

Amended by
Res. 2002-033



COPY

Resolution No. 2000-845

A RESOLUTION AMENDING THE CITY OF SHERWOOD PERSONNEL RULES

WHEREAS, the current City Personnel Rules, hereinafter called ("Rules"), were established by Resolution 93-547, effective July 1, 1993; and,

WHEREAS, a staff study of the current publication concluded revisions were needed; said revision listed as Exhibit A to this document;

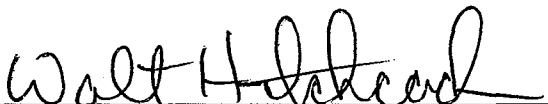
WHEREAS, the City Council held a work session inviting all City staff members who had specific interests in the City Personnel Rules revision to address them to Council for Council consideration.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

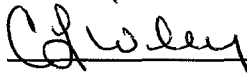
Section 1. Adoption: Revision highlights attached hereto as Exhibit "A" are hereby approved and adopted.

Section 2. Effective Date. This Resolution shall become effective January 11, 2000.

Duly passed by the City Council this 11th day of January 2000.


Walt Hitchcock, Mayor

ATTEST:


C.L. Wiley, City Recorder



City of
Sherwood
Oregon

Home of the Tualatin River National Wildlife Refuge

EMPLOYEE MANUAL

Effective January 11, 2000

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1 GENERAL PROVISIONS

1.1 TITLE

- 1.1.1 This document shall be entitled “The City of Sherwood Employee Manual” and may hereinafter be cited and referred to as the “Manual.”

1.2 PURPOSE

- 1.2.1 The purpose of this Manual is to establish a system of personnel administration for the City of Sherwood and to implement fair and uniform procedures and regulations for the recruitment, hiring, development, and retention of an effective and responsible work force.

These Rules do not constitute a contract of employment. The City retains the prerogative to change, substitute, interpret and discontinue the policies and benefits described herein, at any time, with or without notice to employees.

No person shall be deemed to have a vested interest in, or legitimate expectation of, continued employment with the City or any policy or benefit described herein or otherwise generally practiced by the City.

No contract of employment can be created, nor can an employee’s status be modified, except by written agreement signed by the City Manager on behalf of the City. Whenever a question arises as to the meaning or interpretation of any policy or practice of the City, the interpretation given by the City Manager and/or his/her designees shall be final and binding.

Some City employees are covered by a collective bargaining agreement with a union representative. In any situation where the terms of this employee manual conflict with any provision of a collective bargaining agreement in effect, the collective bargaining agreement shall be the controlling document for any employees covered by that agreement.

This Manual supersedes all previous Personnel Rules/Employee Manuals, and is superceded by all current Legislation.

1.3 CAPTIONS

- 1.3.1 The captions and headings in this Manual 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 this Manual 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 This Manual 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 this Manual and shall be responsible for determining any permitted exceptions to the Manual, 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, demote, 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 or mental disability, gender (sex), marital or veteran status, or any other basis prohibited by federal, state or local law. No employee will be discriminated against for exercising his or her grievance and appeal rights.
- 1.6.2 **Reasonable Accommodation** – The City of Sherwood will afford reasonable accommodation to qualified applicants and employees with a known disability, unless to provide such accommodation creates an undue hardship on the City's operations.
- 1.6.3 **Invitation to Self-Identify Physical and Mental Disabilities** – Any employee who is a disabled person may voluntarily inform their Department Head or City manager of any physical or mental disability and may suggest methods of reasonable accommodation. This information is confidential and will be used only to evaluate reasonable accommodation alternatives to permit you to perform the essential functions of the job in a safe and efficient manner. Refusal to volunteer this information will not subject an employee to any adverse treatment or penalty.
- 1.6.4 **Job Performance** – Any employee who believes that he/she is having difficulty in continuing to meet the performance requirements of the job due to a physical or mental disability is encouraged to advise their Department Head or City Manager regarding the nature of the disability, the work limitation covered by the disability, and any suggested reasonable accommodation.
- 1.6.5 **Treatment and Conduct** - It is the policy of the City of Sherwood that all employees be able to work in a setting free from unlawful discrimination, including harassment, on the basis of race, color, religion, gender (sex), national origin, age or disability. *Reference Appendix D - "Prohibition of Harassment Including Sexual Harassment"*

1.7 DEFINITIONS

- 1.7.1 **Anniversary Date** – A date established for each employee, exactly one year from the time an employee has successfully completed his or her trial employment period.
- 1.7.2 **Applicant** – An individual who has completed and submitted a resume and/or an application for employment with the City of Sherwood.

- 1.7.3 **Appointment** – The offer to, and the acceptance by, a person of a position in the City 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 this Manual are deemed to include the Manager's designee.
- 1.7.7 **Class** – A group of job positions that 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 to 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.
- 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.
- 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 this Manual 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.
- 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.
- 1.7.18 **Exempt Employee** – An employee who holds an exempt administrative, professional or executive position.

- 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 this Manual.
- 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 position, title, general duties, responsibilities and entrance qualifications of a job position in the City service.
- 1.7.23 **Layoff** – An involuntary, non-disciplinary separation from the City service for any reason which is in the best interest of the City and necessitates a reduction in the number of City employees.
- 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.
- 1.7.25 **Nonexempt Employee** – Any employee who is not employed in an exempt administrative, professional or executive position.
- 1.7.26 **Overtime** – The authorized time worked by an employee in excess of forty (40) hours a week.
- 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** – Six 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 **Position** – The duties and responsibilities assigned to an employee, requiring the full time, part time or temporary employment of one (1) person.
- 1.7.32 **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 and a significant change in responsibilities, duties, supervision, or other job related duties.
- 1.7.33 **Reclassification** – The assignment of a position to a different class, with a higher, lower or lateral range of pay steps, due to material change in the duties and responsibilities of the position.
- 1.7.34 **Regular Employee** – An employee who has successfully completed his or her trial employment period.

- 1.7.35 **Resignation** – A voluntary separation of an employee from the City service by notification from the employee.
- 1.7.36 **Selection Process** – 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.
- 1.7.37 **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 appointment.
- 1.7.38 **Suspension** – An enforced period of absence for disciplinary reasons or pending investigation of charges made against an employee.
- 1.7.39 **Temporary Employee** – An employee who is hired for a position for a limited period of time, not to exceed six (6) months.
- 1.7.40 **Trial Employee** – An employee who has not completed the trial employment period.
- 1.7.41 **Trial Employment Period** – The first one hundred eighty two (182) calendar days of continuous employment for all employees.
- 1.7.42 **Unclassified Service** – All positions and offices in the City service, which are excluded from the classified service.
- 1.7.43 **Workday** – The regular City workday for full time employees consists of a work shift of eight (8) consecutive work hours plus an unpaid sixty (60) minute meal period within any consecutive twenty four (24) hour period. This manual, the City Manager and/or the department head may establish other normal workdays for individual employees or certain classes of employees to best suit the needs of the department.
- 1.7.44 **Workweek** – The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins at 12:01 a.m. Sunday and ends at midnight on the following Saturday.

2 RECRUITMENT POLICIES AND PRACTICES

2.1 RECRUITMENT

- 2.1.1 **Generally** – The City 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. All job postings will be posted internally simultaneously with external posting.
- 2.1.2 **Publication** – Any published announcements of position vacancies shall include class and position title, 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 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 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 applicants’ or employees’ 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 applicants’ or employees’ fitness for a particular position.
- 2.2.2 **Examinations** – Selection procedures may include examinations that measure the applicants’ or employees’ job-related ability, knowledge and skills. The appropriate form of each examination shall be determined 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. All selection procedures shall comply with the City’s Equal Employment Opportunity policies.
- 2.2.3 **Physical Examinations** – Any medical or physical examination required by the City of an applicant or employee will be conducted at the City’s expense by a qualified health care provider before an applicant is appointed or an employee is promoted to a particular position. Where appropriate, minimum medical and physical standards may be established that relate to the essential functions of 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 of the position.

- 2.2.4 **Pre-Employment Drug Testing** – All final applicants for employment (excluding emergency hires) shall be required to submit to a urinalysis. If the test is positive, employment is denied unless a defense for authorized prescription drugs is successful. The applicant may reapply in one year. Reference Appendix E – *Alcohol and Drug Policy*.

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.
- 2.3.2 **Marriage** – If two (2) employees in the positions defined above were to become related to one another, one must transfer to another department where the reporting, auditing or supervisory relationship would not exist. 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 and/or department head. 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. The trial employment period

may be extended by the City Manager or department head for any period not to exceed one hundred eighty three (183) additional calendar days. The trial period applies to new employees and to promoted employees.

- 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 the *Dismissal* section, 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. Employees who are dismissed during the trial employment period have no right to appeal their dismissal, but may request a pre-termination hearing. (Reference *Dismissal* and *Grievances and Appeals* sections.) 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 this Manual.

3 EMPLOYMENT POLICIES AND PRACTICES

3.1 DISTRIBUTION OF EMPLOYEE MANUAL

3.1.1 All employees in the City service shall receive one copy of the Employee Manual at the time of hire. Each employee shall be required to sign a certification of receipt of the Manual, attached hereto as Appendix C. Employees shall be responsible for keeping current with the Manual and any subsequent amendments.

3.2 PERFORMANCE EVALUATIONS

3.2.1 **Generally** – Employees shall be evaluated in writing during the trial employment period as provided in the *Trial Employment* section. 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. 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 employee’s supervisor, department head, or the City Manager. The performance of the employee with respect to each individual “essential” or “auxiliary” 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 All Requirements

The criterion for each summary rating is established by the individual supervisor, department head, or the City Manager with reference to the employee’s job description.

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 fall 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) “essential” job duties, or for any three (3) “auxiliary” job duties or for performance relative to “responsibilities,” “conditions,” or “contacts,” on any two (2) consecutive evaluations, shall not receive a pay step increase as per the compensation section entitled *Within-the-Range-Pay Increases*, and 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, shall also be denied a pay step, and may also be dismissed.

- 3.2.4 **Postpone for Leave without Pay** – 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 with pay period.
- 3.2.5 **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 this Manual 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 **Generally** - The most senior current employee competing for an open position in the City service may be selected and promoted into that position when the City Manager determines (after consideration of the criteria listed in the *Selection* section) that the overall qualifications and abilities of outside applicants and current employees competing for an opening are equal.

3.4 LAYOFFS

- 3.4.1 **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 interest of the City.
- 3.4.2 **Procedures** – Employees shall be selected for layoff based on merit and fitness. Performance evaluations may be undertaken and used as an aid in 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 judgement, the least senior employee in the affected position shall be laid off first. Laid-off regular employees may appeal their layoff. Laid-off trial employees have no right to appeal their layoff. (Reference *Grievances and Appeals* section.) The City Manager shall have the discretion to determine merit and fitness for purposes of layoff.
- 3.4.3 **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.
- 3.4.4 **Reinstatement** – 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 the new

employees. Laid-off employees who are reinstated shall, however, be credited with their former length of service for the purposes of calculating seniority.

3.5 OUTSIDE WORK

- 3.5.1 **Permission Required** – City employees must obtain the City Managers 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.
- 3.5.2 **Impact** – No request shall be approved unless it is demonstrated to the City Managers’ 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.
- 3.5.3 **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, created a real or potential conflict of interest or the appearance of impropriety, or otherwise conflicts with the best business interest of the City.

3.6 SOLICITATIONS

- 3.6.1 **Generally** - During work hours, employees may not solicit or distribute literature, for any purpose, in or on City property, buildings, facilities, or at City work sites, other than for City related business. Work hours include both the soliciting and the solicited employee’s work hours. Solicitation between employees will be permitted during non-work hours such as before or after work, or during authorized meal or break periods.

3.7 POLITICAL ACTIVITIES

- 3.7.1 **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, 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.
- 3.7.2 **Prohibited Activities** – No employee or elected or appointed official shall solicit any contributions, assessments, or services on behalf of any candidate, political party, or organization from the City employee(s) during work hours. Employees shall not accept solicitations from private individuals during work hours. Any solicitation undertaken during non-work hours shall comply with the provisions of the previous *Solicitation* section.

3.7.3 **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 civil, community, social, professional or other similar organization. Provided, however, that during work hours in City uniform, while in or on City property, buildings, and facilities, or at City work sites, no City employees may actively work for, or against, or attempt to influence the election or defeat of, any candidate for Mayor or Council, or 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 this Manual.

3.8 CONFLICTS OF INTEREST

3.8.1 **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), corporation(s), cooperative(s), or any other group of persons.

3.8.2 **Prohibited Activities** – No employee shall use or attempt to use the official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the employees holding of the official position, other than official salary.

No employee, or a relative of the employee shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest in the City in which the employee has any official position or over which the employee exercises any authority. (Reference ORS 244.040)

3.8.3 **Penalties** – Any employee who violates the provisions of this section may be subject to immediate discipline, up to and including dismissal.

3.9 EMPLOYEE APPEARANCE AND CONDUCT

3.9.1 **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.

3.9.2 **Personal Conduct** – All employees shall conduct themselves in a manner which is appropriate for an employee of the City 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.

3.10 EMPLOYEE SAFETY

3.10.1 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 head, or the City Manager. Employees shall properly maintain and keep in good repair all personal protective equipment.

3.11 INJURY AND ILLNESS

3.11.1 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 no later than twenty four (24) hours following such accident or the actual or suspected injury or occupational illnesses. 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 his or her duties, the City Police Department shall also be notified immediately.

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

3.12 PERSONNEL RECORDS

3.12.1 Content – Personnel records shall be maintained on all City employees, and shall be located at the City Hall building. All employees, including those on leave without pay status, are required to keep the City informed of their current home address at all times.

3.12.2 Confidentiality – An employees' personnel records are confidential, except as provided in the following section. 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 employees' personnel file without the City Managers 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 City Managers' designee.

3.12.3 Public Information – The following information from an employees 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 applications,

examination materials, position titles, prior position(s) held, employees' classified or unclassified status, dates of appointment and separation, and the compensation authorized. The City of Sherwood will comply with the Oregon Department of Justice regulations regarding disclosure of public records.

3.13 BUSINESS TRAVEL

- 3.13.1 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. Meals and transportation expenses shall be reimbursed or paid by the City per the following sections. An employee scheduled to travel outside of the City on City business shall obtain prior approval from the supervisor or department head 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).
- 3.13.2 Meals** – The City shall provide a maximum daily per diem for meals of thirty dollars (\$30.00) This per diem is allocated five dollars (\$5.00) for breakfast, ten dollars (\$10.00) for lunch, and fifteen dollars (\$15.00) for dinner. The employee is not required to keep or turn in receipts for meals. A statement of the meals claimed should be provided to the Finance Department with other expense reimbursement documentation in order to receive the per diem. The meal per diem may be requested in advance of the planned travel if approved by the department head.
- 3.13.3 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 immediate supervisor, department head or the City Manager privately owned vehicles may be utilized. Mileage reimbursement for the use of private vehicles shall be paid at the current IRS prevailing rate. Employees shall be responsible for maintaining and submitting records verifying all mileage accrued. Mileage reimbursement is considered to cover most transportation expenses, excluding vehicle storage, parking and tolls, which are fully reimbursable provided that records for all such expenses are provided. The City will not reimburse transportation within the City.

3.14 ATTENDANCE AND TARDINESS

- 3.14.1 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.
- 3.14.2 Authorized Absence** – Any employee unable to report to work for any reason other than personal illness or injury, or any other reason authorized in the *Paid Time Off* section, must obtain prior authorization for the absence from the employee's immediate supervisor. Any

employees absent without prior authorization or notice to the appropriate supervisor shall be deemed to have forfeited any Paid Time Off or other paid leave and may be disciplined.

- 3.14.3 **Notice** – Employees absent due to personal illness or injury, or any other reason authorized in the *Paid Time Off* section, shall notify their immediate supervisor no later than the start of the employee's regular work shift. 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 work shift, 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 employees' regular workdays, the employees' department head or the City Manager may require written verification of the illness from a qualified health care provider.
- 3.14.4 **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.

3.15 WORK SCHEDULES AND RULES

- 3.15.1 **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 this Manual by reference. Provided, however, that departmental procedure shall not nullify, modify, or run counter to these rules.
- 3.15.2 **Workday and Workweek** – The regular City workday consists of a work shift 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 this Manual. The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins at 12:01 a.m. Sunday and ends at midnight on the following Saturday. This Manual, the City Manager, or the employees 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.
- 3.15.3 **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 schedules whenever such modifications are in the best business interest of the City.

3.16 RESIGNATIONS

- 3.16.1 **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 to Human Resources, and may include a written summary of the employee’s current work performance and any additional information regarding the employee’s reasons for resignation.
- 3.16.2 **Re-Employment** – An employees’ failure to comply with the previous section may be cause for denying re-employment with the City. 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 an oral notice. Paid Time Off may not be used as part of the ten (10) regular days notice requirement unless specifically authorized by the City Manager.

3.17 PHYSICAL EXAMINATIONS

- 3.17.1 **Generally** - An Employee may be required by the City Manager to submit to an examination by a qualified health care provider at any time, at City expense, for the purpose of determining the employee’s current and continuing ability to perform the essential functions of 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 employees 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 the *Leave without Pay* section.

3.18 DISCIPLINARY ACTIONS

- 3.18.1 **Oral Warnings** – Whenever an employees behavior, 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 the criteria in the *Dismissal* section, 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.
- 3.18.2 **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, behavior, 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 the following section. 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 the *Performance Evaluation* section.

- 3.18.3 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, demoted, or placed on disciplinary probation based on a written recommendation by the employee's department head and a subsequent review by the City Manager. Both the written recommendation and a written statement of the action taken, if any, 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 copies shall be placed in the employee's personnel file. Both written statements shall be delivered personally to the employee by the applicable department head or the City Manager or mailed by registered, certified, or other special mail to the employee's last known address.
- 3.18.4 Disciplinary Probation** – Any disciplinary probation recommended pursuant to this section shall be preceded by a review by the City Manager of the circumstances leading up to the recommended disciplinary probation. When the investigation is completed and a decision is made as to disciplinary action, the employee shall be informed in writing of the action, if any. Any disciplinary probation imposed under this Manual may be for any period of time up to and including one hundred and eighty three (183) days. 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 period, the employee may be dismissed.
- 3.18.5 Demotion and Suspension** – Any demotion or suspension recommended pursuant to this section shall be preceded by a review by the City Manager of the circumstances leading up to the recommended demotion or suspension. When the investigation is completed and a decision is made as to disciplinary action, the employee shall be informed in writing of the action, if any. If the investigation indicates suspension as the appropriate disciplinary action, the discipline shall be imposed. Any suspension pursuant to this section shall not exceed thirty (30) days. If the nature of the action indicates more than thirty (30) days is appropriate, alternative discipline such as demotion or dismissal shall be considered.

3.19 DISMISSAL

- 3.19.1 Generally** – Based on the written recommendation of the applicable department head, the City Manager may dismiss an employee if previous disciplinary actions have not resulted in the expected improvement. Also with recommendation, the City Manager may 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.

- 3.19.2 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.
 - l. Insubordinate, uncivil, discourteous or disrespectful behavior towards co-workers, supervisors, or the public.
 - m. Failure to observe this Manual, work rules established as per this Manual, or other City administrative rules.
 - n. Willfully disobeying the lawful orders of a supervisor, department head, the City Manager or other authorized City employee.
 - o. Use of alcohol or controlled substances on the job, or working under the influence of such substances. (Reference Appendix E – *Alcohol and Drug Policy*)
 - p. Sexual harassment of other City employees, or any other form of harassment prohibited by law. (Reference Appendix D – *Prohibition of Harassment Policy*)
- 3.19.3 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 practical 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 this Manual that have been violated. The notice shall also inform the employee of his or her rights of appeal under this Manual.
- 3.19.4 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 practical, 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. No termination shall be effective until after the requested pre-termination hearing with the City Manager has been held and the City Managers 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 Managers 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 the *Grievances and Appeals* section of this Manual. Trial employees 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.

3.20 GRIEVANCES AND APPEALS

- 3.20.1 Generally** – A regular employee in the classified service may appeal any warning, suspension without pay, layoff, demotion, disciplinary probation or dismissal, or grieve any alleged violation of this Manual, 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 to 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 stated in this Manual, except as provided for in the *Pre-Termination* section. “Workdays” as used in this section shall not include Saturdays, Sundays, or recognized City holidays.
- 3.20.2 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 the *Dismissal* section. 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 practical 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 this Manual, the employee may elect to skip any step(s) in the procedure set forth in the following *Procedure* section if the grievance is against the City employee specified to hear the grievance. The employee's decision to skip any step in the grievance procedure shall be submitted in writing.
- 3.20.3 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 do not have the right to grieve or appeal.

- 3.20.4 Waiver** – If an employee fails to process any grievance or appeal within the time limits specified in this Manual, 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 of appeal by mutual agreement of the parties at any time.
- 3.20.5 Procedure** – Except as otherwise provided in this Manual, the following steps shall be followed in submitting and processing a grievance of an alleged violation of this Manual, or an appeal of a disciplinary action or dismissal. All parties to a grievance or appeal shall endeavor whenever practical, to process their actions within fewer regular City workdays than specified in this section.
- a. **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) City workdays 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 in Step I, the affected employee(s) shall reduce the grievance or appeal in 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 the alleged occurrence(s), the corrective action(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 heads 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.

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, this Manual shall apply 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), 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 or volunteer personnel.
- 4.1.3 **Classified Service** – The classified service shall include those positions which are not specifically included in the unclassified service.

4.2 CREATION

- 4.2.1 **Generally** – The City Manager shall annually prepare and submit a compensation plan to the City Council for approval. The compensation plan shall become a part of this Manual, and is summarized in Appendix B.
- 4.2.2 **Classes** – Positions shall be grouped into classes based on similarity in established duties, responsibilities, and entrance qualifications. 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 shall be prepared for each position. 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 as needed to reflect accurately any changes to the duties, responsibilities, entrance qualifications, and other particulars of a position.

4.3 PURPOSE

- 4.3.1 The compensation plan is to be used as a guide for recruiting and selecting applicants for employment, 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, or designee, shall review the positions duties, responsibilities, and qualifications and incorporate the new position within the City’s classification plan. Whenever there are material changes in duties, responsibilities, and qualifications of current positions, the City Manager, or designee, shall review the changes and determine if the classification plan needs an adjustment or correction.
- 4.4.2 **New Positions** – Whenever a new position is created or the duties of an existing position materially change, department heads (in conjunction with Human Resources) shall provide the City Manager with a written, comprehensive job description, describing in detail the duties, responsibilities and qualifications of the affected positions assigned to the class. The City Manager, or designee, shall investigate the suggested or actual duties, responsibilities and qualifications, and take necessary action 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 positions 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 decision.
- 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 the *Recruitment Policies and Practices* and the *Employment Policies and Practices* sections. 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 heads recommendation and make the final decision regarding how such a reclassified position shall be filled.

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, four (4) intermediate pay steps, and one (1) maximum pay step. Pay steps shall increase two and one half percent (2 ½%) between each step.
- 5.1.2 **Pay Steps** – Pay steps for each class shall be coordinated based upon the ranges of pay steps for other classes, the requisite duties, responsibilities, and entry level qualifications of positions in each class, the rate 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 positions, or any other relevant considerations. Nothing contained in this Manual, 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 the *Creation and Coverage* section. 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 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 interest of the City.

- 5.3.2 **Advancement** – Advancement to successive pay steps for a class of positions shall be based on an employees' efficient and fully satisfactory performance of the duties and responsibilities of the positions. 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 employees' 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. Provided, however, that the trial employees may be considered for advancement to a higher pay step upon successful completion of the trial employment period, as provided for in the *Trial Employment* section. The anniversary date shall be adjusted for employees on leave without pay status. Normally an employee shall only be advanced to the next successive pay step for his or her class of positions. Provided, however, that the City Manager may advance an employee to a higher step upon his or her anniversary date 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 exempt 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.
- 5.4.2 **Amount** – Eligible exempt employees, as per previous section, may receive a merit pay award in an amount not to exceed five percent (5%) of base salary for the employment year being evaluated, at the City Managers discretion. Provided, however, that to be eligible for merit pay the City Manger shall find that the performance of the employee has been exemplary.
- 5.4.3 **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 employees option, provided however, that merit pay shall be paid out in full within the same fiscal year in which it was awarded.
- 5.4.4 **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 employees 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 date the employee has successfully completed his or her trial employment period.
- 5.5.2 Demotion** – When an employee is demoted, the employees' 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 the *Dismissal* section, the employees' 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.

5.6 PAY PERIODS

- 5.6.1 Workday and Workweek** – The regular City workday consists of a work shift 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 in this Manual. The regular City workweek is a period of one hundred sixty eight (168) consecutive hours that begins with the start of the first work shift after 12:01 a.m. Sunday and ends at the conclusion of the last work shift that started before midnight on Saturday. This Manual 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.
- 5.6.2 Pay Day** – Employees will be paid every other week based on hours worked in a predetermined fourteen (14) day period.
- 5.6.3 Advances** – Employees may request payroll advances when the normal payday 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 employees' normal net pay scheduled for that payday.

5.7 OVERTIME

- 5.7.1 Generally** – All non-exempt employees will be compensated for hours worked in excess of forty (40) hours a week. 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 in the *Overtime/Exceptions* section, may be compensated for with time off in lieu of pay, at the employees option. The compensation rate will be one and one half (1 ½) hours for each hour of employment worked in excess of the employee's regular forty (40) hour workweek. The maximum annual accrual is forty (40) hours of compensation time. Such non-exempt employees shall receive cash payment for all unused compensation time off upon resignation, layoff or dismissal. Such excess of unused compensation overtime shall be paid at the employee's regular rate of pay. By reason of executing the Employee Certification of Receipt of this Manual, the employee agrees to these overtime compensation policies.
- 5.7.3 **Public Works** – All non-exempt employees in the Public Works Department 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. On Saturdays, Sundays and recognized City holidays that are not a 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 the previous section, in addition to standby compensatory time off.
- 5.7.4 **Exceptions** – Except as otherwise provided herein, exempt classified employees 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.
- 5.7.5 **Professional Leave** – In recognition of the routine additional hours required of exempt employees, exempt employees shall receive an administrative compensation credit of one week annually, to be taken as leave with pay. Leave for exempt employees hired during the calendar year will be pro-rated. This benefit shall be scheduled in the same manner as accrued Paid Time Off and is subject to approval. Professional Leave cannot be carried forward into the next calendar year. 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. Pay for work on recognized City holidays shall be governed by the *Paid Time Off* section.
- 5.7.6 **Exempt Positions** – For purposes of this Manual, 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.

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. Martin Luther King Jr. Day – Third Monday in January
- c. Memorial Day – Last Monday in May
- d. Independence Day – July 4
- e. Labor Day – First Monday in September
- f. Veterans Day – November 11
- g. Thanksgiving Day – Fourth Thursday in November
- h. Friday Following Thanksgiving – Fourth Friday in November
- i. 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 proceeding Friday shall be observed as the holiday.

6.1.3 **Generally** – It is the policy of the City of Sherwood to be open the maximum number of days each year so as best to serve the public. As a result, four personal days have been included in the Paid Time Off section. Employees are encouraged to use the additional time off for days of national recognition or religious observance, such as their beliefs may dictate.

6.1.4 **Holiday Pay** – Regular 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. Regular part time employees working twenty (20) hours or more a week who do not work on a holiday that is their regularly scheduled workday shall receive a portion of the eight (8) hours holiday pay at their regular rate of pay equivalent to the percentage of their hours worked to a full forty (40) hour work week, provided they have worked their last scheduled workday before and their first scheduled workday after the holiday. Temporary employees, employees working less than twenty (20) hours a week, trial employees and employees 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** – If an employee is required to work on a holiday, it may be exchanged for an eight (8) hour day within the next thirty (30) days, or be paid at a rate of two (2) times the employees' rate of pay. This is at the discretion of the Department Head and/or the City Manager.

6.1.6 **Leave Provisions** – If a holiday falls during a period of an employee’s approved paid time off, the employee shall receive holiday pay and the absence shall not be charged against the employee’s accumulated Paid Time Off benefits.

6.2 PAID TIME OFF

6.2.1 **Description** – The City shall provide a program of earned time off for regular full and part time employees, which can be used to meet the employees needs or desires for paid time off from work. The Paid Time Off (PTO) Program is a consolidation of, and in lieu of, sick leave, paid floating holidays, and vacation leave.

6.2.2 **PTO Accrual** – PTO accrual rates are determined by a regular employees’ length of continuous service with the City. Full time employees shall accrue PTO each pay period at the following rate:

Years of Continuous Service	Accrual Rate Per Pay Period	Yearly Accrual Rate	Maximum Accrual
< 3 years	5.23 hours	17 days	26 days
=> 3 years	5.85 hours	19 days	29 days
=> 6 years	6.46 hours	21 days	32 days
=> 9 years	7.08 hours	23 days	35 days
=> 12 years	7.69 hours	25 days	38 days
=> 15 years	8.31 hours	27 days	41 days

Part time employees shall accrue PTO at a prorated rate of full time employees.

6.2.3 **Trial Employees** – PTO accrued during the first six (6) months of continuous service shall not be used until the employee completes the initial six (6) month trial period.

6.2.4 **Maximum Accrual** – Leave benefits which are earned may be accrued to a maximum of one and one half (1 ½) times the employee’s annual accrual rate (rounded up). Employees will not accrue or be paid for any leave in excess of one and one half times. However, the City may approve temporary accruals and carryovers of more than the maximum allowable amount when the employee is unable to take time off due to City staffing and work load requirements, or other legitimate reasons, that in the opinion of the Department Head, make use of accrued paid time off benefits unfeasible.

6.2.5 Procedure for Use of PTO

a. To schedule days off other than for illness or injury, an employee must submit a request to the immediate supervisor as far in advance as possible. All requests will be granted on a “first come, first served” basis. If two or more time off requests are received at the same time, then resolution of the conflicting time off request shall be based on seniority. PTO leave request, except in emergency situations, should be made at least two (2) weeks in advance. The immediate supervisor shall respond with the approval or denial within one

(1) week of receipt of the request. All requests must be made in writing to be considered. Requests may be denied based upon staffing and workload requirements of the City. Approval of requests will not be unreasonably withheld.

- b. Employees must indicate in writing the number of PTO hours for which payment is requested. The combined total of hours worked and PTO hours cannot exceed the normal working time in any given pay period, except for authorized overtime.
- c. For illness or injury, the employee must notify the immediate supervisor as soon as possible. If the illness extends beyond one (1) day, daily calls must be made to keep the supervisor informed, unless otherwise arranged between the supervisor and the employee.

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

6.2.7 Sick Leave Accrual – Full time employees shall accrue twelve (12) days of sick leave per year, which may only be used for absences resulting from injury or illness in excess of one (1) day, or emergency leave. Part time employees shall accrue sick leave at a prorated rate of full time employees. Sick leave will be accrued in a separate bank and employees will not accrue or be paid any sick leave in excess of 720 hours.

6.2.8 Applicability – Sick leave benefits may be used by regular employees for absences due to personal injury, illness or temporary disability in excess of one (1) day, which keeps the employee from performing their regular duties. Sick leave benefits may also be used for absences occasioned by the illness or injury of an immediate family member, or for reasons associated with the Family Leave Act.

6.2.9 PTO Usage with Sick Leave – If an employee misses one day of work for an injury, illness or temporary disability, the first day of paid leave shall come from the bank of accrued PTO leave. Any additional leave necessary for an injury, illness or temporary disability in excess of the first day of PTO shall come from the bank of accrued sick leave. When an employee is absent on more than one occasion for the same occurrence, only one day of PTO is required prior to utilizing paid leave from the employees' accrued bank of sick leave.

6.2.10 On-the-Job-Injury – When an employee is absent from work because of an on-the-job injury, time off will not be charged to sick leave except as provided below. The employee may select one of the following options:

- a. The employee may elect to receive only his/her worker's compensation payments.
- b. The employee may voluntarily turn in their first and all subsequent worker's compensation payments and will, in turn, receive their regular gross wages, and the following will occur:
 - Employees shall use available sick leave for integration with their worker's compensation payments in order to receive their regular gross wages. In this situation a check for full gross wages will only be received if the employee has available sick leave. Deduction to sick leave shall be proportional to the difference between the worker's compensation payments and regular gross wages.

- In the event an employee withholds any of his/her worker's compensation payments, compensation will fall into the integration of sick leave formula described above from the first day of injury. In the event this occurs, the City can automatically deduct any overpayment in full from the employee's next paycheck, or any subsequent checks if there is not a sufficient amount in the next paycheck.

6.3 SPECIAL LEAVE

- 6.3.1 Jury Duty** – Employees who are called to serve on a jury, or served with a subpoena as a witness in any court proceeding, shall be allowed time off from work without loss of pay or accrued benefits. Any fees received 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.
- 6.3.2 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.
- 6.3.3 Leave with Pay** – Except as otherwise established by this Manual in the form of paid time off, 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 Manager.
- 6.3.4 Family Medical Leave** – An employee may be eligible for Family Medical Leave to care for a spouse, parent, parent-in-law or child with a serious health condition, or sick child requiring home care, for the employee's own serious health condition, or for parental leave for the birth of a child or for placement of a child under 18 years of age for adoption or foster care. As a general rule, such leave shall not exceed twelve (12) weeks within any twelve (12) month period, except as otherwise required by law. An employee may qualify for more than twelve (12) weeks of leave under OFLA and FMLA.

Where practicable, and subject to the approval of the treating health care provider, the employee shall make a reasonable effort to schedule health care treatment or supervision to minimize disruption of the employer's operations.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves:

1. In patient care in a hospital, hospice or a residential medical facility, including a period of incapacity connected with in-patient care, or
2. Continuing treatment by a health care provider for a serious health condition for:
 - Incapacity of more than three (3) days
 - Any period of incapacity for pregnancy or prenatal care
 - Any period of incapacity or treatment for a chronic serious health condition (i.e., asthma, diabetes, epilepsy, etc.)

- Permanent or long term incapacity for which treatment may not be effective (i.e., Alzheimer's, a severe stroke, terminal stages of a disease, etc.)
- Multiple treatments for restorative surgery or a condition that, if not treated, would likely result in an incapacity of more than three (3) calendar days (i.e., chemotherapy for cancer, physical therapy for arthritis, dialysis for kidney disease, etc.)

An employee returning from a FMLA or OFLA leave will be reinstated to the same or equivalent position with equivalent pay, benefits and other employment terms. Before returning from the medical leave, the employee must present a doctor's work fitness assessment stating that the employee is physically able to return to work. The employee's use of FLMA or OFLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

6.4 EMERGENCY LEAVE

6.4.1 **Generally** – When a death or serious illness occurs in an employee's immediate family, the employee may request up to three (3) workdays paid emergency leave, which will be deducted from the employee's sick leave balance. 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 Department Head, setting out the terms, conditions, and length of said leave.

6.4.2 **Benefit** – Emergency leave may not exceed three (3) workdays in any calendar year unless approved by the City Manager. Emergency leave in excess of three (3) workdays not approved by the City manager shall be treated as PTO pursuant to the *Paid Time Off* section, or be treated as leave without pay should all PTO be exhausted.

6.4.3 **Definition** – "Immediate family" for purposes of this section is defined as spouse, children, grandchildren, parents, grandparents, siblings, mother-in-law, father-in-law, brother or sister-in-law, or any relative residing in the employee's immediate household.

6.5 LEAVE WITHOUT PAY

6.5.1 **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.

6.5.2 **Authorization** – All leave without pay must be requested by the regular employee in writing as soon as the need for such 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.

- 6.5.3 **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 within the City. Employees on leave without pay may return to work early, provided notice is given to their department head at least two (2) regular City workdays in advance.
- 6.5.4 **Benefits** – Paid time off and sick leave benefits are not earned while an employee is on leave without pay. The City will not pay any portion of the employee's group 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 paid time off and holiday benefits before a leave without pay is granted.
- 6.5.5 **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 fell during a leave without pay period, the employees' anniversary date shall be adjusted as provided for in the *Leave without Pay* section.
- 6.5.6 **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 the *Physical Examinations* section, the certificate shall, if possible, be from the health care provider who previously examined the employee.

6.6 MILITARY LEAVES OF ABSENCE

- 6.6.1 **Reserve Duty** – Any regular employee required to attend military reserve training or other military duty shall be entitled to a leave of absence from duties for a period not exceeding fifteen (15) days in any one training year, without loss of time, pay or regular leave, and without impairment of efficiency rating or other rights or benefits to which the employee is entitled. The City's military leave is in accordance with state and federal law.
- 6.6.2 **Extended Duty** – A regular employee entering the armed services for an extended tour of duty shall receive an extended unpaid military leave of absence in accordance with state and federal law.

6.7 SOCIAL SECURITY

- 6.7.1 **Participation** – The City and all full time, part time and temporary City employees shall participate in the Social Security System.

6.8 IN SERVICE TRAINING

- 6.8.1 **Opportunity** – In service training opportunities for employees shall be provided when funds are available to do so, and the training is in the best interest of the City. The City Manager may develop training programs to meet Citywide 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.
- 6.8.2 **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.
- 6.8.3 **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 work hours, 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.
- 6.8.4 **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. The *Business Travel* section shall apply in determining proper documentation for reimbursement of in service expenses.

6.9 WORKER'S COMPENSATION

- 6.9.1 **Coverage** – The City and all full time, part time and temporary City employees shall participate in the State of Oregon Workers Compensation program.
- 6.9.2 **Exceptions** – Any on the job injuries or occupational illnesses shall be reported per the *Injury and Illness* section. An employee shall not receive sick leave benefits during any period when the employee is eligible to receive workers' compensation benefits.

6.10 YMCA MEMBERSHIP

- 6.10.1 **Reimbursement** – Regular City employees are eligible to receive a reimbursement of their monthly YMCA membership dues in order to promote utilization of City facilities and an employee wellness program.
- 6.10.2 **Amount** – Reimbursement shall be an amount not to exceed fifty percent (50%) of the monthly cost of the employee membership dues. Initiation fees and membership dues for employee dependents shall be the responsibility of the employee. Reimbursement amounts will be based on current YMCA rates.

6.11 GROUP INSURANCE PROGRAMS

- 6.11.1 Health Insurance** – All regular full time employees may participate in the City’s medical, vision, dental, orthodontic and life insurance programs according to each program’s eligibility requirements. Part time employees working a minimum of twenty (20) hours per workweek may participate in the City’s group medical, vision, dental and orthodontic insurance programs only. Coverage shall extend to the employee’s spouse and dependents with the approval of the insurance plan. 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 Manager. The terms, condition and extent of the City’s group insurance programs may be modified or canceled 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.
- 6.11.2 Life Insurance** – The City provides life insurance at one and one half (1 ½) times the employee’s annual salary. In addition, the City provides dependent life insurance in the amount of two thousand dollars (\$2,000). The City pays for one hundred percent (100%) of the premium.
- 6.11.3 Long Term Disability** – The City provides LTD insurance at fifty percent (50%) of the employee’s monthly salary up to a maximum monthly benefit of three thousand dollars (\$3,000). The City pays fifty percent (50%) of the premium for LTD insurance.

6.12 RETIREMENT PLAN

- 6.12.1 Enrollment** – After six (6) full calendar months of employment, all 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 only the employer’s share of the cost of the retirement plan for each employee, except that the employees’ share is deemed picked up for the purposes of Section 414 (h) (2) of the Internal Revenue Code. Employees do not have the option of receiving this pick up as salary and paying their contribution directly, and employee salaries reported on W-2 forms will be reduced by the amount of the contribution.

APPENDIX A - SHERWOOD EMPLOYEE EVALUATION

Evaluation for:

Date:

Job Title:

Department:

Evaluation Period:

Purpose:

Evaluator:

Job Title:

Specific Duty	Performance Summary
---------------	---------------------

Evaluation for:

Date:

Pg. of

Evaluators Comments: Required for "Not Current Job Requirement"
ratings and any other job related comments.

Employee Comments: May relate to this evaluation or any other
employment related issues or concerns.

Action Plan Sheets Attached: Oral Interview Date:

Employee Acknowledgment:

Evaluators Signature:

Department Head or City Manager Acknowledgment:

Evaluation for:

Date:

Pg.

Action Plans: Required for "Not Meeting All Requirements",
"Making Expected Progress", and "Exceeds
Requirements" evaluations. Suggested for
"Meeting All Requirements" evaluations.

**CITY OF SHERWOOD
APPENDIX B – SALARY STEPS BY TITLE
EFFECTIVE 12/14/99
FY 99-00**

CLASS	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	POSITIONS
	First Month	6 Months	18 Months	30 Months	42 Months	54 Months	
1	1268	1300	1332	1365	1399	1434	INTERN I
2	1441	1477	1514	1552	1591	1631	INTERN II
3	1639	1680	1722	1765	1809	1854	INTERN III
4	1863	1910	1958	2007	2057	2108	FRONT RECEPTIONIST
5	2118	2171	2225	2181	2338	2396	ACCOUNTING CLERK MUNI CT CLERK POLICE CLERK BLDG DIV. CLERK I SECRETARY UTILITY/SERVICE WKR I VOLUNTEER COORD. LIBR ASST/CIRCULATION LIBR/ON-CALL LIBR LANDSCAPER/ARBORIST
6	2408	2468	2530	2593	2658	2724	COMMUNITY SERV. OFF ADMINISTRATIVE ASST. LIBRARIAN ACCOUNTING TECH. MUNI CT ADMIN BLDG PERMITS SPEC II UTILITY/SERVICE WRK II PARKS SPECIALIST
7	2738	2806	2876	2948	3022	3098	ASSISTANT PLANNER SR UTILITY/SERVICE WKR PROJECT INSPECTOR BLDG INSP/PLANS EXAM I DEPUTY CITY RECORDER ASSIST TO THE CITY MGR CODE ENFORCEMENT OFF ASSIST. DIR (LIBRARY) ENGINEERING COORD LEAD SERVICE WRKER PERSONNEL ASSISTANT LIBR II/REFERENCE LIBR STAFF ACCOUNTANT

CLASS	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	POSITIONS
	First Month	6 Months	18 Months	30 Months	42 Months	54 Months	
8	3112	3190	3270	3352	3436	3522	RESERVE POLICE OFFICER BLDG INSPECTOR II OPERATIONS SPECIALIST ENGINEERING ASSOCIATE
9	3539	3627	3718	3811	3906	4004	POLICE DETECTIVE SUPER. PUBLIC WRKS FOREMAN ASSOCIATE PLANNER PLANS EXAMINER PLUMBING INSPECTOR ELECTRICAL INSPECTOR CONSTRUCTION SUPER. CITY RECORDER PARKS DEVELOP COORD.
10	4023	4124	4227	4333	4441	4552	SR. BLDG INSPECTOR ASST CITY MANAGER POLICE SERGEANT
11	4575	4689	4806	4926	5049	5175	CITY ENGINEER FINANCE DIRECTOR POLICE CHIEF PUBLIC WORKS DIR. BUILDING OFFICIAL LIBRARY DIR. PLANNING DIRECTOR
12	5201	5331	5464	5601	5741	5884	



Home of the Tualatin River National Wildlife Refuge

APPENDIX C – EMPLOYEE CERTIFICATION OF RECEIPT

My signature below certifies that I have received a copy of the City of Sherwood Employee Manual. I agree to comply with all terms and conditions contained herein and accept responsibility for reading thoroughly and keeping current with this Manual and any subsequent amendments.

Employee Signature

Date

Employee Name



APPENDIX D

PROHIBITION OF HARASSMENT INCLUDING SEXUAL HARASSMENT

It is the policy of the City of Sherwood that all employees be able to work in a setting free from all forms of unlawful discrimination, including harassment, on the basis of race, color, religion, gender (sex), national origin, age or disability.

Harassment

Harassment is a verbal or physical conduct that demeans or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following: (1) epithets, slurs, negative stereotyping, demeaning comments or labels, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, or disability, and (2) written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and retaliation for exposing prohibited discrimination or participating in an investigation into prohibited discrimination and that is placed on walls, bulletin boards, or elsewhere on the City's premises, or circulated in the workplace.

Sexual Harassment

Sexual harassment is a form of gender (sex) discrimination. Sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Prohibited sexual harassment may include, but is not limited to, sexual jokes, calendars, posters, cartoons, magazines; derogatory or physically descriptive comments about or towards another employee; sexually suggestive comments; inappropriate use of City communications, including e-mail and telephone; unwelcome

touching or physical contact; punishment or favoritism on the basis of an employee's sex; sexual slurs; negative sexual stereotyping.

Harassment will not be tolerated in our workplace. It is against the policies of the City for any employee to harass another employee. This refers to acts between supervisors and employees and between fellow employees.

Any employee who believes he or she has been the subject of harassment should report the circumstances immediately to the supervisor, department head, or human resources. An employee may contact the department head or human resources without first contacting his or her supervisor. No employee will suffer any retaliation treatment or any adverse consequences as a result of acting in good faith to bring the harassment to our attention or participate in an investigation. Such retaliation will not be tolerated in our workplace.

Reports of harassment or retaliation will be promptly, thoroughly and impartially investigated. Confidentiality will be maintained to the extent possible, consistent with the City's need to conduct an adequate investigation and to take prompt corrective action to rectify any harassment in violation of this policy which is found to have taken place.

Any supervisor or other employee found in violation of this policy will be subject to discipline up to and including discharge.



RECEIPT OF PROHIBITION OF HARASSMENT POLICY

I have received a copy of the City of Sherwood's Prohibition of Harassment Policy Including Sexual Harassment. I understand that this policy constitutes "zero tolerance" of harassment by the City.

I understand that by signing this receipt, I acknowledge the zero tolerance of harassment and retaliation for making a harassment complaint by the City and agree to abide by all terms of this policy. I also understand that the City has a complaint process, which I may use to report harassment and retaliation, and that the complaint process is described in the Prohibition of Harassment Policy.

Signature

Date



APPENDIX E

ALCOHOL AND DRUG POLICY

I PURPOSE

To establish the City's policy prohibiting the use, possession, manufacture, sale, purchase, transfer or being under the influence of alcoholic beverages, illegal drugs or other intoxicants at any time on City premises or while on City business.

II SCOPE

This policy applies to all City employees except those otherwise covered by collective bargaining agreements.

III POLICY

The City of Sherwood has an obligation to its employees, and those who come into contact with the City, to ensure safe working conditions. To meet that obligation and to further our commitment to promote high standards of employee performance, productivity, health, safety and reliability, the City of Sherwood has established this zero tolerance alcohol and drug policy. The City of Sherwood requires its employees to report for work in a condition that will permit him/her to perform his/her duties safely and efficiently. The City of Sherwood recognizes that an employee's off the job and on the job involvement with alcohol and drugs can have an impact on the work environment. Therefore, the following information clearly outlines the City's positions regarding the use or possession of alcohol or drugs on the job.

A. Employees shall not:

1. Report for work with the presence of a controlled substance, intoxicant, or other illegal drug in their system (unless prescribed by competent authority).
2. Engage in the use of alcohol or illegal drugs on City premises or on City time, including breaks and lunch.
3. Possess, distribute, sell, manufacture, transfer or receive any controlled substance (drugs), or any other substances which impairs job performance or poses a hazard to the safety and welfare of the employee or other employees, on City premises or on City time. Violation of this rule is strictly prohibited and may result in immediate termination.

B. Each employee must report to his/her immediate supervisor the use of medically authorized drugs which can impair job performance and provide proper authorization from a physician to work while using such authorized drugs. It is the employee's responsibility to determine from the physician whether the prescribed drug would impair job performance. Some over the counter drugs may also impair job performance. Please read the directions carefully. The City may require a physician's written excuse from any employee claiming to need time off for medical reasons or because he/she is taking an over the

counter drug which impairs performance and safety. Abuse of prescription or over the counter drugs is a violation of this agreement.

- C.** Employees who violate the above policies shall be subject to disciplinary action, up to and including termination.
- D.** Employee Assistance Program (EAP): The City of Sherwood offers an EAP to provide confidential assistance to employees and their families with a personal drug and/or alcohol problem, and other human problems that impact on the employee's health and job performance. Any employee of the City of Sherwood wishing confidential assistance for any such problems can contact the EAP directly, or consult with the Human Resources Department. We encourage any individual with a drug or alcohol problem to seek assistance. Employees are strongly encouraged to use the EAP on a voluntary basis before drug and/or alcohol problems jeopardize their employment.
- E.** Drug and Alcohol Testing: The City of Sherwood has established the following procedure for the testing of drug and alcohol use among its employees. The City of Sherwood has the right to require urine, breathalyzer and/or blood samples in any of the following situations. Failure to give written consent, without qualification, to drug and alcohol testing, or failure to provide samples for such testing, may be considered insubordination and grounds for immediate suspension and/or termination.
1. All final applicants for employment (excluding emergency hires) shall be required to submit to a urinalysis. If the test is positive, employment is denied unless a defense for authorized prescription drugs is successful. The applicant may reapply in one year.
 2. If the employee will be involved in activities such as carrying firearms, driving City vehicles or other situations where the use of drugs or alcohol might endanger the public, they may be subject to unannounced drug and/or alcohol testing.
 3. Employees involved in any vehicle accident shall be subject to drug and/or alcohol testing.
 4. When there is reasonable suspicion to believe that the employee is under the influence of a controlled substance, intoxicant, or illegal drug, the City may require drug testing and/or alcohol testing. Observable changes in employee performance, appearance, behavior, speech, etc. which provide suspicion of the presence of drugs or alcohol, are grounds for requiring a fitness for duty evaluation involving urine, breathalyzer, and/or blood sample testing. Such basis for suspicion can include, but are not limited to:
 - a) Absenteeism or excessive tardiness
 - b) Declining performance
 - c) Suspect behavior, e.g., stumbling, slurred or incoherent speech, apparent confusion in orientation, emotional outbursts, inability to perform normal job tasks, the unsafe handling of equipment or tools, or the actual observance of such behavior as drinking alcohol or using some other drug.
 5. When there is reasonable suspicion to believe the employee is under the influence of a controlled substance, intoxicant or illegal drug, the employee is not to return to work until fitness for duty is

established. This time will be treated as a suspension with pay, pending the outcome of the testing. The employee shall be paid for any time lost from work if the tests are alcohol and drug free.

6. If the test is positive, the employee will normally be referred to the EAP in lieu of termination on the first occasion. The following procedure will apply:
 - a) All positive tests will be subjected to a secondary confirmatory test (on the same sample) using gas chromatography/mass spectrometry test or a superior or equally reliable test if same becomes reasonably available.
 - b) If the secondary test confirms the initial positive test result, the employee will be immediately suspended for violation of City policy. The employee may have the opportunity then to either sign a Performance Contract and seek treatment, or sever their employment relationship with the City of Sherwood.
 - c) The employee that chooses rehabilitation will be expected to meet with an accredited professional to assess the nature and severity of their problem, and to establish a treatment program. Failure to complete the program or to cooperate with the drug/alcohol counselor is considered a breach of the Performance Contract and will result in immediate termination.

- F.** Appeal Procedures: The employee or applicant, at his/her own expense, will have the opportunity to have a licensed testing facility test the same sample submitted to the original testing facility. Accepted chain of custody procedures must be followed and the testing facility must meet all standards set by the Federal Health Agencies for laboratory performance using certified Medical Technologists and technicians. An employee may request the independent test by notifying Human Resources in writing within two (2) calendar days after the day the employee is informed of the test results. The test result will be kept confidential and will be available only to a designated employer representative. If the appealed test comes out drug and alcohol free, the City of Sherwood will pay for the test.

- G.** Searches: The City of Sherwood reserves the right to inspect and/or search all City property for intoxicating liquor, controlled or illegal substances, or any other substances which impair job performance. Refusal to submit to any such inspection or refusal to cooperate in any investigation will subject the employee to disciplinary action up to and including immediate suspension or termination. When controlled substances are located on City property, local law enforcement officials will be contacted.

- H.** Confidentiality: The results and records of alcohol and drug testing are to be considered confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a manager must not discuss the suspected reason for a referral with anyone who does not need to know. Records shall not become part of an employee's personnel file.

- I.** Other Conditions:
 1. Any employee tampering with or altering a drug or alcohol screening test may be subject to immediate termination. An applicant engaging in the above conduct may not be eligible for employment or the right to re-apply.
 2. All employees are expected to cooperate fully in any investigations resulting from this policy.

3. The City reserves the right to determine whether suspicion exists and the level of discipline to be applied.

J. Laboratory testing will be completed at a licensed testing facility that meets all standards set forth by the Federal Health Agencies for laboratory performance using Certified Medical Technologists and Technicians.

K. Definitions: For the purpose of this policy, the following definitions are provided:

Presence is defined as the threshold level of alcohol or drugs in an employees blood or urine as determined by an accredited laboratory chosen by the City of Sherwood.

*Controlled Substances** include all forms of narcotics, depressants, stimulants, hallucinogens, and cannaboids, whose sale, purchase, transfer, use or possession are prohibited by law. (*These are defined in ORS 475.005.)

Over the Counter Drugs are those which are generally available without a prescription from a medical doctor and are limited to those drugs which are capable of impairing the judgement of an employee to safely perform his/her duties.

Medically Authorized (Prescription) Drugs are those drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

L. Conviction Under Criminal Drug Statute: Employees must notify their immediate supervisor within five (5) days of any conviction for violating a criminal drug statutes.

M. Situations Not Covered by Policy: The City of Sherwood recognizes that situations may arise which are not specifically covered by this policy and these guidelines. (For example, situations involving employees who have been arrested or convicted for off the job illegal drug use or activity). These will be dealt with on a case by case basis, taking into account such things as the nature of the situation or problem, the employee's overall employment record and job assignment, the potential impact on production, safety and customer relations.