

# **RESOLUTION NO. 2514**

## **A RESOLUTION APPROVING AN UPDATED EMPLOYEE HANDBOOK AND RESCINDING PRIOR VERSIONS.**

### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. That by Ordinance No. 240, the Personnel System Ordinance, established in 1977 summarizes City personnel policies, procedures and rules which are to provide means to recruit, select, develop and maintain an effective and responsive work force, and includes policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related personnel administration activities.
2. That the Employee Handbook is an important part of City personnel policies to provide a set of general guidelines and policies governing all City employees, including employee conduct, workplace conditions, drug and alcohol policies, policies that implement state and federal employment laws, and other aspects of public employment and City service.
3. That the Employee Handbook, which has been updated and amended since 1977 and most recently in 2006, is now outdated and may no longer be consistent with local, state and federal laws and policies and is in need of updating to reflect changes to City practices, alignment with the City's Collective Bargaining Agreement with American Federation of State, County and Municipal Employees (AFSCME) Local 3132, and numerous changes in both State and Federal employment law.
4. That pursuant to Troutdale Municipal Code (TMC), 2.04.010 B.2. the City Personnel Officer is delegated the authority for administration of City personnel policies, procedures and rules.
5. That pursuant to TMC 2.36.030 it is in the best interest of the City to ensure that City Personnel policies, procedures and rules are in compliance with Federal and State mandated employment law and regulations.
6. That pursuant to TMC 2.36.040 C. the Employee Handbook has been updated in consultation with the employment practice risk management service of City County Insurance Service, and drafted by the City's labor and employment law legal counsel.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:**

Section 1. That pursuant to TMC 2.36.030 the City hereby adopts the personnel policies, procedures and rules in the attached City of Troutdale Employee Handbook, as in substantial conformity with Attachment "A", which is incorporated herein by reference.

Section 2. That based on the findings above, the City Council declares the updated Employee Handbook serves the public interest, and is necessary, desirable, and prudent to address employment and personnel matters that apply to City employees.

Section 3. That further based on the findings above, the City Council declares the terms and conditions of the updated Employee Handbook shall be effective upon adoption unless preempted by state or federal law, or in conflict with an existing employment contract or collective bargaining agreement.

Section 4. That all previous personnel rules and past practices which might be found to be in conflict or inconsistent with these personnel policies, procedures and rules of the City Personnel System, TMC 2.36, are hereby voided and superseded by this Resolution.

Section 5. That the City Council authorizes and directs the City Manager, Ray Young, and Finance Director and designated City Personnel Officer, Erich Mueller, (each a "City Official") in consultation with employment law counsel, each to act on behalf of and in the best interest of the City to implement the personnel policies, procedures and rules of the City and the adopted updated Employee Handbook.

Section 6. Further, that pursuant to TMC 2.36.040, the City Official is authorized to execute and implement any necessary supporting documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of this resolution, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 7. That further, pursuant TMC 2.36.040 and in the best interest of the City, the City Official is authorized to determine any subsequent updates, changes, addendums, extensions, revisions, modifications, or successor documents of the Employee Handbook, without further action by the City Council, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 8. That the Finance Director is authorized and directed to disburse funds, subject to annual appropriations, as necessary to fulfill the intent of this resolution and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 9. Resolution Nos.1974 and 2116 are rescinded effective upon adoption of this Resolution.

Section 10. This Resolution shall take effect immediately upon adoption.

**YEAS: 7**  
**NAYS: 0**  
**ABSTAINED: 0**



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**Casey Ryan, Mayor**  
**Date: September 24, 2020**



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**Sarah Skroch, City Recorder**  
**Adopted: September 22, 2020**



THE CITY OF  
**TROUTDALE**  
— OREGON —

EST. 1907

**EMPLOYEE HANDBOOK**

September 22, 2020

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## I. USING THIS HANDBOOK

The City has developed this Employee Handbook to provide answers to questions that frequently arise regarding its general employment policies and rules and to help employees (you) understand more fully what is expected of them and what can be expected from the City.

This Handbook becomes effective September 22, 2020 and covers all Departments and employees of the City. The policies in this handbook supersede all prior personnel policies, procedures, and practices, written or verbal, including but not limited to all conflicting Standard Operating Procedures (S.O.P's). However, the policies in this Handbook may be supplemented by additional rules and procedures established by individual departments, provided those rules or procedures do not conflict with the policies outlined in this Handbook.

*In the event of a conflict between an applicable Collective Bargaining Agreement (CBA) and the City's policies and procedures (including this Handbook and any supplemental policies), the CBA shall be the controlling document and the provisions of the Handbook (or supplemental policies) do not apply on that issue.*

Also, while it is the City's hope that every employee's association with it is successful and rewarding, this Handbook is not a guarantee or contract for continued employment or benefits at any level. Rather, *except as otherwise provided in an applicable CBA or written individual employment agreement signed and dated by the City Personnel Officer (or City Council if applicable to the City Manager's position),* all employment with the City is "at will." This means that either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice, and without appeal rights or due process procedures other than those expressly provided for in this Handbook or required by law.

This Handbook is a summary of the City's current employment policies and practices for informational purposes. The City reserves the right to change or discontinue any policy, procedure, practice or benefit plan, at any time as it determines appropriate for efficient operations. In order to avoid misunderstandings, any written or verbal promises or statements different from or in addition to the policies and practices outlined in this Handbook (including but not limited to any supplemental departmental rules and individual employment agreements) must be approved in writing by the City Personnel Officer (or the City Council if applicable to the City Manager's position) in order to be valid. Likewise, changes to this Handbook can only be made by the City Manager.

As an employee of the City, you are expected to familiarize yourself with the information provided in this Handbook as well as any supplemental policies applicable to your department. If you have any questions, please contact your supervisor or Human Resources.

## **II. EQUAL EMPLOYMENT OPPORTUNITY POLICIES**

The City of Troutdale takes its Equal Employment Opportunity policies seriously. These policies and expectations apply to all employees, volunteers, interns and Public Officials for the City in accordance with applicable law.

### **A. NON-DISCRIMINATION POLICY**

It is the City's policy to provide equal employment opportunities to all qualified persons without regard to race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, mental or physical disability, uniformed/military service or veteran's status, use of the worker's compensation system, expunged juvenile records, or any other protected status or activity in accordance with applicable law. It is the City's policy to make employment, volunteer, internship, etc. decisions based on its evaluation of an individual's qualifications, ability and contribution to the success of the City. It is the responsibility of all covered individuals to understand and comply with our policy.

### **B. POLICY AGAINST HARASSMENT**

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

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

#### **Prohibited conduct of a sexual and gender-based nature includes conduct such as:**

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

environment or otherwise unreasonably interfering with another employee or covered individual's work.

Prohibited conduct of a **racial, ethnic, religious, age or disability, etc. based** nature includes conduct such as the following:

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

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

### **C. POLICY AGAINST RETALIATION**

The City respects the rights of its employees and others in our workplace to raise harassment and discrimination concerns and expects individuals in our workplace to participate in investigations. The City does not permit employees or others to retaliate against individual(s) who report harassment or discrimination, cooperate with investigations, testify in harassment proceedings or assist in enforcement of our policies against discrimination and harassment.

"Retaliation" is broadly construed and may include on-duty or off-duty conduct, whether related to employment or not, that could discourage an employee or other covered individual from making a complaint of discrimination, harassment or retaliation, or from testifying, assisting or participating in an investigation, proceeding or hearing. Retaliation includes treating another employee or covered individual differently because they or someone close to them reported harassment, complained about discrimination or engaged in any of these types of activities.

It also includes giving an employee or covered individual “the cold shoulder” or treating an employee or covered individual rudely because they or someone close to them reported harassment, withholding information or cooperation necessary for them to do their job, changing work assignments or hours, because of their complaint or participation in enforcement of this policy etc. are examples of retaliation. Retaliation also includes discouraging an employee or other covered individual from reporting harassment or criticizing an employee or other covered individual who reports harassment or cooperates in an investigation. Examples of this kind of retaliation include telling someone not to “rat” on another employee or covered individual who is committing harassment.

#### **D. REPORTING PROCEDURES**

If you believe you have been subjected to conduct in violation of these policies, including:

- Discrimination in violation of City policy or equal employment opportunity laws;
- Any type of harassment or conduct prohibited by the Policy Against Harassment, whether by an employee, volunteer, intern, Public Official or by anyone else you come into contact with through your job (vendors, citizens/customers, or other business visitors, etc.);
- Retaliation for the reporting of discrimination or harassment, opposing discrimination or harassment or cooperating with investigations; or
- If you have observed behavior or overheard comments that raise concerns regarding compliance with the City’s Non-Discrimination Policy, Anti-Harassment Policy, or Policy Against Retaliation toward others

You should promptly contact Human Resources, the City Personnel Officer or the City Manager, whomever you are most comfortable reporting to. Do not report your concern only to the person who you believe has (or is accused of having) violated this policy. If your concern involves one of the people listed above, you are expected to report the concern to a different person on this list. Any supervisor or manager who receives information about conduct that may violate these policies is required to immediately notify Human Resources, the City Personnel Officer or the City Manager and to provide the employee/covered individual with a copy of this policy. When Human Resources, the City Personnel Officer or the City Manager receives a report of alleged discrimination, harassment or retaliation, he/she must document what is reported and provide the employee/covered individual with a copy of this policy. All employees and covered individuals who believe that they have been subject to or witnessed conduct in violation of the City’s Equal Employment Opportunity Policies are also advised to document those incidents.

We encourage employees and others in our workplace to report complaints and work with us to voluntarily disclose and report information regarding incidents of workplace harassment and informally resolve problems involving violations of our Equal Employment Opportunity policies. *We do not place any time limits on the ability to report violations through the City’s internal complaint procedures.* Our ability to resolve these kinds of problems is dependent on your cooperation in reporting incidents that create an offensive or hostile work environment for you. We believe that all of our employees, volunteers, interns and Public Officials have an affirmative obligation to promptly report violations of our policy and cooperate with investigations.

All employees and other individuals covered by applicable laws regarding harassment, discrimination and retaliation should also be aware that they have the right to make complaints to and seek remedies through the Oregon Bureau of Labor and Industries’ complaint resolution process or by filing claims in court as well as to pursue their rights under other available laws, whether civil or criminal. The City does not provide any employee or other covered individual with

legal advice. However, all employees and covered individuals should be aware that time limits apply to the ability to pursue civil and criminal complaints. For example, claims made with the Oregon Bureau of Labor and Industries for alleging discrimination or harassment under Oregon law [based on race, color, religion, disability, uniformed/military service, sex, sexual orientation, national origin, marital status or age (18 or older), (or because of this status of anyone the employee associates with), or because of an individual's expunged juvenile record], must generally be filed within 5 years from the date of the alleged unlawful practice. This same statute of limitations applies to such claims filed in court when no Bureau of Labor and Industries claim has been filed. However, conduct that occurred prior to October 2019 is subject to a shorter (1 year) statute of limitations and different statutes of limitations apply under federal law (*generally* claims must be filed within 180 days with the federal EEOC or within 300 days if state or local law prohibits the same conduct and a state or local agency enforces a law that prohibits employment discrimination on the same basis). The statute of limitations for criminal complaints vary based on the nature and degree of the conduct. Please also be aware that Oregon law requires that individuals bringing claims against a Public Official, employee or agent of a public body or a public body (e.g. the City) must first provide a notice of claims (often referred to as a Tort Claims Notice). Except as otherwise provided by ORS 30.275 (such as for minority, incompetency or other incapacity), the Tort Claims Notice must generally be provided within 180 days of the alleged loss or injury.

Covered individuals who want more information may contact the Oregon Bureau of Labor and Industries (<https://www.oregon.gov/boli>), local law enforcement, or contact an attorney of their choosing. The Oregon State Bar provides a referral service through which employees may be connected with attorneys. Information regarding this service can be found at: <https://www.osbar.org/public/ris/>. Employees and covered individuals who believe they need counseling or other support services are encouraged to use the City's Employee Assistance Program (EAP). The Oregon Health Authority or the Oregon Board of Licensed Professional Counselors and Therapists may also have additional information to help connect you with counseling and other support services. More information can be found on the websites for these agencies at: <https://www.oregon.gov/oha/pages/index.aspx> and <https://www.oregon.gov/oblpc/Pages/Websites.aspx>.

## **E. INVESTIGATIONS AND VIOLATIONS**

All complaints of violations of the City's Equal Employment Opportunity policies are promptly investigated. If the City finds that an employee has violated its policy, appropriate disciplinary action up to and including immediate discharge is taken. Action will also be taken to address violations made by volunteers, interns, Public Officials and others who violate our policies, which may include discharge from the volunteer or intern position. In addition, other corrective action, such as individualized training and other steps may be taken as the City determines appropriate. For employees and others whose legal rights are determined to have been violated, additional remedies, such as back pay, counseling or medical costs; attorney fees, pain and suffering, and punitive damages may be available.

Notices of leave pending investigation, notice of interviews, due process notices and disciplinary notices are generally maintained in personnel files. Other documents related to complaints and investigations are maintained in confidential files for a *minimum* period of the 5-year statute of limitations or the minimum retention period required under Oregon law, whichever is longer. Such records are generally released only as the City determines appropriate to defend against legal claims, establish consistency and lack of discrimination, to establish that an employee or covered

individual received notice of standards of conduct required under this policy, and when otherwise required by applicable law.

The City prides itself on its commitment to equal employment opportunities and restricts the types of behavior outlined in its policies, above, regardless of whether that conduct constitutes a legal violation. It is our policy to follow up with the victim of alleged harassment at least once every three months for the calendar year following the date on which we received the report to ensure that any harassment or other policy violations have stopped and that the victim is not subject to retaliation. These follow-up contacts will occur unless the victim objects in writing to this practice. The City may, in its discretion, also follow up with witnesses and others who cooperated in an investigation, including employees and other covered individuals who reported conduct that was not determined to be a violation of this policy, for the purpose of enforcing anti-retaliation prohibitions.

Employees who have questions or concerns about our Equal Employment Opportunity policies are encouraged to contact Human Resources or the City Personnel Officer or follow the Complaint Procedures outlined in those policies.

## **F. OTHER INFORMATION**

Also, effective October 1, 2020 all employees and other covered individuals should be aware that, The City of Troutdale will not require or coerce any employee or covered individual to enter into any non-disclosure (confidentiality) or non-disparagement (e.g. agreement not to bad-mouth or criticize) agreement that would prohibit them from discussing alleged discrimination, harassment (including sexual assault) in the workplace. This includes any conduct that occurs between employees/covered individuals, between an employer and the employee/covered individual in the workplace or at a work-related event coordinated by the City, or that occurs between an employee/covered individual and the employer off of City property.

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

## **G. PREGNANCY AND DISABILITY ACCOMMODATION POLICY**

The City of Troutdale is also committed to complying fully with state and federal pregnancy and disability accommodation laws. If you require workplace modifications or other assistance to accommodate your pregnancy (including but not limited to pregnancy, childbirth or a related medical condition, such as lactation) or disability, it is your responsibility to contact your supervisor and Human Resources to make sure we are aware of not only your pregnancy or disability, but also your need for accommodation.

Reasonable accommodations may include acquisition or modification of equipment or devices, schedule modifications, and other job modifications that are intended to enable a pregnant or disabled employee to perform his/her essential job duties. For more information, see Appendix C.

When you advise us of a condition that you believe requires accommodation, we work with you to analyze your medical condition, job limitations, etc., and discuss the matter with you to determine what, if any, reasonable accommodations can be made to enable you to perform your job duties in a safe and satisfactory manner. All employees are expected to cooperate with this process, including our requests for medical confirmation of their condition and the nature and extent of any limitations on their ability to perform their job duties. The City of Troutdale does not create positions that do not exist to accommodate employees. However, if, even after any required reasonable accommodation, an employee is unable to perform their essential job duties, we then explore opportunities to place disabled employees in other existing and available positions that are, with or without reasonable accommodation, suited to their skills and limitations. If you have been provided an accommodation that you feel is not effective for any reason, you should promptly notify your supervisor and Human Resources.

### III. EMPLOYEE CLASSIFICATIONS

All employees are classified as Trial Service, Regular (full-time or part-time), Casual Part-time, or temporary as explained below. All employees are also classified as exempt or non-exempt for overtime and other purposes. Employee classifications are used to determine wages, benefit eligibility, and other employment conditions but do not change any employee's at-will employment status. If you have any questions about your position or classification, please contact your supervisor or Human Resources.

***Please Note: Employees covered by a CBA should refer to their CBA for information on the trial service/probationary period, classifications, and benefits applicable to their employment, which may vary from the policies outlined in this Handbook. For such employees, the CBA (& not this policy) outlines the trial service/probationary period and benefits applicable to your position.***

#### A. TRIAL SERVICE EMPLOYEES (Employment or Promotion)

All employees who are hired or promoted into a position for ongoing employment are subject to a trial service period during which the City evaluates all areas of the employee's performance in the new position (such as behavior, aptitude, job skills, work habits, efficiency, ability to learn, ability to get along with people, attendance, etc.). This trial service period also provides the employee with an opportunity to evaluate whether the work for which they were hired, the people with whom they work, and the general conditions of the position meet their expectations.

The trial service period for Department Head positions is currently twelve (12) full months of employment from the most recent date of hire or promotion (with at least 1040 hours worked) unless otherwise provided in an applicable written individual employment agreement. Except as otherwise lengthened or shortened by the terms of an applicable CBA, the trial service period for all other personnel is currently six (6) months of employment from the most recent date of hire or promotion (with at least 520 hours worked for .5 FTE positions and 1040 hours worked for 1.0 FTE). The City may extend the length of any trial period up to 90 days as it determines appropriate based on its evaluation of employee performance, and notifies employees in writing if their trial service period is extended. The trial service period is currently twelve (12) full months of employment from the most recent date of promotion.

All employees should understand the City has no obligation to continue their employment for the entire trial service period. *Rather, except as otherwise provided by the terms of an applicable CBA, all employees in their trial period of employment are employed on an **at-will basis** and may be terminated with or without cause at any time as the City determines appropriate, and without appeal rights or appeal procedures as outlined on page 51 of this Handbook.* This includes employees who have obtained regular status in another position but who are serving a new trial service in a promotion position. Such employees may be removed from the new position during the trial service period for that position at the City's discretion without cause or appeal/due process procedures. Likewise, you are free to resign if you feel your new job is not meeting your expectations.

Employees in their initial trial service period are generally not eligible for employment benefits except as required by applicable law, CBA, these policies or an applicable employment agreement to the contrary. For newly hired and rehired employees, the initial trial service period is measured from your most recent date of hire with the City, or the date of appointment to the

new position, whichever is later. Employees in their trial service period for a promoted position continue to be eligible for any benefits they were already earning at the time of promotion provided they are also applicable to their new position and the employee continues to meet all eligibility criteria for that benefit.

## **B. REGULAR EMPLOYEES**

Regular employees are employees who have been hired by the City for an ongoing employment position and have successfully completed the trial service period.

- 1. REGULAR FULL-TIME:** A regular full-time employee is a regular employee whose position is budgeted at 1.0 FTE (to work a regular schedule of at least 40 hours per week). Regular full-time employees are eligible for all City employee benefits provided they meet the specific eligibility requirements for that benefit outlined in these policies or applicable insurance/other formal plan documents, which are controlling.
- 2. REGULAR PART-TIME:** A regular part-time employee is one whose position is budgeted at less than 1.0 FTE (to work a regular schedule of less than 40 hours per week) but at least 0.5 FTE (to work a regular schedule of at least 20 hours per week). Regular part-time employees are eligible for pro-rated employee benefits only as provided in this Handbook (provided they meet any requirements in applicable insurance policies and other formal plan documents, which are controlling) and as required by law.

## **C. CASUAL PART-TIME EMPLOYEES**

A casual part-time employee is one whose position is budgeted at less than 0.5 FTE (i.e. scheduled to work fewer than 20 hours per week on a regular and consistent basis or on an intermittent, on-call, or other as needed, basis). Casual part-time employees are not eligible for employee benefits except as provided in this Handbook (provided they meet any requirements in applicable insurance policies and other formal plan documents, which are controlling) and as required by law.

## **D. TEMPORARY EMPLOYEES**

Temporary employees are those who have been hired directly by the City or through a temporary employment agency to work on an interim relief basis or as needed for a limited period of time such as to complete specific projects or assignments that are not anticipated to be required on an ongoing basis (for example, internships and other seasonal work). Temporary employees hired directly by the City are not eligible for any City employment benefits except as outlined in this Handbook (provided eligibility is consistent with the terms of any formal benefit plan documents, which control) and as required by law.

Temporary employees hired through a temporary employment agency are subject to the City's performance expectations for the services they perform as well as the City's conduct policies in our workplace. Temporary employment agency employees are not, however, eligible for City wage rates/incentives or any other employment benefits through the City. Rather, the City reports your hours of service and other information to your employing agency, which controls your pay and benefits. As a result, all questions regarding your pay and benefits should be directed to the employment agency.

## **E. CHANGES IN CLASSIFICATION STATUS**

A temporary assignment of a regular part-time employee to additional hours of work (such as for special projects and/or during busy periods), or the extension of a temporary employee's assignment does not change the employee's classification status for benefit eligibility purposes except when otherwise required by an applicable CBA. To avoid misunderstandings, all changes in employment status from one classification to another must be confirmed in writing by the City Personnel Officer in order to be valid.

## **F. EXEMPT AND NON-EXEMPT STATUS**

In addition to the above classifications, the City also classifies all employees as exempt or non-exempt from overtime pay. Non-exempt employees, including but not limited to all hourly employees, are eligible to earn overtime pay or compensatory time off as outlined in the City's Compensation policies and to the extent otherwise required by applicable law. Employees who hold supervisory/managerial, professional and certain high-level administrative positions are generally classified as exempt based upon their job duties and level of responsibility. Employees who the City has classified as exempt are paid a salary that covers all of their hours worked (regardless of how many) and are not legally entitled to additional pay or benefits for overtime.

## **G. VOLUNTEERS**

As a public entity, the City may use the service of volunteers. Volunteers are individuals who donate their services to the City for civic or humanitarian reasons without contemplation or expectation of compensation in accordance with applicable law. Individuals who have been hired into paid employment positions with the City (employees) are strictly prohibited from volunteering to perform the same or similar work to the work they perform in their paid positions and from performing any volunteer work during their normal working hours. In order to avoid misunderstandings, City employees must obtain approval in writing from the City Personnel Officer before performing any volunteer services for the City. If you are a City employee and also want to volunteer with the City, please contact Human Resources.

Although the City expects volunteers to meet our conduct and behavior standards (as well as any performance needs related to the nature of their volunteer services), volunteers are not considered employees of the City and are not paid for their services or eligible for benefits. Volunteers may choose to discontinue their volunteer services at any time. The City may also discontinue volunteer services at-will at any time for any reason without appeal rights or due process procedures.

## IV. WAGE AND COMPENSATION POLICIES

### A. PAYDAYS AND PAYCHECKS

The City maintains a bi-weekly (two-week) pay period, ending at midnight every other Sunday. Paychecks are issued every other Friday, following the close of the pay period. When a regularly scheduled payday falls on a holiday, paychecks are issued on the last business day before the holiday.

1. **DEDUCTIONS FROM PAY:** The City takes deductions from employee paychecks as required by law for FICA, federal and state taxes, garnishments, etc. Other items, (e.g. benefit contributions) are only deducted as outlined in an applicable CBA or otherwise as permitted by law and/or upon written authorization from you.
2. **CORRECTIONS TO PAY:** If you have questions or feel your paycheck is not accurate, promptly notify the Payroll Specialist. The City's goal is to pay employees correctly every pay period. By bringing mistakes in payment of your wages to the City's attention as soon as possible, you help it make sure you are properly paid for all the work you perform. In the event that an error results in an underpayment of 5% or more, pay is corrected within three (3) business days from when the error is realized. Any other underpayments are generally corrected on the next regular payday. Hours worked on the last two (2) days of the pay period will be paid out on the following pay day.
3. **DIRECT DEPOSIT:** It is the City's policy to provide employee paychecks through direct deposit into their bank accounts. Direct deposit is a convenient way to have your paycheck immediately available on payday. For more information, please see the Payroll Specialist. Employees who do not have direct deposit and want to have their paycheck released to any other person must provide the City with a signed authorization for the release.

### B. OVERTIME AND COMPENSATORY TIME PAY

***For employees covered by a CBA, overtime rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

The City strives to limit unnecessary overtime for employees and may adjust employee work schedules as needed to minimize the need for overtime. However, on occasion it may be necessary for an employee to work overtime to meet City needs. Non-exempt employees are paid at the rate of one and one-half times their regular rate of pay for all hours worked over 40 hours in a workweek. The City's workweek for overtime purposes begins at 12:00 a.m. (midnight) on Monday and continues through 11:59 p.m. Sunday.

Overtime is not pyramided or otherwise paid more than once for the same hours worked. However, hours for paid vacation time off, holidays, compensatory time off, paid personal time, and jury duty time are counted as hours worked in calculating overtime. Otherwise, only actual hours worked are counted for overtime purposes. Hours for sick leave, donated leave, bereavement, and any other time off are not counted toward the computation of overtime.

In lieu of overtime pay, non-exempt employees may elect to receive compensatory time off at the rate of 1½ hours of compensatory time per hour of overtime worked, up to a maximum of eighty (80) hours of compensatory time. Note: Non-exempt employees are paid for overtime hours worked unless they designate the hours as compensatory time on their time sheet. For information on using accrued compensatory time, see the Compensatory Time Off Policy in the Employee Benefits section in this Handbook.

Although employees are expected to perform overtime when required, all overtime must be authorized by your supervisor before it is worked, unless emergency or other circumstances beyond your control prevent prior approval. Regardless of whether it has been pre-approved, the City pays non-exempt employees for all overtime worked when required by law. Therefore, non-exempt employees are expected to accurately record their time worked, including overtime, on their time records. If there are questions about whether any unauthorized overtime was necessary and appropriate to conduct City business or should have been approved, the City may meet with you to evaluate whether you are meeting City standards and expectations, and you may be subject to disciplinary action for unauthorized overtime.

If the assignment of overtime work presents a hardship for you, discuss your concern with your supervisor. The City considers particular employee needs and desires to the extent we feel it is practical and fair to your coworkers. Failure to work required overtime may result in disciplinary action.

### **C. EXEMPT EMPLOYEE ‘LIKE TIME’**

Employees who the City has classified as exempt are paid a salary that covers all of their hours worked and exempt employees are not entitled to any additional pay for overtime. However, because the City’s exempt employees are dedicated employees who are often called upon to work long hours, the City currently provides a limited benefit, called “Like Time” for exempt supervisory and management employees. Eligible exempt employees who work beyond their regularly scheduled workday or workweek currently receive ‘Like Time’ on an hour for hour basis. For example, if you are regularly scheduled to work M-F, for 8 hours each day, and you work 10 hours each day for three of those days, you receive 6 hours of ‘Like Time’ under this policy. ‘Like Time’ may be used to schedule time off consistent with department operational needs. Unused exempt employee “Like Time” is not paid out at termination.

### **D. ON-CALL AND CALL BACK PAY**

The City provides non-exempt, non-represented employees with “On-Call Compensation” as well as “Unscheduled Call Back Pay” at the same rates and under the same conditions as provided to AFSCME represented employees. For additional information refer to the AFSCME collective bargaining agreement or contact Human Resources.

### **E. WAGE RATES AND POSITION CLASSIFICATION PLANS**

It is the City’s policy to pay wages and salaries that it determines fairly takes into account its geographic location, comparable rates being paid for similar work in the community and other similarly sized communities, as well as the City’s budgetary constraints and fiscal responsibilities. To facilitate these efforts, the City has established position classification plans, including designated steps for wage and salary advancement. If you have questions about the wage range for your position, contact Human Resources.

1. **POSITION CLASSIFICATION PLANS:** The City has established pay classification plans designed to provide consistency in our pay scales and similar pay for similar responsibilities and job functions. Positions are generally grouped by 'class' and a pay scale is established for each 'class' of position based on the duties and responsibilities of the positions in the class. A "class specification" for each class of jobs provides a general outline of the characteristic duties, responsibilities, qualification requirements, etc. that are applicable to that 'class' of positions and that distinguish a given class from other classes of jobs. More detailed information about a particular position may be found in the job description for that position. *However, nothing in this policy, the City's class specifications, or job descriptions restricts the City from assigning additional or different duties to employees as it determines appropriate.*

The City periodically reviews its pay scales and class specifications and may make changes to its pay scales or class specifications as it determines appropriate. However, no City employee is authorized to change a class specification or pay scale, create new positions, or allocate positions to any class except the City Personnel Officer or his/her designee, subject to any applicable collective bargaining obligations.

2. **RECLASSIFICATIONS:** When the City determines that the duties and responsibilities of a position have changed significantly, the City may elect to reclassify the position and assign a new pay scale if the change is also consistent with the City's determination of budgetary needs. Reclassifications may be to a higher or lower pay scale as appropriate to the nature of the position, and an employee's wages may be adjusted as appropriate to the reclassification. Wage adjustments to a lower pay rate/scale as a result of a reclassification of the position are not considered disciplinary in nature and are not subject to appeal or other due process procedures. *For bargaining unit positions, it is the City's policy and practice to bargain with the applicable union in accordance with its public employee collective bargaining obligations.*

If you believe your position duties have changes sufficiently to warrant a reclassification, you may submit a request for reclassification to your Department Head. All requests should include a copy of the current job description, comparator position job descriptions and wage scales and other appropriate documentation showing how the position has changed. Department Heads review such requests with the City's Personnel Officer, and a decision is generally issued within 90 days of the request. However, in order to avoid misunderstandings, all employees should recognize that no supervisor or manager, other than the City Personnel Officer, has the authority to reclassify a position.

3. **APPOINTMENT RATE:** Except as otherwise approved in writing by the City Personnel Officer, it is the City's policy to hire/appoint all employees at Step "A" (the first step) of the wage/salary range established for their position.

## **F. WAGE INCREASES**

***For employees covered by a CBA, your wage rates and pay increases are established and governed by the terms of that CBA, and not this policy.***

1. **MERIT STEP INCREASES:** Employees should recognize that wage increases at the City are not automatic or guaranteed. Rather, all wage/step increases are based on individual

performance and merit and must be consistent with the City's budgetary needs and the wage scale applicable to the position based on performance. Merit step increases are recommended by the employee's supervisor. However, all recommended merit step increases are subject to authorization by the City Personnel Officer, which must be in writing to be valid. The City generally conducts a review of employee performance at the end of the trial service period and quarterly thereafter. In addition to the above considerations, employees are generally only considered for a merit pay increase if they have received an overall "satisfactory" performance review for the past year. Employees who have reached the top step within the pay range for their position are not eligible for merit increases while they remain in that position unless the pay range for their position is modified to include higher wages than they are currently earning.

2. **COST OF LIVING ADJUSTMENTS (COLA) INCREASES**: The City periodically reviews its pay scales and employee wages for consistency with current costs of living and may provide COLA wage increases to employee wages as it determines appropriate and consistent with fiscal responsibility and budgetary constraints. The City generally provides COLA increases for non-represented employees at a rate consistent with the COLA increases provided to AFSCME represented employees.

## **G. OUT-OF-CLASS PAY**

***For employees covered by a CBA, your wage rates (including eligibility for out-of-class and other premium pay, etc.) are established and governed by the terms of that CBA, and not this policy.***

In order to provide opportunities for employee growth and to meet temporary City needs, the City currently provides out-of-class pay to employees who are assigned substantially all of the duties and responsibilities of a higher paid classification for ten (10) or more consecutive working days. In order to be eligible for out-of-class pay, the assignment must be approved in writing by the Department Head and City Personnel Officer. In such cases, the City pays the employee either the first step in the higher paid range or five percent (5%) above their current rate of pay (up to a maximum of the top step of the higher paid classification), whichever is greater. Out-of-class pay is generally paid retroactively to the first day of the assignment and continues for the duration of the assignment.

Out-of-class assignments are generally not approved for a period in excess of six (6) months. An extension of up to a maximum of three (3) months may be approved at the discretion of the City Personnel Officer, provided the Department Head has submitted a written extension request that includes a course of action to eliminate the need for the out-of-class assignment. Employees who are acting out of class may be eligible for merit reviews in the higher range, but should understand that their pay rate will be reduced to the applicable rate under their original pay range (including any merit reviews for which he or she may be eligible) at the end of the acting assignment. Any time off (e.g. sick, vacation, holidays, etc.) during the acting pay assignment is paid at the employee's original regular pay rate, not the out of class pay rate.

## **H. TRAVEL EXPENSES**

In order to best utilize our public funds, all City business related travel must be conducted in the most efficient and cost-effective manner. Prior to incurring any costs and/or traveling on City business, employees must obtain approval from their supervisor or Department Head.

Management evaluates all requests and determines the necessity, available resources, and justification for the need for and the method of travel and related expenses. When employees are authorized to travel outside the City on City business, the following rules apply:

1. **MEALS, GRATUITIES, AND TRAVEL EXPENSES**: Employees who travel more than 30 miles out-of-town on City-approved business overnight or for extended work hours as determined by the City, may request to receive a meal expense reimbursement for their actual meal costs. Reimbursements are limited to the federal per diem rate established by the US. General Services Administration (GSA). For meals, gratuities (not exceeding twenty percent (20%) of the cost of the meal) are considered part of the actual cost of a meal. Gratuities are not separately reimbursed. Detailed receipts identifying the food purchased as well as the gratuity must accompany any request for reimbursement. The City does not reimburse for alcoholic beverages. Also, meal reimbursements are not available for meals that are served as part of a conference or training, or are otherwise provided and meals are only eligible for reimbursement if the employee is traveling at the following times: for breakfast - 6:00 a.m., for lunch - 12:00 noon, for dinner - 6:00 p.m. The City does not reimburse employee entertainment, laundry, or similar personal expenses.
2. **TRANSPORTATION AND MILEAGE**: Employees who travel outside the City on City business are expected to utilize City owned vehicles whenever possible. If a City vehicle is not available, or the employee is approved to use a personal vehicle, the City's reimburses employee mileage for business travel at the established IRS rate at the time of travel, which covers all vehicle related expenses except parking, which may be separately reimbursed with approved itemized receipts. Employees are required to comply with all applicable laws while driving on City business. Costs associated with traffic violations (e.g. traffic citations, parking tickets, court costs and fees) are not paid by or reimbursed by the City. Employees who choose to use a personal vehicle when a City vehicle is available or when the City has determined that another method of transportation is more efficient for the circumstances are not eligible for mileage reimbursement. Mileage and parking reimbursements are made only for pre-approved travel for City business and are not provided for travel to and from work. Travel by common carrier such as a plane, train, etc., must be booked and paid in advance by the City.
3. **LODGING**: Lodging is allowed only for travel on official City-approved business that involves an overnight stay. Lodging expenses are allowed at the actual cost for single room rate and must be booked at government or commercial rates, unless unavailable, and should be paid in advance with a City credit card or check.
4. **OTHER INFORMATION**: Upon returning from approved travel, employees who have received any travel advance money and/or who are seeking reimbursement for any travel expenses must complete and submit a travel expense form, together with itemized receipts of actual expenses to their supervisor. Any unused portion of a travel advance must be returned to the City. Time spent in approved business travel is paid as hours worked when required by applicable law. For additional information on how travel time should be recorded on your time records, see Human Resources prior to your travel date.

*Employees who are accompanied or joined by personal companion(s) during approved City business travel are responsible for all meal, additional lodging, and all other added travel costs for their companion(s). The City does not pay or reimburse any travel companion expenses.*

## V. EMPLOYMENT BENEFITS

***The following policies outline the City of Troutdale's employment benefits for non-represented employees only. For employees covered by a CBA, employee benefits information applicable to your employment is established and governed by the terms of that CBA and applicable law, and not this policy (unless expressly noted). Such employees should consult their current CBA or Human Resources for information about benefits applicable to their employment.***

These policies are intended to provide a general description of the current benefits that non-represented employees may be eligible to receive. This Handbook does not change or otherwise interpret the terms of the official plan documents. To the extent that any of the information contained in this Handbook is inconsistent with applicable official plan documents, the provisions of the official plan documents control. Also, nothing contained in the benefit plans described in this handbook creates any promise of employment or future benefits at any level, or a binding contract between the City and its employees, retirees or their dependents, for benefits or for any other purpose. Rather, this is a summary of the currently available benefits. In order to avoid misunderstandings, employees should understand that the City reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefits and benefit plans described in this Handbook, including any health benefits that may be extended to retirees and their dependents, as well as to what extent, if any, employees may be required to share in the costs of such plans.

For more complete information regarding any of our current benefit programs, please refer to the Summary Plan Descriptions or contact Human Resources.

### **A. PAID HOLIDAYS, VACATIONS, SICK LEAVE AND OTHER BENEFITS**

The City of Troutdale desires to provide its non-represented employees with the equitable compensation and benefits that are comparable to those provided to its AFSCME represented employees. Therefore, *except as otherwise provided by this handbook or a written individual employment agreement*, it is the policy of the City that non-represented employees earn paid Holidays, paid Vacation benefits, paid Sick Leave benefits, Life and Disability Insurance benefits, PERS pick up contributions, paid bereavement time off, paid witness/jury duty benefits, and educational/training reimbursement benefits at the same rates and under the same conditions as provided to AFSCME represented employees. For additional information refer to the current AFSCME collective bargaining agreement or contact Human Resources.

- 1. PAID HOLIDAYS:** As a limited exception to the rules outlined in the CBA, salaried exempt employees who are required to work on a recognized holiday do not earn any additional pay for such work. Instead, the City currently provides salaried exempt employees who work on a recognized holiday with one hour of 'like-time' for each hour worked on the holiday in addition to their regular salary as consistent with the Exempt Employee 'Like-Time' policy.

Veteran's Day Holiday: The City respects the service of our veterans and allows qualified veterans to take the day off on Veteran's Day as outlined in this policy. Qualified veterans who are not eligible for paid holiday benefits may take the day as an *unpaid* holiday day off or use any earned and unused vacation, paid personal days (previously referenced as 'floating holiday'), comp time or like time benefits. If you would like to take advantage of this

benefit, you should submit your request for time off to the City as far in advance as possible (generally at least 21 days in advance) and provide verification of your veteran’s status. In rare cases, where granting Veteran’s Day off creates a significant economic or operational disruption or other undue hardship to the City, qualified veterans are given the option to select, with management approval, an alternative unpaid day off within the year following Veteran’s Day as a replacement day. For more information on this benefit, please see Human Resources.

**2. PAID VACATION BENEFITS:** *The following rules supersede any conflicting provisions of the AFSCME CBA policy for non-represented employees:*

Trial Service Period Employees: Newly hired City employees are not eligible for and do not earn any paid vacation benefits during the first 6-months of employment. After successful completion of the 6-month trial service period, otherwise eligible employees are credited with a lump sum amount of vacation benefits equivalent to what they would have earned during the trial service period if they had been eligible. Thereafter, vacation benefits are earned upon completion of each of the first 2 pay periods of employment in each month during City employment. Vacation benefits are not earned for the third pay period, if applicable, of a month.

Department Head Earning Rate: Except as otherwise provided by the terms of a written individual employment agreement, employees who hold full-time “Department Head” positions or higher currently earn vacation at the following rates (*and not the rates outlined in the AFSCME agreement*) based on their length of continuous service with the City as follows:

<b>LENGTH OF SERVICE</b>	<b>AMOUNT OF PAID VACATION BENEFITS</b>
1 <sup>st</sup> day* through completion of year 10	5 hours per pay period (up to a maximum of 10 hours/month)  <i>*note: vacation benefits may not be used in the first 6 months of employment.</i>
11 <sup>th</sup> year through completion of year 15	6.67 hours per pay period (up to a maximum of 13.34 hours/month)
16 <sup>th</sup> year through completion of year 20	7.67 hours per pay period (up to a maximum of 15.34 hours/month)
Beginning of year 21 or more	8.335 hours per pay period (up to a maximum of 16.67 hours/month)

*Increases in vacation benefit rates become effective with the first pay period after the employee’s anniversary date.*

Part-time Employees: Regular part-time employees who are regularly and consistently scheduled to work at least 20 hours per week (at least 0.5 FTE) are eligible to earn prorated vacation benefits based on the percentage of full time (40 hours) budgeted for their position.

Vacation Benefits During Leave: Paid vacation benefits are intended to reward periods of productive employment on behalf of the City. Therefore, employees who are absent for more than 50% of their scheduled workdays in the month for any reason (for which they are not using previously earned vacation, sick leave, compensatory time, 'like time,' or paid personal day benefits), do not earn any vacation benefits for that month.

Scheduling Rules: Vacation benefits may be used at any time after they are earned consistent with the City's other scheduling rules. All vacation requests must be approved by your supervisor and are subject to the City's operational and workload needs except where otherwise required by applicable law. Because of the nature of the work or to fairly allocate vacation time off between employees, it may be necessary to limit the number of employees using vacation at the same time, to prohibit an employee from taking time off during a particular period of time, or to cancel or reschedule employee vacation time during particular periods of time. In order to allow the City to effectively plan ahead for your absence, employees should be sure to submit time off requests as far in advance as possible. In the event of conflicting requests for time off, the City generally approves vacation on a first come first serve basis.

Please remember that all earned and unused paid vacation benefits must be used before unpaid time off is taken (except when otherwise provided by applicable law, such as during periods of military leave, jury duty leave, and domestic violence leaves, when employees may elect to save such benefits.) However, vacation benefits may only be used to backfill for the number of hours you would otherwise be regularly scheduled to work on the day the benefits are used.

Maximum Accumulation: The City believes that both employees and the public benefit when employees take personal time away from work to relax. As a result, the City limits the amount of earned vacation benefits that employees may accumulate. Employees who reach their maximum vacation benefit accumulation (as outlined in the AFSCME CBA) do not earn any additional vacation benefits until their vacation accumulation is dropped below the maximum. Employees may, however, cash out vacation benefits during employment as outlined in the AFSCME CBA. Employees are encouraged to schedule time off each year.

Payment on Termination: Upon termination of employment for any reason, all unused vacation benefits that have been earned through the last full pay period of employment are paid with the final paycheck. *Note: Employees who have not successfully completed their trial service period of employment with the City do not earn and are not paid out for any vacation benefits on termination of employment.*

- PAID SICK LEAVE BENEFITS:** *The following rules supersede only the conflicting provisions of the AFSCME CBA policy for non-represented employees and are intended to clarify permissible uses of sick leave for ALL employees (including CBA employees) in accordance with applicable law:*

Eligibility: All employees hired directly by the City of Troutdale (including trial service, regular full-time, regular part-time, casual part-time and temporary employees) are eligible to earn paid sick leave benefits with the City of Troutdale. *Temporary employees hired through an employment agency are not eligible to receive paid sick leave benefits from Troutdale and should consult their employing agency for information on benefits applicable to their employment. The City does, however, comply with time off and reinstatement obligations for all employees, including agency employees to the extent required by applicable law.*

Amount and Accumulation of Paid Sick Leave Benefits: Trial Service period employees hired for ongoing employment of at least 0.5 FTE (20 or more hours per week) and regular full-time and regular part-time employees earn, carry over, and accumulate paid sick leave benefits at the same rates and under the same conditions as provided to AFSCME represented employees. In all cases, benefits are accrued and available for use in accordance with applicable law, including Oregon's paid sick time rules, which protects the first 40 hours of use per year from attendance and other disciplinary action. Once an employee has earned at least 40 hours of paid sick leave benefits in the calendar year, benefits are earned and can be used only at the rates and under the conditions provided in the AFSCME CBA, without any minimum guarantees.

Employees who do not meet the eligibility criteria to earn paid sick leave benefits under the provisions of the AFSCME CBA policy (i.e. Casual part-time and temporary employees hired directly by the City of Troutdale) earn paid sick leave benefits at the rate of 1 hour of paid sick leave for every 30 hours worked, up to a maximum of 40 hours of sick leave benefits per calendar year. Such benefits are earned based on actual hours worked only, beginning on the employee's first day of employment. Casual part-time and temporary employees are permitted to carry over a maximum of 40 hours of paid sick leave benefits from one calendar year to the next in accordance with applicable law.

Use of Paid Sick Time Benefits (ALL employees): Trial Service period employees hired for ongoing employment of at least 0.5 FTE (20 or more hours per week) and regular full-time and regular part-time employees may use paid sick leave benefits as outlined in the AFSCME CBA. In addition, ALL employees may use paid sick leave benefits for the purposes outlined below.

Newly hired casual part-time and temporary employees hired directly by the City of Troutdale may not use any paid sick leave benefits during their first 60-days of employment. Upon completion of the 60-day eligibility period, you may begin using the benefits earned under this policy during the waiting period. Thereafter, benefits may be used immediately as they are earned consistent with this policy; however, sick leave must be used in increments of 1/4 hour or more. Paid Sick Leave benefits for casual part-time and temporary employees are intended to provide eligible employees with compensation when absences from work only for the following purposes:

- For your own illness, injury or health condition (including diagnosis, care, treatment and preventive medical care)
- To care for a family member as defined by Oregon paid sick time rules (spouse, registered domestic partner, son/daughter/stepchild, parent-in-law, mother/father/stepparent, children and of same-sex domestic partner, and grandparents and grandchildren) with an illness, injury or health condition (including diagnosis, care, treatment and preventive medical care)

- For any OFLA or FMLA leave as well as for any purpose for which you could take Family leave (OFLA) (regardless of whether or not you are eligible for OFLA)
- For any purposes covered by Oregon's domestic violence leave rules;
- For time off due to a public health emergency such as the closure of your child's school or place of care by order of a Public Official due to public health emergency or the closure of our business due to a public health emergency;
- For time off caused by a determination by a public health authority or healthcare provider that your presence or the presence of your family member in the community would jeopardize the health of others such that you must provide self-care or care for the family member;
- If you are excluded from the workplace by the City under any law or rule requiring your exclusion for health reasons.
- For any other reason when required by applicable law.

Please note that the same absence may be covered by more than one of the sections outlined above and/or more than one type of leave under City policies (e.g. an employee's own illness or injury may qualify for OFLA/FMLA). In such cases, all applicable types of leave run concurrently. Use of the first 40 hours of paid sick leave benefits for any of the purposes listed above in a calendar year is protected (not countable) for attendance and discipline purposes. Additional time may be protected when required by law. For more information, contact Human Resources.

Employees who need time off for qualifying purposes under this policy must follow the City's written attendance reporting procedures as outlined in this Employee Handbook. If it is not possible to provide notice prior to your shift due to unforeseeable circumstances, you must provide notice as soon as practicable. If the need for leave is for a purpose covered by Oregon paid sick leave rules and is known in advance, you must notify the City at least 10 days in advance or as soon as possible if you learn of the need for leave with less than 10 days' notice.

Verification of Absences: All employees are expected to be honest and complete in reporting the circumstances surrounding absences. Abuse of the sick leave benefits policy, including dishonesty in reporting the reasons for an absence or need to be absent, patterned use adjacent to weekends, scheduled days off, holidays, etc. is addressed as a serious disciplinary matter up to and including termination of employment. In the event that the City has a reason to suspect that an employee has abused or otherwise been dishonest in reporting the reasons for an absence, the City may require medical or other verification of your need for leave.

Verification of the reasons for absence is also required under this policy whenever the City determines it necessary to ensure compliance with applicable laws regarding time off from work such as for absences covered by Oregon's paid sick leave law (e.g. for absences of more than three consecutive days of work for employee or family member illnesses), by state or federal family leave rules, or domestic violence rules, etc.). Employees who fail to provide timely verification when required may be denied payment of benefits and/or may be subject to discipline. For extended absences from a sick leave of three (3) work days or more days due to illness or injury, a release from the employee's healthcare provider is generally also required to ensure the employee can safely return to work.

Payment of Sick Time Benefits: Sick leave benefits are paid out at the employee's regular straight time hourly rate of pay (or base salary rate for salaried employees) for the hours the employee would otherwise be required to work the day the benefits are used. Employees are not permitted to use or be paid for sick leave benefits that have not yet been earned. Also, please note that employees are required to use any earned and unused paid sick leave benefits for all absences covered by this policy, except when otherwise prohibited law. If an employee has insufficient paid leave to cover the full period of absence, other leave accruals must be used before unpaid time off may be taken. Sick leave may only be used to backfill hours up to the employee's regularly scheduled work shift.

Sick leave benefits are not vested and are not paid out on termination of employment. Employees who leave City employment (including those who leave in the first 60 days of employment) and are rehired within 180 days are given credit for previously earned and unused sick leave benefits to the extent required by law (which may be used immediately if eligible) as well as for the length of prior service for purposes of sick leave benefits eligibility and use.

- 4. DONATIONS FOR CATASTROPHIC ILLNESS OR INJURY:** The City has developed this leave donation policy to give employees an opportunity to contribute donations of paid vacation, paid personal days, like time and/or compensatory leave time to other City employees who meet the eligibility criteria outlined below.

In order to be eligible to RECEIVE Donated Leave, the employee must meet ALL of the following criteria:

- In the event of foreseeable leave, the employee has not scheduled any paid time off in the 60 days prior to beginning leave (excluding sick, jury duty, bereavement)
- The employee has exhausted all of their own paid leave banks (including vacation, sick, holiday, paid personal days, compensatory, etc.).
- The employee has been continuously absent from work for a period of at least fourteen (14) calendar days due to their own catastrophic illness or injury or the need to care for their spouse, registered domestic partner or child (including biological, adopted, step-children, foster children, registered domestic partner's children) with a catastrophic illness or injury. "Catastrophic illness or injury" is defined as a significant, incapacitating unexpected/unplanned medical condition (i.e. a serious health condition).
- The employee has applied for and is eligible to receive FMLA/OFLA benefit coverage under applicable law.
- The employee is not eligible for Short Term Disability Benefits (STD).
- If the absence is for an employee's own catastrophic injury or illness, the employee must also have applied for Long Term Disability (LTD), Social Security disability and PERS disability benefits, must not yet be receiving those benefits, and must not have enough paid leave to cover until the disability benefits become available. Donated leave is not available for any period an employee is receiving STD, LTD, Social Security or PERS disability benefits.

- The employee has made a written request for donated leave.

Employees are only eligible to receive leave donations up to the amount of time that the healthcare provider has certified that he/she is unable to work as a result of his/her own or family member's catastrophic illness or injury, until reaching the limit of the employee's OFLA/FMLA leave, or until the employee becomes eligible to receive STD, LTD, social security disability or PERS disability benefits, whichever time period is the shortest.

In Order to be eligible to DONATE leave, the employee must meet ALL of the following criteria:

- The donating employee must maintain a minimum of forty (40) hours of accrued vacation benefits after the donation.
- The donating employee must be donating paid vacation benefits, paid personal time off, like time or compensatory time off only. Other forms of leave may not be donated.
- The donating employee must submit a written request to the City Personnel Officer or his/her designee stating their desire to donate leave as well as the amount and type of paid benefits being donated.

All donations of paid leave benefits are voluntary and irrevocable, and donors remain anonymous. However, paid leave donations are converted to a dollar amount based on the hourly wage of the person donating the leave. This amount is then converted back to hours based on the hourly wage of the employee receiving the donated leave.

All donated leave is placed into a catastrophic leave bank that is made available to any employee(s) who meet all of the above eligibility requirements and make a written request for donated leave. If more than one employee is determined to be eligible during the same period of time, both/all such employees receive leave from the bank while they continue to be eligible and while leave continues to be available in the bank. The City does not guarantee any employee how much, if any, donated leave benefits will be available for any employee. Even when donated leave is available, there is no guarantee that sufficient leave donations will be received to cover any employee's entire period of eligibility.

## **B. COMPENSATORY TIME OFF**

Employees are encouraged to take accumulated compensatory time on a timely basis. Employees who request use of accumulated compensatory time are permitted to use such time within a reasonable period after making the request provided, in the City's determination, the granting of compensatory time would not unduly disrupt the operations of the department or the City. Employees who wish to take compensatory time off should request the time off at least one day in advance. However, in order to minimize disruption to operations, employees are encouraged to provide as much advance notice as possible when requesting the use of compensatory time. Requests for use of compensatory time should be made to your supervisor and must generally be taken in increments of at least ¼ hour.

Employees who wish to cash out accrued compensatory time during employment should submit a written request to payroll at least 10 days in advance for payment with the next regular payroll. Any accumulated and unused compensatory time is paid out on termination of employment at either your final regular rate of pay at termination of employment or your average regular rate of pay during your last 3 years of employment with the City, whichever is higher.

## **C. HEALTH INSURANCE**

The City currently provides medical, dental and vision health insurance benefits to regular and trial service full-time and part-time employees (who meet the eligibility requirements in the applicable plan documents) beginning on the first day of the month following thirty (30) days of continuous employment, provided the employee has timely enrolled.

The City provides non-represented employees with health insurance benefits as the City deems to be cost-effective and appropriate in order to attract and retain qualified employees. These benefits, including benefit plans and terms, may be different than those provided to employees covered by a CBA, including the AFSCME CBA. Please see Human Resources and refer to the plan documents for detailed information on current benefits and coverage for non-represented employees.

- 1. CONTRIBUTIONS TO PREMIUMS:** The City currently shares the cost of health insurance premiums with non-represented employees. Employees who wish to participate in the City's plan(s), or to provide coverage for eligible family members (as defined by the terms of the applicable plan documents) may authorize deductions from their paychecks for their portion of the cost of the benefit. For additional information on current cost sharing rates, please see Human Resources.
- 2. VOLUNTARY EMPLOYEE BENEFIT ACCOUNT (VEBA):** Non-represented City employees who are enrolled in certain City health insurance plan(s) are also enrolled in the City's VEBA plan. The City makes contributions to employee VEBA accounts based on the employee's tier of coverage for insurance benefits. For more information, please contact Human Resources.
- 3. TERMINATION OF COVERAGE:** Coverage through City paid contributions ends on the last day of the month in which an employee resigns, is terminated, laid off or otherwise stops working as an eligible employee pursuant to applicable plan terms. The City does, however, continue to pay its portion of the premium for employees who are on Family Leaves, jury duty leave, etc. as required by law. Employees who lose their coverage may elect to self-pay the premium for continued coverage in accordance with applicable law.
- 4. CHANGES IN COVERAGE AND BENEFITS:** The City reserves the right to change plans, providers, or to otherwise modify or discontinue any insurance plan(s) for non-represented employees as it deems necessary. The City provides employees advance notice of such changes before they become effective.

## VI. WORK SCHEDULES AND HOURS

The City's business hours are generally 8:00 a.m. to 5:00 p.m., Monday through Friday. However, the hours during which the City offices and departments are open for business are determined by the City Manager. Also, individual employee schedules vary by department and position as the City determines necessary to provide maximum efficiency and public service. The hours you are required to work are established by your supervisor or Department Director.

*Except as otherwise provided in an applicable collective bargaining agreement, the City also reserves the right to change the schedules and/or hours of all or any employee(s), to provide for efficient public services. Although the City strives to provide employees with stable work schedules, its ability to do so depends on management's assessment of work needs and budgetary considerations. Nothing in this Handbook creates any guarantee of any specific work schedule or of employment on certain days of the week or for a specified number of hours per day or week. Employee schedules and hours may be changed, reduced, or they may be laid off as the City determines appropriate for efficient provision of City services, budgetary, workload or other reasons.*

### A. ATTENDANCE AND TARDINESS

All employees are expected to be on time and prepared to begin work at the scheduled starting time. Likewise, all employees are expected to work until their scheduled quitting time and to limit their lunch and break periods to the designated times. If you need to leave work during your scheduled working time, you are expected to clear it with your supervisor in advance. Punctual, reliable and predictable attendance of City employees is necessary for efficient operations. Therefore, while some allowances may be made for occurrences beyond the employee's control, unauthorized, habitual, patterned, or excessive countable absenteeism or tardiness, as determined by the City, is subject to disciplinary action up to and including discharge. *Countable absences and tardies include all absences and tardies that are not scheduled and approved in advance or otherwise protected by applicable law.*

1. **REPORTING PLANNED ABSENCES:** If you know in advance that you need to be late or absent on a particular day, you must obtain approval as far in advance as possible so that substitute arrangements can be made to cover your work.
2. **REPORTING UNPLANNED ABSENCES:** Unplanned absences and tardiness also must be reported to your supervisor before your scheduled starting time in accordance with department reporting procedures. If your supervisor is unavailable, you must leave a message or contact Human Resources. Reporting to a coworker is insufficient.
3. **KEEP US INFORMED:** When you are off work due to an illness, injury or any other reason, you must keep your supervisor informed of your ability to return to work on a daily basis, unless you receive approval to be absent until a specific date. The reporting policy for employees on extended leaves of absence, including employees off work on family leaves and workers' compensation leaves, is addressed under the Leaves of Absence section of this Handbook.
4. **NO-CALL/NO-SHOW:** Employees who fail to report to work or call in within 2 hours after their scheduled starting time are considered to be a no-call/no-show. Employees who no-call/no-

show for three (3) consecutive workdays are considered to have voluntarily resigned their employment, unless the City determines special circumstances beyond your control excuse the lack of notice.

5. **VERIFICATION OF ABSENCES**: The City may require employees to provide verification of the nature and need for absences from work to properly designate employee leaves and administer benefits as well as when management has a suspicion that an employee has falsified the reasons for an absence or otherwise abused its leave policies and benefits.

## **B. MEAL AND REST BREAKS**

1. **MEAL BREAKS**: Non-exempt City employees who work six (6) continuous hours or more are scheduled for an *unpaid* meal break of at least thirty (30) minutes (or otherwise as outlined in an applicable collective bargaining agreement). Meal breaks are generally provided near the middle of the scheduled workday, consistent with applicable law. However, meal breaks are also scheduled to meet the particular needs of your department.
2. **REST BREAKS**: The City also provides non-exempt employees with a paid 15-minute rest break for every four (4) hours worked (or otherwise as outlined in an applicable collective bargaining agreement). Rest breaks are scheduled to avoid disruption of work or interference with the needs of your department. However, rest breaks are usually provided between the 2nd and 3rd hours worked (or as nearly as practicable to the middle of each four (4) hours of work). *Rest periods cannot be combined with lunch breaks or used to shorten your workday or add to your vacation and are to be limited to the time allotted in this policy.*
3. **BREASTFEEDING MOTHER BREAKS**: The City provides employees (exempt and non-exempt) who are breastfeeding a child aged eighteen (18) months or younger with reasonable rest breaks as needed to express breast milk in accordance with applicable law. Generally, employees who need to express breast milk are expected to do so during their regularly scheduled meal and rest breaks. However, if it is not feasible to utilize your regularly scheduled meal and rest breaks, additional time (unpaid) may be available. The City also provides employees with a private location (other than a bathroom) to express milk. If you need breastfeeding breaks or locations, please contact Human Resources.

## **C. TIME SHEETS**

In order to properly administer employee pay and benefits, the City requires all employees to accurately record all hours worked. You must also review and sign your time sheet to verify that it is accurate and your manager or supervisor must approve all time records. Misrepresenting hours worked/falsification of time records, including assisting any other employee to do so, is considered a serious violation of City policy, and is subject to discipline up to and including discharge.

## VII. GENERAL WORKPLACE POLICIES AND EXPECTATIONS

The City of Troutdale expects all employees to use common sense, sound judgment, and to conscientiously perform their work duties while abiding by the City's policies and management directives in the performance of their jobs. All employees are expected to become familiar with and keep informed of changes in our safety rules, operational policies, etc. In the event you have questions about your position, your employment status, your job requirements, or any other matter, please discuss your questions with your Supervisor, Department Head, or contact Human Resources.

### A. COMPLIANCE WITH LAWS AND ETHICS

The public trust and proper operation of the City require that all employees and representatives of the City demonstrate the highest degree of ethical conduct. Employees should conduct themselves so as not to impair their working relationship with other employees, volunteers, officials or the public.

1. **PUBLIC EMPLOYEE ETHICS & GIFTS:** All City employees must comply with the public employee ethics rules. This includes but is not limited to refraining from using or attempting to use their position for improper financial gain or to avoid any financial detriment (for example: use of City time, equipment, services or influence). Employees are also strictly prohibited from using any confidential information they obtained because of their employment with the City to advance the financial or other private interest of themselves or others.

Also, employees should be aware that the public employee ethics rules restrict employees from accepting gifts in many situations. For example, City employees must not accept favors or solicit or receive gifts (in aggregate of more than \$50 per year) from any source that could reasonably be known to have an interest in City matters over which the employee has or may have decision-making authority. For more information on your ethical obligations as a public employee, contact Human Resources or the Oregon Government Ethics Commission.

2. **POLITICAL ACTIVITY AT WORK:** The City does not restrict the right of its employees to express their personal political views. However, City employees are strictly prohibited from using their official authority or position with the City to further the cause of any political party or candidate. Further, in accordance with Oregon law, City employees are strictly prohibited from coercing, requiring or attempting to coerce or require any other public employee to influence or give money, service or any other thing of value to promote or oppose any political committee 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. City employees are likewise prohibited from soliciting 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 or 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.
3. **USE OF CITY PROPERTY AND EQUIPMENT:** All City owned property and equipment (including City vehicles, office equipment and supplies) are for City business purposes only.

Accordingly, employees are prohibited from using City property or equipment for personal or other private use. As a limited exception, off-duty City employees may be approved to use City tools and equipment on a case-by-case provided, 1) such use occurs on City property during business hours, 2) does not delay or interfere with any City functions, 3) does not cause any damage or unusual wear and tear on the tools/equipment, 4) does not incur any cost to the City, and 4) does not violate any public employee ethical obligations or otherwise violate or interfere with any other employee obligations.

4. **OTHER UNLAWFUL/UNETHICAL CONDUCT**: All City employees are expected to be honest in their dealings with and on behalf of the City and to demonstrate high standards of integrity and impartiality in the conduct of all City business. In the event an employee reasonably believes that anyone at the City is engaging in unethical or unlawful business activities, including but not limited to: violations of federal, state or local laws; gross waste of funds; mismanagement or other abuse of authority; that there is a substantial and specific danger to the public health and safety created by the City's actions; or other conduct prohibited by law, you are encouraged to report those concerns to the City Personnel Officer, or the City Manager. Employees who are aware that a person receiving services, benefits or assistance from the state (including any agency or subdivision) is subject to a felony or misdemeanor warrant for arrest anywhere in the United States are required to report such information in compliance with applicable law. The City respects the right of employees to raise such matters. It is the City's policy to investigate and address any concerns reported. Retaliation against anyone who makes a good faith report of information they believe is evidence of a violation of state or federal law, rules or regulations, unethical conduct, or who cooperates with City, state or federal investigations under this policy is strictly prohibited.

City employees also have the right to discuss the activities of the City, the state, or any agency or political subdivision of the state (including the activities of any person authorized to act on behalf of these entities) with any member of the Legislative Assembly (or their legislative committee staff as directed by the Assembly), and other elected officials. Employees are not obligated to give the City advance notice of any reports made under this policy. Employees should, however, be aware that nothing in this policy prohibits the City from requiring disclosures when authorized by law. Further, except as otherwise required by law, employees are not permitted to leave their assigned workstation or duties to make such reports, except as provided in ORS 659A.206.

Employees making reports of unlawful or unethical conduct as outlined in this policy must continue to comply with applicable public records confidentiality laws in making such disclosures. In the event that exempt/confidential materials are disclosed, a limited defense for unlawful disclosures of confidential/exempt information may be available, provided the disclosure is made to: a state or federal regulatory agency; a law enforcement agency; a City Manager; or a licensed Oregon attorney for the purpose of obtaining legal services for the employee. An attorney employed by the City may report violations of law to the Attorney General, subject to rules of professional conduct.

The City strictly prohibits all managers, supervisors, and other employees, etc. from engaging in any form of retaliation against employees who make good faith reports of unethical or unlawful conduct, cooperates with City, state or federal investigations under this policy or otherwise exercise their rights under this policy. Any employee who believes they are being subjected to any form of retaliation, or who believes that another employee is

being subjected to retaliation, should promptly contact the City's Personnel Officer, the City Manager, or his/her designee.

The City promptly investigates reports under this policy and the identity of the employee who discloses information listed above is strictly confidential during any investigation of the information provided by the employee and is not disclosed without the reporting employee's written consent. The City maintains the confidentiality of other information and participants in its investigations to the extent that it determines confidentiality can be maintained while allowing it to comply with its investigation obligations. Any employee who violates the provisions and procedures outlined in this policy is subject to disciplinary action, up to and including termination of employment.

- 5. VIOLATIONS:** Violation of the City's ethics policies, including but not limited to the public employee ethics rules is grounds for discipline up to and including discharge from employment. Because compliance with the ethical rules is also required by Oregon law, employees may also be subjected to individual civil fines and penalties if they are found to have violated these rules. For more information on the public employee code of ethics or if you have any questions about your obligations as a City employee, please contact Human Resources or the Oregon Government Ethics Commission.

## **B. COOPERATION AND TEAMWORK**

In addition to performing job functions in a manner that meets our standards, all employees are required to be professional in their relations with other City employees, officials, members of the public and others they come into contact within the performance of their responsibilities with the City. Teamwork and cooperation are independent job requirements for all positions.

- 1. ANTI-BULLYING POLICY:** Workplace bullying conduct generally includes repeated verbal and/or non-verbal conduct, (including through the Internet, email, social media, etc.) that is malicious, vindictive, cruel, or deliberately hurtful, etc. to others in the workplace. Bullying behaviors include those that have the effect or purpose of threatening, embarrassing, humiliating, intimidating, insulting, offending or sabotaging / undermining another employee; and/or interfering with an employee's performance. Some examples of bullying behaviors include, but are not limited to:
  - **Verbal Bullying:** Use of derogatory remarks, insults and epitaphs, slandering, ridiculing, abusive or offensive remarks, name calling, spreading negative gossip and rumors, etc.
  - **Physical Bullying:** Pushing, shoving, kicking, poking, tripping; physical pranks or damage to a person's work area or property.
  - **Gesture Bullying:** Non-verbal gestures which are mocking or convey threatening or intimidating messages, etc.
  - **Exclusion:** Purposefully excluding a person from meetings that they have a business need to attend, ignoring or disregarding a person's ideas and input in work related activities, such as meetings, social exclusion/isolation of the individual in the workplace, work related activities or functions, etc.
  - **Sabotage:** Providing incomplete information or withholding information necessary for the person to do their job, assignment of impossible targets or deadlines, unwarranted removal of responsibilities or otherwise engaging in behaviors that undermine an employee's work performance or opportunity to advance.

Please note that bullying does not include legitimate workplace disciplinary or other restrictions or corrective action, delivered in a professional manner, by your supervisor or City Management.

Bullying behaviors negatively impact the health and well-being of individuals and the workplace as a whole and are prohibited. Bullying behaviors based on or directed at a person's protected status or activity as outlined in the Non-Discrimination Policy, above, are considered to violate both this policy and the other applicable Equal Employment Opportunity policies (such as Non-Discrimination, Anti-Harassment, etc.).

All employees and others in our workplace are expected to conduct themselves professionally in the workplace and in their interactions with others at work and refrain from engaging in bullying behaviors. This includes being aware of and making any necessary adjustments to your tone, volume, body language, and other manner of communication in the workplace. If you believe you need assistance in communicating or resolving disputes and differences with coworkers or others in our workplace you are encouraged to contact Human Resources or the City Personnel Officer. Employees who believe that they are being subject to bullying behaviors or witness others being subject to bullying behaviors should contact their supervisor, Department Director, Human Resources or the City Personnel Officer.

### **C. CUSTOMER SERVICE AND PUBLIC RELATIONS**

All employees should remember that they are part of a team of public employees, and public satisfaction with the City depends upon good service. Citizens, customers, suppliers, and outside agency representatives who contact the City are always to be treated in a polite, professional, and respectful manner, including but not limited to being prompt and responsive to citizen/customer questions, concerns, complaints, etc. If a citizen/customer or workplace visitor becomes abusive or argumentative, you are expected to remain calm and professional, and to refer the person to your Department Head or the City Manager.

In addition, all employees are expected to assist in maintaining a professional public image on behalf of the City. For employees whose workspaces are visible to the public, this means that your workspace must be kept neat and tidy at all times. Personal pictures, postings and mementos, plants, etc. that are visible to the public must be discrete and professional in appearance. Personal postings are not permitted on the outside/public facing walls of any cubicle or workspace. Also, personal pictures, postings, mementos, plants, etc. must not damage any City property.

### **D. CONFIDENTIALITY**

Although the City is a public entity, some information obtained in the course of your employment is confidential and may not be subject to public disclosure. Certain information about members of the public (individual citizens, businesses, etc.) obtained through the performance of your job duties as well as employee medical information obtained as a result of your job duties are typical examples of information that is considered confidential. Note: information about employee wages is not confidential. All employees are prohibited from discussing confidential information with persons outside the City and persons in the City who do not have a legitimate business need to know unless you have been expressly authorized to release the information. If you have a

question about whether information should be disclosed, contact the City Recorder before making the disclosure.

## **E. COST CONSCIOUSNESS**

As a public entity, the City's funds are a limited public resource. As a result, all City employees are expected to be conscious of costs and avoid unnecessary waste of resources in the performance of their jobs. If you have any suggestions for ways to improve City cost efficiency and service to the public, you are encouraged to contact your supervisor or Department Head.

## **F. DATING AND WORKPLACE RELATIONSHIPS**

The City considers employee personal relationships to be their personal business. However, when personal relationships develop between employees, they have the potential to impact working relationships and City operations. Therefore, the City has developed this policy to avoid conflicts of interest, favoritism, special treatment, harassment and retaliation, and to help ensure continued excellent services to our community.

Romantic/sexual relationships between management employees and subordinate employees are strictly prohibited. This includes but is not limited to employees who are married and/or living together. Subordinate employee means an employee in the same chain of supervisory authority even if there is not a direct reporting relationship. If such a situation develops, both individuals are required to notify the City Personnel Officer or City Manager at the earliest opportunity (including at the application process if one of the involved parties is applying for City employment). In such cases, the City makes personnel decisions as it determines appropriate to the management and protection of the City, which may include declining to hire, or the transfer, reassignment, request for resignation, or termination of one or both individuals.

Other consensual romantic/sexual relationships between individuals who work for the City, as well as romantic personal relationships between an employee and an individual employed by a customer, vendor, supplier, etc. are not prohibited. However, all employees are expected to act professionally in the workplace and during the course of their employment. Sexual/romantic conversations, text or instant messaging; inappropriate touching (kissing, hugging, massaging, sitting on laps, etc.); etc. is strictly prohibited in the workplace, even when it is consensual.

All employees are expected to comply with the City's policies against harassment and retaliation and to maintain appropriate professional working relationships. In the event a consensual romantic relationship between two employees is discontinued, both parties must respect that decision. Employees who continue to pursue romantic relationships in the workplace, or retaliate in violation of City policies after they have been advised that the other employee wishes to end the relationship should be reported pursuant to the City's policy against harassment.

Lastly, even where there is no romantic involvement, employees are expected to behave in a manner that does not raise claims of favoritism or create a negative or unprofessional work environment. If you have any questions about your obligations under this policy, contact Human Resources.

## **G. DRESS CODE/UNIFORMS**

Public relations are an integral part of each employee's job. All employees are expected to present themselves in a way that helps generate trust, confidence and respect from the public they serve. As a result, all employees are required to be neatly groomed and wear clothing that is clean, in good repair, fits properly (including properly covering chest, stomach, back and other intimate areas), and is professional and appropriate for their position and job duties, whether in the office, a City vehicle, or other worksite.

Some positions with the City may be required to wear a uniform or other job specific attire. Your supervisor will inform you of any specific uniform or dress code requirements for your position. For positions that are required to wear a uniform, the City provides employees with uniforms at City expense. City uniforms and attire (with City logo, etc.) may not be worn off-duty except in the normal course of travel to and from work. All City uniforms and attire must be returned on separation from employment.

In the event a concern arises regarding employee compliance with this policy, the City will make the final determination regarding what is appropriate dress for our workplace in its discretion. In addition to discipline, employees arriving for work with an appearance that significantly disregards City standards or creates a safety hazard may be asked to return home for immediate correction. If you have any questions regarding the specific standards for your job, please contact your Supervisor.

## **H. DRIVING AND USE OF CITY VEHICLES**

Some positions with the City require employees to operate vehicles as part of their jobs. The following rules are applicable to all employees who drive on City business:

- 1. DRIVER'S LICENSE AND INSURABILITY:** Employees whose job requires the use of a City vehicle or their own vehicle on City business must maintain insurability with the City's insurer [including a driving record acceptable to the City and our insurer(s)] at all times, and a current valid driver's license. If your position requires you to drive and you have any driving restrictions or your license status changes in any way, you must inform Human Resources immediately. Only employees who are properly licensed, insured and have been authorized by the supervisor are permitted to drive City vehicles. In order to ensure compliance with this policy, and the safety of other employees, passengers and the public, the City receives automatic reporting from the DMV and may check the driving records of employees who drive for the City at any time as permitted by applicable law.
- 2. COMPLIANCE WITH THE LAW, TRAFFIC VIOLATIONS, AND GOOD JUDGMENT:** All employees who drive on behalf of the City are expected to use good judgment and caution in the operation of the vehicle at all times. All employees who drive on behalf of the City are also required to be aware of and comply with all applicable traffic laws and regulations at all times. This includes using safety belts for drivers and passengers at all times. The City does not pay for employee traffic violations. If you receive a traffic or parking citation, etc. while using any automobile on City business, you are responsible for all fines, court costs, etc.
- 3. CELL PHONES WHILE DRIVING:** For employees who drive any vehicle on behalf of the City, your first responsibility is to drive safely at all times. All employees are expected to be aware of weather, traffic, pedestrians, and other driving conditions and to use caution and

good judgment at all times. Employees are prohibited from using hand-held cell phones for any purpose while driving on City of Troutdale authorized or City of Troutdale related business. Employees who must take a call while driving are required to use a hands-free device at all times, including voice dialing. If you do not have an appropriate hands-free device available, or if weather or other driving conditions warrant extra caution even with a hands-free device, you must safely pull off the road and have the vehicle in park before engaging in any call. This policy also prohibits employees from using a cell phone or other device to read, send or receive text or “instant” messages while driving or engaging in any other reading, browsing of social media, internet, etc. while driving on City of Troutdale business. Taking notes (including writing down phone numbers or other information) is also strictly prohibited while driving. All employees who drive must also be aware of and adhere to all state and local laws regarding cell phone use while driving. Violation of this policy will subject the employee to discipline, up to and including termination.

4. **REPORTING ACCIDENTS AND TRAFFIC CITATIONS:** All accidents, traffic citations and damage, however small, must be reported immediately to the supervisor. This applies to all types of accidents and damage, including damage to the property of others as well as City property and equipment. Employees are required to cooperate fully with City accident and damage investigations.
5. **USE OF CITY VEHICLES:** Employees are prohibited from transporting any unauthorized passengers in City vehicles or while on City business, unless specifically authorized by the supervisor. This includes friends, family members, etc. Personal use of City vehicles is prohibited.

## **I. FAMILY MEMBERS AT WORK / EMPLOYMENT OF RELATIVES**

The City’s policy is to utilize fair and equitable hiring practices to hire the best-qualified candidate for each job. Although the City permits hiring of immediate relatives, it also recognizes that the employment of relatives in the same area of an organization has the potential to cause serious conflicts and problems with favoritism and employee morale. As a result, immediate relatives are not allowed to hold positions of supervisory, appointment or grievance adjustment authority over the other. Immediate relatives are also not hired when the employment would cause the City to violate public employee ethics rules or any other applicable law, including violating public funding rules, etc.

It is the City’s policy to decline applications where employment would conflict with this policy. Likewise, it is the City’s current policy to remove employees from their position if a relationship is established that would violate this policy or if they are mistakenly hired or appointed to a position that violates this policy. Immediate relatives include spouse, registered domestic partners, children, children-in-law, siblings, siblings-in-law, parents, parents-in-law, niece/nephew, aunt/uncle, step parents/children and grandparent/grandchildren.

With regard to other relatives or any other similar situation that we determine to be damaging to morale or operations, the City retains discretion in placement of those individuals.

## **J. INCLEMENT WEATHER**

When ice, snow, freezing rain or other inclement weather occurs, the City manager or his/her designee may determine, in his/her discretion, to close some or all City services to the public.

1. **PROCEDURES FOR NOTIFICATION:** The City has set up an “Employee Weather Line” at 503-674-7202 to communicate with non-essential employees about closure of City services in case of inclement weather. The employee weather line is updated by 6:30 a.m. on inclement weather days. Unless the City Manager or his/her designee notifies employees that the City is closed to the public and non-essential employees on the weather line, all employees are expected to report to work as outlined below.
2. **NON-ESSENTIAL EMPLOYEES:** On an inclement weather day when the City is open Non-essential employees (*those whose positions are not essential to perform road, maintenance, or other necessary services as determined and designated in writing by the City*) should use their good judgment to determine whether they can safely get to and from work. Non-essential employees who determine that they cannot safely travel to/from work on an inclement weather day when the City is open may utilize compensatory time, paid personal days or vacation pay to cover missed hours. In the event an employee does not specify which paid time off bank he/she prefers to use, compensatory time will be used first, followed by paid personal days, then vacation pay. Non-essential employees are required to notify their supervisor of anticipated delays or inability to report to work as soon as possible, but no later than thirty (30) minutes before their scheduled start time.
3. **ESSENTIAL EMPLOYEES:** The City posts a list of positions that it has designated as “essential” by October 1 of each year. However, the City reserves the right to revise the list as it determines necessary. Therefore, employees are encouraged to check the list regularly. Employees in a designated essential position on an inclement weather day are expected to report to their work location or reporting location as regularly scheduled or within sixty (60) minutes as directed by their supervisor.

Essential employees who fail to report as set forth above are not eligible for inclement weather pay for that day and are required to use any accrued and unused paid time off benefits (compensatory time, paid personal days or vacation pay) for the time missed. Again, in the event an employee does not specify which paid time off bank he/she prefers to use, compensatory time will be used first, followed by paid personal days, then vacation pay. Failure to timely report when required as an essential employee may also result in disciplinary action.

4. **COMPENSATION IN THE EVENT OF CLOSURE:** In the event the City Manager determines that the City will be closed to the public and non-essential employees during all or part of an inclement weather day and announces the closure on the “Employee Weather Line”, or directs employees who have reported to work to leave before the end of their regularly scheduled shift, the City compensates employees as follows:
  - **Non-Essential Employees:** The City compensates non-essential employees at their regular straight-time rate of pay for the regularly scheduled hours missed from work due to the City’s closure, with no deduction from compensatory time, vacation pay or paid personal days.
    - For non-essential employees scheduled to work 8 hours, their total pay for an inclement weather day (inclement weather pay hours combined with actual hours worked) is not permitted to exceed 8 hours at straight time pay.

Inclement weather pay hours that are not worked are not counted for overtime pay purposes.

- The total pay for non-essential employees who work an alternative work schedule and are scheduled to work *more than* 8 hours on an inclement weather day receive inclement weather pay hours up to the number of hours City Hall was closed on that day (up to 8 hours). However, inclement weather pay hours, when combined with their actual hours worked are not permitted to exceed the number of straight time hours the employee was regularly scheduled to work that day. If there is a shortfall of hours (i.e. inclement weather hours and actual hours worked combined are less than the regular scheduled hours for that day), the employee must use compensatory time, vacation pay or paid personal days to make up the difference.
- The total pay for non-essential employees who work a part-time schedule or an alternative work schedule and are scheduled to work less than 8 hours on an inclement weather day are not permitted to exceed the number of hours the employee was regularly scheduled to work that day.
- **Essential Employees:** The City compensates non-exempt essential employees at their regular rate of pay (straight time or overtime as applicable) for their actual hours worked on an inclement weather day. In addition, essential employees who report to work as directed receive inclement weather pay hours (at straight time rates) for the number of hours City Hall was closed by the City Manager that day, up to a maximum of 8 hours of inclement weather pay. Salaried exempt essential employees who report to work as directed receive a continuation of salary for such work as well as 1 hour of Like-Time for the number of hours City Hall was closed by the City Manager that day, up to a maximum of 8 hours of inclement weather pay. An essential employee's hours worked do not need to overlap with the operational hours of City Hall to be eligible for up to eight (8) hours of inclement weather pay. Employees whose positions are considered essential but do not report to work due to inclement weather are not provided with inclement weather pay and are required to use accrued paid leave benefits as noted above.

## **K. OUTSIDE EMPLOYMENT**

***For employees covered by a CBA, Outside Employment rules applicable to your employment are established and governed by the terms of that CBA, and not this policy***

In order to avoid conflicts of interest and disruption to City services and operations, the City requires regular employees to obtain written approval from the City Personnel Officer before accepting outside employment. Employees are not permitted to engage in off-duty work activities that create conflicts of interest with their City employment or public employee ethical responsibilities. Employees who are approved for outside employment continue to be expected to meet all City performance, attendance, overtime and other requirements of their City employment. All employees are judged by the same performance standards and are subject to the City's scheduling demands, regardless of any outside work requirements.

If the City determines that an employee's outside work activities interfere with performance or the ability to meet the other job requirements of the City, the City may require the employee to resign from their outside employment as a condition of their continued employment with the City.

## **L. PERSONAL PROPERTY**

The City does not provide protection or payment for lost, damaged or stolen personal items (including vehicles and their contents) brought onto City premises (including parking lots) or other work locations. You are strongly encouraged not to bring valuables to work. Employees are, however, expected to show concern and respect for the rights and property of others. Employees who find lost items are required to immediately report the items to the supervisor.

## **M. PERSONNEL RECORDS**

***For employees covered by a CBA, the City complies with its legal obligations regarding access to and confidentiality of personnel records. For additional information on personnel record retention, use in discipline, etc. applicable to your employment, please see the CBA, and not this policy.***

1. **UPDATING RECORDS:** In order to comply with government regulations and to ensure that employees receive all available benefits, it is important that personnel records be kept up to date. Employees should notify Human Resources of any change in their address or phone number, person to be notified in case of accident, legal name, marital status or dependents for benefits purposes, number of insurance beneficiaries, changes in visa or work authorization status, etc., when such changes occur.

Likewise, if your job requires licensure and/or certifications, you must document compliance with these minimum qualification requirements by keeping your personnel records up-to-date. Provide a copy to your supervisor and Human Resources each time they are renewed. If there will be any delay in obtaining a required license or certification (or renewal), you must also notify your supervisor and Human Resources of the reason in advance.

2. **ACCESS AND PRIVACY:** The City considers employee personnel files to be private and access to personnel files is restricted. Employees who wish to review their own personnel file may contact Human Resources to arrange for an appointment. No files may be removed from the office, but may be reviewed with a human resources representative. Requests for copies of your own personnel file must be submitted in writing to Human Resources. The City's policy is to provide copies within 45 days from the time the request is submitted. Employees may be charged for copies in accordance with applicable law. If you have any questions, please contact Human Resources.

In addition, the City does not permit any employee's social security number or other protected personal information to be posted, displayed, transmitted over the Internet without encryption, or otherwise made available to coworkers, etc. Information containing employee social security numbers and other personal information must be kept in locked files with limited access at all times. The City has also implemented safeguards to ensure continued security of any information that is disposed. If you have any questions, please contact Human Resources.

## **N. PUBLIC RECORDS REQUESTS**

As a public entity, the City of Troutdale is obligated to comply with public records inspection requests. Although the City is committed to public transparency and compliance, not all records are subject to public review. In order to ensure that the City consistently maintains the confidentiality of exempt records and complies with applicable requirements for public records disclosures, all employees who receive a request for public records must forward such requests to the City Recorder. No employee, other than the City Recorder, is authorized to respond to public records requests on behalf of the City.

## **O. RESIDENCY RULES**

Residency in the City of Troutdale is not a condition of initial appointment or continued employment. However, employees whose positions require designated on-call or other response times (generally 30 minutes) must establish any necessary living arrangements to meet such on-call or response time prior to completion of their trial service period. Employees who do not do so are subject to termination prior to the end of the trial service period.

## **P. SMOKING/TOBACCO USE**

The City of Troutdale provides a tobacco-free environment for all employees and visitors. For purposes of this policy, “tobacco” includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and vapor or e-cigarettes), and the use of oral tobacco products or “chew/spit” tobacco. All City buildings and vehicles are tobacco-free. If you wish to smoke or use tobacco products, you must do so outside of the City’s facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances, exits, windows and air intakes; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. Also, all smoking/tobacco use areas must be kept clean and all trash (including cigarette butts and smokeless tobacco waste) must be properly disposed of in appropriate trash receptacles.

## **Q. TRAINING**

The City of Troutdale provides employees with ongoing training throughout employment. Generally, new employees are provided with orientation training. In addition to mandatory trainings, which may be assigned by the City at its discretion, all employees are encouraged to participate in identifying his or her training needs. If you believe you need additional training, please contact your Supervisor or Human Resources. Educational reimbursement benefits may be available for employees who participate in voluntary training as outlined in the AFSCME collective bargaining agreement.

## **R. WORK PERFORMANCE**

Employees are responsible to perform their duties with care and attention to citizen/public needs and the City’s quality and performance standards and requirements. Carelessness or negligence that leads to mistakes, physical injury or property damage, and other failures to meet the City’s quality or performance standards or requirements is cause for disciplinary action.

## VIII. ELECTRONIC EQUIPMENT AND COMMUNICATIONS

### A. OWNERSHIP & ACCESS

All electronic and telephonic communication systems and equipment, and all communications and information transmitted by, received from, or stored in these systems, including electronic mail (e-mail) and voice-mail, are the property of the City of Troutdale. These systems are provided to employees at City expense to assist them in carrying out business activities. Consequently, all information transmitted through or stored in the system, including e-mail messages, is considered business information.

The City's systems routinely gather logs for most electronic activities. To ensure that the use of our electronic communication systems is consistent with the City's policies and business interests, we reserve the right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, including e-mail messages, at any time as we deem appropriate. Consequently, employees using the City's electronic communication systems and equipment should have no expectation of privacy in connection with the use of this equipment or with transmission, use, or storage of information in the equipment, including stored e-mail or voice-mail messages.

Employees should also be aware that all information on electronic office equipment, network storage devices, or personal computers is a public record if the content of the information would be a public record in any other format. As such, it is subject to disclosure under the public records law.

### B. USE OF EQUIPMENT AND SYSTEMS

A computer, workstation, or other computer-related equipment may be assigned to an employee for the City's business purposes. An employee's use of our electronic communication systems should be restricted to business activities and should never interfere with employees' duties. It is important to remember that transmitting, retrieving, downloading, or storing messages or images that are offensive, derogatory, off-color, or sexual in content, or otherwise in violation of the City's Equal Employment Opportunity policies (Non-Discrimination, Anti-Harassment, Anti-Retaliation, etc.) is inappropriate and is not tolerated in a business environment. Likewise, conveying or knowingly receiving messages that are threatening, disruptive, disparaging, or otherwise unlawful or illicit is strictly prohibited.

Employee use of our internet for personal use must be limited to necessary, occasional communication conducted only during meal and break periods. Also, regardless of whether the material is intended to be personal or is viewed, downloaded, and/or forwarded, our internet account is not to be used to access sexually explicit, indecent, or illegal materials or any other sites we consider contrary to the expectations set forth in our policies prohibiting discrimination and harassment, etc. Individuals who use the City's internet for personal use are reminded that this policy does not change the City's right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, to ensure compliance with our policies as we deem appropriate. Therefore, you should not conduct any personal business using our systems, which you would not want others to see or disclose. Please conduct yourself accordingly.

## **C. SOFTWARE AND UPGRADES**

Employees are not permitted to perform any unauthorized upgrades, modification, or repairs to any computer, workstation, or other electronic equipment assigned to them, unless authorized to do so by the City. All upgrades or additional equipment or support for problems that may result in troubleshooting or repairs must be requested through the IT Department. Similarly, employees should not perform any action in the use of any computer workstation or other electronic equipment that is in violation of copyright laws. To avoid violations, employees are prohibited from removing or making copies of City computer software under any circumstances. As noted above, the City may audit, change, or remove any software on any computer or workstation at any time as it deems appropriate.

Likewise, employees are prohibited from loading or using, without prior approval from the City, any software that is not licensed to the City. Such software includes copies licensed personally to the employee, “shareware,” “freeware,” product demonstration copies (demos), or software obtained from electronic bulletin boards. Employees are not permitted to install any illegal copies of software on City computers or other electronic equipment.

## **D. SECURITY**

If you are assigned a computer or other electronic communication device, you may be issued a log-on and/or password, which you must keep confidential. Employees are prohibited from creating unauthorized usernames and passwords and from using any other person’s username or log-on. Passwords help protect the City’s communication and computer systems against misuse by restricting access to only authorized users. Each user is responsible for the security granted them and all activity logged under their access identification. If you believe that your log-in information has been compromised, you must immediately notify the IT Department as to the nature of the compromise.

Use or access of another person’s log-on, e-mail account, or other account or computer without their knowledge, including but not limited to intercepting communications intended for another person, is also prohibited. Likewise, bypassing or disabling any firewall or security systems (including accessing blocked sites) is strictly prohibited.

To eliminate unwanted “spam” e-mail, employees are not permitted to use their City e-mail address or City computers to register for personal use on commercial websites. Because of the risk of viruses and other harmful programs transmitted through e-mail, employees should avoid opening up e-mail attachments if they do not know the sender, as these can disrupt or slow the network and cause harm to our electronic resources. If unsure, discuss with your immediate supervisor or contact the IT Department.

## **E. SOCIAL NETWORKING AND PERSONAL ONLINE ACTIVITY**

The City generally believes that your off-duty activities are your own business. However, certain types of off-duty activities, in particular certain online and social networking conduct by our employees, have the potential to affect our business and working environment. As a result, we have developed this policy to provide employees with information about what is expected of them when they engage in personal social networking and other online activity.

In general, employees should remember that they may be subject to personal liability in addition to employment discipline for their online conduct. Therefore, always use good judgment in posting content in any online forum. Additionally, all employees are expected to comply with the following:

1. **COMPLY WITH CITY POLICIES**: Access to and use of personal online social networking, blogs and other online social media while at work must be done only on your break or lunch time and must comply with all other provisions of the City's Electronic Equipment and Communications Policies. Use of City email addresses for personal online social networking, blogging or other personal online activity is prohibited.
2. **BE RESPECTFUL**: Employees who "friend" or otherwise engage in online social networking, blogging, etc., with co-workers or other City business associates, or who post comments or information in online public forums, should remember that their personal online activity, even off duty, can impact our business and the work environment. Any online activity that violates our equal employment opportunity policies (including our policy against harassment and retaliation), workplace violence policies or other conduct policies may result in discipline up to and including discharge, regardless of whether the conduct occurs on or off-duty or in a personal online forum.
3. **BE AWARE OF CONFIDENTIALITY OBLIGATIONS**: Remember that the City takes the confidentiality of its non-public information seriously. Employees are prohibited from posting non-public/confidential information on any website, blog, social networking site, etc.
4. **RESPECT THE RIGHTS OF OTHERS**: Respect all copyright and other intellectual property laws. It is important that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks and other intellectual property, including the City's own logos, brand names, taglines, slogans or other trademarks.
5. **IDENTIFY YOURSELF**: In order to avoid misunderstandings when making personal postings related to the City's services, consider identifying your role at the City and the City's lack of involvement in your posting. Note: the City operates its own website and has an official presence on some social networking sites. Except for authorized members of management assigned to maintain such sites, employees are not allowed to make postings on behalf of/in the name of the City or to create social networking accounts or websites that represent to be on behalf of or in the name of the City.

Note: This policy is not intended to prevent employees from engaging in any activity protected by applicable law.

## **F. VIOLATIONS**

The use of a computer, the internet, or other electronic communication system to engage in any communications that are in violation of this or other City policies (or federal, state, or local law), including but not limited to the transmission of defamatory, obscene, offensive, or harassing messages, is prohibited. We consider misuse of our electronic communication systems and equipment to be a serious matter.

## **IX. WORKPLACE SAFETY**

The City of Troutdale takes the safety of our employees very seriously and believes that safety is the mutual obligation and responsibility of the City and its employees. The City relies on employees to work in a manner that does not produce injury to them, persons working with them, customers or the public. Employees are expected to demonstrate a positive attitude toward safety and to show responsibility for their own well-being. This includes familiarizing yourself with the safety rules below as well as additional safety rules specific to your position or found in the City's Safety Program policies and forming the habit of being safety-minded for yourself and your coworkers. The best safety measure is a thoughtful, safety-minded employee.

### **A. REPORTING WORKPLACE INJURIES AND ACCIDENTS**

Work related injuries and accidents must be reported to your supervisor and Human Resources immediately after they become known to you (generally no later than 24 hours after you become aware that you may have been injured or ill on-the-job). Even though a work-related injury may appear to be minor, it is important that it be reported to verify the incident in case of complications. Please see your supervisor or Human Resources for the necessary forms and instructions.

All employees are also required to report any accident involving other persons or their property, or injuries to the public immediately and complete an accident report. All accidents and injuries to other persons or their property should be reported in sufficient detail to allow the City to respond. Employees are required to cooperate fully with all accident investigations.

### **B. REPORTING UNSAFE WORKING CONDITIONS AND PRACTICES**

It is the responsibility of all employees to report any unsafe working condition promptly. Reports should be made to your supervisor or Department Head. The City encourages employees to work with us to maintain safety by alerting us to potentially unsafe conditions. If you see an unsafe or dangerous working condition that you can easily correct within the scope of your authority (such as a cord lying across a walkway), you should fix the problem immediately. We also encourage employees to bring general concerns and recommendations for improving workplace safety to our attention. General concerns and recommendations can be made to the Safety Committee or your supervisor. Your concerns and recommendations are welcomed and carefully considered.

### **C. ANTI-RETALIATION POLICY**

It is important for all employees to understand that the City expects its employees to report all workplace accidents, injuries and unsafe working conditions and to participate in investigations. The City does not allow supervisors, managers or other employees to retaliate against employees who comply with our safety reporting policies. Employees should bring complaints of retaliation to the City Personnel Officer. These types of complaints are promptly investigated, and violators are subject to appropriate disciplinary action, up to and including termination of employment.

### **D. OPERATION OF EQUIPMENT**

Employees are strictly prohibited from driving or operating any equipment unless they have been authorized by management to do so. Also, employees should not, under any circumstances, operate equipment or vehicles that they reasonably feel are not in safe operating condition. If you

feel that equipment is not in safe operating condition, you must comply with the City's lock-out/tag-out procedures and promptly notify your Supervisor.

## **E. USE OF SAFETY EQUIPMENT**

The City provides employees with a variety of protective safety equipment such as gloves, eye protection, protective clothing, and other necessary safety equipment to do their jobs. Employees are required to use good judgment and follow City rules and safety regulations for wearing proper safety gear. Failure to wear assigned safety gear as required or instructed results in disciplinary action. Any item furnished by the City must be turned in upon termination or reduction in force.

## **F. PRANKS, HORSEPLAY AND HOUSEKEEPING**

Pranks, practical jokes and/or horseplay that violate the City's safety rules and procedures or may otherwise result in injury or damage to property are strictly prohibited and subject to disciplinary action. Also, all employees are responsible for maintaining a safe, clean and well-kept work area. Please keep the lunch facilities, work surfaces, floors, passageways, parking lots, and common areas clear of refuse, debris, spills, or other obstacles which could cause an accident.

## **G. WORKPLACE VIOLENCE**

The City is committed to preventing workplace violence and to maintaining a safe work environment. As a result, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

1. **PROHIBITED CONDUCT**: This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:
  - Provoking, participating in or encouraging fights or other physical altercations.
  - Threatening the safety or well-being of another employee, citizen/public, vendor (or others you come into contact with through your job) whether directly or indirectly.
  - Vandalizing City property, citizen/public property, or the property of other employees.
  - Screaming, or other violent, vulgar, abusive or harassing outbursts of temper, particularly when directed at another employee.
  - Advocating or encouraging acts of violence toward others.
  - Being in possession of guns, weapons, explosives, or any other object that could reasonably be perceived as a weapon on City property, including parking lots or in City vehicles without the City's written authorization.
  - Distributing "hate" literature or engaging in other communications that advocate violence.
  - Engaging in any other conduct the City considers menacing, intimidating, threatening or violent.
  
2. **REPORTING**: Employees should immediately report incidents that involve violations of this policy to their Supervisor, Department Head, or the City Personnel Officer. *If you are in immediate fear for your safety or the safety of another person, call 911.* Likewise, all suspicious individuals or activities should also be reported as soon as possible to a Supervisor, Department Head, or the City Personnel Officer. The City promptly investigates all reports of violations of this policy. Investigations, including the identity of

the person reporting, are kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our investigation obligations.

3. **VIOLATIONS**: Violators are subject to discipline, up to and including discharge. Retaliation against those who report incidents or provide information in connection with an investigation will not be tolerated. Employees who engage in retaliation are subject to discharge.

## **H. SAFETY COMMITTEE**

The City maintains a Safety Committee in accordance with applicable law. The Committee is responsible for making recommendations on improving safety and health in the workplace. In particular, the Committee has been charged with the responsibility to identify problems and obstacles to loss prevention; identify hazards and suggest corrective actions; and help identify employee safety training needs and develop accident investigation procedures. The Safety Committee consists of management and employee representatives who have an interest in the general promotion of safety and health for the City. Employee members may be elected or volunteer from each work group. Management members are appointed. Each member is generally a member of the Committee for two (2) years, beginning in January. If you are interested in participating in our Safety Committee, contact Human Resources for more information. The Safety Committee meets regularly and keeps written records of meetings. Copies of meeting records are available for employee review upon request. Employees who have general suggestions for improving workplace safety should write out their suggestion(s), sign and submit them to any member of the Safety Committee for review at an upcoming meeting.

## **I. OTHER SAFETY RULES**

The public trust and proper operation of the City require that all employees and representatives of the City demonstrate the highest degree of ethical conduct. Employees should conduct themselves so as not to impair their working relationship with other employees, volunteers, officials or the public.

## **X. DRUG AND ALCOHOL POLICY**

***For employees covered by a CBA, Drug and Alcohol policy rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

The City is a drug free workplace and is committed to maintaining high standards of safety, productivity, and reliability for employees and the public we serve. In order to promote these standards and provide a safe working environment, the following Drug and Alcohol Policy has been adopted and applies to all employees of the City. Employees who engage in any conduct prohibited under this policy are subject to discharge.

### **A. PROHIBITED CONDUCT**

The following conduct is strictly prohibited:

1. Buying, selling, consuming, manufacturing, distributing or possessing drugs or alcohol while on City Property. City property includes all property rented, leased, owned, or controlled by the City, including parking lots. City property also extends to City equipment and vehicles on or off City property at any time.
2. Buying, selling, consuming, manufacturing, distributing or possessing drugs or alcohol while on duty, including rest and meal periods. As a narrow exception, employees may purchase on meal and rest periods, alcohol to be consumed during non-working hours provided they transport and store the alcohol in their personal vehicles.
3. Reporting for work or being at work with prohibited levels of alcohol or drugs present in the body as set forth in the "Drug and Alcohol Thresholds" table in Appendix A to this Handbook.
4. Failing to comply with disclosure and notification obligations, as set forth in the Medications Section, below.
5. Failing to promptly report arrests, convictions and/or plea-bargains for an alcohol or drug related criminal offense. All drug and alcohol-related convictions and plea bargaining agreements must be promptly (within five (5) business days) reported to the Department Head and City Personnel Officer.
6. Failing to comply with City directives regarding enforcement of this Policy, including but not limited to refusing to promptly submit to required testing; giving false, diluted or altered samples; obstructing the testing process; failing to comply with rehabilitation conditions imposed by rehabilitation counselors or by the City pursuant to this Policy.
7. Engaging in any other violation of this Policy.

For the purpose of this Policy "drugs" refers to all controlled substances regulated under the federal Controlled Substances Act, including but not limited to marijuana, synthetic or semi-synthetic opioids and designer drugs not approved for use by the US Food and Drug Administration. "Drugs" does not include lawful prescription and non-prescription medications

obtained, used, transferred, possessed and reported consistently with the label, physician instructions, applicable law and Medications sections of this Policy.

## **B. REQUIRED TESTING**

1. **PRE-EMPLOYMENT**: As a condition of employment, including rehire, the City requires a drug test of all applicants for safety sensitive positions (for example, jobs that require an employee to operate field vehicles and heavy equipment, etc.). All applicants who are required to undergo testing must report to the collection site and submit to such testing within the specified time period after they are notified of their obligation to be tested. Applicants testing positive for drugs, or providing a false, altered or diluted sample, etc., or testing positive for any type of masking substance, will be disqualified from employment except as prohibited by law.
2. **REASONABLE SUSPICION**: Employees are required to immediately submit to testing for drugs whenever the City has a reasonable suspicion to believe that the employee has reported to work, returned to duty or is working with drugs in his/her system. Likewise, employees are required to immediately submit to testing for alcohol whenever the City has reasonable suspicion to believe that the employee has reported to work, returned to duty or is working with drugs or alcohol in his/her system.

“Reasonable suspicion” is a belief based on articulated observations and/or information from a reliable source concerning the employee's appearance, unusual behavior, speech, breath odor, body movements, abrupt changes in pattern of conduct, involvement in an accident which results in physical injury or property damage and which, in conjunction with other facts, suggest that the employee may be impaired by drugs or alcohol or other reliable indicators that would lead a reasonable person to suspect that the employee has reported to work or returned to duty with drugs or alcohol in his/her system.

Employees who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to the collection site. A supervisory employee will arrange for/provide transportation and will arrange for the employee to be taken home after testing, unless the employee's test results have been confirmed as negative.

3. **POST ACCIDENT**: A CDL employee who is involved in any work-related accident is required to submit to testing for drugs and alcohol in compliance with DOT regulations.

Employees who are not in CDL positions are subject to testing for drugs, but not alcohol if they are involved in an accident, which results in property damages estimated by the City to be \$2,500 or more or a fatality or an injury which is treated away from the scene while they are involved in safety sensitive activity. “Safety sensitive” activities include driving, operating heavy equipment or machinery and handling hazardous substances or materials. The City may waive testing if it concludes that the employee's actions or inactions were clearly not a factor causing the accident. Employees who are involved in such accidents may also be tested for alcohol if there is reasonable suspicion to believe that they had prohibited levels of alcohol present in his/her body when the accident occurred under reasonable suspicion testing as set forth above.

In the event an employee is injured and is therefore unable to promptly consent to testing, the employee is required to authorize a release of medical records to reveal whether drugs

and/or alcohol were in his/her system at the time of the accident. The employee is further prohibited from consuming alcohol or taking drugs (excluding prescribed drugs consistent with a physician's instructions) between the time of the accident and testing.

4. **LAST CHANCE AGREEMENT**: Employees may be required to submit to testing for drugs and/or alcohol as required pursuant to a Last Chance Rehabilitation and Return to Work Agreement and as recommended by the employee's rehabilitation counselors and approved by the City Personnel Officer in accordance with applicable law.
5. **DOT AND OTHER REQUIRED TESTING**: Employees are subject to drug and alcohol testing when otherwise required by law based on the nature of their job duties with the City, such as DOT drug and alcohol testing. Failure of a legally required test, such as a DOT test, is also a violation of this policy.

### **C. SAFEGUARDS**

All testing is conducted at a laboratory certified by the Department of Health and Human Services (DHHS) under the National Laboratory Certification Program (NLCP) to conduct DOT testing. Oral fluid specimen testing is generally used to detect marijuana under circumstances where the testing is not required by the DOT. All oral fluids tested are collected by facilities whose personnel are trained to collect fluid specimens in accordance with the current Mandatory Guidelines for Federal Workplace Drug Testing Programs issued by the DHHS as of the date of testing. Additionally, all oral fluids specimen testing is conducted by DHHS laboratories using scientifically recognized oral fluids testing procedures. All drug tests are conducted through collection of a split sample. All positive drug tests are confirmed by a second confirming test from the same sample using GCMS or superior testing methodology before the test result is reported as positive.

Employees with positive tests are provided with an opportunity to discuss the confirmed results with the MRO before the result is reported to the City. Lawful medication used consistently with a prescription is treated as a negative test under this policy, and employee medical information is not disclosed to the City by the testing organization.

Drug test results are reported to Human Resources and are considered confidential and released only on an "as needed" basis. An employee who tests positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result. The cost of the retest is borne by the employee, unless the retest shows the original positive result was in error.

The time spent by an employee in traveling to and from the collection site as well as time spent in testing is treated as hours worked for pay purposes.

### **D. MARIJUANA**

Marijuana is an illegal drug under the federal Controlled Substances Act. The use of marijuana which is inconsistent with the "Prohibited Conduct" listed above is considered a violation of this policy, even if an employee has a prescription for medical marijuana or is consuming marijuana recreationally consistent with Oregon state law. Any buying, selling, consuming, possession or use of marijuana on work time or City property is prohibited. Likewise, reporting to work with prohibited levels of marijuana present in the body as set forth in the "Drug and Alcohol Thresholds"

table attached to this Policy is also considered a violation of this policy, even if the employee has authorization for the use of marijuana under state medical marijuana law(s).

Employees who believe they have a disability requiring accommodation should contact Human Resources to determine whether some other reasonable accommodation can be made that would allow them to continue being employed without violating this Policy.

## **E. MEDICATIONS**

This policy is not intended to prohibit the appropriate use of legally prescribed or over-the-counter medications containing controlled substances. However, employees using prescribed drugs or non-prescription medications are responsible for carefully reviewing side effects warnings (including any warnings pertinent to the effects of use of a combination of substances) and for consulting with their prescribing physician and/or pharmacist to determine whether there are any side effects that could impair the employee's ability to safely or competently perform his/her job duties whether that medication is being used alone or in combination with other prescription or over-the-counter medications. If the employee or his/her doctor feels that the employee is experiencing any such side effects, the employee must notify Human Resources of the side effects before reporting to work or continuing to perform his/her job duties. The employee is not required to disclose the medical condition for which the medication is being taken unless the City determines that this is necessary to comply with its legal obligations (such as properly designating leaves and/or evaluating reasonable accommodation options). However, medical verification of the ability to safely perform job duties may be required before the employee is allowed to continue his/her work assignment.

It is a violation of this Policy for an employee to use medication inconsistently with the prescription or label, to unlawfully transfer prescription medication (including but not limited to selling or giving prescription medications to another person), and to use medication that is unlawfully obtained (including but not limited to using medication prescribed to another person). Please also note that if you test positive for alcohol or show signs of having alcohol present in your body (e.g. odor on your breath), it will not be an acceptable excuse that you used a medication containing alcohol, such as Nyquil.

## **F. REHABILITATION ASSISTANCE**

The City encourages employees who have drug and/or alcohol use problems or think they may have such problems to seek assistance voluntarily. When an employee voluntarily reports a drug or alcohol dependency to the City Personnel Officer and seeks assistance before violating this policy, that employee is placed on a leave of absence or adjusted working hours to allow for inpatient or outpatient rehabilitation treatment. The employee will not be permitted to work until the employee provides written verification from a qualified healthcare provider that he/she can safely return to work. In addition, employees who are covered by DOT regulations will not be permitted to return to work until they have complied with all return to work conditions required by applicable law.

The time an employee is off work undergoing rehabilitation is not work time and is not paid. However, employees may draw their unused, accumulated sick leave, compensatory time, like time, vacation pay and/or paid personal day pay. Also, employees who are receiving health insurance coverage are eligible for continuation of health insurance benefits with City contributions in accordance with the provisions of the City's plan, health insurance and leave

policies. Such time off may also qualify for family leave or other leaves in accordance with City policy and applicable law.

Being engaged in treatment for a substance abuse problem does not relieve an employee from normal performance, safety, or attendance standards when they are not otherwise scheduled to be off work for treatment. It also does not relieve an employee from the obligation to comply with this Policy.

## **G. VIOLATIONS**

Any violation of this Drug and Alcohol policy will result in discipline up to and including termination, even for a first offense. Employees who claim drug or alcohol use problems after being selected for testing or otherwise violating this Policy or other City standards may be subject to discharge, irrespective of such problems.

The City may however, at its discretion, allow an employee a one-time opportunity to undergo evaluation and rehabilitation in lieu of discharge, provided the employee agrees to all rehabilitation treatment, education, testing and other conditions as set forth in a written Last Chance Agreement provided by the City. Any employee who violates the terms of the Agreement is subject to immediate discharge. The City considers the following factors in exercising its discretion: the overall circumstances, including the nature of the violation, the employee's length of service, the employee's work record, the safety-sensitivity of the individual's position, the consequences of the violation, whether the individual's behavior violated any other City policy and any other circumstances offered by the employee that mitigate against discharge.

## **XI. EMPLOYMENT DISCIPLINE AND DISCHARGE**

***Except as specifically provided otherwise in a current collective bargaining agreement covering your employment or a current written employment agreement covering your employment, all employees are employed on an “at-will” basis regardless of their employment status or classification.*** Aside from the City’s right and your right to terminate our employment relationship at any time, the City may issue verbal or written warnings, suspend, demote, or take other disciplinary action against employees as it determines appropriate to the circumstances.

To avoid misunderstandings, the City has grouped examples of unacceptable conduct into two (2) basic categories: Minor and Major infractions. When the City believes that a regular employee has committed a first minor infraction of our policies/standards, the employee is generally issued a verbal and/or written warning prior to discipline or termination of employment. Probationary and temporary employees are not generally given a written warning prior to termination. When we feel an employee has committed a major infraction, that employee is subject to immediate suspension or discharge.

*However, all employees should understand that progressive discipline is not guaranteed.* Rather, each situation is evaluated according to the circumstances involved, and the type of discipline administered may vary from that listed in each group based upon the City’s determination of the seriousness of the offense. Also, warnings for different minor infractions may be combined to determine the type and severity of discipline administered. An employee’s overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate.

### **A. MINOR (NON-MAJOR) INFRACTIONS**

These types of infractions include, but are not limited to, the following:

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to notify us of intended absence or tardiness or failure to comply with other reporting policies.
- Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity.
- Violation of the City’s Teamwork and Cooperation or Customer Service and Public Relations policies.
- Violation of the City’s Dress Code/Uniforms policy.
- Performing other than City work during paid working time.
- Failure to follow safe working practices and rules. (Note: When we feel an employee has committed a serious safety violation, that employee is subject to immediate discharge).

- Violation of the City's Cost Consciousness policy, using City property for personal use, or other minor violations of the City's ethical practices expectations that the City determines are not serious enough to warrant discharge.
- Violation of the Equal Employment Opportunity policies, which, in our view, is not serious enough to warrant discharge.
- *Violating any City policy that is presently in effect or subsequently issued or any other conduct that the City determines warrants disciplinary action, but not discharge.*

## **B. MAJOR INFRACTIONS**

These types of infractions include, but are not limited to, the following:

- Insubordination, including failure to follow any (legal) verbal or written job instructions issued by a person in the position of authority as determined by the City.
- Threatening, intimidating, coercing or assaulting another employee, volunteer, supervisor, member of the public, or business associate.
- Provoking or instigating arguments, dissension or fights during working hours or on City premises or engaging in horseplay which results in injury or property damage.
- Other violations of the workplace violence policy, including but not limited to possession of weapons, firearms or explosives on City premises.
- Dishonesty of any kind, including but not limited to theft, falsifying any reports or records, such as applications, absence and sickness reports, time records, accident reports, or patient records.
- Deliberately delaying or limiting work tasks or inciting others to delay or limit work tasks.
- Any careless or deliberate act of destroying, or damaging City property, tools or equipment, or the property of others on City premises or while on City business.
- Committing violations of safety rules or safe working habits that the City determines to be repeated or serious.
- Violations of the City's Equal Employment Opportunity policies (e.g. discriminatory behavior, harassment, retaliation) that the City determines to be repeated or serious enough to warrant immediate discharge.
- Violation of the Drug and Alcohol Policy.
- Violation of our ethical practices policies that the City determines to be repeated or serious.
- Criminal activity that interferes with the employee's ability to perform their duties or the City's ability to maintain the public trust.

- *Violating any other City policy presently in effect or subsequently issued that the City determines is serious enough to warrant immediate discharge.*
- *Any other conduct that is, in the view of the City, serious enough to warrant discharge or suspension.*

### **C. OTHER CONDUCT**

The City believes its rules are clear and require little explanation. However, if you have any questions concerning the application or intent of these rules, please consult your supervisor, Human Resources or the City Personnel Officer. Obviously, rules cannot be listed to cover every situation. The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its termination options. Conduct not specifically mentioned is disciplined according to the standards followed for what City Management determines to be the most equivalent type of conduct listed.

### **D. DISCIPLINE PROCEDURES**

An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate in all cases. If you feel you have been unfairly disciplined or discharged, we encourage you to utilize the Complaint Procedures in Section XI of this Handbook.

As noted elsewhere in this Handbook, trial service period, casual part-time, and temporary employees are subject to discipline and discharge without notice at the City's sole discretion.

For Minor Infractions by regular employees, the City generally applies the following steps of discipline:

1. Documented oral reprimand
2. Written reprimand
3. Final Written Warning with or without Last Chance Agreement, Demotion, or Suspension Without Pay, as solely determined by the City;
4. Discharge.

To progress through the above steps of discipline, the infraction(s) need not be for the same or similar offense. Also, the level of discipline, up to and including discharge, may vary from these steps at the City's sole discretion based on City Management's evaluation of the circumstances and the employee's overall work record. Regular status employees are generally offered an opportunity to respond to management's decision to terminate employment prior to termination. This response may be made to the City Personnel Officer. *Except as otherwise provided by an applicable collective bargaining agreement or written employment contract signed and dated by the City Personnel Officer (or City Council if applicable to the City Manager's position), however, nothing in this policy changes an employee's at-will employment relationship with the City. Employees do not hold any property rights in, or ownership of, their job.* The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its employment "at will" termination options.

## XII. COMPLAINT PROCEDURES

The City recognizes that in any workplace relationship, disagreements and problems may develop. However, the City can only deal effectively with problems or complaints of which it is made aware. As a result, it is the City's policy to provide its employees with an orderly process through which they may have their workplace problems and complaints considered fairly and rapidly.

### A. OPEN DOOR POLICY

City management, including Department Heads, the City Personnel Officer, Human Resources, and City Manager maintain an Open-Door policy and encourage employees to contact them at any time if they have any workplace questions or concerns. The City cannot guarantee that an employee's point of view will prevail. However, City management is committed to listening and making every effort to ensure that problems are resolved fairly and in the public interest.

### B. COMPLAINT / APPEAL PROCEDURES

In addition to maintaining an open-door policy, the City has also established the following complaint procedures, which may be used by employees who have workplace concerns. Except as provided below, this policy may be used for general non-disciplinary workplace concerns as well as to appeal disciplinary decisions.

***Please note:*** *Bargaining Unit employees who have concerns regarding disciplinary action or other potential violations of the collective bargaining agreement must use the grievance procedure found in the collective bargaining agreement and not this Complaint Procedure.*

Also, any employee who has a concern about discrimination, harassment or retaliation should follow the reporting methods described on in the Equal Employment Opportunity policies section of this Handbook and need not comply with the time limits and requirements found in this Complaint Procedure. Likewise, employees who have concerns regarding retaliation for raising ethical concerns, safety concerns or reporting workplace injuries and accidents should follow the reporting methods outlined in those sections of this Handbook and not this Complaint Procedure.

1. **STEP 1: SUPERVISOR:** Discuss the matter with your immediate supervisor as soon as possible after the event prompting the complaint. Your supervisor reviews your problem and attempts to resolve the complaint as quickly as possible, generally within ten (10) workdays of the complaint. You should be prepared with a proposed solution/resolution when meeting with your supervisor. If your concern involves your supervisor, and you are uncomfortable speaking with your supervisor, you can proceed directly to step 2.
2. **STEP 2: DEPARTMENT DIRECTOR:** Employees who are not satisfied after receiving their supervisor's decision may appeal that decision to their Department Director with a copy to the City Personnel Officer. Appeals should be made as soon as possible but no later than three (3) workdays after your supervisor's response. Appeals must be made in writing and must include a statement outlining your complaint, all relevant documents and other information you want the Department Director to consider, the results of the discussion with your supervisor and your proposed resolution to the problem. The Department Director reviews the complaint and available information and may meet with

the employee and/or the supervisor, to attempt to resolve the matter. The Department Director generally responds within ten (10) workdays, unless he/she determines additional investigation and review time is necessary.

3. **STEP 3: CITY PERSONNEL OFFICER OR DESIGNEE:** Employees who have been suspended without pay, issued a disciplinary pay reduction, or discharged from employment and are not satisfied with the results of the Step 2 appeal may file an appeal in writing to the City Personnel Officer. Appeals to the City Personnel Officer must be made within five (5) workdays of receipt of the Step 2 decision. Appeals to City Personnel Officer must be in writing and must set forth the grounds upon which the complaint is based and the reasons why the employee considered the decision rendered at Step 2 to be unacceptable. Copies of the written decision and statement of reasons from Step 2 above must be filed with the appeal. The City Personnel Officer (or his/her designee) may meet with the employee, the supervisor, and/or the Department Director, or conduct any other investigation as the City Personnel Officer determines appropriate. The City Personnel Officer's decision is final.

## XIV. LEAVES OF ABSENCE

The City recognizes that personal circumstances occasionally require employees to take temporary periods of absence from employment. During any unpaid leave of absence, no wages or benefits are accrued or paid, *unless specifically stated in this handbook or required by an applicable CBA or applicable law*. Employees must, however, use all earned and unused paid leave benefits, except when provided otherwise by applicable law. Employees who wish to continue their medical insurance benefits during an unpaid leave of absence should consult Human Resources and review the Health Insurance section of this Handbook for an explanation of how long the City continues to pay its portion of the insurance contribution. Employees on medical leaves of absence are also prohibited from entering into new outside employment or engaging in any outside employment or activities that conflict with their work restrictions and limitations with the City.

Leaves of absence must generally be requested by the employee in writing and approved by the Supervisor and Department Head in order to allow the department to make arrangements for proper staffing during the employee's absence. Please note: the City provides its employees with generous paid leave benefits. Unpaid leaves of absence are generally not approved unless required by applicable law or unless the City determines that extraordinary circumstances (not vacations) exist to warrant approval. All unpaid leaves must be approved by the City Personnel Officer. Employees who do not notify the City and obtain approval for leaves of absence are generally considered absent without authorization, and subject to discipline or discharge.

### A. FAMILY MEDICAL LEAVE UNDER FEDERAL LAW (FMLA)

The City is covered by the Oregon Family Leave Act (OFLA), as well as the Federal Family Medical Leave Act (FMLA). Employees may be eligible for leave under one or both of these laws. Please note that if you are entitled to leave under both the state and federal law, your leaves will run concurrently except when prohibited by law. While these laws are similar, there are some differences. In all circumstances, the City interprets and applies its policy in accordance with applicable law, including updates as they occur.

1. **ELIGIBILITY AND AMOUNT OF LEAVE**: To be eligible for federal FMLA benefits, you must have worked for the City for a total of 12 months (need not be consecutive) and have worked at least 1,250 hours during the previous 12 months immediately before beginning your leave. You must also work at a location where the City employs 50 or more employees within 75 miles. An eligible employee is entitled to a total of 12 work weeks of unpaid leave in any twelve-month calendar year. FMLA leave is available to qualifying employees for one or more of the following reasons:
  - For the birth or placement of a child for adoption or foster care;
  - To care for an immediate family member (spouse, child or parent), with a serious health condition.
  - To care for a covered service member with a serious injury or illness, if the employee is the spouse, son, daughter, parent or next-of-kin of the service member. (Note: an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service-member is entitled to a total of 26 work weeks of leave for this

purpose during a single 12-month period, measured forward from the first date the employee uses covered service member leave as required by law);

- To take medical leave when the employee is unable to work because of their own serious health condition; or
- Because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on covered active duty with deployment to a foreign country (or has been notified of an impending call or order to such covered active duty) in the Armed Forces in support of a contingency operation as required by law.

Please note: In the event that an employee utilizes both covered service member and one or more other types of leave during the same leave year, the employee is granted a maximum combined total of 26 work weeks of leave. However, no more than 12 work weeks can be used for any purpose other than covered service member leave. Additional restrictions apply to the use of qualified exigency leave, as outlined below.

Spouses employed by the City are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth or placement of a child for adoption or foster care must conclude within twelve (12) months of the birth or placement. Likewise, spouses employed by the City, taking leave for a covered service-member are jointly entitled to a combined total of 26 weeks of leave during the single 12-month period in accordance with applicable law.

2. **DEFINITIONS:** For information on what qualifies as a serious health condition, qualifying exigency, who qualifies as a covered service member, next-of-kin, and other definitions applicable to FMLA, please see the FMLA poster located in Appendix B, which is and will continue to be updated to remain current with applicable law and regulations.
3. **INTERMITTENT USE OF LEAVE:** Under some circumstances, employees may take leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule. If leave is for a birth or placement of a child for adoption or foster care, use of intermittent leave is subject to the City's approval. However, FMLA leave may be taken intermittently to effectuate placement for adoption or foster care and to attend the birth of the employee's child (with the balance of parental leave taken in a single block of time, beginning at a later date). Leave may also be taken intermittently whenever medically necessary to care for a seriously ill family member or covered service member, because the employee is seriously ill and unable to work, and for qualifying exigencies.
4. **WAGES AND BENEFITS DURING LEAVE:** Under the law, a family leave is without payment of wages. You are, however, required to use accrued paid leave during an FMLA leave in accordance with City policy and applicable law. Generally, employees must exhaust all paid sick leave for covered absences before using other forms of leave. After available sick leave has been exhausted, employees may select the order in which to use other paid leave benefits. If the employee does not specify the order in which they would like to use leave benefits, once sick leave benefits are exhausted, the City applies compensatory time off, followed by paid personal day time and then any earned and unused vacation benefits. Employees who are absent due to on-the-job serious health conditions are eligible for workers' compensation benefits. The City also maintains group health insurance coverage for an employee on FMLA leave whenever such insurance was

provided before the leave was taken and on the same terms as if the employee had continued to work. Employees who are on family leaves also continue to be eligible for paid holidays as outlined in the City's holiday policy.

**5. OTHER REQUIREMENTS:** If you use FMLA leave, you are required to provide the following:

- Thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, you must provide notice as soon as practicable. You must also generally comply with the City's normal attendance reporting procedures.
- Employees needing FMLA leave must provide sufficient information for the City to determine if the leave may qualify for FMLA protection, as well as the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform the job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also notify the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- Medical verification of the need for leave due to a serious health condition affecting the employee or an immediate family member.
- Medical verification of the need for leave due to the serious injury or illness of a spouse, son, daughter, parent, or next of kin who is a covered service-member.
- Certification of the need for qualifying exigency leaves.
- Second or third medical opinions (at the City's expense), and periodic recertification and fitness for duty reports.
- Weekly reports during FMLA leave regarding your status and intent to return to work.
- Fitness for duty certification upon return to work.

All employees who are either fully or partially released to return to work must notify the City upon receipt of the release as outlined in the "Other Medical Leaves" section of this Handbook.

When leave is needed to care for an immediate family member or the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the City's operation.

**6. REINSTATEMENT:** In order to have reinstatement rights when you are returning from family leave you must request reinstatement promptly upon the expiration of leave. If you make a timely request for reinstatement and comply with other requirements under the federal regulations, you will be reinstated to your former position in accordance with applicable law. If you cannot be reinstated to your former position because that position no longer exists, you will be reinstated to an available, equivalent position in accordance with applicable law. The use of FMLA leave does not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave that was not used during leave.

**7. ADDITIONAL INFORMATION:** When an employee gives notice of the need for an FMLA qualifying leave, the City notifies you whether you are eligible under FMLA and gives you

additional, specific information on your rights and responsibilities. If you are not eligible, you are given a reason for why you have been determined to be ineligible.

Employees on FMLA leave must keep the City informed of their anticipated date of return to work, changes in medical status, address or telephone number, and any other reporting obligations directed by the City. The City generally requires a release to return to work from an employee's treating physician before an employee is allowed to return to work.

Employees who believe their FMLA rights have been violated are encouraged to contact the City Personnel Officer to discuss their concerns. Additional information on reporting concerns about FMLA violations can be found in the FMLA poster located in Appendix B. Also, employees should note that the FMLA does not affect any federal or state law or collective bargaining agreement which provides greater family or medical leave rights.

For more information on these leave of absence policies, contact Human Resources. In all circumstances, the City's policy is interpreted and applied in accordance with applicable state and federal regulations.

## **B. FAMILY LEAVE UNDER STATE LAW (OFLA)**

If you have been employed at least one hundred eighty (180) days immediately preceding the date your family leave would begin and you have worked an average of twenty-five (25) hours per week during that time, you are eligible for Oregon family leave of up to twelve (12) weeks in a twelve-month calendar year in accordance with applicable law. Please note that employees are not required to work the 25-hour minimum average in order to qualify to use family leave for parental bonding leave purposes.

In addition to permissible reasons for leave under federal law, OFLA provides eligible employees with family leave to care for grandparents, grandchildren, parents-in-law, adult children, same-sex domestic partners and their parents or children. OFLA also allows eligible employees to take family leave to care for the non-serious illnesses of their children and to take extra family leave during pregnancy. OFLA also provides for eligible employees to take up to two (2) weeks of OFLA leave per death (up to the balance of their 12 weeks per leave year) to deal with the death of a qualifying family member, including attending the funeral/bereavement events, making arrangements necessitated by the death and/or grieving the family member. OFLA for bereavement purposes must be completed within 60 days after the date on which the employee receives notice of the death.

Benefits available under OFLA and FMLA are very similar and you may be eligible for leave under one or both of these laws. Please note that an employee may be entitled to more than one leave for the same absence. If so, the leaves will run concurrently. However, OFLA leave does not run concurrently with workers' compensation leave. More detailed information about benefits available under OFLA is available from Human Resources.

## **C. WORKER'S COMPENSATION LEAVES**

***For employees covered by a CBA, the City complies with its legal obligations regarding worker's compensation absences, benefits, etc. For additional information on worker's compensation rules and benefits applicable to your employment, please see the CBA, and not this policy.***

The City grants employees leaves of absence for illnesses and injuries incurred on-the-job, in accordance with applicable law. If you are injured on-the-job, please contact your supervisor immediately for an accident/incident report and workers' compensation form. Employees who are absent from work due to work-related illnesses or injuries are eligible to receive workers' compensation benefits. Employees on a workers' compensation leave of absence are required to report to Human Resources on their status, progress and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement.

All employees who are released to return to work from on-the-job injuries or illnesses must request return to work as soon as possible but no later than seven (7) calendar days after receipt of notice by certified mail from our workers' compensation insurer that you have been released to return to work by your doctor. The City complies with applicable reinstatement and reemployment laws for employees who are absent due to work related illnesses or injuries.

NOTE: Workers' compensation and OFLA absences do not run concurrently. Therefore, you may be eligible for OFLA leave following the conclusion of a workers' compensation leave. Eligible employees who are released to light duty after a workers' compensation illness or injury and remain off work are automatically be placed on an OFLA leave of absence consistent with applicable law. For more information, please contact Human Resources.

#### **D. OTHER MEDICAL LEAVES**

Occasionally, employees are required to be absent from work for periods of time due to serious on or off-the-job injuries or illnesses that are not covered by FMLA or OFLA, or for periods of time which extend beyond FMLA/OFLA leaves, such as to accommodate disabilities. In such circumstances, employees should contact Human Resources regarding an extended medical leave of absence. Employees on a medical leave of absence are required to report to Human Resources on their status, progress and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or to report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement. The re-employment of persons returning from medical leave is subject to the availability of suitable work. The City does, however, comply with applicable laws. All employees who are released to return to work from a medical leave for extended off-the-job injuries or illnesses must promptly contact the City to discuss all available options for return to work and other accommodations after receipt of a full or light duty release from your doctor.

#### **E. JURY AND WITNESS DUTY**

When a City employee is called for jury duty or is subpoenaed as a witness in connection with his/her City employment, there is no loss of regular City compensation during such absence. Witness and jury duty pay is made on the City's next regular payday by direct deposit. Time not worked because of such duty does not affect vacation or sick leave accrued. Employees who are released from witness or jury duty during their regular working hours are required to return to work. However, employees are released from duty if less than an hour would remain of their workday by the time they return to work.

## **F. DOMESTIC VIOLENCE LEAVE AND ACCOMMODATION POLICY**

If you are the victim of domestic violence, sexual assault, harassment, or stalking, or are the parent of a minor child or dependent who is the victim of domestic violence, harassment (as defined by applicable law), sexual assault or stalking, you are eligible for reasonable unpaid leaves of absence for the following purposes:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of you or your minor child or dependent (including preparing for and participating in protective order proceedings or other criminal or civil proceedings) related to domestic violence, sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To seek medical treatment or recover from injuries caused by domestic violence or sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault, harassment, or stalking;
- To obtain services from a prosecutor or non-profit victim services provider for the employee or his/her minor child or dependent; or
- To relocate or take steps to secure an existing home to ensure the health and safety of the employee or his/her minor child or dependent.

Eligible employees who need domestic violence leave should contact Human Resources. Certification of the need for leave is generally required. Domestic violence leaves are unpaid. However, employees may elect to use any earned and unused sick leave and/or other paid benefits for periods of domestic violence leave. Requests for domestic violence leave and all supporting documentation are treated confidentially.

The City also makes other reasonable safety accommodations for victims of domestic violence, sexual assault, harassment, or stalking as required by law. Employees who need workplace accommodations should promptly contact Human Resources to discuss reasonable alternatives and options. Verification of the need for accommodation is generally required. Requests and all supporting documentation are treated confidentially.

## **G. OTHER CRIME VICTIM LEAVE**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault. "Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

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

- Submit copies of any notices of scheduled criminal proceedings that the employee receives from law enforcement agencies.

## **H. MILITARY LEAVES**

Employees who serve in the U.S. Armed Forces, National Guard or Reserves, commissioned corps of the public health service, or other qualifying military/services branches are granted leaves of absence for the period of their military service, including training and other duties, as well as reinstatement of employment in accordance with applicable law. Except as provided below, military leaves are unpaid. Employees may, however, elect to use any earned and unused paid vacation, compensatory time, like-time and/or paid personal day benefits during military leaves. Employees who need a military leave of absence should notify the City as far in advance as reasonably possible under the circumstances. For more information, please contact Human Resources. The City appreciates the contributions of those who serve in the military and encourage anyone who serves to exercise their reinstatement rights.

An employee who has completed six continuous months of service with the City and who is absent from work for periods of initial active duty for training or annual active duty for training as a member of the National Guard, National Guard Reserve, or any reserve component of the Armed Forces of the United States or of the United States Public Health Service, is provided with a paid leave of absence for such training as required by law. Each training year (the federal fiscal year for any particular unit of the National Guard or reserve component), eligible employees are provided paid time off for up to the number of days the employee would normally be scheduled to work within a 15 calendar day period, in accordance with applicable state law.

## **I. MILITARY FAMILY LEAVES**

Employees who work an average of at least 20 hours per week are eligible to take time off to spend time with a spouse or registered domestic partner who is a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States and has been notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. Eligible employees may take up to 14 workdays of Family Military leave per deployment, which may be taken intermittently. Periods of Family Military Leave are counted against an employee's entitlement to OFLA when the employee is also eligible for OLFA, and are unpaid. Employees may, however, elect (but are not required) to use any earned paid leave benefits during periods of Family Military Leave. Employees who need Family Military Leave must request leave within 5 business days of receipt of the official notice of a call to duty or leave. If official notice is provided less than five business days in advance, you must request the leave as soon as practicable. A copy of the call or leave orders is required.

## **J. PERSONAL LEAVES**

Regular employees may be granted unpaid personal leaves of absence upon a showing of good cause, and provided the City determines the leave can be scheduled without adversely affecting its operations and service to the public. Please note that while personal leaves of absence are unpaid, employees are required to exhaust any applicable earned and unused paid leave benefits (e.g. vacation, sick leave (if applicable), compensatory time, etc.) during a personal leave before unpaid personal leave time may be taken. Requests for personal leaves of absence must be made in writing to Human Resources as far in advance as possible and must specify a starting and ending date as well as the reason for the requested leave and is subject to approval by the

City Personnel Officer. The City will determine whether there is a compelling personal reason for the leave at its discretion. A leave will not be granted to work another job or seek employment or career opportunities elsewhere.

Employees returning from a personal leave of absence are not guaranteed reemployment. Reemployment is generally subject to the availability of a position that the City determines is suited to an employee's skills, qualifications and experience, subject to any applicable collective bargaining rights and obligations.

## **K. OTHER LEAVES**

Bargaining unit employees may also be eligible for additional leaves as set forth in an applicable collective bargaining agreement.

Further, it is the City's policy to comply with all applicable laws regarding leaves of absence. If you need time off for a reason not covered by these policies, please contact Human Resources.

## **XV. LEAVING CITY EMPLOYMENT**

### **A. VOLUNTARY RESIGNATION**

The City recognizes that employees may choose to resign their employment at any time. In order to maintain quality and consistent service, two weeks (10 workdays') notice prior to the effective date of your resignation, as well as the reason for your resignation, is requested in writing. All City equipment/property must be returned to a supervisor or human resources.

### **B. LAYOFF**

***For employees covered by a CBA, layoff, bumping and recall rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

City employment needs vary based on organizational changes, workload, budgetary and other business and operational considerations. If the City determines it is necessary to eliminate or consolidate jobs or otherwise curtail operation, layoffs may be necessary. The decision of individuals to be laid off is made based on the City's evaluation of the comparative work performance and skills of the employees in the positions affected, and the skills and abilities of those employees to perform the work remaining. When the City determines that the performance, skills and abilities of the employees being considered for layoff are relatively equal, preference is given to the employee with the longest length of service with the City. The City's policy is to provide advance notice of layoff when it determines budgetary and operational considerations allow. Laid off employees do not have any bumping or automatic recall rights.

### **C. DISCHARGE**

*Except as provided otherwise in a current CBA covering your employment or a valid individual written employment agreement applicable to your employment, employment can be terminated by the City or the employee at any time for any reason not prohibited by law.*

### **D. FINAL PAYCHECKS**

***Employees covered by a CBA should refer to the CBA for applicable final paycheck rules.***

When the City ends the employment relationship for any reason it makes the final paycheck available to non-represented employees by the end of the next business day following termination. When non-represented employees voluntarily resign with at least 48-hours advance notice, the City makes the final paycheck available on the last day of work or on the next business day if the last day falls on a weekend or holiday. When non-represented employees resign with less than 48-hours' notice, the final paycheck is made available within five (5) days of termination or on the next payday, whichever comes first.

### **E. REFERENCES**

Employees who leave the City's employment have the option of authorizing the City to release information regarding work performance, attendance, eligibility for rehire, and other factors relevant to their employment with the City. For employees who do not provide such authorization, it is the City's policy to limit reference information to dates of employment and positions held. All employment references should only be directed to Human Resources on behalf of the City.

**XVI. EMPLOYEE HANDBOOK ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that I have viewed, downloaded, and/or printed a copy of the City of Troutdale’s Employee Handbook, that is located on the city’s website, which becomes effective <sample>, 2020 and covers my employment.

I understand that the City of Troutdale reserves all rights necessary for the efficient management of its operations and that the City has adopted this Handbook only as a general guide to its current policies, work rules and the work environment. I acknowledge that this Handbook is not a contract for continued employment or benefits at any level. Rather, I understand that it may become necessary for the City to change this Handbook, its policies and practices, and/or to change, reduce or discontinue any benefits from time to time (*subject to applicable collective bargaining obligations, if any*) as it determines appropriate to the management of the City. This Handbook supersedes all prior statements of the City which conflict or may conflict with it, and I understand that any conflicting prior statement is superseded by this Handbook.

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

I further understand that, *except as otherwise provided in an applicable collective bargaining agreement covering my employment or an individual written employment agreement signed by the City Personnel Officer*, either the City of Troutdale or I may terminate my employment relationship at any time, for any or no reason, with or without cause, and with or without advance notice or due process procedures, and that I do not have any property interests/rights or ownership in my employment with the City.

I also understand that no one other than the City Personnel Officer has any authority to enter into any agreement for employment for any specified period of time, to assure me of any future position, benefits or other terms or conditions or employment, or to make any promises contrary to, or in addition to, this Handbook. I understand and acknowledge that any such representation and promises must be in writing and signed and dated by the City Personnel Officer in order to be valid.

I have read this acknowledgement carefully before signing.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name [print]

*The original of this document is kept in the Employee’s personnel file. A copy is made available to the Employee upon request.*

## APPENDIX A: DRUG AND ALCOHOL THRESHOLDS

The following initial and confirmatory cutoff levels (using gas chromatography/mass spectrometry (GC/MS) quantitative analysis) are used when screening specimens to determine whether they are positive or negative for the following drugs or classes of drugs.

### TESTS REQUIRED BY DOT FOR CDL HOLDERS

<u>Initial Test Analyte</u>	<u>Initial Test Cutoff Concentration</u>	<u>Confirmatory Test Analyte</u>	<u>Confirmatory Test Cutoff Concentration</u>
<b><u>Marijuana metabolites.....</u></b>	<b><u>50 ng/mL.....</u></b>	<b><u>THCA<sup>1</sup>.....</u></b>	<b><u>15 ng/mL</u></b>
<b><u>Cocaine metabolites.....</u></b>	<b><u>150 ng/mL.....</u></b>	<b><u>Benzoylcegonine.....</u></b>	<b><u>100 ng/mL</u></b>
<b><u>Opiate metabolites</u></b> <b><u>Codeine/Morphine<sup>2</sup>.....</u></b> <b><u>.....</u></b>	<b><u>2000 ng/mL.....</u></b>	<b><u>Codeine.....</u></b>	<b><u>2000 ng/mL</u></b>
		<b><u>Morphine.....</u></b>	<b><u>2000 ng/mL</u></b>
		<b><u>...</u></b>	
<b><u>6-Acetylmorphine.....</u></b>	<b><u>10 ng/mL.....</u></b>	<b><u>6-Acetylmorphine.....</u></b>	<b><u>10 ng/mL</u></b>
<b><u>Phencyclidine.....</u></b>	<b><u>25 ng/mL.....</u></b>	<b><u>Phencyclidine.....</u></b>	<b><u>25 ng/mL</u></b>
<b><u>Amphetamines<sup>3</sup></u></b> <b><u>AMP/MAMP<sup>4</sup>.....</u></b>	<b><u>500 ng/mL.....</u></b>	<b><u>Amphetamine.....</u></b>	<b><u>250 ng/mL</u></b>
		<b><u>Methamphetamine<sup>5</sup>.....</u></b>	<b><u>250 ng/mL</u></b>
<b><u>MDMA<sup>6</sup>.....</u></b>	<b><u>500 ng/mL.....</u></b>	<b><u>MDMA.....</u></b>	<b><u>250 ng/mL</u></b>
		<b><u>MDA<sup>7</sup>.....</u></b>	<b><u>250 ng/mL</u></b>
		<b><u>MDEA<sup>8</sup>.....</u></b>	<b><u>250 ng/mL</u></b>

<sup>1</sup> Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA) testing.

<sup>2</sup> Morphine is the target analyte for codeine/morphine testing.

<sup>3</sup> Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

<sup>4</sup> Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

<sup>5</sup> To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

<sup>6</sup> Methylenedioxymethamphetamine (MDMA).

<sup>7</sup> Methylenedioxyamphetamine (MDA).

<sup>8</sup> Methylenedioxyethylamphetamine (MDEA).

These drug and testing levels are intended to be consistent with DOT standards. In the event that DOT testing substances and/or testing cutoff levels change, the above list will automatically be adjusted to be consistent with DOT standards for employees required to have a CDL for their employment.

**TESTS THAT APPLY TO NON-CDL HOLDERS**

The same initial and confirmatory cutoff levels are used when screening specimens to determine whether employees in non-CDL positions are positive to drugs or classes of drugs. However, for employees in non-CDL positions, a test for marijuana is not considered “positive” by the City unless an oral fluids specimen test for THC is reported as positive at the following initial and confirmatory thresholds:

<u>Initial Test Analyte</u>	<u>Initial Test Cutoff Concentration</u>	<u>Confirmatory Test Analyst</u>	<u>Confirmatory Test Cutoff Concentration</u>
<u>Marijuana</u>	<u>4 ng/mL</u>	<u>THC<sup>1</sup></u>	<u>2 ng/mL</u>

**<sup>1</sup> Delta-9-tetrahydrocannabinol (THC) oral fluids testing.**

This drug testing cutoff level is intended to be consistent with the level proposed by the DHHS as outlined in the Mandatory Guidelines for Federal Workplace Testing Programs issued May 15, 2015. In the event that cutoff levels for oral fluid testing change under the Mandatory Guidelines for Federal Workplace Testing Programs which are ultimately adopted, this Policy will be automatically adjusted to be consistent with those cutoff levels.

**ALCOHOL TESTING**

An employee is considered to be under the influence if his/her alcohol concentration is .02 or greater by weight of alcohol in the blood or by volume of breath expressed in terms of grams of alcohol per 210 liter of breath as indicated by an evidential breath test. Alcohol concentration levels measuring less than .02 are considered negative results.

## APPENDIX B: FAMILY MEDICAL LEAVE ACT

### EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

#### LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave

#### BENEFITS & PROTECTIONS

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA

## **ELIGIBILITY REQUIREMENTS**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee’s worksite.

\*Special “hours of service” requirements apply to airline flight crew employees

## **REQUESTING LEAVE**

Generally, employees must give 30-days’ advance notice of the need for FMLA leave. If it is not possible to give 30-days’ notice, an employee must notify the employer as soon as possible and, generally, follow the employer’s usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

## **EMPLOYER RESPONSIBILITIES**

Once an employer becomes aware that an employee’s need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

## **ENFORCEMENT**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights

## **THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION**

## **APPENDIX C: WORKPLACE ACCOMMODATIONS NOTICE**

The City of Troutdale is an equal opportunity employer and does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, veteran status, sexual orientation, gender identity, gender expression or any other classification protected by law.

The City makes reasonable accommodations for known physical or mental disabilities of an applicant or employee as well as known limitations related to pregnancy, childbirth or a related medical condition, such as lactation, unless the accommodation would cause an undue hardship. Among other possibilities, reasonable accommodations could include:

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

### **Employees and job applicants have a right to be free from unlawful discrimination and retaliation**

For this reason, the City **does not**:

- Deny employment opportunities on the basis of a need for reasonable accommodation
- Deny reasonable accommodation for known limitations, unless the accommodation would cause an undue hardship.
- Take an adverse employment action, discriminate or retaliate because the applicant or employee has inquired about, requested or used a reasonable accommodation.
- Require an applicant or an employee to accept an accommodation that is unnecessary.
- Require an employee to take family leave or any other leave, if the employer can make reasonable accommodation instead.

**To request an accommodation or to discuss concerns or questions about this notice,** please contact your supervisor or Human Resources.

## APPENDIX D: DRIVER ACCEPTABILITY MATRIX

Number of Moving Violations Within Past Five Years	Number of Accidents Within Past Five Years				Number of DUI or DWI Within Past Five Years
	0	1	2	3	1 or More
<b>0</b>	Clear	Acceptable	Borderline	Prohibited	Prohibited
<b>1</b>	Acceptable	Acceptable	Borderline	Prohibited	Prohibited
<b>2</b>	Acceptable	Borderline	Prohibited	Prohibited	Prohibited
<b>3</b>	Borderline	Prohibited	Prohibited	Prohibited	Prohibited
<b>4</b>	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
<b>5</b>	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
<b>Borderline</b>	Motor Vehicle Report will be checked every 6 months; insurability subject to no deterioration in the record.				
<b>Prohibited</b>	Employer must prohibit driver from driving company vehicles or using personal vehicle on company business.				