

City of Sherwood, Or.
RESOLUTION NO. 90-453

A RESOLUTION AMENDING CITY PERSONNEL RULES

WHEREAS, the City Council is authorized by City Ordinance No. 686, adopted November 9, 1977, to make and amend personnel rules and policies by resolution; and

WHEREAS, the need for typographical corrections, and procedural clarifications to the Personnel Rules have been noted.

WHEREAS, the City Council has considered several policy amendments to the Rules, as explained and debated at the prior Council meetings of January 24, 1990, and February 14, 1990.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. Adoption: That the City of Sherwood Personnel Rules are hereby amended, and attached to and made part of this Resolution as Exhibit "A".

Section 2. Effective Date: This Resolution shall become effective upon approval and adoption.

Duly passed by the City Council on March 28, 1990.


Norma Jean Oyler, Mayor

Attest:


Polly Blankenbaker, Recorder

CITY OF SHERWOOD PERSONNEL RULES

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CITY OF SHERWOOD, OREGON
PERSONNEL RULES & EMPLOYEE HANDBOOK

ARTICLE 1

GENERAL PROVISIONS

1.1 Title

1.1.1 This document shall be entitled "The City of Sherwood Personnel Rules and Employee Handbook" and may hereinafter be cited and referred to as the "Rules."

1.2 Purpose

1.2.1 The purpose of these Rules is to establish a system of personnel administration for the City of Sherwood based upon the principles of merit and fitness; and to implement fair and uniform procedures and regulations for the recruitment, hiring, development, and retention of an effective and responsible work force. The City reserves the right to modify and amend these Rules at any time in the best business interest of the City. These Rules supersede all previous City personnel rules.

1.3 Captions

1.3.1 The captions and headings in these Rules are for convenience and reference only, and are not to be used to interpret or define the provisions of sections or subsections.

1.4 Severability

1.4.1 If any section or subsection of these Rules shall at any time be deemed invalid or unenforceable, the remaining provisions shall not be affected thereby, and shall remain valid and enforceable to the extent permitted by law.

1.5 Administration

1.5.1 These Rules shall be adopted, and may be modified and amended, by the City Council in the form of a Resolution. The City Manager is designated as administrator of these Rules and shall be responsible for determining any permitted exceptions to the Rules, unless another individual or body is otherwise specifically authorized to do so. Unless otherwise permitted, all exceptions shall be made in writing.

1.6 Equal Employment Opportunity

1.6.1 Generally. The City's policy is to treat all applicants and employees fairly and equally, and to recruit, hire, train, promote, layoff, discipline, dismiss, or conduct any other personnel actions without regard to the applicant's or employee's race, color, religion, creed, national origin, age, physical handicap, sex, marital, or veteran status, or any other basis prohibited by federal, state, or local law. No employee will be discriminated against for exercising their grievance and appeal rights under Section 3.21 of these Rules.

1.6.2 Treatment and Conduct. No applicant or employee shall be subjected to intentional derogatory conduct or harassment, based on the employee's or applicant's race, color, religion, creed, national origin, age, physical handicap, sex, marital, or veteran status, or any other basis prohibited by federal, state, or local law, where such conduct has the purpose or effect of interfering with the individual's performance or creates an intimidating, hostile, or offensive environment. For the purposes of these Rules sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when submission to such conduct is made a term or condition of employment, is used as a basis for employment decisions affecting an individual, or has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive work environment.

1.7 Definitions

1.7.1 Anniversary Date: The first day following successful completion of three hundred sixty-five (365) days of continuous City service, and annually thereafter, unless adjusted as provided in these Rules.

1.7.2 Applicant: An individual who has completed and submitted an application for employment with the City, as per Section 2.1.

1.7.3 Appointment: The offer to, and the acceptance by, a person of a position in the City service on either a temporary or regular basis.

1.7.4 Charter: The City of Sherwood Charter of 1984.

1.7.5 City: The City of Sherwood

1.7.6 City Manager: The chief executive officer of the City of Sherwood or that chief executive officer's designee. Unless otherwise noted, all references to the City Manager in these Rules are deemed to include the Manager's designee.

1.7.7 Class: A group of job positions which are sufficiently alike in general duties, responsibilities, and entrance qualifications to warrant use of the same range of pay steps.

1.7.8 Class Title: The designation given to a class and each position allocated to a class. This title may take the form of a number.

1.7.9 Classification Plan: A written statement assigning certain positions in the City service into classes according to their general duties, responsibilities, and entrance qualifications.

1.7.10 Classified Service: All positions and offices in the City service which are not specifically included in the unclassified service, as per Section 4.1.2.

1.7.11 Compensation Plan: The official schedule of compensation for City employees, as approved by the City Council, assigning each position to a class composed of a range of pay steps, as per Section 5.1.

1.7.12 Demotion: The assignment of an employee from a position in one class to a position in another class that has a lower range of pay steps.

1.7.13 Department Head: The chief administrative officer of each City department or that chief administrative officer's designee. Unless otherwise noted, all references to department head in these Rules are deemed to include the department head's designee.

1.7.14 Disciplinary Probation: A condition where a regular employee is placed on probation for disciplinary reasons, as per Section 3.19.4.

1.7.15 Dismissal: a permanent, involuntary separation of an employee from the City service.

1.7.16 Employee: An incumbent of a City job position, including individuals in a leave without pay status. This term includes all officers in the City service.

1.7.17 Examination: An oral interview, physical or written test, or the results of such interview or test, which is used to determine eligibility or relative merit, fitness, and ability to discharge the duties of the position to which the applicant or employee seeks appointment or promotion, as per Section 2.2.

1.7.18 Exempt Employee: An employee who holds an exempt administrative, professional or executive position, as per Section 5.7.5.

1.7.19 Full-time Employee: An employee who is hired to work a predetermined schedule of forty (40) or more hours per regular City workweek.

1.7.20 Grievance: Any dispute or question concerning the interpretation or application of these Rules, as per Section 3.21.

1.7.21 Immediate Family: An employee's spouse, children, stepchildren, parents, stepparents, siblings, or other bona-fide dependents.

1.7.22 Job Description: A written statement describing the class and position, title, general duties, responsibilities and entrance qualifications of a job position in the City service.

1.7.23 Layoff: An involuntary, nondisciplinary separation from the City service for any reason which is in the best business interest of the City and necessitates a reduction in the number of City employees, as per Section 3.5.

1.7.24 Leave Without Pay: An approved period of unpaid absence from the City service for a specified period of time with specific reemployment privileges, as per Section 6.6.

1.7.25 Nonexempt Employee: Any employee who is not employed in an exempt administrative, professional or executive position, as per Section 5.7.5.

1.7.26 Overtime: The authorized time worked by an employee in excess of their regular workday or workweek.

1.7.27 Overtime Pay: The compensation paid to an employee for authorized overtime work.

1.7.28 Part-time Employee: An employee who is hired to work a predetermined schedule of less than forty (40) hours per regular City workweek.

1.7.29 Pay Rate: The specific salary or hourly rate of pay for a position.

1.7.30 Pay Steps: Four pay rates having a sequential relationship to one another, and assigned to a class of positions as the compensation for that class.

1.7.31 Personnel Board: The City of Sherwood City Council, as per Section 3.22.

1.7.32 Position: The duties and responsibilities assigned to an employee, requiring the full, part-time, or temporary employment of one (1) person.

1.7.33 Promotion: The assignment of an employee from a position in one class to a position in another class with a higher range of pay steps, as per Section 3.3.

1.7.34 Qualified Health Care Provider: A physician, osteopath, nurse practitioner, physician's assistant or any other health care professional deemed qualified by the City Manager to render a medical judgment regarding an employee's ability to perform the duties and responsibilities of the employee's position.

1.7.35 Reclassification: The assignment of a position to a different class, with either a higher or lower range of pay steps, due to a material change in the duties and responsibilities of the position.

1.7.36 Regular Employee: An employee who has successfully completed his or her trial employment period.

1.7.37 Related by Blood or Marriage: Grandparents, parents, brothers and sisters, and children are considered "related by blood or adoption". In-laws, co-habitants and spouses are considered "related by marriage".

1.7.38 Resignation: A permanent, voluntary separation of an employee from the City service, as per Section 3.17.

1.7.39 Selection Procedure: Any written or oral test, physical examination, interview, or other criteria which is used to measure an employee's or applicant's skills, knowledge, and ability to discharge the duties and responsibilities of the position to which the employee or applicant seeks promotion or appointment, as per Section 2.2.

1.7.40 Seniority: The length of time an employee has been employed by the City, by a specific department or in a specific position, since the date of initial or any subsequent appoint.

1.7.41 Suspension: An enforced unpaid period of absence for disciplinary reasons or pending investigation of charges made against an employee, as per Section 3.19.5.

1.7.42 Temporary Employee: An employee who is hired for a position for a limited period of time, not to exceed six (6) months.

1.7.43 Transfer: An assignment of an employee from one position to another position in the same class, as per Section 3.4.

1.7.44 Trial Employee: An employee who has not completed the trial employment period, as per Section 2.5.

1.7.45 Trial Employment Period: Up to the first one hundred eighty-two (182) calendar days of continuous employment for all employees, except for the trial employment period of police officers of all ranks, which is three hundred sixty-five (365) calendar days.

1.7.46 Unclassified Service: All positions and offices in the City service which are excluded from the classified service, as per Section 4.1.2.

1.7.47 Workday: The regular City workday consists of a workshift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty-four (24) hour period. Saturdays, Sundays and recognized City holidays are generally not considered regular City workdays, except as otherwise established by these Rules. These Rules or the City Manager may establish other normal workdays for individual City departments providing seven (7) days-a-week, twenty-four (24) hours-a-day service, and for exempt employees as per Section 5.7.5.

1.7.48 Workshift: The regular City workshift consists of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period.

1.7.49 Workweek: The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins with the start of the first workshift after 12:01 a.m. Sunday and ends at the conclusion of the last workshift that started before midnight on Saturday. These Rules or the City Manager may establish other normal workdays for individual employees or certain classes of employees, particularly those in City departments providing seven (7) days-a-week, twenty-four (24) hours-a-day service, and for exempt employees as per Section 5.7.5.

ARTICLE 2

RECRUITMENT POLICIES AND PRACTICES

2.1 Recruitment

2.1.1 Generally. The City Manager shall use whatever means are appropriate to recruit qualified applicants for any job vacancies, including, but not necessarily limited to, internal job postings, help-wanted advertisements, or public and private employment agencies.

2.1.2 Publication. Any published announcements of position vacancies shall include the class and position title, the qualifications, principal job duties, the dates applications will be accepted, and the place and manner of filing applications. All announcements shall state that the City is an "Equal Opportunity Employer". The City Manager may add any additional information to the published announcements, as deemed appropriate.

2.1.3 Forms. All applications for open positions shall be made on the forms provided and/or in the manner required by the City. Any information submitted shall be verified and investigated by the City Manager prior to appointment to the extent necessary to determine the applicant's qualifications for appointment. Any false information supplied as part of an application for employment may be grounds for rejection of the applicant or immediate dismissal of an employee.

2.2 Selection

2.2.1 Merit and Fitness. The City Manager shall establish procedures for the initial selection or promotion of employees. All selection procedures and rules shall relate to the applicant's or employee's merit, fitness and ability to discharge the duties and responsibilities of the position to which the applicant or employee seeks appointment or promotion. Prior experience and training may be considered when evaluating an applicant's or employee's fitness for a particular position.

2.2.2 Examinations. Selection procedures may include examinations which measure the applicant's or employee's job-related ability, knowledge, and skills. The appropriate form of each examination shall be determined by the City Manager and may

include, but need not be limited to, oral, written, graded, pass-fail, or physical examinations, resume analysis, employment references, reports of supervisors, performance evaluations, and work sampling. The City Manager is responsible for setting any minimum qualifying scores or standards for any required examinations. All selection procedures shall comply with the City's Equal Employment Opportunity policies.

2.2.3 Physical Examinations. Any physical examinations utilized as a selection procedure must be completed at the applicant's or employee's expense by a qualified health care provider before an applicant is appointed or an employee is promoted to a particular position. The City Manager may establish minimum medical and physical standards, where appropriate, which reasonably relate to the duties and responsibilities of a particular position. The standards may differ based on the duties and responsibilities of each position. No appointment or promotion shall be effective until the applicant or employee demonstrates satisfaction of any required minimum medical or physical standards. Failure to meet the required standards will result in disqualification for appointment or promotion to the position.

2.3 Employment of Relatives

2.3.1 Generally. Individuals who are related by blood, marriage or adoption will be given equal consideration for employment with other applicants for positions, or with other employees for transfers or promotions. Related individuals will not, however, be considered for positions when the City Manager determines that a reporting, auditing, or supervisory relationship would exist between the related individuals, or where the related individuals would report directly to the same supervisor.

2.3.2 Marriage. If two (2) employees in the positions defined in Section 2.3.1 were to become related to one another, one must transfer to another department where the reporting, auditing or supervisory relationships would not exist, or where the related individuals would not be reporting directly to the same supervisor. If a transfer cannot be accomplished due to the unavailability of an open position for which the employee is qualified, one of the employees must resign from the City service. The decision as to which employee will transfer or resign will be made in the first instance by the employees involved. If the employees do not decide which employee will transfer or resign within thirty (30) calendar days of becoming related to one another, the City Manager shall determine which employee will transfer or resign based on the best business interest of the City.

2.4 Residency

2.4.1 Residency within the City of Sherwood shall not be a condition of initial appointment or continued employment, except as otherwise required by the provisions of State law, the City Charter, or applicable City ordinances and resolutions. Provided, however, that an employee's selection of residence shall not interfere with the daily performance of his or her duties and responsibilities, as determined by the City Manager. Telephones may be required of employees where assigned job duties and responsibilities dictate.

2.5 Trial Employment

2.5.1 Purpose. The trial employment period shall be considered an integral part of the employee selection and examination process. The trial employment period shall be utilized to observe closely the employee's work, to secure the most effective adjustment of the new employee to his or her position, and for dismissing any employee whose overall work performance does not meet required performance standards.

2.5.2 Length. The trial employment period shall be the first one hundred eighty two (182) calendar days of continuous employment for all employees, except for police officers of all ranks, for which the period shall be three hundred sixty five (365) calendar days. The trial employment period may be extended by the City Manager for any period not to exceed one hundred eight three (183) additional calendar days, provided however that the trial employment period for police officers may not be extended.

2.5.3 Evaluations. During the trial employment period, an employee's supervisor, department head, or the City Manager shall evaluate the employee's performance at regular intervals. A written performance evaluation shall be completed during the last month of the trial employment period or before the conclusion of any extended trial employment period.

2.5.4 Dismissal. Employees may be dismissed by the employee's department head or the City Manager at any time during the trial employment period for failure to meet acceptable performance standards, for reason of any of the criteria listed under Section 3.20.2, or for any other aspect of job performance or behavior that warrants dismissal, in the opinion of the employee's supervisor, department head, or the City Manager. Notice of dismissal shall be in writing as per Section 3.20.3. Employees who are dismissed during the trial employment period have no right to appeal their dismissal under Section 3.21 or Section 3.22 of these Rules, but may request a pre-termination hearing as per Section 3.20.4. The City Manager retains the

discretion to deny the request for a terminated trial employee for a pre-termination hearing. Granting of a pre-termination hearing implies no other appeal rights under these Rules.

ARTICLE 3

EMPLOYMENT POLICIES AND PRACTICES

3.1 RESERVED

3.2 Performance Evaluations

3.2.1 Generally. Employees shall be evaluated in writing during the trial employment period as provided in Section 2.5. After successful completion of the trial employment period, an employee's performance shall be evaluated in writing on or before the employee's anniversary date of employment. The employee's supervisor, department head, or the City Manager may conduct oral or written performance evaluations at other times as are deemed necessary and appropriate.

3.2.2 Content. Regular performance evaluations shall be conducted in writing and completed by the City Manager, the employee's department head, or the employee's supervisor. The performance of the employee with respect to each individual "primary" or "other" job duty as prescribed by the employee's written job description, and the performance of the employee relative to the positive undertaking of their job responsibilities, response to job conditions, and handling of external contacts, as per the applicable sections of their job description, shall be evaluated with the following summary ratings:

- a. Not Meeting All Requirements
- b. Not Current Job Requirement
- c. Making Satisfactory Progress
- d. Meeting All Requirements
- e. Exceeding Requirements

Each summary rating, with the exception of "meeting all requirements", shall be accompanied by a written statement describing job related performance, the specific points on which that performance falls short, matches or exceeds expected standards, and reasonable and measurable criteria and deadlines for improving or sustaining performance.

3.2.3 Consequences. Any employee who receives a "Not Meeting All Requirements" performance rating for any two (2) "primary" job duties, or for any three (3) "other" job duties and for performance relative to "responsibilities", "conditions", or "contacts", on any two (2) consecutive evaluations, may be dismissed. Any employee who receives a "Not Meeting All Requirements" rating on any three (3) of the foregoing evaluation categories, on two (2) consecutive evaluations, may also be dismissed. If an employee's anniversary date or yearly performance evaluation falls during a leave without pay period of thirty (30) calendar days or longer, the anniversary date and performance evaluation shall be postponed until the employee has returned to work and completed as many days of continuous employment as the length of the leave without pay period.

3.2.4 Form. Performance evaluations shall be in a form prescribed by the City Manager and approved by the City Council. The performance evaluation form shall become a part of these Rules and is included as Appendix A. The City Manager may make administrative guidelines to assist supervisors and employees in the proper application of performance evaluation standards.

3.3 Promotions

3.3.1 The most senior current employee may be selected and promoted into an open position when the City Manager determines, after consideration of the criteria listed in Section 2.2, that the overall qualifications and abilities of outside applicants and current employees competing for an opening are equal. The City Manager shall have the discretion to determine seniority for purposes of selection and promotion.

3.4 Transfers

3.4.1 An employee may transfer from one City position to another City position without a break in service, provided, however, that the classification and range of pay steps of the new position shall apply, and the employee shall be subject to a trial employment period as per Section 2.5. An employee's request for a transfer shall be made in writing to the employee's department head. The department head shall refer the written transfer request to the City Manager. The City Manager shall either approve or disapprove the request. Transfers will not be made unless the employee is performing satisfactorily in their current position, and an opening exists for which the employee meets the minimum qualifications.

3.5 Layoffs

3.5.1 Generally. Employees may be laid off whenever the City Manager or City Council determines that there is a shortage of work or funds, or that the abolishment of a position or other changes in the City's organization is in the best business interest of the City.

3.5.2 Procedures. Employees shall be selected for layoff based on merit and fitness. Performance evaluations may be undertaken and used as an aid to determining an employee's merit and fitness at the time of layoff. If the affected employees' merit and fitness is not an overriding factor in the City Manager's judgment, the least senior employee shall be laid off first. Laid-off regular employees may appeal their layoff as provided in Section 3.21 or Section 3.22 of these Rules. Laid-off trial employees have no right to appeal their lay-off under Section 3.21 or Section 3.22. The City Manager shall have the discretion to determine merit, fitness and seniority for purposes of layoff.

3.5.3 Notice. All employees shall receive written notice of the cause(s) for the layoff. Written notice of layoff shall be delivered personally or mailed by registered, certified or other similar special mail to the employee at his or her last known address.

3.5.4 Reinstatement. Reinstatement of laid-off employees shall be at the discretion of the City Manager. The City has no duty to recall laid-off employees when the circumstances necessitating the reduction in the number of employees change, nor to afford the laid-off employee preferential standing in the process of recruitment and selection of new employees.

3.6 Outside Work

3.6.1 Permission Required. Full-time employees must obtain the City Manager's written approval before accepting outside employment or becoming self-employed. An employee's request for such permission shall be in writing. The City Manager shall obtain and consider the recommendations of the employee's department head before approving or disapproving such requests.

3.6.2 Impact. No request shall be approved unless it is demonstrated to the City Manager's satisfaction that such outside employment or self-employment will not detract from the efficiency of the employee's completion of their assigned duties, create a real or potential conflict of interest or the appearance of impropriety, or otherwise conflict with the best business interest of the City.

3.6.3 Revocation. Separate approval shall be obtained for each change in outside employment or self-employment. The City Manager shall have the right to revoke or suspend any previous approval given, if at any time the City Manager determines that the employee's outside employment or self-employment detracts from the efficiency of the employee's completion of their assigned duties, creates a real or potential conflict of interest or the appearance of impropriety, or otherwise conflicts with the best business interest of the City.

3.7 Solicitations

3.7.1 Generally. Employees may not solicit for any purpose other than City related business during workhours. Workhours includes both the soliciting and the solicited employee's workhours. Reasonable forms of solicitation between employees will be permitted during non-workhours such as before or after work, or during authorized meal or break periods.

3.7.2 Literature. Employees may not distribute literature for any purpose other than City related business during workhours, or at any time in or on City property, buildings, and facilities, or at City worksites.

3.8 Political Activities

3.8.1 Generally. Initial or continuing employment shall not be denied on the basis of membership in, or support for, a political party, candidate, or philosophy. Except as may otherwise be allowed by the City Charter or City ordinance, any person who runs for, is elected or appointed to, or holds or has held an elective City office shall not be eligible for initial or continued employment with the City until one (1) year after the last day the prospective employee held such office.

3.8.2 Prohibited Activities. No employees, or elected or appointed official, shall solicit any contributions, assessments, or services on behalf of any candidate, political party, or organization from any City employee(s) during workhours. Employees shall not accept solicitations from private individuals during workhours. Any solicitation undertaken during nonwork hours shall comply with the provisions of Section 3.7.

3.8.3 Political Parties. Nothing contained in this Section shall affect the rights of employees to be members of, support, or otherwise participate in the activities of any political party or organization, to vote as the employee chooses, to express the employee's opinions on political subjects or candidates, to maintain political neutrality, or to participate

in nonpartisan activities of a civil, community, social, professional or other similar organization. Provided, however, that during workhours in City uniform, while in or on City property, buildings, and facilities, or at City worksites, no City employees may actively work for, or against, or attempt to influence the election or defeat of, any candidate for Mayor or Council, the recall of the Mayor or any Council member, or the election or defeat of any other political candidate or ballot measure. Violations of this Section may be subject to the sanctions authorized by these Rules.

3.9 Conflicts of Interest

3.9.1 Generally. Employees shall not have any direct or indirect pecuniary interest in any contract, service, or work performed for the City nor shall employees profit directly or indirectly from any contract, purchase, sale or service between the City and any individual(s), partnership(s), association(s), organization(s), corporations(s), cooperative(s), or any other group of persons.

3.9.2 Prohibited Activities. No employee shall in connection with the performance of his or her duties accept any free or preferred services, benefits or concessions from any other person or group of persons. If an employee is given or offered any free or preferred services benefits or concessions under circumstances which could be reasonably construed to create a conflict of interest or the appearance of a conflict of interest, the employee shall immediately report such activity to his or her supervisor. The supervisor shall in turn inform the employee's department head and the City Manager.

3.9.3 Penalties. Any employee who violates the provisions of this Section may be subject to immediate discipline, up to and including dismissal.

3.10 Employee Appearance and Conduct

3.10.1 Dress and Appearance. Employees shall wear appropriate attire for their position and department. The City Manager or department heads may issue rules regarding what is considered appropriate attire and appearance for the employees of specific City departments and for particular job positions.

3.10.2 Personal Conduct. All employees shall conduct themselves in a manner which is appropriate for an employee of the City service and conduct interactions with the general public and all other parties in a patient, courteous, accurate, and

conscientious manner. Job duties and responsibilities shall be performed in a manner that reflects positively on the City, and promotes the efficient allocation of public resources.

3.11 Employee Safety

3.11.1 Safety. All employees shall coordinate and cooperate with other employees and the City to create and maintain a safe work environment. Employees shall observe all safe practices governing their work. Employees shall offer safety suggestions that contribute to a safer work environment and shall use proper safety devices and protective equipment as required by their supervisor, department heads, or the City Manager. Employees shall properly maintain and keep in good repair all personal protective equipment.

3.12 Injury and Illness

3.12.1 Reporting. Employees shall report any suspected or actual on-the-job injury or occupational illness to their immediate supervisor regardless of degree of severity. Employees shall also report to their immediate supervisor, any accidents or illnesses that cause damage to public or private property or equipment before, after, or during working hours and that involve City employees, equipment, or property. Such reports shall be made as soon as possible, but in no case later than twenty-four(24) hours following such accident or the actual or suspected injury or occupational illness. Employees shall prepare any accident or incident reports requested by their supervisors. In the case of a motor vehicle accident on City property, or while the employee is involved in the performance of their duties, the City Police Department shall also be notified immediately.

3.12.2 Notices. Department heads shall notify the City Manager of any actual or suspected on-the-job accidents, occupational illnesses, or injuries as soon as practicable, but in no case later than one (1) regular City workday following the filing of any accident, illness, or injury report.

3.13 Personnel Records

3.13.1 Content. Personnel records shall be maintained on all City employees and shall include, but not necessarily be limited to, the employee's initial employment application, examination materials, reports of the results of any previous employment reference checks, a list of the positions held and compensation received, performance evaluations, and special commendations or awards relating to job performance, notes regarding any disciplinary action(s) or other counseling

sessions, and records regarding the payment or administration of benefits. Personnel records shall be maintained in the office the Director of Finance and Administrative Services. All employees, including those on leave without pay status, are required to keep the City informed of their current home address at all times.

3.13.2 Confidentiality. An employee's personnel records are confidential, except as provided in Section 3.13.3. Only the employee, the employee's immediate supervisor, department head, and the City Manager, or other personnel authorized by the City Manager, may examine an employee's confidential personnel records. Confidential personnel records shall not be released to any unauthorized individuals except with the written consent of the employee. No documents shall be copied or removed from an employee's personnel file without the City Manager's approval, provided, however, employees have the right to copy documents from their own personnel file at any time, subject to notification of the City Manager. Authorized inspections shall take place in the presence of the City Manager or the Director of Finance and Administrative Services.

3.13.3 Public Information. The following information from an employee's personnel file is available for public inspection, subject to any reasonable regulations on the time and manner of inspection that may be determined by the City Manager: Employment application(s); examination materials; position title(s); prior position(s) held by a City employee; an employee's classified or unclassified status; the dates of appointment and separation of a city employee; and the compensation authorized for a city employee.

3.14 Business Travel

3.14.1 Expenses. Employees required to travel outside of the City on City business, including but not limited to meetings, conferences, conventions, or court appearances, shall be reimbursed for all reasonable expenses incurred. An employee scheduled to travel outside of the City on City business shall obtain prior approval from the City Manager as to the necessity of the trip, relevance and importance to the City's business, mode of travel, accommodations, fees and other anticipated expenses. Reimbursement for expenses shall only be for actual and reasonable expenses incurred in the course of performance of official duties as a City official. Employees shall be responsible for obtaining and submitting records verifying all individual expenses exceeding ten dollars (\$10.00).

3.14.2 Transportation. Transportation for official City business purposes shall generally be by public carrier or City-owned vehicles. City-owned vehicles may be used for City

business only. Subject to authorization of the City Manager, privately-owned vehicles may be utilized. Mileage reimbursement for the use of private vehicles shall be paid at the rate of twenty-five cents (\$.25) per mile. Employees shall be responsible for maintaining and submitting records verifying all mileage accrued. Mileage reimbursement is considered to cover all transportation expenses, including but not limited to gas and oil, insurance, storage, and parking.

3.15 Attendance and Tardiness

3.15.1 Attendance Required. An employee shall be in attendance during all work hours designated by the City Manager or the employee's department head. Employees shall report to work and return from rest and meal periods, authorized leave, and holidays at scheduled times and/or dates. Attendance records shall be maintained and made part of the employees personnel record.

3.15.2 Authorized Absence. Any employee unable to report to work for any reason other than personal illness or injury, or any other reason authorized in Section 6.3, must obtain prior authorization for the absence from the employee's immediate supervisor. Any employee absent without prior authorization or notice to the appropriate supervisor shall be deemed to have forfeited any sick pay or other paid leave and may be disciplined.

3.15.3 Notice. Employees absent due to personal illness or injury, or any other reason authorized in Section 6.3, shall notify their immediate supervisor no later than the start of the employee's regular workshift. If the absence continues beyond the employee's first regular workday, the employee shall notify the immediate supervisor of each workday's successive absence before the start of the employee's regular workshift, unless other arrangements are made by the employee with the immediate supervisor. If the employee's immediate supervisor is not available, the employee shall notify their department head or the City Manager regarding absences. For any absence due to personal illness or injury that exceeds three (3) of the employee's regular workdays, the employee's department head or the City Manager may require written verification of the illness from a qualified health care provider, as defined per Section 1.7.34.

3.15.4 Penalties. Employees shall be disciplined up to and including discharge for excessive absenteeism and tardiness. The City Manager shall have the discretion to determine what constitutes excessive absenteeism and tardiness and the manner in which employees shall be disciplined. This determination may differ according to the needs of each City department or the duties and responsibilities of each job position.

3.16 Work Schedules and Rules

3.16.1 Generally. The City Manager or the employee's department head may establish employee work hours and schedules, and any necessary rules, regulations, and procedures, based upon the best business interest of the City and the needs of each department. Departmental rules, regulations, and procedures shall be approved by the City Manager, and are made part of these Rules by reference. Provided, however, that departmental procedures shall not nullify, modify, or run counter to these Rules.

3.16.2 Workday and Workweek. The regular City workday consists of a workshift of eight(8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty-four (24) hour period. Saturdays, Sundays and recognized City holidays are generally not considered regular City workdays, except as otherwise established by these Rules. The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins with the start of the first workshift after 12:01 a.m. Sunday and ends at the conclusion of the last workshift that started before midnight on Saturday. These Rules, the City Manager, or the employee's department head may establish other regular workdays or workweeks for individual employees or certain classes of employees, particularly those in City departments providing seven (7) days-a-week, twenty-four (24) hours-a-day service, and for exempt employees as per Section 5.7.5.

3.16.3 Schedules. Work schedules shall be established by the City Manager or the employee's department head. Employees shall work all of the hours and days assigned. Work schedules for those departments that are staffed twenty-four (24) hours a day shall be posted in advance by the department head. The City reserves the right to modify any posted work schedule whenever such modifications are in the best business interest of the City.

3.17 Resignations

3.17.1 Notice. An employee may resign by giving their department head written notice of resignation at least ten (10) regular City workdays before the effective date of resignation. "Workdays" as used in this Section shall not include Saturdays, Sundays, and recognized City holidays. The written notice shall state the reasons the employee is resigning. The department head shall forward the resignation notice to the City Manager, and may include a written summary of the employee's current work performance and any additional information regarding the employee's reasons for resignation.

3.17.2 Re-employment. An employee's failure to comply with Section 3.17.1 may be cause for denying reemployment with the City and/or payment of any earned but unused vacation benefits. The City Manager may waive the ten (10) regular City workdays written notice requirement based upon the particulars of any given resignation and permit a shorter written notice period, or may permit a verbal notice.

3.18 Physical Examinations

3.18.1 An employee may be required by the City Manager to submit to an examination by a qualified health care provider, as defined per Section 1.7.34, at any time, at City expense, for the purpose of determining the employee's current and continuing ability to perform all the duties and responsibilities of the employee's current position. The qualified health care provider shall send a written report of the results of the examination to the City Manager. A qualified health care provider's opinion that the employee is currently unable to perform all the duties and responsibilities of the employee's position, shall result in the employee being placed on leave without pay status, unless some other reasonable accommodation can be made. The employee's ability to return to work shall be determined by the procedures set out in Section 6.6.

3.19 Disciplinary Actions

3.19.1 Oral Warnings. Whenever an employee's attitude, work habits or personal conduct falls to a level unacceptable to the employee's supervisor, department head, or the City Manager, or whenever an employee's work performance is evaluated as not meeting all requirements, or whenever an employee engages in an action or behavior as per Section 3.20.2 the employee generally should be informed of the unacceptable behavior or unsatisfactory performance and the means to correct the situation. Provided, however, if the seriousness or circumstances of a specific incident or the whole pattern of the employee's past performance and conduct, justifies more severe disciplinary action in the first instance, other disciplinary actions specified in this Section, up to and including dismissal, may be utilized. A written note documenting the oral warning shall be placed in the employee's personnel file.

3.19.2 Written Warnings. If appropriate and justified, an employee who has received an oral warning may be given a reasonable time for improvement before further disciplinary action is taken. If the oral warning does not result in the expected improvement, or other aspects of the employee's job performance, attitude, work habits or personal conduct fall to or

remain at unacceptable levels, or where more severe initial action is warranted in the first instance, the employee shall receive a written warning, unless more severe disciplinary action is taken pursuant to section 3.19.3. This written warning shall detail the employee's unacceptable behavior and the means to correct the situation. A copy of this written warning shall be provided to the employee and placed in the employee's personnel file. In the case of unsatisfactory job performance the written warning may take the form of a special job performance evaluation, conducted as per Section 3.2.

3.19.3 Additional Actions. If an oral or written warning has not resulted in the expected improvement, or the seriousness of a specific incident or the whole pattern of the employee's past performance and conduct justifies the imposition of more severe disciplinary action in the first instance, an employee may be suspended without pay, demoted, or placed on disciplinary probation by the employee's department head with approval of the City Manager. A written statement of the action taken, the reasons justifying the action, and the consequences of repeating or engaging in further or other unacceptable behavior shall be provided to the employee, and a copy shall be placed in the employee's personnel file. The written statement shall be delivered personally to the employee or mailed by registered, certified or other special mail to the employee's last known address.

3.19.4 Disciplinary Probation. Any disciplinary probation imposed under these Rules may be for any period of time up to and including six (6) months. During the disciplinary probation period, the employee must show the required improvement necessary to remain in the City service. If the employee fails to correct their performance, or repeats the unacceptable conduct during the disciplinary probation period, the employee may be dismissed.

3.19.5 Suspension Without Pay. Any suspension without pay imposed pursuant to this Section shall not exceed thirty (30) calendar days. During the period the employee is suspended without pay, the City Manager shall investigate the circumstances leading up to the suspension. When the investigation is completed and a decision is made as to further disciplinary action, the employee shall be informed in writing of the further action, if any. If the investigation indicated further disciplinary action is warranted, the discipline shall be imposed and the employee shall not be paid for the time spent on suspension.

3.20 Dismissal

3.20.1 Generally. The City Manager or department head may dismiss an employee if previous disciplinary actions have not resulted in the expected improvement. The City Manager or department head may also dismiss an employee without previous warning or discipline based on the seriousness or circumstances of a specific incident, or when the whole pattern of an employee's past performance and conduct justifies the imposition of more severe disciplinary action in the first instance.

3.20.2 Criteria. Reasons for dismissal or other disciplinary action include, but are not limited to:

- a. Damage, destruction, unauthorized use, or misuse of public property;
- b. Unsatisfactory, incompetent, inefficient, or negligent performance of assigned duties;
- c. Insubordination, profanity, or displaying an ungovernable or bad temper;
- d. Conviction of a felony or misdemeanor;
- e. Off-duty misconduct which reflects unfavorably upon the employee's suitability for public employment;
- f. Excessive absenteeism or tardiness, unauthorized absences, or failure to return from a leave without pay on or before the designated date;
- g. Abuse of leave privileges;
- h. Real or perceived conflicts of interest, or conduct which creates the appearance of impropriety;
- i. Acceptance of any valuable consideration given in the expectation of influencing the employee in the performance of the employee's duties;
- j. Untruthfulness, dishonesty, or falsification of records, including misrepresentation of qualifications for employment;
- k. Use of the employee's position for personal advantage;

1. Insubordinate, uncivil, discourteous or disrespectful behavior towards co-workers, supervisors, or the public;
- m. Failure to observe these Rules, work rules established as per these Rules, or other City administrative rules;
- n. Willfully disobeying the lawful orders of a supervisor, department head, the City Manager or other authorized City Official.
- o. Use of alcohol or controlled substances on the job, or working under the influence of such substances.
- p. Sexual harassment of other City employees, or any other form of harassment prohibited by law.

3.20.3 Dismissal Notice. All employees shall be given prior written notice of intended dismissal including notice of the date when the action will become effective. A copy shall be placed in the employee's personnel file. The written notice shall be delivered personally to the employee when practicable, or mailed by registered, certified or other similar special mail to the employee's last known address. The notice shall include a statement of the reasons for the dismissal and cite those portions of these Rules that have been violated. The notice shall also inform the employee of his or her rights of appeal under these Rules.

3.20.4 Pre-termination Hearing. In a case of dismissals, the written notice shall inform the employee that the employee may request a pre-termination hearing and written decision by the City Manager. If the employee requests such a pre-termination hearing within two (2) regular City workdays of the notice of intended dismissal, the City Manager shall give the employee an opportunity to refute any of the charges or reasons stated for the proposed dismissal at an informal hearing for that purpose. The pre-termination hearing shall be held, if practicable, within two (2) regular City workdays of receipt of the request for a pre-termination hearing, or at such other date as soon thereafter as the City Manager may set, provided that no termination shall be effective until after the requested pre-termination hearing with the City Manager has been held and the City Manager's written decision has been made. In the case of pre-termination hearings, the termination date set forth in the notice of intended dismissal shall be deemed extended to the day following the date the City Manager's written decision is made. The hearing need not be an evidentiary hearing, but shall afford the employee an opportunity to respond to the charges or reasons given for the employee's dismissal. The City Manager may uphold,

modify or reverse the dismissal action. Exercising the pre-termination option shall not result in the loss of any other appeal rights afforded regular employees by Section 3.21 or 3.22 of these Rules. Trial employees, as per Section 2.5, shall also be given written notice of dismissal but may receive a pre-termination hearing at the discretion of the City Manager. Dismissed trial employees have no rights to appeal under Section 3.21 or Section 3.22.

3.21 Grievances and Appeals

3.21.1 Generally. A regular employee in the classified service may, as set forth in Sections 3.20, 3.21, and 3.22 of these Rules, appeal any warning, suspension without pay, lay off, demotion, disciplinary probation or dismissal, or grieve any alleged violation of these Rules within five (5) regular City workdays after the effective date of the disciplinary action, or of the occurrence giving rise to the grievance. If an employee fails to appeal such disciplinary action within five (5) regular City workdays after the effective date, the employee will be deemed to have waived any appeal of such rights under these Rules, except as provided in Section 3.20.4. Alternatively the regular employee may elect to appeal any warning, suspension without pay, lay off, demotion, disciplinary probation, or dismissal, or grieve any alleged violation of these Rules directly to the City Personnel Board as per Section 3.22. If such employee files a grievance or appeal to the Personnel Board, the employee shall be deemed to have waived voluntarily any other grievance or appeal rights under Sections 3.19, 3.20, and 3.21 that have not previously been exercised. "Workdays" as used in Section 3.21 shall not include Saturdays, Sundays, or recognized City holidays.

3.21.2 Exceptions. An appeal by a regular employee of a warning, suspension without pay, layoff, demotion, disciplinary probation or dismissal, shall not forestall the effects of any disciplinary action, except for dismissals as per Section 3.20.4. Provided, however, should the disciplinary action be reversed or modified on appeal, the employee generally will be returned to his or her position, be paid for any lost pay and have all other benefits restored retroactively to the date of disciplinary action, unless the appeal decision specifies otherwise. To the greatest extent practicable and when the best business interests of the City will not be harmed, the City Manager or department head may set the effective date of any disciplinary action, except for dismissal, to commence no less than five (5) regular City workdays from the date of the written notice of the disciplinary action. In the case of a grievance by an employee of an alleged violation of these Rules, the employee may elect to skip any step(s) in the procedure set forth in Section 3.21.5 if the grievance is against the City official specified to hear the

grievance. The employee's decision to skip any step in the grievance procedure shall be submitted in writing.

3.21.3 Applicability. The grievance and appeal procedure applies to all regular employees in the classified service. Employees shall exhaust all City grievance and appeal procedures before availing themselves of other methods of dispute resolution, including but not limited to, any federal, state, or local tribunal or court. Trial employees, as per Section 2.5, do not have the right to grieve or appeal under Section 3.21.

3.21.4 Waiver. If an employee fails to process any grievance or appeal within the time limits specified in these Rules and the time limits are not waived by the City, the employee's grievance or appeal will be deemed waived and such failure shall constitute a bar to any further appeal. If the City fails to answer a grievance or appeal at any step, the employee's grievance or appeal shall automatically progress to the next step and shall not be deemed waived. Nothing in this Section shall be construed to prevent the settlement of any grievance or appeal by mutual agreement of the parties at any time.

3.21.5 Procedure. Except as otherwise provided in these Rules, the following steps shall be followed in submitting and processing a grievance of an alleged violation of these Rules, or an appeal of a disciplinary action or dismissal. All parties to a grievance or appeal shall endeavor, whenever practicable, to process their actions within fewer regular City workdays than specified by this Section.

- a. Step I: Step I: Any employee(s) shall first present any grievance or appeal to their immediate supervisor within five (5) regular City workdays after the grievance or appealed action arose. The supervisor and the affected employee(s) shall meet to discuss the grievance or appeal and attempt to resolve the issue within five (5) regular City work days of the date the grievance or appeal was presented to the immediate supervisor. The supervisor shall inform the employee(s) of the decision on the appeal or grievance within this five (5) day period. The supervisor's decision may be given verbally or in writing.
- b. Step II: If the grievance or appeal is not resolved at Step I, the affected employee(s) shall reduce the grievance or appeal to writing and submit the issue to their department head within five (5) regular City workdays after the decision of their immediate supervisor is given. The

written grievance or appeal shall contain a description of the alleged problem(s), the date(s) of alleged occurrence(s), the corrective actions(s) desired, and a summary of what occurred during Step I of the grievance or appeal procedure. A meeting between the department head and the affected employee(s) shall be held within five (5) regular City workdays of the receipt of the written grievance or appeal. The department head shall respond to the employee(s), within five (5) regular City workdays of the meeting, with a written decision on the appeal or grievance.

- c. Step III: If the grievance or appeal is not resolved at Step II, the affected employee(s) may, within five (5) regular City workdays of receipt of the department head's written decision, present a written grievance or appeal to the City Manager, along with all pertinent correspondence, records and information accumulated to date. For the purpose of resolving the grievance or appeal, the City Manager shall meet with the affected employee(s) and the department head within five (5) regular City workdays after receipt of the grievance or appeal. The City Manager shall respond with a written decision on the appeal or grievance to the employee(s), within five (5) regular City workdays of the meeting. The decision of the City Manager shall be final, except as otherwise provided by Section 3.22 of these Rules.

3.22 Personnel Board.

3.22.1 Membership. The City of Sherwood Personnel Board shall consist of the members of the Sherwood City Council.

3.22.2 Authority. The Personnel Board shall hear grievances and appeals by regular employees in the classified service regarding their suspension, layoff, demotion, dismissal or any other grievance as per these Rules. Any such grievance or appeal shall be filed in writing with the City Recorder within ten (1) regular City workdays after the employee received the written notice of suspension, layoff, demotion or dismissal, of the occurrence giving rise to the grievance, or of the completion of a grievance and appeal procedure as per Section 3.20 or Section 3.21. Employees who fail to file their notices of appeal as required by these Rules shall be deemed to have waived any right of appeal under this Section. "Workdays" as used in

Section 3.22 shall not include Saturdays, Sundays, or recognized City holidays. Trial employees, as per Section 2.5, do not have the right to grieve or appeal under Section 3.22.

3.22.3 Notice. As soon as practicable after the notice of grievance or appeal is filed, the Personnel Board shall meet and consider the employee's grievance or appeal. The Board shall provide written notice to the employee, the employee's representative(s), and the City Manager, as to the date, time, and place of the hearing.

3.22.4 Hearing. The Personnel Board shall hold a hearing on the employee's grievance or appeal. The employee, City employees and any other interested persons may give testimony at the hearing. The employee, his or her authorized representative(s), the City, and the City's authorized representative(s), may examine and cross-examine any witness with respect to the facts which are material and relevant to the issues involved. The Personnel Board shall be responsible for the conduct of the hearing and may determine the order of the presentation of evidence, request the presence of witnesses, and examine or cross-examine any interested party and/or witness. All testimony taken at the hearing shall be under oath. The Personnel Board shall receive any evidence logically tending to prove or disprove a fact at issue, irrespective of the common law rules of evidence, but no decision or findings shall be based exclusively on hearsay evidence. Whenever any evidence is considered by the Personnel Board to be unnecessarily cumulative in effect, or not likely to prove or disprove a fact in issue, such evidence may be excluded.

3.22.5 Findings and Decision. Within ten (10) regular City workdays of the grievance or appeal hearing, the Personnel Board shall issue a written notice of decision upholding, modifying, or reversing the appealed disciplinary action, or making a determination of the validity of the grievance. The Board's report shall cite specific findings of fact supporting their decision, give specific directions as to any conditions or remedies attached to their decision and set an effective date. The written notice of decision shall be provided the employee, the employee's representative(s) and the City Manager.

ARTICLE 4

CLASSIFICATION PLAN

4.1 Coverage.

4.1.1 Applicability. All offices and positions in the City service shall be assigned to the classified or unclassified service. Unless specifically provided otherwise, these Rules shall apply only to employees in the classified service.

4.1.2 Unclassified Service. The unclassified service shall include the following positions: The Mayor, Council Members, Municipal Judge(s), the City Manager, members of boards, commissions, and other plural authorities, all other personnel appointed, elected, approved, or confirmed by the City Council, all personnel who serve without compensation, and all temporary part-time or volunteer personnel.

4.1.3 Classified Service. The classified service shall include those positions which are not specifically included in the unclassified service, as per Section 4.1.2.

4.2 Creation

4.2.1 Generally The City Manager shall annually prepare and submit a classification plan to the City Council for approval. The classification plan shall become a part of these Rules, and is summarized in Appendix C, Table I.

4.2.2 Classes. Positions shall be grouped into classes based on similarity in established duties, responsibilities, and entrance qualifications. No person shall be appointed to or employed in a position that has not been included in the classification plan, except for temporary part-time positions authorized by the City Council. Each class of positions shall be given a class title which may take the form of a number.

4.2.3 Class Specifications. Class specifications in the form of a job description(s), shall be prepared for each position. Job descriptions shall become a part of these Rules and be included in Appendix D. Each specification shall include, but need not be limited to, the following information: the position title, a general statement of duties and responsibilities, a brief description of job conditions, and any entry level education, experience, licenses, or other relevant skills that must be possessed by any person to be considered for a position. Job descriptions shall be updated no less than

annually to reflect accurately any changes to the duties, responsibilities, entrance qualifications, and other particulars of a position.

4.3 Purpose

4.3.1 The classification plan is to be used as a guide for recruiting and selecting applicants for employment, determining lines of promotion or demotion, developing employee training programs, determining the pay rate for various types of work, determining personnel costs and departmental budgets, and as a uniform way of referring to positions in the City service that is understood by all City employees and the general public.

4.4 Administration

4.4.1 Responsibility. The City Manager is responsible for maintaining the classification plan and ensuring that the plan reflects the current duties, responsibilities and qualifications of all classified positions in the City service. When new positions are created, the City Manager shall review the position's duties, responsibilities and qualifications and make recommendations to the City Council for any appropriate classifications or reclassifications of positions, as provided in Section 4.2. Whenever there are material changes in the duties, responsibilities and qualifications of current positions, the City Manager shall review the changes and shall recommend any necessary and appropriate changes in the classification plan. The City Manager shall also periodically review the entire classification plan and recommend any changes in the assignment of positions to classes, job descriptions, or any other appropriate changes to the classification plan.

4.4.2 New Positions. Whenever a new position is created or the duties of an existing position materially change, department heads shall provide the City Manager with a written, comprehensive job description(s), describing in detail the duties, responsibilities and qualifications of the affected positions assigned to the class. The City Manager shall investigate the suggested or actual duties, responsibilities and qualifications, and recommend to the City Council whatever action may be appropriate or necessary to accurately maintain the classification plan.

4.4.3 Incumbents. Incumbent employees who consider their position improperly classified may submit a request for consideration for reclassification in writing to their immediate supervisor. The immediate supervisor shall review the request with the department head. If the department head finds that the position's duties, responsibilities or qualifications have

changed materially so that the position's classification is inappropriate, the department head shall make a recommendation as to reclassification to the City Manager. If the department head finds reclassification is not appropriate, the department head shall inform the employee in writing of this decision and the reasons for the decision. In those cases where the department head has recommended reclassification to the City Manager, the City Manager shall review this recommendation and make the final recommendation to the City Council regarding granting or denying the reclassification request.

4.4.4 Appointment. When a position is reclassified from one class to a higher or lower class, the method of filling the position shall generally be in accordance with Sections 2.1, 2.2, 2.3, 3.1, 3.3 and 3.4. Provided, however, whenever the reclassification would result in a demotion of an incumbent employee, the incumbent employee may be appointed to the reclassified position, upon the recommendation of the department head and approval by the City Manager. And provided further, however, that whenever the reclassification is a result of the employee's diligent and appropriate assumption of difficult and additional duties and responsibilities, so that the position warrants a higher classification, the department head may recommend to the City Manager that the incumbent be appointed to the reclassified position without examination. The City Manager shall consider the department head's recommendation and make the final decision regarding how such a reclassified position shall be filled.

ARTICLE 5

COMPENSATION PLAN

5.1 Creation and Coverage

5.1.1 Generally. The City Manager shall develop a compensation plan consisting of ranges of pay steps assigned to classes of positions. Each range of pay assigned to a class shall consist of one (1) minimum pay step, two (2) intermediate pay steps, and one (1) maximum pay step. The compensation plan shall also include merit pay provisions. Each class of positions shall be assigned a range of pay steps. Pay steps between the minimum and intermediate steps shall increase two and one-half percent (2 1/2%), and shall increase five percent (5%) between the last intermediate step and the maximum step. There shall be a minimum three percent (3%) difference between the maximum and minimum steps of any two (2) consecutive class of positions. This compensation plan and any subsequent changes shall become a part of these Rules and be included and summarized in Appendix B, Table II.

5.1.2 Pay Steps. Pay steps for each class shall be coordinated based upon the range of pay steps for other classes, the requisite duties, responsibilities, and entry level qualifications of positions in each class, the rates of pay for similar work in the public and private sector, cost of living data, suggestions from department heads and other employees, fringe benefits, the City's financial policies and position, or any other relevant considerations. Nothing contained in these Rules, the compensation plan, or the City's past practices or customs shall prevent the City from reducing its work force, laying off, promoting, demoting, reclassifying or dismissing employees or otherwise managing and directing the operation of City government in the best business interest of the City.

5.1.3 Applicability. The provisions of the compensation plan shall be applicable to all employees whose positions are listed in the classification plan.

5.2. Maintenance

5.2.1 Responsibility. The compensation plan is intended to provide appropriate and equitable compensation for all positions in the classification plan, taking into consideration those factors listed in Section 5.1.2. The City Manager shall annually study all factors affecting the level of compensation

paid City employees, and shall recommend appropriate adjustments to the City Council.

5.2.2 Amendment. The use of pay steps and merit pay is intended to provide administrative flexibility in recognizing individual differences among incumbents appointed to positions in the same class and to provide an incentive for employees to advance and improve their performance. The City Council may approve the raising or lowering of the range of pay steps for any or all classifications when deemed in the best business interest of the City.

5.3 Within-the-Range Pay Increases

5.3.1 Minimum Rate. The minimum pay step established for a class is the normal hiring rate, except in cases where the background of a new employee, or other factors, warrant appointment at a higher step. Appointments above the minimum pay set for a class shall be approved by the City Manager, based on a consideration of whether the applicant's current qualifications are in excess of the entry level qualifications required for the class, whether there is a shortage of qualified applicants available at the minimum pay step, whether qualified applicants decline employment at the minimum pay step, or other factors in the best business interests of the City.

5.3.2 Advancement. Advancement to successive pay steps for a class of positions shall be based on an employee's efficient and fully satisfactory performance of the duties and responsibilities of their position. The maximum pay step is considered the full pay rate for an incumbent who is meeting all the requirements of his or her duties. Advancement to the next successive pay step shall be based solely on merit and performance, not on an employee's longevity or seniority. Advancement is not automatic.

5.3.3 Timing. An employee may be considered for advancement to a higher pay step on his or her yearly anniversary date of employment. Provided, however, that trial employees may be considered for advancement to a higher pay step upon successful completion of the trial employment period as provided in Section 2.5. The anniversary date of employment shall be adjusted for employees on leave without pay status as provided in Section 6.6.6. Normally an employee shall only be advanced to the next successive pay step for their class of positions. Provided, however, that the City Manager may advance an employee to a higher step upon his or her anniversary date of employment based on a determination that the performance of the employee has consistently exceeded the normal requirements of their position, and that such advancement would be in the best business interest of the City.

5.4 Merit Pay

5.4.1 Eligibility. All regular employees shall be eligible for a merit pay award on their first anniversary date following advancement to the maximum pay step for their class of positions, and on each successive anniversary date, provided the employee remains at the maximum step for their class of positions. Different merit pay plans shall be in effect for non-exempt classified employees, as per Section 1.7.25, and exempt employees, as per Section 1.7.18 and 5.7.5.

5.4.2 Non-Exempt Employees. Eligible non-exempt employees, as per Section 5.4.1, shall receive a merit pay award in increments equal to two percent (2%) of gross salary for each "exceeding requirements" rating received on their annual performance evaluation for "primary" job duties, and one percent (1%) for each "exceeding requirements" rating received for "other" job duties or for their performance relative to "job responsibilities", "job conditions", or "external contacts", to a maximum of ten percent (10%). Provided, however, that to be eligible for merit pay all other rated factors on an employee's annual performance evaluation shall not fall below "meeting all requirements".

5.4.3 Exempt Employees. Eligible exempt employees, as per Section 5.4.1, shall receive a merit pay award in increment equal to three percent (3%) of gross salary for each "exceeding requirements" rating received on their annual performance evaluation for "primary" job duties, and two percent (2%) for each "exceeding requirements" rating received for "other" job duties or for their performance relative to "job responsibilities", "job conditions", or "external contacts", to a maximum of ten percent (10%). Provided, however, that to be eligible for merit pay all other rated factors on an employees annual performance evaluation shall not fall below "meeting all requirements".

5.4.4 Payment. The total merit pay award shall be paid as a lump sum at the time of the first regular payday following approval of award by the City Manager, or in four (4) equal quarterly increments at the employee's option, provided however that merit pay shall be paid out in full within the same fiscal year in which it is awarded.

5.4.5 Approvals. All merit pay awards shall be approved by the City Manager, who shall determine that the performance evaluation was fair and accurate; consistent with the general standards of job performance and conduct applied to other positions in the City service; and that adequate funding exists

for an ongoing merit pay program. The City Manager has the discretion to deny or reduce any merit pay award.

5.5 Pay Steps on Promotion, Demotion or Transfer.

5.5.1 Promotion. When an employee is promoted, the employee's pay step in the new position shall be at least a five percent (5%) increase from the pay step from which the employee was promoted. The anniversary date of an employee who is promoted shall be adjusted so that it falls one (1) year from the effective date of the promotion.

5.5.2 Demotion. When an employee is demoted pursuant to Section 3.19.3, the employee's pay step in the new position shall be the pay step of their new class of positions which is the smallest decrease from the pay step from which the employee was demoted. If the employee was demoted, but not pursuant to Section 3.20.3, the employee's pay step in the new position shall be any appropriate pay step in their new class of positions that is less than the pay step from which the employee was demoted. In either case, the demoted employee's department head shall make a recommendation to the City Manager as to an appropriate pay step and the City Manager shall review and approve the recommended lower pay step or determine what is a more appropriate pay step. The anniversary date of an employee who is demoted shall be adjusted so that it falls one (1) year from the effective date of the demotion.

5.5.3 Transfer. When an employee transfers from one position to another in the same class of positions, the employee shall continue to be paid at the same pay step and the employee's anniversary date shall not be adjusted.

5.6 Pay Periods

5.6.1 Workday and Workweek. The regular City workday consists of a workshift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty-four (24) hour period. Saturdays, Sundays and recognized City holidays are generally not considered regular City workdays, except as otherwise established by these Rules. The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins with the start of the first workshift after 12:01 a.m. Sunday and ends at the conclusion of the last workshift that started before midnight on Saturday. These Rules or the City Manager may establish other regular workdays or workweeks for individual employees or certain classes of employees, particularly those in City departments providing seven (7) days-a-week, twenty-four (24) hours-a-day service, and for exempt employees as per Section 5.7.5.

5.6.2 Pay Day. Employees will be paid once a month on the last day of each month, provided, however, that a draw of up to thirty percent (30%) of gross monthly salary may be requested for payment on the fifteenth (15) day of each month. When the normal payday or drawday falls on a Saturday, Sunday, or recognized City holiday, employees shall be paid on the last regular City workday preceding that Saturday, Sunday, or holiday.

5.6.3 Advances. Employees may request payroll advances when the normal payday or drawday falls during any authorized leave, or in other circumstances as may be authorized by the City Manager. Payroll advances may not exceed ninety percent (90%) of the employee's normal net pay scheduled for that payday or drawday.

5.7 Overtime

5.7.1 Generally. All employees, except as exempted by Sections 5.7.4 and 5.7.5, will be compensated for hours worked outside of their regular workday or workweek. The regular workshift for such non-exempt employees consists of eight (8) working hours within a given workday, as defined by Section 5.6.1. The regular workweek for such non-exempt employees consists of forty (40) working hours within a given workweek, as defined by Section 5.6.1. No employee may refuse to work scheduled overtime, overtime necessitated by emergencies, overtime necessitated by staff shortages, or any other reasonable requirement for overtime work that is in the best business interest of the City.

5.7.2 Compensation. All authorized overtime work by employees, except as exempted by Section 5.7.4 and 5.7.5, shall be compensated for with time off in lieu of pay, at the rate of one and one-half (1 1/2) hours for each hour of employment worked in excess of the employees regular eight (8) hour workday or forty (40) hour workweek, up to an accrual of forty (40) hours. Such non-exempt employees shall receive cash payment for all overtime accumulated in excess of forty (40) hours, and shall be paid for all unused compensatory time-off upon resignation, layoff, or dismissal. Such excess or unused compensatory overtime shall be paid at the employee's regular rate of pay.

5.7.3 Public Works. All employees in the Public Works Department, except as exempted by Section 5.7.5, shall be responsible for serving emergency standby duty, as scheduled by their supervisor or department head. During the employee's regular workday or workweek, no additional compensation shall be due for standby duty, except for actual overtime hours worked as specified in Section 5.7.1. On Saturdays, Sundays and recognized City holidays that are not part of the employees regular workday or workweek, non-exempt employees shall accrue four (4) hours of compensatory time off for every full twenty-four (24) hour standby shift served. Provided, however, that if the employee is called to active duty, compensation shall be provided as specified in Section 5.7.2, in addition to standby compensatory time-off.

5.7.4 Exceptions. Exempt classified employees, as specified by Section 5.7.5, are not eligible to receive overtime pay for any hours worked in excess of forty (40) hours in one (1) regular City workweek, as such employees receive a salary which is considered to be adequate cash compensation for all hours worked. The City Manager has the discretion to permit short periods of time off for such exempt classified employees for the purpose of attending to personal or civic matters, without loss in salary or requiring the use of other leave benefits.

Provided, however, that as a result of conditions which involve hours of work in excess of forty-four (44) hours in one (1) regular City workweek, an exempt classified employee shall receive compensatory time-off equivalent to the actual excess hours worked, up to a maximum accumulation of forty (40) hours of compensatory time-off.

5.7.5 Exempt Positions. For purposes of these Rules, exempt classified employees include those persons employed in an administrative, professional or executive position, as defined by the Fair Labor Standards Act of 1985 or succeeding legislation. Present exempt classified positions in the City service include the Chief of Police, Director of Finance and Administrative Services, and Director of Public Works. Other positions may be declared exempt when added to the City service or as duties and responsibilities of existing positions are modified.

ARTICLE 6

EMPLOYEE BENEFITS

6.1 Holidays.

6.1.1 When Observed. The City shall observe the following holidays on the dates indicated:

- | | |
|---------------------|-----------------------------|
| a. New Years Day | January 1 |
| b. President's Day | Third Monday in February |
| c. Memorial Day | Last Monday in May |
| d. Independence Day | July 4 |
| e. Labor Day | First Monday in September |
| f. Veteran's Day | November 11 |
| g. Thanksgiving Day | Fourth Thursday in November |
| h. Christmas Day | December 25 |

6.1.2 Exceptions. If a holiday falls on a Sunday, the following Monday shall be observed as the holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

6.1.3 Floating Holiday. In addition to the holidays listed in Section 6.1.1, regular full-time employees shall receive one (1) floating holiday per calendar year in recognition of the national observation of the birthday of Martin Luther King. Floating holidays must be scheduled with a minimum of ten (10) regular City workdays advance written approval by the employee's immediate supervisor or department head. Floating holidays not used within the calendar year are lost and cannot be carried over for use in subsequent calendar years. Upon termination an employee shall not receive pay for an unused floating holiday.

6.1.4 Holiday Pay. Full-time employees who do not work on a holiday shall receive eight (8) hours holiday pay at their regular rate of pay, provided they have worked their last scheduled workday before and their first scheduled workday after the holiday. Part-time and temporary employees do not receive holiday pay, provided however that when in the best business

interest of the City, part-time employees may be offered the opportunity to work a substitute workday. Employees who are on leave without pay are not entitled to receive holiday pay. An unexcused absence from scheduled work on a holiday will result in loss of holiday pay for that holiday.

6.1.5 Exchange Holidays. Classified employees who work on a holiday for which an exchange holiday is not taken within thirty (30) calendar days shall be paid for the first eight (8) hours worked on the holiday at the rate of two (2) times the employee's regular rate of pay, provided, however, that part-time and temporary employees who work on a holiday shall be paid for all hours actually worked at their usual rate of pay.

6.1.6 Leave Provisions. If a holiday falls during a period of a full-time employee's approved vacation or sick leave, the employee shall receive holiday pay and the absence shall not be charged against the employee's accumulated vacation or sick leave benefits.

6.1.7 Religious Holidays. Regular employees who practice a religious faith observing holidays not listed in Section 6.1.1, may request leave on said holiday. All such requests shall be made in writing to the City Manager. Upon verification of the belief and holiday, the holiday may be granted, provided that it is in the best business interest of the City. Religious holidays shall be off-set as unused holiday benefits as per Section 6.1.1, as vacation leave, or as leave without pay. All religious holiday leave shall be approved in writing by the City Manager setting out the terms, conditions, and length of said leave.

6.2. Vacations.

6.2.1 Rate of Accrual. Vacation benefits are determined by a regular employee's length of continuous service with the City. Full-time employees with one (1) year or less of service shall be granted ten (10) workdays of vacation with pay and subsequently shall receive ten (10) workdays plus one-half (1/2) workday of vacation with pay for each additional year of service. Part-time employees shall receive and accrue vacation benefits at one-half (1/2) the rate of full time employees.

6.2.2 Exceptions. Employees earn but cannot use vacation benefits until they have successfully completed their trial employment period. Temporary employees do not earn vacation benefits. Transfers of employees within the City service shall not cause a break in an employee's years of continuous service for the purpose of computing the amount of vacation benefits earned. Employees do not earn vacation benefits during a leave without pay.

6.2.3. Rate of Pay. Vacation pay is determined by the regular employee's regular rate of pay at the time the vacation benefits are used. Vacation pay shall be the amount the regular employee would have earned had the employee worked a regular schedule during the vacation period.

6.2.4 Carry-Overs. Vacation benefits not used during the employee's anniversary year in which the benefits are earned may be carried over, but must be used in the succeeding anniversary year. Provided, however, that an employee may not accrue more than thirty (30) workdays of vacation leave at the end of any calendar year without the written approval of the City Manager. The City Manager may approve accruals and carry-overs of more than thirty (30) workdays of vacation leave or for more than one (1) succeeding calendar year, when the employee was unable to take time off due to City staffing and work load requirements, or other legitimate reasons that made use of the excess accrued vacation benefits unfeasible.

6.2.5 "Cash Out". Regular employees shall be paid in one (1) lump sum for any accrued but unused vacation benefits only upon layoff, resignation, or dismissal, unless the employee fails to provide the required notice, if any.

6.2.6 Scheduling. Vacations shall be scheduled by the employee's department head based upon staffing and workload requirements. Employees may request in writing that their vacation be scheduled at a particular time and the department head may give consideration to requests that are consistent with the department's staffing and workload requirements. An employee's department head may change or cancel previously approved vacation schedules whenever necessary to meet the operating needs of the department.

6.2.7 Minimums. The minimum unit of vacation benefits that can be used at one time is four (4) hours.

6.3 Sick Leave.

6.3.1 Rate of Accrual. All regular full-time employees shall earn sick leave benefits at the rate of one (1) workday for each calendar month of continuous employment. All regular part-time employees shall earn sick leave benefits at the rate of one-half (1/2) workday for each calendar month of continuous employment. No sick leave benefits are earned by employees on leave without pay, or by temporary employees. Sick leave benefits are earned from the date of employment, provided, however, that employees may not use sick leave benefits until their trial employment period is successfully completed.

6.3.2 Carry-overs. Sick leave benefits not used during the calendar year they are earned may be carried over and used during succeeding calendar years. Employees may accumulate unlimited sick leave benefits and such benefits may be carried over into successive calendar years without any restriction or penalty so long as the employee remains employed by the City.

6.3.3 "Cash-Out". Except as herein provided, employees shall not be paid directly for any unused sick leave benefits upon termination of employment, provided, however, that unused leave shall be reported to the State of Oregon Public Employees Retirement System for the purposes of calculating retirement benefits. Fifty (50%) of an employee's annual accrued but unused sick leave benefits may be converted to vacation leave at the end of each calendar year, when the employee so requests in writing and is a regular City employee on December 31 of that year. Provided, however, that the employee must retain a minimum of four hundred eighty (480) hours of accrued sick leave. Sick leave may not be converted to vacation leave upon layoff, resignation or dismissal.

6.3.4 Rate of Pay. Sick leave benefits shall be paid at the employee's regular rate of pay at the time the benefits are used. Sick leave pay shall be the amount the regular employee would have earned had such employee worked their regularly scheduled workday.

6.3.5 Applicability. Sick Leave benefits may be used by regular employees for any absence due to personal injury, illness, or temporary disability, except as provided in Section 6.10.2, which keeps the employee from performing their regular duties, for personal medical or dental appointments, for absences occasioned by the illness or injury of a member of the employee's immediate family, or the need to accompany a member of the employee's immediate family to a medical or dental appointment. Sick leave benefits may be used for actual periods of temporary disability associated with pregnancy or childbirth.

6.3.6 Notice. Payment of sick leave benefits is further conditioned upon the employee notifying their immediate supervisor or the department head of the employee's absence(s) as required in Section 3.15. Failure to give required notice shall result in the loss of sick leave benefits for such absence(s).

6.3.7 Certificates. The employee may be required to provide certification of illness or injury that results in an absence that exceeds three (3) of the employee's regular workdays, or to provide a written release to return to work from a qualified health care provider, whenever requested by the employee's department head, or the City Manager. The City Manager may require any employee returning after a prolonged

absence to be examined by a qualified health care provider of the City's choice.

6.3.8 Forced Leave. The employee's supervisor, department head, or the City Manager shall have the authority to order the employee to go on sick leave if the employee is unable to satisfactorily perform their duties, or endangers the health of others, due to illness or injury.

6.3.9 Leave Without Pay. Upon exhaustion of any sick leave benefits, an employee may request additional leave without pay pursuant to Section 6.6.

6.4 Special Leave

6.4.1 Jury Duty. Employees who are called to serve on a jury, or subpoenaed as a witness in any court proceeding, shall be allowed time off from work without loss of pay or accrued benefits. Any fees received, including travel allowances, shall be endorsed over to the City for deposit in the City's General Fund, provided, however, that any fees received for such duty occurring on days that are not regular workdays for the employee shall be retained by the employee. Employees excused from jury duty or court proceedings are expected to work the remainder of their regular workday.

6.4.2 Election Leave. When an employee's work schedule constrains their ability to vote in any regular or special election, time off shall be granted up to a maximum of one (1) hour without loss of pay or benefits.

6.4.3 Leave with Pay. Except as otherwise established by these Rules in the form of vacation leave, sick leave, holidays, jury duty, emergency leave, in-service training, and the other forms of leave and training specifically identified, leave with pay is not allowed, except by express authorization of the City Council.

6.5 Emergency Leave.

6.5.1 Generally. When a death or serious illness occurs in an employee's immediate family, as defined by Section 1.6.21, the employee may request up to three (3) workdays paid emergency leave. Emergency leave pay shall be that amount the employee would have earned had the employee worked their regular work schedule. All emergency leave shall be approved in writing by the City Manager setting out the terms, conditions, and length of said leave.

6.5.2 Excess Leave. Emergency leave may not exceed three (3) workdays in any calendar year. Emergency leave in excess of three (3) workdays shall be treated as vacation leave pursuant to Section 6.2, or leave without pay pursuant to Section 6.6 should all vacation leave be exhausted.

6.6 Leave Without Pay.

6.6.1 Generally. Leave without pay may be granted to any regular employee by the City Manager for any period of time up to twelve (12) months for personal, professional, or family reasons, or for time beyond the medically certified period of temporary disability following childbirth. The City Manager shall have the discretion to grant leaves without pay for other reasons consistent with the best business interest of the City. Temporary employees shall not be granted leave without pay.

6.6.2 Authorization. All leave without pay must be requested by the regular employee in writing as soon as the need for such a leave is known. All written requests shall state the reason for the leave and the amount of leave time needed. Written requests shall be submitted to the employee's department head, and referred to the City Manager with the department head's recommendation. All leave without pay shall be approved in writing by the City Manager setting out the terms, conditions, and length of said leave. The City Manager has the discretion to reduce or deny the leave without pay request when the reduction or denial is in the best business interest of the City.

6.6.3 Return to Work. Failure to return from any leave without pay on or before a designated date, will be considered a voluntary resignation and cause for denying re-employment with the City. Employees on leave without pay may return to work early, provided notice is given to their department head at least five (5) regular City workdays in advance.

6.6.4 Benefits. Holiday pay, sick leave, and vacation benefits are not earned while an employee is on leave without pay. The City will not pay any portion of the employee's groups medical and life insurance premiums while the employee is on leave without pay, though the employee may elect to personally continue such coverage as provided under the terms of such policies. At the City Manager's discretion, an employee may be required to use any earned but unused vacation and holiday benefits before a leave without pay is granted.

6.6.5 Re-employment. Employees returning from an approved leave without pay are entitled to return to their same position or a similar position in the same class and pay step. Provided, however, if the employee's anniversary date of employment fell

during a leave without pay period, the employee's anniversary date shall be adjusted as provided in Section 3.2.

6.6.6 Certificates. Employees who are granted a leave without pay for medical or disability reasons must exhaust all accrued sick leave benefits prior to commencing leave without pay. Any employee returning from a leave without pay due to medical or disability reasons must provide a qualified health care provider's certification of the employee's ability to return to work. If the employee was placed on leave without pay status pursuant to the terms of Section 3.18, the certificate shall, if possible, be from the health care provider who previously examined the employee.

6.7 Military Leaves of Absence.

6.7.1 Reserve Duty. Any employee required to attend initial or annual military reserve training or other short-term military duty shall be compensated at their normal rate of pay for their regular workdays or workweeks for which they are absent during the period of short-term military duty, in accordance with applicable Oregon Revised Statutes.

6.7.2 Extended Duty. An employee required by State or Federal law to enter the State or Federal armed services for an extended tour of duty shall receive an extended unpaid military leave of absence. All military leaves of absence shall be approved in writing by the City Manager setting out the terms, conditions, and length of said leave. An employee who voluntarily enters the State or Federal armed services for an extended tour of duty shall not be eligible for extended military leave of absence. Employees shall receive pay for all earned but unused vacation benefits as soon as the extended military leave begins.

6.7.3 Re-employment. Employees on leave from the City for service in the armed services or military reserves as required by State or Federal law, except for employees who voluntarily enter the State or Federal armed services for an extended tour of duty, are entitled to re-employment consistent with any applicable State of Oregon or Federal laws.

6.8 Social Security.

6.8.1 The City, and all full-time, part-time, and temporary City employees, shall participate in the Social Security System.

6.9 Education.

6.9.1 Generally. The City encourages employees to obtain additional education which facilitates the employee's advancement in the City service, and which is in the best business interest of the City. Course work of five (5) or fewer regular City workdays may be considered in-service training as per Section 6.10, at the discretion of the City Manager.

6.9.2 Plan Provided. The City may provide a financial assistance plan for regular employees who wish to improve their current and future job-related skills, knowledge and abilities through additional education. The City Manager shall have the discretion to determine whether the education for which the employee requests financial assistance is related to the employee's current duties or reasonably anticipated future duties.

6.9.3 Compensation. The City generally does not provide leave with pay for educational purposes, except by express authorization of the City Council. The employee may elect, subject to the authorizations specified by these Rules, to take vacation, compensatory time-off, or leave without pay for such purposes.

6.9.4 Expenses. Employees must make a written application for educational assistance to their department head, who will refer the request to the City Manager with a recommendation. If the request is approved by the City Manager, all or a portion of the cost of tuition shall be reimbursed to the employee after the employee provides official transcripts or other proof of satisfactory completion of the course, and receipts for all tuition. Satisfactory completion shall be considered the award of a passing grade, certificate of completion, or a grade C or better. The cost of books and other required course materials shall be the responsibility of the employee. Other costs of education, such as transportation, meals, and lodgings are not eligible for reimbursement, unless expressly authorized by the City Council.

6.10 In-Service Training

6.10.1 Opportunity. In-service training opportunities for employees shall be provided when funds are available to do so, and the training is in the best business interest of the City. The City Manager may develop training programs to meet City-wide personnel and operational needs, or to prepare employees for promotion, or may offer employees the opportunity to attend programs offered by other agencies, when it is determined such programs will improve the efficiency or effectiveness of the services rendered by City employees.

6.10.2 Scheduling. In-service training sessions may be held during regular working hours at the discretion of the City Manager. Training sessions may be at City facilities or at other locations, as authorized by the City Manager. Training sessions, seminars, and other course work in excess of five (5) regular City workdays shall be treated as per Section 6.9.

6.10.3 Compensation. Employees shall be paid for any time spent in authorized training sessions, provided, however, that employees shall generally not be compensated for any time spent at training sessions held outside of the employee's regular workhours, workdays, or workweek. The City Manager has the discretion to compensate employees for time spent in training programs outside of the employee's regular working hours, if attendance is deemed by the City Manager to be in the best business interest of the City, or is a requirement of continued employment or professional standing, and the training session is related to the employee's current duties or reasonably anticipated future duties.

6.10.4 Expenses. The City shall generally reimburse the employee for all expenses relating to authorized in-service training sessions, including but not limited to enrollment fees, transportation, meals, and lodgings, provided that the City Manager deems the training session to be in the best business interest of the City, or a requirement of continued employment or professional standing, and the training session is related to the employee's current duties or reasonably anticipated future duties. Section 3.14 shall apply in determining proper documentation for reimbursement of in-service expenses.

6.11 Workers' Compensation

6.11.1 Coverage. The City, and all full-time, part-time and temporary City employees, shall participate in the State of Oregon Workers' Compensation Program.

6.11.2 Exceptions. Any on-the-job injuries or occupational illnesses shall be reported as provided in Section 3.12. An employee shall not receive sick leave benefits during any period when the employee is eligible to receive workers' compensation benefits.

6.12 Group Insurance Programs

6.12.1 Generally. All regular full-time employees may participate in the City's group medical, dental, vision, and life insurance programs according to each program's eligibility requirements. Coverage shall extend to the employees spouse and

dependents. Part-time employees may participate in the City's group medical insurance program only, and coverage shall apply only to the part-time employee and shall not extend to any member of their immediate family. The City may contribute towards the premium cost of group insurance programs. Any premium costs not covered by the City shall be paid by the enrolled employee in a manner determined by the City. The terms, condition and extent of the City's group insurance programs may be modified or cancelled at any time by action of the City Council or the insuring agency. Employees are responsible for keeping current with the terms, conditions, and extent of group insurance programs. The City is not responsible for interpreting the terms or conditions of group insurance programs or for errors, omissions, and ambiguities in published materials on group insurance programs.

6.12.2 Medical. The City is enrolled in Blue Cross/Blue Shield of Oregon, Plan IV. The City pays one-hundred percent (100%) of premium.

6.12.3 Dental. The City is enrolled in Blue Cross/Blue Shield of Oregon, Plan III, including orthodontia option. The City pays one-hundred percent (100%) of premium for dental, the employee pays one-hundred percent (100%) of premium for orthodontia.

6.12.4 Vision. The City is enrolled in Blue Cross/Blue Shield of Oregon, Plan UCR Vision. The City pays one-hundred percent (100%) of premium.

6.12.5 Life Insurance. The City provides life insurance at one and one-half (1 1/2) times the employee's annual salary. The City pays one-hundred percent (100%) of premium.

6.12.6 Long Term Disability. The City provides Long term disability insurance at 50% of monthly salary to a maximum benefit of \$1,500. The City pays fifty percent (50%) of premium.

6.13 Retirement Plan

6.13.1 Enrollment. After six (6) full calendar months of employment, all full-time or part-time employees scheduled to work at least six-hundred (600) hours per year shall participate in the State of Oregon Public Employees Retirement System (PERS). Provided, however, that individuals actively enrolled in PERS as a result of prior employment shall be immediately re-enrolled upon hire. The City shall pay the full total cost of the retirement plan for each regular full-time employee.

Employee Certification of Receipt

This is to certify that on _____, 19____, I received a copy of the City of Sherwood Personnel Rules and Employee Handbook. I agree to comply with all the terms and conditions contained herein and accept responsibility for reading thoroughly and keeping current with these Rules and any subsequent amendments.

Employee Signature

Employee Name