstatement impracticable. An employee must notify their Department Director of their intention to return to work fifteen days prior to the anticipated date of return. Failure of the employee to return to work on the day following the expiration of the approved general leave will be considered a voluntary termination of employment.

## 9.3 MILITARY LEAVE

Military leave is granted to an employee who is absent from work because of service in the US uniformed services in accordance with the Uniformed Services Employment and Reemployment Act (USERRA) and the Oregon Military Leave and Reemployment Rights Act, and ORS 408.240 to 408.290. Employees needing to request Military Leave should contact the Finance and Human Resources Department to see the full policy and to obtain the appropriate documentation.

## 9.4 WORKER'S COMPENSATION

All employees of the City are covered from their initial date of hire by Worker's Compensation Insurance. Premiums for this protection are paid by the City.

Employees must follow specific procedures in the event of job related accidents resulting in injury to employees. Information and forms to initiate the claims process can be obtained from individual departments or appropriate Finance and Human Resources Department personnel. Failure of an employee to report an accident or injury may result in delay or denial of coverage.

The City will continue to make contributions toward health insurance on behalf of an employee receiving worker's compensation benefits for a work related injury to the extent permitted by the City's health insurance administrator guidelines, after which the employee may be required to obtain COBRA coverage in order to continue to receive benefits. Leave benefits do not continue to accrue beyond 30 days of disability.

When the injured employee receives payment for worker's compensation, the City will pay the difference between the amount paid from workers compensation and the employee's base salary using any paid leave available from the employee's various leave accruals.

## 9.5 RETIREMENT

The City participates in the retirement system provided through the State of Oregon, known as PERS and OPSRP, which currently provides that employees who have worked more than 6 months in a position requiring 600 hours or more of work a year are eligible to participate in the program. Eligibility for future employees is subject to modification by the Oregon Legislature.

Employees will become fully vested upon meeting the requirements of the plan that applies to their service. Employees who separate from service before vesting forfeit all accrued benefits except for amounts contributed to their member or individual accounts, as provided by the applicable plan.

The City makes contributions toward the employee's retirement benefit in accordance with state law.

Normal retirement age for employees depends on the classification and term of service of the employee, as well as the terms of the retirement plan or tier to which each employee belongs.

For more details, please refer to the PERS handbook, the PERS website at [www.oregon.gov/pers](http://www.oregon.gov/pers) or other official sources of information.

## 9.6 DEFERRED COMPENSATION

Employees may elect to enroll in one or more of the deferred compensation plans in which the City participates. Employees should contact the Finance and Human Resources Department for more detailed information regarding these plans.

## 9.7 MISCELLANEOUS FRINGE BENEFITS

Miscellaneous fringe benefits are addressed in City of Brookings Administrative Regulation No. AR-17 entitled "Miscellaneous Fringe Benefits."

# X. COMPENSATION AND PAY ADMINISTRATION

## 10.1 TRAVEL TIME PAY.

Employees are not entitled to pay for time spent traveling home-to-work and work-to-home at the beginning and end of a single work day. Travel time from one job site to another in the course of a day's work will be compensated at the employee's regular hourly rate. Employees will also be paid while engaged in business travel for the purpose of carrying out City business. On overnight trips, only travel time that falls within the employee's regular work hours will be paid. This also includes travel time that falls within the employee's regular work hours on days that the employee would ordinarily not be working. The City will not compensate an employee for overnight travel time outside of an employee's working hours which is spent as a passenger unless the employee is required or expected to drive, in which case the time spent driving is compensable work time. Travel Pay for Trainings, Seminars and Conferences is addressed in Section XI.



## 10.2 TIME SHEETS

All employees are responsible for accurately recording time worked and leave used. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Timesheets are to be completed by the employee, signed, and then turned in to the immediate supervisor for verification and signature. Employee timesheets are due on the 9<sup>th</sup> and 24<sup>th</sup> day of each month unless these dates fall on a weekend or holiday, in which case time cards are due on the preceding regular work day.

## 10.3 PAYDAYS

Employees shall be paid semi-monthly on the 15<sup>th</sup> and the last day of the month. In the event the regular pay day falls on a recognized holiday or weekend day, employees shall be paid on the preceding regular workday.

Employees may choose to receive a standard paper paycheck or have their wages electronically deposited. Employees who choose to have their wages deposited electronically will receive a report similar to a check stub on payday showing their earnings, deductions, accruals and net pay.

Each paycheck will include earnings for all work performed and reported through the end of the previous payroll period. If time sheets are not provided on time, the employee's pay check will reflect base salary only. Adjustments to base salary will appear on a subsequent pay check for which time sheets were timely received.

The City makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event the employee believes that the City has made any improper deductions, has failed to pay him or her for all hours worked or for overtime, or has failed to properly calculate the employee's wages in any way, the employee must immediately report the error to the Finance Director. The City will investigate all reports of improper pay practices, pay unpaid wages where due, and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination because he or she has reported any errors or complaints regarding the City's pay practices.

### Electronic Payroll Deposit

Participation in electronic payroll deposit is voluntary. Employees must complete an authorization form in order to have their payroll funds electronically deposited. Funds deposited electronically are available to the employee on payday. Electronic Payroll Deposit Authorization forms are available from the Finance and Human Resources Department.

## 10.4 PAY DEDUCTIONS

The City makes certain pay deductions from an employee's earnings in accordance with state and federal law, such as income taxes, social security taxes, and worker's benefit fund assessments. Additional deductions may be authorized by an employee in writing to cover costs of participation in City provided programs, such as insurance.

Court ordered wage withholding or garnishments on an employee's wages will be processed in accordance with applicable law.

## **XI. TRAINING, EDUCATION, TRAVEL AND EXPENSES**

### **11.1 TRAINING AND EDUCATION**

The City encourages employees to further their training and education in pursuit of improving job skills and enhancing their contribution to the City.

The term “training” as used in this section includes conferences, seminars, workshops, one day courses held at an educational facility or on-line, or for other professional development programs of a similar nature. The term “college course” is used to describe coursework taken at an accredited college, university, and/or business or technical school, either at a facility or on-line.

The policy outlined in this section applies only to training or education programs that:

- Enhance the employee’s job performance;
- Serve as a beneficial retention tool in keeping high quality employees; or
- Are required for certification or licensing.

#### Training, Seminars and Conferences.

City-required training in locations outside of the City will be paid for by the City and time spent in required training will be considered time worked. Similarly, the City will pay for training and/or testing associated with certifications and professional licenses that must be maintained or upgraded solely as a continuing requirement of an employee’s current position. If the employee fails certification testing, and the City has pre-paid the fees, the employee will reimburse the City over the next three pay periods. With Department Director approval, paid time off may be granted in lieu of considering the time spent in required training or participating in examinations for the required certification as time worked.

The City will pay for all registration fees for training classes and programs approved by Department management.

When appropriate, employees may be asked to share/present information received at a training to others in their department.

All arrangements for training must be made in the most cost and time efficient manner as possible.

Only expenses for the employee will be paid. All books and materials paid for by the City will become the property of the city.

#### Education Classes and Programs (College Courses).

The City will reimburse for tuition, books and related materials for education classes and programs included as approved by employee’s Department Director. Reimbursement for education is made only if the employee receives a grade of “C” or better for undergraduate course work or a grade of “B” or better for graduate course work. Non-graded courses will require a written statement from the instructor indicating the employee successfully completed or passed the course.

The City will provide tuition reimbursement for college coursework not to exceed the tuition level established by the State of Oregon Higher Education Department for State colleges/universities. Department Directors should explore less costly college courses available at other institutions before approving

## 11.2 PROFESSIONAL ORGANIZATIONS

The City may authorize membership in professional organizations where the membership is of benefit to the City in terms of keeping the employee abreast of current developments in their field or profession. Additionally, the City recognizes the value of community service through applicable organizations and in membership in those programs. In all cases, membership fees must be approved by the Department Director in advance of payment.

The City encourages attendance at related meetings and the employee's supervisor may approve periodic absences to attend these meetings. If participation in an organization is not part of the employee's Training and Education Plan, the employee must use accrued leave for these purposes.

Miscellaneous expenses associated with the programs conducted by professional organizations (luncheons and seminars) may be reimbursed in accordance with the Travel and Expense Guidelines if there has been prior approval from the Department Director in accordance with this section.

## 11.3 TRAVEL AND EXPENSE GUIDELINES

### Overview

The City will pay an employee for reasonable business travel expenses incurred while on assignment away from the normal work location, but only for expenses that are deemed non-taxable by the IRS. The paid and reimbursed amounts will be determined by IRS guidelines, when applicable, and in accordance to the guidelines provided in this section.

Employees are expected to limit expenses to reasonable and economical amounts and to utilize providers (i.e., airlines and hotels) that result in the lowest cost to the City. Room service is not a reasonable or economic expense and will not be reimbursed. The City retains the right to determine the mode of transportation most appropriate to the type of travel involved.

With prior approval, a family member or friend may accompany employees on business travel when not traveling in a City owned vehicle and when their presence will not interfere with the successful completion of business objectives. Generally, the employee is also permitted to combine personal travel with business travel, so long as time away from work is approved and, once again, a City vehicle is not being used. Additional expenses arising from non-business travel or incurred by the friend or family member are the responsibility of the employee and will not be reimbursed.

### Payment Options

The City pays per diem rates to cover meal expenses while employees are away for training based on the standard federal CONUS per diem rates as provided on the Travel Request Form. Department Directors with assigned City Credit Cards should refer to Administration Regulation No. 9 for policy direction.

### General Guidelines

The following guidelines are designed to assist employees through the City's travel processes. If you have any questions regarding the following information please contact the Finance and Human Resources Department.

1. Submit a completed Travel Request Form to Department Director for pre-approval. Employees must submit lodging costs with the Travel Request Format at least one (1) week prior to travel. A check for the lodging expense will be made in the name of the hotel/motel.

2. Register for the training or education program and provide confirmation to the Accounts Payable Clerk with the Travel Request Form.

3. Hotel:

If overnight lodging is required, the employee is responsible for booking his/her hotel room.

Employees must book rooms at the lowest available government, or discount rate at the location of the training/meeting, or nearby motel/hotel. The federal per diem rate for lodging will be used as a guideline. Approved lodging expenses are paid at actual cost.

4. Air Travel

If air travel is required, the employee books the flight. The lowest cost flight that will meet the employee's needs must be selected.

In some cases it is important to consider the best use of the employee's time, or the employee's effectiveness upon arrival when selecting travel arrangements. In some cases, the employee can take advantage of the lowest fare only by leaving earlier or returning later than usual for the trip. In such situations, expenses for additional meals and lodging will be reimbursed. These added costs must be considered by both the employee and the employee's Department Director in determining the most economical travel arrangements.

5. Rental Car

If a rental car is required, it is the employee's responsibility to reserve the rental car. The lowest cost rate that will meet the employee's needs must be selected.

The City provides excess liability coverage to supplement the coverage automatically provided by car rental companies. However, the Oregon Tort Claims Act does not apply outside of Oregon. For that reason, drivers shall purchase the offered insurance through the rental company when traveling outside of Oregon. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the City if an accident occurs when the vehicle is used outside the approved scope of City business, (e.g., on an out-of-state trip where a rental vehicle is used for a non job-related side trip).

6. Vehicle Travel (Mileage)

The City will provide a City vehicle or pay for travel (mileage) expense during business travel, when approved by the employee's Department Director or designee. Employees must submit a completed Travel Request Form, approved by their supervisor. Payment options are:

- a. Drive a City vehicle (take a City gas card; no payment necessary).
- b. If no City vehicle is available, mileage will be calculated at the actual mileage traveled multiplied by the federal IRS business mileage rate.
- c. If a City vehicle is available and the employee elects to drive a personal vehicle, with prior Department Director approval, mileage will be paid at half the IRS mileage rate.
- d. An employee may elect to use a City fuel card, with a personal vehicle, in lieu of payment for mileage, with prior Department Director approval.

7. Carpool

Employees are to carpool whenever possible. All employees travelling together to conduct City business or to attend training will be paid for time travelled.

8. Fuel Efficiency

The City encourages the use of fuel efficient vehicles. When using a City vehicle for travel, the preferred choice should be the most fuel efficient vehicle.

9. Meals

The City uses a per diem basis for employee meals during travel. Employees will receive a federal standard CONUS destination per diem rate, in advance, of travel. Meals are not allowed to be put on a credit card during travel. The only exception is for emergency travel, in which case the employee will be reimbursed for meals at the standard per diem rate upon the employee's return and submittal of a Travel Request Form.

Per diem requests should be submitted no later than one week in advance of travel. Accounts Payable will prepare the per diem check based upon this information and deliver it to the employee.

Receipts are not required for per diem expenses.

10. Upon return, complete an Expense Claim Form for any related out of pocket expenses and submit it to Accounts Payable.

11. Travel and expenses paid by City issued credit card are treated the same as other credit card purchases for purposes of completing necessary account coding and descriptions for purchases made via City issued credit cards. The travel and expense receipts must be treated like every other City issued credit card receipt and forwarded to the Finance and Human Resources Department at the end of the month.

12. Travel Request Forms and Expense Claim Forms are available from the Finance and Human Resources Department.

## **XII. WORK POLICIES AND PRACTICES**

### **12.1 CITY EQUIPMENT AND SUPPLIES**

The City may provide supplies, uniforms, equipment, including vehicles, and other materials necessary for employees to perform their jobs. These items are intended to be used for City business purposes. Each employee is expected to exercise care in the use of City equipment and property and use City equipment and property only for authorized purposes. Loss, damages, or theft should be reported immediately to a supervisor.

City equipment and property may not be used for non-City business or personal purposes. When City-owned vehicles are provided and are available for an employee's City-related use, the employee should use the City-owned vehicle. Reimbursement of mileage for use of a personal vehicle when a City-owned vehicle is available must be approved in advance by the Department Director for reimbursement at a reduced rate. The City's insurance coverage may not extend to the employee's vehicle in all cases.

### **12.2 WORKPLACE MONITORING**

Workplace monitoring may be conducted by the City to ensure quality control, employee safety, security, and customer satisfaction.

An employee who regularly communicates with customers may have telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training.

Computers furnished to an employee are the property of the City. As such, computer usage and files may be monitored or accessed. Refer to Section XVII for detailed information regarding this policy.

### **12.3 RECYCLING AND CONSERVATION**

The City encourages recycling and waste prevention in its business practices and operating procedures. Employees are requested to use the recycling bins that are provided to promote the separation and collection of recyclable materials.

Employees are encouraged to reduce and, when possible, eliminate the use of disposable products to decrease costs and the consumption of valuable resources.

Employees are expected to manage equipment, vehicles and office areas assigned to them in a manner which conserves energy and other resources . Conservation activities would include, for example, turning off office lighting when offices are vacant and turning off computers during non-work hours.

## **XIV. PERSONAL CONDUCT**

### **13.1 CODE OF ETHICS**

The successful operation and reputation of the City of Brookings is based on the ethical conduct of the City's employees. The City's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, regard for the highest standards of conduct and personal integrity, and fairness.

All City employees are considered public officials and are subject to the State of Oregon's Government Standards and Practices (ethics) laws. The City will comply with these and all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, use of good judgment based on high ethical principles will guide you with respect to lines of acceptable conduct. If a situation occurs where it is difficult to determine the proper course of action, the matter should be discussed with your immediate supervisor or Department Director, for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every City employee. If you believe anyone has violated this code of ethics, you should report it to a supervisor immediately.

### **13.2 GRATUITIES**

Employees of the City may not accept any gift from any individual or entity (such as corporations or governmental bodies) engaged in, or attempting to engage in, business transactions with the City, or from any agency of the State or any local government that might affect, or give the appearance of affecting, the employee's judgment in the impartial performance of his/her duties.

Unsolicited "de minimis" gifts, however, such as flowers or candy, may be accepted so long as the gift does not provide the employee with any personal gain.

Questions regarding whether an unsolicited gift falls under the “de minimis” rule should be directed to the immediate supervisor or Department Director.

### 13.3 CONFLICT OF INTEREST

Employees must conduct the City’s business in such a way that it prevents actual or potential conflicts of interest. An actual or potential conflict of interest occurs when, as a result of the City’s business dealings, an employee is in a position to influence a decision or gain information that is unavailable to the public, and may result in the personal gain of an employee, or an employee’s relative.

For the purpose of this section, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

The mere existence of a relationship with an outside firm or member of the public seeking a City service does not necessarily create a conflict of interest. However, if an employee has influence on transactions or a decision making process, the employee must immediately disclose the relationship to the employee’s supervisor or Department Director so that any necessary safeguards can be established to protect all parties.

### 13.4. POLITICAL ACTIVITY

Employee involvement in certain political activities is protected under the First Amendment. However, under state and federal law there are some restrictions that employees must observe.

State law (ORS 260.432.2) requires that:

“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.”

Under federal law (Hatch Act), an employee whose principal job responsibilities are financed all or in part from federal loans or grants may not use official influence to interfere with or affect the result of an election or a nomination for office. An employee covered by the Hatch Act may not, directly or indirectly, coerce or advise another employee to contribute anything of value in any form to any person or entity for political purposes.

Employees may, therefore, express their own personal views while on the job by wearing T-shirts, buttons, etc., and may solicit for charitable or service organizations, to the extent that these activities do not interfere with the performance of the employee’s duties or another employee’s duties. Employees may not otherwise actively solicit or promote political positions or candidates while on the job, which includes activities such as fundraising, soliciting volunteer help on political campaigns, or disseminating partisan election material.

### 13.5 PUBLIC INFORMATION

Media inquiries or other similar inquiries should always be referred to a Department Director and the City Manager before responding. If an employee has received permission to communicate to

others, such as the media, on behalf of the City in the course of their work duties, the employee should remember that they are representing the City and should ensure that any comments made reflect the City's position on the issue being discussed.

The City has an obligation to keep citizens informed about issues of public interest. Citizens will be provided information through a variety of sources such as flyers, public notices, press releases and websites. Citizen request for written information are subject to the Oregon public records law.

All public records requests should be processed through the City Recorder.

### 13.6 PERSONAL APPEARANCE

The City respects an employee's individuality, and the use of common sense in choosing appropriate clothing to be worn during business hours. Each employee should recognize the importance of personal appearance to the professional image of the City and dress and groom according to the requirements of the position. This is particularly true if the job involves dealing with members of the public.

Generally, neat and casual businesslike or professional apparel is appropriate. Employees performing labor or fieldwork may have additional guidelines and may be given a clothing allowance. In cases where a uniform is required, such as with public safety employees, it will be provided at the City's expense.

If a supervisor feels that an employee's personal appearance is inappropriate, the supervisor may ask the employee to leave the workplace until the employee is properly dressed and groomed. Under these circumstances, the employee will not be compensated for time away from work.

### 13.7 SMOKING/TOBACCO PRODUCTS

The City seeks to provide a healthy and safe environment. Accordingly, the use of tobacco products (including e-cigarettes) is prohibited in all City buildings, vehicles and equipment and within ten feet of all entrances, exits, windows that open, and ventilation intakes as required by State law. Department Directors are responsible for determining appropriate designated employee smoking areas. An employee may utilize the rest and meal periods for the use of tobacco, but may not extend a break or meal period because of tobacco use or to walk to or return from a designated smoking area.

## **XV. SUBSTANCE ABUSE/DRUG TESTING**

### 14.1 POLICY AND RULES

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

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

This policy applies to all employees (except where noted in this policy or where it is inconsistent with



applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

#### Prohibited Conduct

- Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees or others. Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol “hangover” adversely affects an employee's physical or mental faculties while at work to any perceptible degree or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees. (Law enforcement employees may possess narcotics or other controlled substances while engaging in law enforcement duties.) Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on City property or on City time.
  - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
  - As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City property, or possessing, items or objects on City property that contain any “controlled substance,” including, for example, “pot brownies” and candy containing marijuana. This prohibition does not apply to employees engaged in law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other “controlled substance” to co-workers, members of the public, or elected officials while on work time or on/in City property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, “vape” pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees while engaging in law-enforcement work.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property. This prohibition does not apply to employees while engaging in law-enforcement work.

## 14.2 PRESCRIPTION DRUGS AND MEDICAL MARIJUANA

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

Employees must inform their supervisor about any prescription drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. If an employee's use of such prescription drugs could adversely affect City operations or safety of City employees or other persons, the City may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.

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

## 14.3 DRUG AND ALCOHOL TESTING

### Reasonable Cause Testing

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

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

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

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

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the Finance and Human Resources Director. The letter of notification shall state the particular substance identified by the laboratory tests.

The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

#### Post-Accident Testing

Employees are subject to testing when they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention.

#### Search of Property

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

#### Employee Refusal to Test/Search

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

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

### 14.4 CRIMES INVOLVING DRUGS AND/OR ALCOHOL

Employees shall report:

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

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

## 14.5 DRUG AND ALCOHOL TREATMENT

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

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

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

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

## 14.6 DISCIPLINE AND CONSEQUENCES OF PROHIBITED CONDUCT

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

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

## 14.7 CONFIDENTIALITY

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

# XVI. RISK MANAGEMENT

## 15.1 WORKPLACE SAFETY

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

The City, through its Safety Committee, develops and implements safety rules and regulations contained in the Safety Manual. The manual resides with the Safety Committee Chair who maintains and makes the document available for viewing. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. The City will educate employees as to hazards of the workplace and train employees as to such hazards and the proper and safe method to perform job tasks.

Employees are expected to give their full-time skill and attention to the performance of their job responsibilities utilizing the highest standard of care and good judgment. Employees are also expected to follow all safety rules and regulations at all times including the use of protective clothing and equipment, attendance at all training sessions related to their job, and to follow the directions of warning signs or signals and/or directions of supervisory personnel. Employees are also expected to work within any restrictions placed upon their duties by their physician. Safety rules and regulations will be issued or modified from time to time and notice of these changes will be communicated in writing. Employees who violate this policy could be subjected to discipline, up to and including termination.

## 15.2 WORKPLACE VIOLENCE

In addition to providing a safe place to work, the City is committed to providing a violence-free place to work. To this end, employees, visitors, or anyone else on City premises or engaging in City-related activities are prohibited from behaving in a violent manner or threatening to behave in a violent manner. In order to prevent any workplace violence before it begins, the City reserves the right to address any behavior suggesting a propensity towards violence, even prior to the occurrence of any violent behavior.

Workplace violence includes, but is not limited to, the following:

- Threatening words or behavior of any kind;
- Behavior that is threatening, physically aggressive, or violent, such as intimidation or attempts to instill fear in others;
- Belligerent speech, excessive arguing, swearing, threats of sabotage, or any other verbally violent behavior
- Causing physical damage to property; or
- Bringing any form of weapons or firearms onto City premises, including in vehicles on City parking lots, or while conducting City-related activity in any location (this does not apply to employees authorized to carry weapons as part of their job responsibility, such as police officers).

Any employee who believes that workplace violence has occurred should report the circumstances immediately to their supervisor, Department Director, or Finance and Human Resources Director, or any other person in a supervisory position with whom the employee feels comfortable. No employee will suffer any adverse consequences as a result of acting in good faith to bring the violence to the City's attention or participate in an investigation.

Any report of workplace violence will be promptly investigated and prompt corrective action taken to address any workplace violence found to have taken place, including action against the party engaging in workplace violence. If an employee is found to have committed workplace violence, the employee will be subject to discipline, including termination.

## 15.3 ACCIDENT / INCIDENT REPORTING

Employees should always report accidents as promptly as possible because prompt reporting will help mitigate damage or processing delays after an incident. Each employee is expected to cooperate fully and assist in reporting and gathering accident information. This policy applies equally whether the employee is at work or on business or other City-related travel.

A City accident report, which can be obtained from the Finance & Human Resource Director or the employee's supervisor, should be completed whenever:

- a. An employee is involved in an accident that results in injury or damage to any person or property;
- b. An employee is involved in an accident that may result in injury or damage to any person or property;
- c. City property is lost, damaged or stolen; or
- d. An employee is injured on-the-job.

#### Medical Assistance.

If medical care is needed, a Form 801 should be completed.

Employees should render first aid consistent with their first aid/CPR training or seek medical attention as soon as possible for any injured person. Do not render first aid assistance unless you have been trained to do so, and possess a current first aid card.

#### Accident Reports.

Employees should report accidents to the supervisor immediately. As soon as possible after the accident, the employee and supervisor must complete a City accident report. The employee can get an accident report form from their supervisor or from the Finance and Human Resources Director. This should be completed after any injury even if medical care is not immediately needed. The accident report is submitted to the Finance and Human Resources Director with the supervisor retaining a copy for the department's records.

#### Accidents or Incidents Involving Private Parties.

Accidents involving private parties can and do occur. In these situations, *never* discuss who was at fault or who should pay for any costs. Doing so may prejudice the City's rights in any subsequent dispute and ability to defend against damage claims. Always complete an accident report with as much information as possible and, if possible, take pictures to ensure complete documentation of the incident.

### 15.4 TRANSITIONAL DUTY

Whenever possible, an employee affected by a work related illness or injury may be offered transitional duty within the restrictions provided by the employee's treating physician. Transitional duty may be to any department in the City and will be paid at the employee's regular rate of pay.

Employees unable to perform their regular job duties because of non-work related illness or injury may be offered transitional duty based on a variety of factors, including the needs of the department in which the employee works, the availability of suitable work in different departments, and whether the temporary assignment will create an undue hardship on the City's operations. In some circumstances, the employee may be expected to use available leave time.

### 15.5 MOTOR VEHICLE USE SAFETY

All employees must follow safe driving practices. Failure to follow safe driving practices may result in discipline, including termination.

The following guidelines apply to all City employees in order to be allowed to drive on City business:

- Hold a valid Oregon driver's license
- Be at least 18 years old.

- Possess a valid Commercial Driver's License (CDL) if driving a vehicle requires a CDL.

If driving a personally owned vehicle, provide proof of insurance to the Department Director evidencing liability limits no less than the State required minimums.

#### Motor Vehicle Record Checks

The City will periodically check all employees' motor vehicle records to make sure they possess a valid driver's license for the classification of vehicles used in the performance of their duties. Motor vehicle licenses verification shall be conducted by the Director of Public Safety for all employees. The Director of Public Safety will provide written notification to the Finance and Human Resources Director that verifications have been completed and of any findings of unlicensed drivers.

#### Driver Responsibilities.

The following responsibilities apply to anyone who drives any vehicle on City business:

1. Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion.
2. Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This should include tires properly inflated (i.e., not visibly deflated), clean windows, mirrors properly positioned and all lights in working order.
3. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all City and departmental safety policies and rules.
4. Drivers will drive according to the road conditions during inclement weather. Drivers will know how and be prepared, in advance, of bad weather/adverse weather and road conditions.
5. Drivers shall be held personally responsible and liable for any citations/fines received while driving a vehicle on City business. All violation citations for moving violations and/or parking fines received while driving City vehicles shall be paid or otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving any citation while in a City vehicle.
6. For photo radar or other citations issued against the vehicle's registration, the employee's Department Director will complete the "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver is personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
7. In the event of an accident on City business, drivers shall immediately contact their supervisor, and, if driving a City vehicle, follow all City instructions/procedures for reporting accidents.
8. A driver whose license has been suspended or revoked shall immediately notify their supervisor.
9. For employees who are required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered as grounds for disciplinary action up to and including dismissal, whether the offenses and infractions occurred during or outside work hours.
10. Drivers shall ensure that any passengers who ride with them in a City vehicle or in any vehicle while on City business, other than those defined in the "Passenger" section below, are authorized by their supervisor. Drivers shall not transport passengers unless the

passengers are wearing safety belts or other restraint devices in accordance with Oregon Revised Statutes.

11. If an employee on City business encounters a stranded motorist, please be aware: a) there is no obligation to stop and render assistance; b) you should consider all objective circumstances regarding your own personal safety before choosing to stop; c) the only authorized action is to help connect the motorist with appropriate roadside assistance.
12. Drivers shall not drive City vehicles or private vehicles for City business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee should first obtain approval from their physician that it is safe to drive while taking the medication. If the employee comes to work but due to the medication cannot drive, the employee shall immediately inform their supervisor and ask for an alternate work assignment. If there is no work available, the employee may be placed on paid or unpaid leave.
13. Employees are expected to use good judgment at all times while driving on behalf of the City. In circumstances where the employee is uncertain if they should be operating or continuing to operate a vehicle (such as because of prescription or over-the-counter medication, extended or continuous shifts, end-of-day long distance travel, fatigue, poor weather or road conditions) the employee is expected contact their supervisor to assist in making the safest decision of whether to continue to drive or not.

#### Cell Phones.

Employees shall comply with the provisions of State law concerning the use of cell phones and personal data devices while driving.

#### Vehicle Use.

1. City-owned/supplied vehicles

The City provides vehicles for use by qualified drivers to conduct official City business in the course and scope of their job and/or to maintain the ability to respond to City business outside the employee's normal work hours when special equipment or tools are available in or on the vehicle. City vehicles shall not be used for personal business. Use of City vehicles to commute to and from work, except as stated above, is prohibited, unless approved in advance by the Department Director or City Manager.

2. Privately owned motor vehicles

The City allows use of privately owned motor vehicles to conduct official City business. A privately owned motor vehicle used for City business must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle equipment must conform to State of Oregon requirements. Vehicle registration and insurance must be current.

3. Insurance requirements

- a. The driver of a privately owned motor vehicle used to conduct official City business must be insured against liability (person and property) in an amount not less than the minimum requirements of the State of Oregon.



Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

- b. The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

#### 4. Rental cars

- a. Drivers shall purchase the offered insurance through the rental company when renting vehicles out of state.
- b. Travelers are required to know the driving laws for any state they drive in, apply the criteria of common sense, propriety, and consider the relationship to business purpose to the use of rental vehicles and transporting passengers while on City business.

#### Passengers.

Only authorized passengers are allowed to ride in City vehicles and other vehicles while in use for City business. Authorized passengers are:

1. City employees conducting City business;
2. Volunteers acting on behalf of the City;
3. Vendors and contractors working on behalf of the City;
4. Participants in official City business, training, tours and programs;
5. Representatives of other governmental agencies working with the City; or
6. Anyone who has prior authorization from a Department Director or the City Manager.

### 15.6 SECURITY INSPECTIONS

The City provides desks, drawers, lockers, vehicles, appliances, and other spaces to employees to use in the performance of a job. These items remain the property of the City at all times and are subject to search, seizure, transfer, or removal by the City with or without notice at any time. Consequently, employees should have no expectation of privacy when using any property or equipment owned by the City.

The City may search any City property for any reason with or without a legal warrant. The City may retain items found during a search for use in any legal matter, disciplinary process, or for any other lawful purpose.

### 15.7 EMERGENCY CLOSING

Emergencies, such as severe weather, fires, etc., can disrupt City operations. In extreme circumstances this may require the closing of a City work facility. The City Manager, or his designee, will contact each Department Director who is responsible for contacting affected employees to notify them of the closure.

When the decision to close or cease operations is made after the workday has begun, employees released from work will be paid for the full workday. When the decision to close is made before the workday has begun, employees released from work will be authorized to use any available paid leave or unpaid leave if no paid leave is available. Public safety employees will follow procedures established by their departments.

In cases where extreme weather conditions make coming to work dangerous, employees may choose not to report to work. Employees who choose not to report to work must contact their supervisor as soon as possible. Employees may either make up missed work time within the same work week or use compensatory time, paid leave, or unpaid leave if no accrued paid leave time is available. The option to make up missed work time is available only with the supervisor's approval.

Employees in essential operations may be asked to work on days when some or all City facilities are closed. In these circumstances, employees who work will receive pay in accordance with federal and state wage and hour laws and or applicable collective bargaining agreement.

## **XVII. INFORMATION AND COMMUNICATIONS SYSTEMS**

### **16.1 PURPOSE/SCOPE**

The City owns and provides information and communications systems for the conduct of its official business. All information and communications systems tools purchased by the City are the property of the City. Employees should have no expectation of privacy in connection with the transmission, receipt or storage of information on any of these systems. Any personally owned electronic communication device an employee uses for City business is also governed by this policy.

This chapter was created to advise all users regarding the access to, and the disclosure of, information created, transmitted, received and stored via the use of the Internet, City e-mail, cell phones, and other computer, communications and information systems (collectively referred to as the "information systems" or the "communication systems"). A Department Director may, in some cases, authorize operations and practices that conflict with this document on a temporary basis as needed.

This policy applies regardless of the location or ownership of the equipment being used: e.g, if an employee uses a private PC and modem connection at home, but accesses the Internet via a service provided by the City; an employee accesses the Internet via service provided by the employee, but through City equipment; or an employee uses a City provided cell phone at home. Information on personal equipment used for City business may be a public record and must not only be kept according to the City's retention schedule, but the employee's personal equipment may also be subpoenaed to verify all City information has been provided as requested.

In order to ensure this policy is complied with, the City reserves the right to monitor Internet use, cell phone use, e-mail, and other computer transmissions, as well as any stored information created or received by City employees with or from the City's information systems. The reservation of this right ensures that public resources are not being wasted and that the City's information systems are operating as efficiently as possible in order to protect the public interest. All computer applications, programs and work-related information created or stored by employees on City's information systems, is City property.

The use of public resources for personal gain and/or private use by City employees, such as but not limited to outside employment or for political campaign purposes, is prohibited and punishable by disciplinary action which may include termination and/or criminal prosecution depending on the nature and severity of the transgression. Incidental and occasional personal use may be permitted in accordance with rules established by the Oregon Government Ethics Commission. The term public resource as used in this policy includes not only the unauthorized

use of equipment, hardware, software or other tangible articles, but also the employee time spent engaging in the unauthorized use while on duty.

The Public Records Law (PRL), Oregon Revised Statutes Section 192.410, *et seq* requires the City to make all public records available for inspection and to provide copies upon request. A public record is any writing (which includes electronic documents), related to the conduct of the public's business prepared, owned, used, or retained by the City. Although PRL includes a number of exceptions from the disclosure requirement, any information on the City's website may be subject to disclosure under the PRL. If there is some doubt, the employee should contact the City Recorder for advice as to whether the information is a public record.

All requests for public records shall be referred to the City Recorder.

The rest of this chapter addresses general City-wide Internet guidelines, specific issues related to appropriate content and use of departmental pages, and employee use of the Internet, e-mail and cell phones. All departments and employees are required to follow these general guidelines. Specific departments may have unique requirements and are encouraged to develop guidelines to cover those issues. The law and associated policy regarding the use of Internet, e-mail, cell phones and voice-mail is continually evolving. Accordingly, review of the policies and guidelines will occur with regularity, and changes will be made as required.

Each Department Director is responsible for the use of the City's information systems by their employees, and for the contents of their department's communications and information presented using these media.

## 16.2 SYSTEM SECURITY/ SAFETY

All employees have a responsibility to take reasonable precautions to protect the security and integrity of the City's information systems. Reasonable precautions include updating anti-virus software when requested by the City's Information Technology employee or consultant (IT), not allowing unauthorized access to the computer system, and safeguarding the employee's password.

If an employee becomes aware of a virus, or the threat of a virus, the employee should immediately contact IT with the information.

All employees are responsible for taking reasonable precautions against theft or damage to the City's information systems. Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Employees are prohibited from downloading and taking City files, programs, or anything else stored on the City's information system, out of the workplace without prior written approval by the employee's Department Director or the City Manager.

Software installations are to be performed by IT only. Only software owned by the City and approved by IT shall be installed on City computers. Installation of personal software on any City-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder.

Any theft or damage to any information systems equipment must be reported immediately to IT and the employee's immediate supervisor.

### 16.3 INTERNET & E-MAIL GUIDELINES

The Internet and e-mail are among the most important tools employees need to perform their job. For a variety of reasons, employee use of the internet and City-provided e-mail may be monitored at any time, with or without notice.

#### Internet Sites.

Information used from an Internet site for City business decisions should be evaluated for its accuracy and integrity. The site provider and the current status of the information contained on the site should also be evaluated (the lack of a revision date might indicate out-of-date information). Just because it is on the internet does not mean that it is accurate or valid.

Internet resources are made available to City employees and Departments to support and promote official City business. It is inappropriate for employees and Departments to use these resources for personal use, private gain, to state as "city positions" those which are not officially endorsed by the City, illegal purposes, or for inappropriate use as defined in these policies and guidelines.

#### Department Use.

Department use of the internet to accomplish official City business should be consistent with the City's mission; should meet or exceed the standards of performance for traditional methods (such as meetings, use of telephone, etc.) and must comply with all statutory requirements as well as standards for integrity, accountability, and legal sufficiency.

#### Employee Use:

It is important to remember that the use of the Internet and e-mail are privileges in the work environment and require strict adherence to certain rules. Failure to follow these rules can result in disciplinary action. The use of the Internet is restricted to "official City business." Personal use of these tools, or time spent using these tools for personal gain is strictly prohibited, except on a very limited basis as permitted under Ethics Commission rules. No personal use may be made by, or on behalf of, any organization or third party. No publishing is allowed if the content or purpose is personal. No personal soliciting is allowed, except for non-profit fund raising or events in accordance with this handbook.

- Permitted personal use must be done during meals and breaks; not before, during or after work.
- Personal use may not interfere with your work or the work of another employee or have an undue impact on the network.
- The Internet may not be used to access inappropriate sites or to transmit or receive inappropriate information that violates the law or City policies prohibiting harassment and discrimination. Pornography, hate groups, and gambling are examples of inappropriate sites and accessing these sites is a misuse of City property.
- Internet games and personal games may not be used.
- Hacking is the unauthorized attempt or entry into any other computer. Never make an unauthorized attempt to enter any computer or private e-mail account. Such an action is

a violation of the Federal Electronic Communications Privacy Act (ECPA) 18 U.S.C. § 2510.

- Sending threatening, slanderous, racially and/or sexually harassing messages is strictly prohibited. No use shall make rude or hostile reference to race, age, gender, sexual orientation, religious or political beliefs, national origin, health, or disability.
- The City will not be exercising editorial control by assuming responsibility to seek out and eliminate prohibited content—the employee who publishes this type of material remains responsible as the publisher.
- The representation of yourself as someone else, real or fictional, or a message sent anonymously, is prohibited.
- Never copy or transfer copyright protected electronic files without permission.
- Downloading a file from the Internet can bring viruses with it. Make sure all downloaded files are scanned with City standard virus prevention software.
- Never send, post or provide access to any confidential City materials or information.
- Almost all data and software is subject to Federal copyright laws. Care should be exercised whenever accessing or copying any information that does not belong to you. Software which requires purchase or reimbursement for its use, such as shareware, requires strict adherence to the terms and conditions specified by the owner unless written permission for unrestricted use has been obtained. When in doubt consult your Department Director.
- You are obligated to cooperate with any investigation regarding the use of your computer equipment and which your Department Director has authorized.
- Chain letters are illegal and may not be transmitted through e-mail.
- E-mail requires extensive network capacity. Sending unnecessary e-mail, or not exercising constraint when sending very large files, or sending to a large number of recipients consumes network resources that are needed for critical City business. When the City grants an individual employee access to the network, it is the responsibility of the employee to be cognizant and respectful of network resources.

#### Electronic Mail (E-mail)

The following guidelines apply to the use of e-mail.

- **MAIL ON THE INTERNET IS NOT SECURE.** Never include in an e-mail message anything that you want to keep private and confidential (or don't want in the local newspaper) because e-mail is sent unencrypted and is easily read. Never assume that only you can read or access your e-mail.
- **E-MAILS ARE PUBLIC RECORDS** *subject to the public records retention and disclosure laws.* Because e-mails are subject to disclosure as public records, use the same caution in creating e-mails that you do in creating other written documents in the course of your work.
- **YOUR E-MAIL BOX SHOULD NOT BE USED FOR STORAGE.** Generally, if an e-mail has value, it should be printed out and/or saved in an appropriate file. It is, however, appropriate to retain an e-mail on the system until a project is completed, at which time it should be printed out and/or saved to an appropriate file.

- Management has the right to access all e-mail files created, received or stored on City-funded systems and can access these files without prior notification.
- Be careful when sending replies - make sure you are replying to a group when you want to reply to a group, and to an individual when you want to reply to an individual. It is best to address directly to a sender(s). Check carefully, the "To" and "From" before sending mail. It can prevent unintentional errors.
- Include a signature (an identifier that automatically appends to your e-mail message) that contains the method(s) by which others can contact you. (Include your e-mail address, phone number, and fax number)
- For important items, let senders know you have received their e-mail, even if you cannot respond in depth immediately. They need to know their e-mail is not lost.
- Watch punctuation and spelling. It can reflect on your professionalism. Use automatic checking programs if available.

## 16.4 CELL PHONE GUIDELINES

### Use of Cell Phone Provided by the City

- a. The use of City provided cell phones is restricted to "official" City business. Personal use of or time spent for personal gain on a City provided cell phone is strictly prohibited, except on a very limited basis in accordance with Oregon Government Ethics Commission standards. Examples of such limited use might be:
  - Contacting a spouse or childcare provider to advise that the employee is going to be late getting home.
  - Arranging to have children picked up for a reason directly related to official duties.
  - Receiving an incoming call regarding a family emergency.
- b. No personal use of a City provided cell phone may be made by, or on behalf of, any third party or organization.

### Use of Personal Cell Phone with City Allowance

When there is a City benefit to an employee being accessible by cell phone, an employee may have the option of receiving a cell phone allowance and paying for that cell phone privately or through a payroll deduction.

- a. Employees receiving a cell phone allowance are required to maintain a cell phone account and to make the cell phone number available to the City. The employee must also agree to carry the cell phone at all times so that the employee is available for City business calls and emails (if applicable), unless prior arrangements have been made.
- b. Cell phone allowances are included in payroll and the employee is responsible for paying applicable taxes on the amount. Because the allowance is an appropriately taxed benefit the employee may use their cell phone for business and personal calls in compliance with Oregon Government Ethics Commission standards.

### Employee's Personal Use of Cell Phones

- a. Conversations (which include text messages and voice messages) on City provided or subsidized cell phones are neither secure nor private. Employees should not have a

conversation on a City provided or subsidized cell phone if it is intended to be private or privileged.

- An example of a privileged communication is one between an employee and an attorney acting on the City's or the employee's behalf.
  - While attorney/client communications are confidential and privileged, the privilege can be lost if steps are not taken to ensure that the conversation is confidential.
- b. Personal use of any cell phone during working hours, whether personally owned and maintained or provided or subsidized by the City, should be limited to breaks and meal times.
- c. Nonexempt employees may not use their personal or City-provided cell phone for work purposes outside of their normal work schedule without written authorization in advance from their supervisor unless being paid to be "on-call." This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

# City of Brookings

## **SPECIAL CITY COUNCIL MEETING MINUTES**

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

**Monday, August 23, 2017**

### **Call to Order**

Mayor Pieper called the special meeting to order at 6:30 PM.

### **Roll Call**

Council present: Mayor Jake Pieper, Councilors Bill Hamilton, Brent Hodges, Roger Thompson and Dennis Triglia present; a quorum present.

Staff present: City Manager Gary Milliman

### **Resolution**

*Confirming Declaration of Emergency*

City Manager Milliman presented the staff report.

**Councilor Triglia moved, Councilor Hodges seconded and Council voted unanimously to adopt Resolution 17-R-1120 confirming the Declaration of Emergency issued by the City Manager in connection with the Chetco Bar Fire.**

*Declaration of Water Emergency*

City Manager Milliman presented the staff report.

Several audience members commented on or asked questions regarding the specifics of the declaration.

**Councilor Triglia moved, Councilor Hodges seconded and Council voted unanimously to adopt Resolution 17-R-1121 declaring an emergency requiring mandatory water conservation.**

### **Addition to Agenda**

*Add Council Comments to the agenda*

**Councilor Hodges moved, Councilor Hamilton seconded and Council voted unanimously to add Council Comments to the meeting agenda.**

Councilor Hodges commented that all of the preparations are necessary and appropriate. Let's all use common sense.

Councilor Hamilton commented that the situation is very serious. He requested patience from everybody.

Councilor Thompson commented that this issue is far from over.



Councilor Triglia commented that members of the community should remember to help one another and check on one another.

Councilor Hodges commented that we need to thank all the fire fighters who have come in from all over to assist us. We need to concentrate on getting this fire out not placing blame.

Mayor Pieper cautioned people to carefully consider any information they see on social media, not all of it may be accurate. Pay close attention to official notifications, etc.

Mayor Pieper commented on the timing of future conversations and/or research needed to fight wild fires going forward.

**Adjournment**

Mayor Pieper adjourned the meeting at 7:10 p.m.

Respectfully submitted:

ATTESTED:

this \_\_\_\_\_ day of \_\_\_\_\_ 2017:

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Jake Pieper, Mayor

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Teri Davis, City Recorder

# City of Brookings

## CITY COUNCIL MEETING MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

**Monday, August 28, 2017**

### **Call to Order**

Mayor Pieper called the meeting to order at 7:00 PM.

### **Roll Call**

Council present: Mayor Jake Pieper, Councilors Bill Hamilton, Brent Hodges, and Dennis Triglia; Councilor Thompson absent; a quorum present.

Staff present: City Manager Gary Milliman, City Attorney Martha Rice, Public Works and Development Director Paul Stevens, Parks and Planning Manager Tony Baron, and City Recorder Teri Davis.

Media Present: No media present

Others Present: Four audience members.

### **Oral Requests and Communications from the audience**

There was no one requesting to address City Council

### **Staff Reports**

*Chetco Bar Fire Update*

City Manager Milliman presented the staff report.

- Mr. Milliman indicated that the direct threat to the City has diminished, but the fire is still hot and still growing.
- Mr. Milliman praised various staff members and departments for their outstanding work throughout the incident.
- Mr. Milliman suggested community members could thank the fire fighters by:
  - Thanking them in person
  - Erecting signs
  - Making contributions to their local fire department

**Councilor took no action.**

*Adopt A Park MOUs*

Parks and Planning Manager Baron presented the staff report.

**Councilor Triglia moved, Councilor Hodges seconded and Council voted unanimously to authorize the Mayor to execute Memorandum of Understanding with Brookings Harbor Lions Club at Oasis Park and Curry Coast Community Radio at Bankus Park.**

### *Park Field Users MOUs*

Parks and Planning Manager Baron presented the staff report.

**Councilor Hodges moved, Councilor Triglia seconded and Council voted unanimously to authorize the Mayor to execute Memorandum of Understandings with Brookings Harbor Little League, Brookings Harbor Soccer League, and Brookings Harbor Adult Softball League.**

### *Brookings Harbor Garden Club MOU*

Parks and Planning Manager Baron presented the staff report.

**Councilor Triglia moved, Councilor Hodges seconded and Council voted unanimously to authorize the Mayor to execute a new Memorandum of Understanding with the Brookings Harbor Garden Club with respect to City property landscape maintenance.**

### *Airport Water Main Extension*

City Manager Milliman presented the staff report.

**Councilor Triglia moved, Councilor Hodges seconded and Council voted unanimously to authorize City Manager to execute an agreement with Curry County and Cal Ore Life Flight concerning the installation of a water main extension to the Brookings Airport with 60 per cent of the cost to be funded by the U.S. Economic Development Administration, \$5,000 to be funded by the County, \$5,000 to be funded by Cal Ore Life Flight, and the local share balance to be funded by the City.**

**Councilor Triglia moved, Councilor Hodges seconded and Council voted unanimously to accept easement from Curry County for water main extension into the Brookings Airport.**

### *General Employee Union Contract Agreement*

City Manager Milliman presented the staff report.

**Councilor Hodges moved, Councilor Triglia seconded and Council voted unanimously to authorize the City Manager to execute the City of Brookings General Employees and Teamsters Local Union 223 Collective Bargaining Agreement for the period July 1, 2017 to June 30, 2019.**

### **Consent Calendar**

1. Approve Council minutes for August 14, 2017
2. Receive monthly financial report for July 2017

Councilor Triglia moved, Councilor Hodges seconded and Council voted unanimously to approve the Consent Calendar.

### **Remarks from Mayor and Councilors**

Councilor Hamilton thanked all fire fighters, Mayor and City Council, Gary Milliman and staff for exemplary work.

Councilor Hamilton asked community members to please stay patient.

Councilor Triglia thanked everyone for a tremendous effort and praised Gary Milliman's leadership.

Gary Milliman thanked all law enforcement for their efforts.

Mayor Pieper echoed the thanks of the previous Councilors.

Mayor Pieper noted he is impressed with the community's reaction to this crisis; great support of one another.

Mayor Pieper suggested one way to help is through the laundry for fire fighters program being conducted at the Latter Day Saints Church.

### **Adjournment**

Mayor Pieper adjourned the meeting at 7:49 p.m.

Respectfully submitted:

ATTESTED:

this \_\_\_\_\_ day of \_\_\_\_\_ 2017:

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Jake Pieper, Mayor

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Teri Davis, City Recorder

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**June 6, 2017**

The regular meeting of the Brookings Planning Commission was called to order by Vice-Chair Gerald Wulkowicz at 7:00 P.M. in the Council Chambers at the Brookings City Hall on the above date. The following Commission members and staff were in attendance:

Commissioners Present: Loren Rings, Cheryl McMahan, Gerry Wulkowicz, Skip Hunter, Tim Hartzell

Staff Present: Community Planner – Mark Schexnayder; Administrator - Lauri Ziemer; Parks & Planning Manager – Tony Baron

Others Present: 3 audience members

**PUBLIC HEARINGS**

Public hearing procedures were addressed by Vice-Chair Gerald Wulkowicz.

- Vice-Chair Wulkowicz opened the quasi-judicial hearing regarding File No. CUP-3-17.

File Description: In the matter of the File No. **CUP-3-17**, a request for approval of a Conditional Use Permit to operate a Short-term Rental facility at 1585 Beach Avenue, a 0.25 acre parcel located on Assessor's Map No. 41-13-01AA; tax lot 201. The Applicant is Mark Vollmer/Owner is William J. Hoppe. The criteria used to decide this matter are found in Section 17.124.170 – Short-term Rentals, Chapter 17.136 - Conditional Uses, and Section 17.20.040(Q) Single-Family Residential (R-1-6) Conditional uses of the Brookings Municipal Code (BMC). This is a Quasi-judicial hearing and the Planning Commission will make a decision on the matter.

There was no ex parte contact or conflict of interest declared. There was no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:05 P.M. Community Planner Schexnayder reviewed the staff report.

Mark Vollmer, 716 West 31st, San Pedro, CA stated he was the applicant, briefly described the property, and was there to answer any questions.

No participant requested additional time to submit materials and the representative did not request additional time for written rebuttal. The public hearing was closed at 7:15 P.M.

The Commission deliberated on the matter. By a 5-0 vote (Motion: Wulkowicz, 2<sup>nd</sup> Hunter) the Planning Commission approved File No. CUP-3-17 with a change to add to proposed condition No. 8 adding to the condition that “oversized or towable vehicles are not permitted.”

Vice-Chair Wulkowicz made a motion to approve the final order with the revision to condition

## **APPROVAL of MINUTES**

By a 5-0 vote (motion: McMahan, 2<sup>nd</sup> Hartzell) the Planning Commission approved the minutes of the April 4, 2017 Planning Commission meeting with the name change.

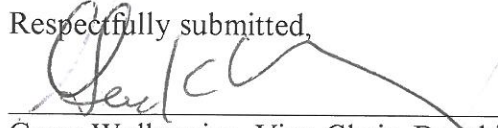
## **STAFF REPORT**

None.

## **ADJOURNMENT**

Meeting adjourned at 7:23 pm.

Respectfully submitted,



Gerry Wulkowicz, Vice-Chair, Brookings Planning Commission  
(Approved at the 09/05/2017 meeting)

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**August 1, 2017**

The regular meeting of the Brookings Planning Commission was called to order by Commissioner Cheryl McMahan at 7:10 P.M. in the Council Chambers at the Brookings City Hall on the above date. The following Commission members and staff were in attendance:

Commissioners Present: Loren Rings, Cheryl McMahan, Skip Hunter, Hedda Markham

Staff Present: Community Planner – Mark Schexnayder; Administrator - Lauri Ziemer

Others Present: 3 audience members

**PUBLIC HEARINGS**

Public hearing procedures were addressed by Commissioner Cheryl McMahan.

- Commissioner McMahan opened the quasi-judicial hearing regarding File No. M3-2-17.

File Description: In the matter of File No. M3-2-17, a request for preliminary approval of a two parcel partition at Lundeen Road, a 6.01 acre parcel located on Assessor's Map No. 41-13-05B; Tax Lot 1200. Applicant / Owner Theodore Freeman. The criteria used to decide this matter are found Chapter 17.20 Single-Family Residential (R-1-6), Chapter 17.168 Public Facilities Improvement Standards & Criteria, Chapter 17.170 Street Standards, Section 17.172.060 Partitions and Section 17.172.061 Rear lot partitions of the Brookings Municipal Code (BMC). This is a Quasi-judicial hearing and the Planning Commission will make a decision on the matter.

There was no ex parte contact or conflict of interest declared. There was no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:14 P.M. Community Planner Schexnayder reviewed the staff report.

Theodore Freeman, 357 Gardner Ridge Road, Brookings, OR stated he was the applicant, briefly described the property, and was there to answer any questions.

No participant requested additional time to submit materials and the representative did not request additional time for written rebuttal. The public hearing was closed at 7:26 P.M.

The Commission deliberated on the matter. By a 4-0 vote (Motion: Markham, 2<sup>nd</sup> Rings) the Planning Commission approved File No. M3-2-17 as presented.

Commissioner Rings made a motion to approve the final order as presented, which was seconded by Commissioner Markham. The final order was approved by unanimous vote.

- Commissioner McMahan opened the quasi-judicial hearing regarding File No. CP-1-15.

File Description: In the matter of File No. **CP-1-15**, approval of the Transportation System Plan Update and revisions to Goal 12 Transportation to reflect the Transportation System Plan as supporting documents of the Brookings Comprehensive Plan. City initiated. The criteria used to decide this matter is found in Chapter 17.140 Amendments, of the Brookings Municipal Code (BMC). This is a legislative hearing and the Planning Commission will make a recommendation to City Council on this matter.

There was no ex parte contact or conflict of interest declared. There was no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:29 P.M. Community Planner Schexnayder reviewed the staff report.

Thomas Guevara, 3500 NW Stuart Parkway, Roseburg, OR stated he was there as the project manager, briefly described the project, and was there to support the adoption of the plan and answer any questions.

No participant requested additional time to submit materials and the representative did not request additional time for written rebuttal. The public hearing was closed at 7:35 P.M.

The Commission discussed the matter and decided to refer the item to the next regularly scheduled planning commission meeting.

#### **APPROVAL of MINUTES**

The Commission discussed the matter and decided to refer the item to the next regularly scheduled planning commission meeting.

#### **STAFF REPORT**

None.

#### **ADJOURNMENT**

Meeting adjourned at 7:40 P.M.

Respectfully submitted,



Cheryl McMahan, Brookings Planning Commission  
(Approved at the 09/05/2017 meeting)



## Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/17	08/02/2017	63552	1	Wheeles, Jim	20-00-2005	4.67- V
08/17	08/02/2017	63575	1	Mueller-Vogel, Susan	20-00-2005	13.10- V
08/17	08/02/2017	63778	1	Smith, Richard	20-00-2005	2.01- V
08/17	08/02/2017	64554	1	Cantu, David	20-00-2005	44.59- V
08/17	08/02/2017	65333	1	Redwood Memorial Chapel	20-00-2005	6.12- V
08/17	08/02/2017	65956	1	Jimmy Phillips	20-00-2005	8.82- V
08/17	08/02/2017	66080	1	Cynthia Glines	20-00-2005	51.55- V
08/17	08/02/2017	66258	1	Jlm Morrow	20-00-2005	47.51- V
08/17	08/02/2017	66560	1	John White	20-00-2005	17.17- V
08/17	08/02/2017	66632	1	Morshead, Barbara	20-00-2005	60.00- V
08/17	08/02/2017	66798	1	Oregon Acres	20-00-2005	45.00- V
08/17	08/02/2017	66840	3	Oregon Acres LLC	20-00-2005	101.45- V
08/17	08/02/2017	67355	1	White, Francia	20-00-2005	1.93- V
08/17	08/02/2017	67977	3	Robert E. Thomas	20-00-2005	27.44- V
08/17	08/02/2017	68295	1	David Nguyen	20-00-2005	22.33- V
08/17	08/02/2017	68461	749	Emerald Pool & Patio	10-00-2005	41.71- V
08/17	08/02/2017	68501	990	UPS	20-00-2005	14.57- V
08/17	08/02/2017	68631	4973	Stokes and Associates	61-00-2005	50.00- V
08/17	08/02/2017	68648	1	Vernon Prink	20-00-2005	4.41- V
08/17	08/02/2017	68742	1	Bryan & Natasha Holmes	20-00-2005	2.49- V
08/17	08/02/2017	68828	1	Clint Chapman	20-00-2005	36.87- V
08/17	08/02/2017	69015	1	Yvonne Peterson	20-00-2005	4.56- V
08/17	08/02/2017	69031	1359	Pacific Coast Audio	10-00-2005	30.00- V
08/17	08/02/2017	69728	1	Patsita Ball	20-00-2005	17.35- V
08/17	08/02/2017	70122	1	Steve Brice	20-00-2005	120.00- V
08/17	08/02/2017	70178	3	Shirley Selby	20-00-2005	1.19- V
08/17	08/02/2017	70300	1	Martha A Bublitz	20-00-2005	22.78- V
08/17	08/02/2017	70303	1	Anthony Page	20-00-2005	26.11- V
08/17	08/02/2017	70370	1	Denny Davis SR	20-00-2005	10.15- V
08/17	08/02/2017	71076	149	Carpenter Tire Factory	10-00-2005	4.70- V
08/17	08/02/2017	71087	1	Jake Brattain	20-00-2005	10.10- V
08/17	08/02/2017	71664	1	Paula Sorrenti	20-00-2005	51.80- V
08/17	08/02/2017	72096	1	Karen McMahon	20-00-2005	2.28- V
08/17	08/02/2017	72291	1	Victoria Gobron	20-00-2005	98.99- V
08/17	08/02/2017	72488	3	Alfredo Trujillo	20-00-2005	12.43- V
08/17	08/02/2017	72692	1	Mark Aguirre	20-00-2005	109.49- V
08/17	08/02/2017	72757	1	Ray Sybrandt	20-00-2005	247.56- V
08/17	08/02/2017	73202	3	John F Thorp	20-00-2005	10.00- V
08/17	08/02/2017	73594	4988	Challenger Sports Corp	10-00-2005	200.00- V
08/17	08/02/2017	73788	1	Jadinne Pirio	20-00-2005	46.13- V
08/17	08/02/2017	73922	1	Yale Davison	20-00-2005	127.34- V
08/17	08/02/2017	74524	5434	Given, Nicole	10-00-2005	5.00- V
08/17	08/02/2017	74928	1	Aleksandra Paquette	20-00-2005	180.69- V
08/17	08/02/2017	75092	2	Richard Wiest	10-00-2005	20.00- V
08/17	08/02/2017	75199	1	Michael Cline	20-00-2005	19.66- V
08/17	08/02/2017	75909	1	Jaci Eskridge	20-00-2005	20.40- V
08/17	08/02/2017	75915	1	Dale McDonald	20-00-2005	13.17- V
08/17	08/03/2017	79795	4058	44Mag Distributing LLC	10-00-2005	484.00
08/17	08/03/2017	79796	2578	Action Trophies	10-00-2005	7.50
08/17	08/03/2017	79797	5004	Blumenthal Uniforms & Equipment	10-00-2005	59.51
08/17	08/03/2017	79798	416	Brookings Lock & Safe Inc	25-00-2005	126.00
08/17	08/03/2017	79799	313	Brookings Vol Firefighters	10-00-2005	2,250.00
08/17	08/03/2017	79800	5144	Tim Brush	20-00-2005	186.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/17	08/03/2017	79801	715	Budge McHugh Supply	25-00-2005	4,656.75
08/17	08/03/2017	79802	5567	CAL/OR Insurance Specialists Inc	30-00-2005	1,366.66
08/17	08/03/2017	79803	5070	Canon Solutions America	10-00-2005	5.16
08/17	08/03/2017	79804	193	Central Equipment Co, Inc	10-00-2005	4,550.00
08/17	08/03/2017	79805	3834	Clean Sweep Janitorial Service	10-00-2005	2,275.00
08/17	08/03/2017	79806	1745	Coastal Paper & Supply, Inc	10-00-2005	3,830.56
08/17	08/03/2017	79807	5528	Covanta Energy LLC	10-00-2005	31.95
08/17	08/03/2017	79808	5228	Curry Community Health	10-00-2005	83.72
08/17	08/03/2017	79809	166	Dan's Auto & Marine Electric	20-00-2005	112.21
08/17	08/03/2017	79810	259	Da-Tone Rock Products	50-00-2005	1,875.44
08/17	08/03/2017	79811	1	Justin Blondell	20-00-2005	33.56
08/17	08/03/2017	79812	1	Melodye Callaway	20-00-2005	220.31
08/17	08/03/2017	79813	1	Roger & Rose Gabrielson	20-00-2005	88.87
08/17	08/03/2017	79814	1	Teal Mace	20-00-2005	73.23
08/17	08/03/2017	79815	5156	Desi's Tree Trimming	15-00-2005	950.00
08/17	08/03/2017	79816	484	DMV	10-00-2005	36.00
08/17	08/03/2017	79817	749	Emerald Pool & Patio	10-00-2005	412.51
08/17	08/03/2017	79818	5676	Ewing Irrigation Products Inc	50-00-2005	91.70
08/17	08/03/2017	79819	3342	Fastenal	20-00-2005	968.90
08/17	08/03/2017	79820	2186	Ferguson Enterprises Inc #3011	15-00-2005	6,026.69
08/17	08/03/2017	79821	5642	Financial Pacific Leasing	10-00-2005	4,031.88
08/17	08/03/2017	79822	5432	First Community Credit Union	25-00-2005	812.99
08/17	08/03/2017	79823	4646	Frontier	30-00-2005	571.56
08/17	08/03/2017	79824	4872	G. W., Inc.	10-00-2005	435.00
08/17	08/03/2017	79825	199	Richard Harper	10-00-2005	400.00
08/17	08/03/2017	79826	5179	Heritage Research Associates, INC	50-00-2005	3,000.00
08/17	08/03/2017	79827	4171	In-Motion Graphics	10-00-2005	64.50
08/17	08/03/2017	79828	162	Kerr Hardware	15-00-2005	1,485.95
08/17	08/03/2017	79829	328	Les Schwab Tire Center	20-00-2005	1,021.83
08/17	08/03/2017	79830	4981	McLennan Excavation, Inc	57-00-2005	1,680.00
08/17	08/03/2017	79831	4269	Milliman, Gary	10-00-2005	67.50
08/17	08/03/2017	79832	424	Munnell & Sherrill	25-00-2005	242.95
08/17	08/03/2017	79833	4487	Net Assets Corporation	10-00-2005	270.00
08/17	08/03/2017	79834	334	North Coast Electric Company	25-00-2005	47.40
08/17	08/03/2017	79835	3789	Oak Street Health Care Center	10-00-2005	105.00
08/17	08/03/2017	79836	3561	Oil Can Henry's	10-00-2005	92.96
08/17	08/03/2017	79837	279	One Call Concepts, Inc	20-00-2005	39.60
08/17	08/03/2017	79838	5008	Online Information Services	10-00-2005	125.98
08/17	08/03/2017	79839	5294	Oregon Department of State Lands	61-00-2005	2,139.56
08/17	08/03/2017	79840	695	P & S Construction Co, Inc	50-00-2005	9,000.00
08/17	08/03/2017	79841	252	Paramount Pest Control	10-00-2005	50.00
08/17	08/03/2017	79842	322	Postmaster	25-00-2005	850.00
08/17	08/03/2017	79843	5798	Proquire LLC	49-00-2005	5,550.00
08/17	08/03/2017	79844	207	Quill Corporation	10-00-2005	813.85
08/17	08/03/2017	79845	3	Kenneth Francis	20-00-2005	30.82
08/17	08/03/2017	79846	3309	Roberts & Associates	15-00-2005	1,620.00
08/17	08/03/2017	79847	5797	South Coast Business Employment Corp	10-00-2005	800.00
08/17	08/03/2017	79848	5413	Southern Computer Warehouse	49-00-2005	1,114.49
08/17	08/03/2017	79849	380	Stadelman Electric Inc	25-00-2005	565.51
08/17	08/03/2017	79850	5794	Tyler, H. R.	10-00-2005	214.00
08/17	08/03/2017	79851	4820	Unites States Geological Survey	20-00-2005	10,700.00
08/17	08/03/2017	79852	990	UPS	20-00-2005	41.00
08/17	08/03/2017	79853	2863	Verizon Wireless	10-00-2005	759.45
08/17	08/03/2017	79854	5788	Vikki's Custom Alterations	10-00-2005	5.00
08/17	08/03/2017	79855	861	Village Express Mail Center	10-00-2005	22.06
08/17	08/03/2017	79856	5795	Voegeli, Brandy	10-00-2005	208.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/17	08/03/2017	79857	4220	Woof's Dog Bakery	61-00-2005	101.99
08/17	08/10/2017	79858	882	Advanced Security Systems	25-00-2005	910.25
08/17	08/10/2017	79859	4939	BI- Mart Corporation	25-00-2005	376.85
08/17	08/10/2017	79860	4363	Black & Rice LLP	10-00-2005	2,225.58
08/17	08/10/2017	79861	5108	Brad Kelly, PT	25-00-2005	90.00
08/17	08/10/2017	79862	4932	BSN Sports LLC	50-00-2005	123.94
08/17	08/10/2017	79863	5070	Canon Solutions America	10-00-2005	663.00
08/17	08/10/2017	79864	193	Central Equipment Co, Inc	10-00-2005	46.76
08/17	08/10/2017	79865	3015	Charter Communications	30-00-2005	495.00
08/17	08/10/2017	79866	4928	CIS Trust	10-00-2005	35,543.15
08/17	08/10/2017	79867	183	Colvin Oil Company	25-00-2005	2,781.16
08/17	08/10/2017	79868	5801	Coral Sales Co	15-00-2005	910.00
08/17	08/10/2017	79869	173	Curry Equipment	10-00-2005	908.13
08/17	08/10/2017	79870	185	Del Cur Supply	15-00-2005	1,380.84
08/17	08/10/2017	79871	1	Daniel Thompson	20-00-2005	103.18
08/17	08/10/2017	79872	1	Twinda Whitehead	20-00-2005	154.29
08/17	08/10/2017	79873	371	Oregon DEQ	20-00-2005	150.00
08/17	08/10/2017	79874	3342	Fastenal	25-00-2005	460.99
08/17	08/10/2017	79875	2186	Ferguson Enterprises Inc #3011	25-00-2005	10,403.60
08/17	08/10/2017	79876	153	Ferrellgas	25-00-2005	545.78
08/17	08/10/2017	79877	4646	Frontier	10-00-2005	211.62
08/17	08/10/2017	79878	198	Grants Pass Water Lab	20-00-2005	336.00
08/17	08/10/2017	79879	5800	Hampton Inn Portland/Clackamas	10-00-2005	116.00
08/17	08/10/2017	79880	139	Harbor Logging Supply	15-00-2005	224.50
08/17	08/10/2017	79881	4171	In-Motion Graphics	10-00-2005	726.25
08/17	08/10/2017	79882	5526	L.N. Curtis & Sons Inc	10-00-2005	974.68
08/17	08/10/2017	79883	2834	Kelby McCrae	10-00-2005	4,860.00
08/17	08/10/2017	79884	5802	Midco Diving & Marine Services Inc	20-00-2005	1,998.00
08/17	08/10/2017	79885	5364	North Central Laboratories	25-00-2005	534.43
08/17	08/10/2017	79886	3789	Oak Street Health Care Center	10-00-2005	150.00
08/17	08/10/2017	79887	5641	Oregon Coast Visitors Assn	32-00-2005	500.00
08/17	08/10/2017	79888	5803	Oregon Resources Research & Ed Ctr	10-00-2005	2,000.00
08/17	08/10/2017	79889	5390	O'Reilly Automotive, Inc	25-00-2005	10.99
08/17	08/10/2017	79890	708	Pelican Bay Art Association	10-00-2005	285.50
08/17	08/10/2017	79891	1920	Pitney Bowes, Inc.	10-00-2005	116.26
08/17	08/10/2017	79892	5768	Proficient Auto Center Inc	10-00-2005	1,143.47
08/17	08/10/2017	79893	5691	Ritz Safety LLC	15-00-2005	1,203.62
08/17	08/10/2017	79894	1840	Rogue Credit Union	50-00-2005	2,497.61
08/17	08/10/2017	79895	5799	Southern Oregon Kite Festival	15-00-2005	243.03
08/17	08/10/2017	79896	5609	Sparling Instruments LLC	20-00-2005	2,182.52
08/17	08/10/2017	79897	2122	Cardmember Service	10-00-2005	7,548.13
08/17	08/10/2017	79898	169	Waste Connections Inc	10-00-2005	1,433.09
08/17	08/10/2017	79899	5071	Wes' Towing	20-00-2005	80.00
08/17	08/10/2017	79900	151	Western Communications, Inc.	10-00-2005	130.00
08/17	08/10/2017	79901	5731	Tom Yockey	10-00-2005	66.00
08/17	08/10/2017	79902	4131	Zumar Industries Inc	15-00-2005	848.19
08/17	08/17/2017	79903	4734	Aramark Uniform Services	10-00-2005	120.00
08/17	08/17/2017	79904	5807	Arboriculture International LLC	10-00-2005	1,972.70
08/17	08/17/2017	79905	2407	Blue Star Gas	10-00-2005	2,528.98
08/17	08/17/2017	79906	4788	BOLI	20-00-2005	2,187.00
08/17	08/17/2017	79907	147	Brookings Glass Inc	10-00-2005	6,628.00
08/17	08/17/2017	79908	3015	Charter Communications	10-00-2005	219.96
08/17	08/17/2017	79909	1740	Code Publishing Company Inc	10-00-2005	353.45
08/17	08/23/2017	79910	1357	Curry County Clerk	55-00-2005	.00 V
08/17	08/17/2017	79911	5805	Curtis, Paula	10-00-2005	133.00
08/17	08/17/2017	79912	317	DCBS - Fiscal Services	10-00-2005	681.17

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/17	08/17/2017	79913	1	Darwin Brooks	20-00-2005	46.23
08/17	08/17/2017	79914	1	Robert Romer	20-00-2005	241.04
08/17	08/17/2017	79915	5156	Desi's Tree Trimming	15-00-2005	800.00
08/17	08/17/2017	79916	2640	Dyer Partnership Inc., The	53-00-2005	22,280.81
08/17	08/17/2017	79917	5804	Early Management Team Inc	32-00-2005	4,550.00
08/17	08/17/2017	79918	4646	Frontier	25-00-2005	883.93
08/17	08/17/2017	79919	3632	Harbor View Windows, Heating & Air Inc	10-00-2005	795.00
08/17	08/17/2017	79920	5806	Himmelrick Enterprises/So Cst Septic	50-00-2005	285.00
08/17	08/17/2017	79921	4526	Janell K. Howard	10-00-2005	217.50
08/17	08/17/2017	79922	5775	Butch Jark	50-00-2005	74.99
08/17	08/17/2017	79923	5526	L.N. Curtis & Sons Inc	10-00-2005	5,834.69
08/17	08/17/2017	79924	4269	Gary Milliman	10-00-2005	92.00
08/17	08/17/2017	79925	3159	NorthCoast Health Screening	10-00-2005	180.00
08/17	08/17/2017	79926	5244	OMJA	10-00-2005	195.00
08/17	08/17/2017	79927	5101	Pitney Bowes Reserve Acct	10-00-2005	500.00
08/17	08/17/2017	79928	5688	ProLawn Services Inc	50-00-2005	2,946.00
08/17	08/17/2017	79929	207	Quill Corporation	10-00-2005	97.96
08/17	08/17/2017	79930	861	Village Express Mail Center	10-00-2005	22.23
08/17	08/17/2017	79931	151	Western Communications, Inc.	32-00-2005	1,857.94
08/17	08/21/2017	79932	4928	CIS Trust	30-00-2005	138,519.85
08/17	08/24/2017	79933	4788	Bureau of Labor & Industries	20-00-2005	250.00
08/17	08/24/2017	79934	5048	Brookings Harbor Medical Center	25-00-2005	200.00
08/17	08/24/2017	79935	183	Colvin Oil Company	10-00-2005	2,249.58
08/17	08/24/2017	79936	5808	Ron Cottor	30-00-2005	234.00
08/17	08/24/2017	79937	1357	Curry County Clerk	55-00-2005	144.00
08/17	08/24/2017	79938	1	Toni Bayer	20-00-2005	42.23
08/17	08/24/2017	79939	1	Nicole Beach	20-00-2005	144.03
08/17	08/24/2017	79940	4171	In-Motion Graphics	10-00-2005	91.50
08/17	08/24/2017	79941	207	Quill Corporation	10-00-2005	215.75
08/17	08/24/2017	79942	3	Joel Scott	20-00-2005	171.98
08/17	08/24/2017	79943	5730	Spectrum Reach	32-00-2005	1,000.00
08/17	08/24/2017	79944	5423	Stagelights Musical Arts Community	10-00-2005	176.00
08/17	08/24/2017	79945	5448	Stover Engineering	53-00-2005	1,438.25
08/17	08/24/2017	79946	5809	Turner, Emily	10-00-2005	88.00
08/17	08/24/2017	79947	861	Village Express Mail Center	20-00-2005	38.29
08/17	08/25/2017	79948	1357	Curry County Clerk	52-00-2005	97.00
08/17	08/31/2017	79949	5656	Aerzen USA Corporation	25-00-2005	432.00
08/17	08/31/2017	79950	5812	Amador, Allison	10-00-2005	176.00
08/17	08/31/2017	79951	5527	Big State Industrial Supply Inc	25-00-2005	787.01
08/17	08/31/2017	79952	5048	Brookings Harbor Medical Center	25-00-2005	200.00
08/17	08/31/2017	79953	416	Brookings Lock & Safe Inc	20-00-2005	90.00
08/17	08/31/2017	79954	1745	Coastal Paper & Supply, Inc	10-00-2005	233.82
08/17	08/31/2017	79955	182	Coos-Curry Electric	10-00-2005	29,549.13
08/17	08/31/2017	79956	1	Mathew Massey	20-00-2005	221.61
08/17	08/31/2017	79957	298	Freeman Rock, Inc	50-00-2005	888.96
08/17	08/31/2017	79958	5810	Golf Cart Garage LLC	25-00-2005	349.95
08/17	08/31/2017	79959	167	Hach Company	25-00-2005	368.68
08/17	08/31/2017	79960	5036	Kosmont Companies	50-00-2005	3,994.90
08/17	08/31/2017	79961	5811	Leon, Steven	10-00-2005	214.00
08/17	08/31/2017	79962	5368	Marineau and Associates	50-00-2005	10,000.00
08/17	08/31/2017	79963	5813	Mark Rogers Painting	50-00-2005	5,150.00
08/17	08/31/2017	79964	4573	Methodworks	25-00-2005	777.00
08/17	08/31/2017	79965	4781	OHA Cashier	20-00-2005	195.00
08/17	08/31/2017	79966	4899	Oregon Coast Auto Detailing	25-00-2005	450.00
08/17	08/31/2017	79967	4	Lauren Kessler	10-00-2005	176.00
08/17	08/31/2017	79968	4	Caro Nishioka	10-00-2005	25.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/17	08/31/2017	79969	4	Cynthia Salazar	10-00-2005	36.00
08/17	08/31/2017	79970	4	Cindy Schofield	10-00-2005	36.00
08/17	08/31/2017	79971	4	Brooke Steineke	10-00-2005	36.00
08/17	08/31/2017	79972	4	Garrett Thomson	10-00-2005	32.00
08/17	08/31/2017	79973	322	Postmaster	10-00-2005	25.00
08/17	08/31/2017	79974	207	Quill Corporation	10-00-2005	525.98
08/17	08/31/2017	79975	5691	Ritz Safety LLC	25-00-2005	1,739.21
08/17	08/31/2017	79976	3963	Smith & Loveless, Inc	25-00-2005	49.11
08/17	08/31/2017	79977	5513	South Coast Development Council Inc	10-00-2005	5,000.00
08/17	08/31/2017	79978	142	Tidewater Contractors Inc	57-00-2005	293,117.86
08/17	08/31/2017	79979	990	UPS	20-00-2005	50.54
08/17	08/31/2017	79980	2863	Verizon Wireless	10-00-2005	383.92
08/17	08/31/2017	79981	5207	Water Environment Federation	25-00-2005	195.00
08/17	08/31/2017	79982	4131	Zumar Industries Inc	15-00-2005	547.52
Grand Totals:						<u>724,448.07</u>

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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City Recorder: \_\_\_\_\_

Report Criteria:

Report type: Summary

# Committee Vacancies

Date: September 11, 2017

**Re: Vacant Volunteer Positions**

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Following is a list of all Commission/Committee positions and terms currently vacant:

Position	Held By	Month/ Day	Year Expires	Term/ Years
Budget #1	VACANT	2/1	2018	3
Budget #3	VACANT	2/1	2019	3
Parks & Rec #1	VACANT	2/1	2018	2
Public Art #1	VACANT	11/1	2017	3
Public Art #4	VACANT	11/1	2018	3
Public Art #5	VACANT	11/1	2018	3
Traffic Safety #1	VACANT	1/14	2018	2
Traffic Safety #2	VACANT	1/14	2019	2