



RESOLUTION 2024-042

ADOPTING THE CITY OF SHERWOOD EMPLOYEE HANDBOOK 2024

WHEREAS, the current City of Sherwood Employee Manual was adopted and amended by Resolution 2012-034 on June 19, 2012; and

WHEREAS, statutory changes in law, best practices, changes to ways of working and changes to policies require the City of Sherwood Employee Manual 2012 to be updated; and

WHEREAS, Craig Sheldon, as City Manager Pro Tem has the authority and responsibilities of the City Manager; and

WHEREAS, the Employee Handbook 2024 and its contents will repeal and replace the 2012 Employee Manual and any adopted amendments thereafter, and any existing personnel policies and procedures which are addressed in the Employee Handbook 2024; and

WHEREAS, the City Manager has the authority to make adjustments or interpretations to the attached Employee Handbook 2024 that are necessary to effectively and efficiently manage the daily operations of the City; and

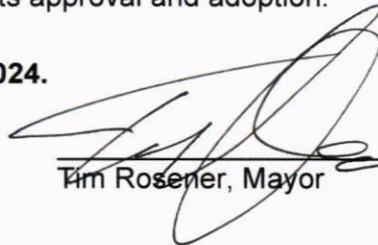
WHEREAS, City County Insurance, the City Manager Pro Tem, the Human Resources Director, the Interim City Attorney, the City Attorney and the Senior Leadership Team have reviewed the Employee Handbook 2024 and recommend approval by the Sherwood City Council.

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

Section 1. The City Council approves the City of Sherwood Employee Handbook 2024, attached hereto as Exhibit A.

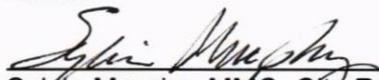
Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 18th of June 2024.



Tim Rosener, Mayor

Attest:



Sylvia Murphy, MMC, City Recorder



City of
Sherwood
Oregon

Home of the Tualatin River National Wildlife Refuge

EMPLOYEE HANDBOOK
2024

Welcome!

Welcome to the City of Sherwood, we're glad to have you on our team. We believe that our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the City, you will become a productive and successful member of the City's team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this employee handbook, the collective bargaining agreement provision controls.

This handbook does not create a contract of employment between the City and its employees. With the exception of employees who are subject to a collective bargaining agreement or a contract of employment, all employment at the City of Sherwood is "at will." That means that either you or the City may terminate this relationship at any time, for any lawful reason, with or without notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of the City other than the City Manager has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the City (or that is included in a collective bargaining agreement/contract of employment).

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask Human Resources.

Sincerely,

Craig Sheldon
City Manager Pro Tem
City of Sherwood

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I. Equal Employment Opportunity (EEO) Policies

The following EEO Policies apply to all employees. Members of management, elected officials, and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with Human Resources or their Supervisor at any time if they have questions relating to the issues of harassment, discrimination, or bullying, or what it means to work in a respectful workplace.

A. No-Discrimination, No-Retaliation Policy

The City provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

For purposes of this and all other City policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hair styles. Further, "protective hairstyles" is defined as "hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs and twists)."

The City's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

B. Statement Regarding Pay Equity

The city supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with their supervisor or Human Resources.

See also "Statement Regarding Pay Practices" policy, below.

C. No-Harassment Policy

The City prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, the City prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with Human Resources, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Sherwood related or City of Sherwood sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City's employees. **Such harassment is prohibited whether committed by City employees or by non-employees (including elected officials, members of the community, volunteers, interns and vendors).**

i. Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individual's sexual orientation or gender identity; or discriminatory treatment based on sex.

This is not a complete list.

ii. Other Forms of Prohibited Harassment

The City of Sherwood's policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

The City's policy also prohibits harassment such as verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental impairment or disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who does not have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity;
- Written or graphic material that speaks badly of or shows hatred toward an individual or group because of one or more protected statuses; or
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style (see definition of "race" on page 1). Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and always demonstrate professional conduct in the workplace.

iii. Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, any harassment or discrimination in violation of this policy, who have witnessed such behavior, or who have information about such behavior occurring, are expected and should bring the matter to the attention of Human Resources or the City Manager, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop.

iv. Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other applicable law, whether criminal or civil. Although the City cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City, they must provide written notice of the claim to the City within 180 days of the act or omission the employee claims caused them harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

v. Protection Against Retaliation

The City prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to Human Resources or the City Manager or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

vi. Other Resources Available to Employees

The City provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in the City's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to canopywell.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

vii. Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing their experience.

The City is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has

developed for addressing good-faith complaints. However, Oregon law requires the City to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City regarding their experience and/or employment status, the employee should contact Human Resources. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City and employee do reach an agreement, the City will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City or making comments that would lower the City in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

D. No-Bullying Policy

The City strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with coworkers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for coworkers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

E. Disability Accommodation Policy

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

i. Accommodations

The City will make reasonable efforts to accommodate a qualified applicant or employee with a known disability unless such accommodation creates an undue hardship on the operations of the City.

ii. Requesting an Accommodation

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

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with Human Resources or the Supervisor and should specify which essential functions of the employee's job cannot be performed without reasonable accommodation. In most cases, an employee will need to secure medical verification of their need for a reasonable accommodation. Both the City and employee must monitor the employee's accommodation situation and make adjustments as needed.

F. Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact Human Resources to discuss their options for continuing to work and, if necessary, leave of absence options. The City will provide one or more reasonable accommodations for employees with known limitations unless such accommodations impose an undue hardship on the City's operations.

Although this policy refers to "employees," the City will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth or a related medical condition.

i. Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with Human Resources and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City and employee must monitor the employee's accommodation situation and make adjustments as needed.

ii. No Discrimination, No Retaliation

The City prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City; or (3) needed an accommodation.

Employees who ask about, request or use accommodations under this policy and applicable law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation.

iii. Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Paid Leave Oregon, Oregon's sick leave law, the Oregon Family Leave Act and the Family Medical Leave Act. See policies on page 28 or speak with Human Resources.

G. Reporting Improper or Unlawful Conduct – No Retaliation

Employees may report concerns about the City's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City;
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of the City or one of its employees; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

i. Employee Reporting Options

In addition to the City's Open Door Policy (see section V. H.) employees who wish to report improper or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with Human Resources. Supervisors and managers are required to inform the Human Resources Department about reports of improper or unlawful conduct they receive from employees.

The City will not disclose the identity of any employee who reports any of the information described in this policy during an investigation without the written consent of the employee. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation. If the City were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

ii. Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City; or (4) an Oregon-licensed attorney

who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

iii. Policy Against Retaliation

The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City policy).

In addition, the City prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy. This policy is not intended to protect an employee from the consequences of their own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

II. Classification and Compensation

A. Probationary Period of Employment

All new employees, including current employees who are promoted or transferred within the City, are hired into an introductory training period that generally lasts no less than 180 days. The probationary period is an extension of the employee selection process. During this period, employees are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City meets your expectations of an employer.

At or before the end of the introductory period, a decision about your employment status will be made. The City of Sherwood will decide whether to: (1) Extend your probationary period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and the City may terminate the employment relationship during the introductory period for any lawful reason. Notice of termination by the City will be provided in writing. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by the City for any definite period of time. Both you and the City are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

B. Employee Classification

The City classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in The City's benefit programs.
2. Regular Part-time (Benefits Eligible): Employment requiring 20 hours per week but less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are eligible to participate in the City's benefit programs.
3. Regular Part-time (Not Benefits Eligible): Employment requiring less than 20 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 20 hours will not constitute a change in benefit status. Regular, part-time employees

working 20 hours or less per week are not eligible for benefits except those mandated by applicable law.

4. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.
5. Seasonal: Employment in a job established for a specific purpose or for a specific period of time. Seasonal employment can either be full-time or part-time and is typically subject to a regular schedule. Hours worked must not exceed 1040 hours in rolling 12-month period. Seasonal employees are not eligible for benefits other than those mandated by applicable law. Returning Seasonal employees may be eligible for step increases subject to satisfactory performance.
6. On Call: Employment in a job on an 'ad-hoc' basis as operational needs of the City require. Hours worked are irregular and subject to a maximum of 1040 hours per year. On-Call employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "non-exempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City rules and procedures.

C. The Workweek

The City of Sherwood has established regular working hours to promote a productive work environment that will serve our citizens. The general office hours are Monday through Friday, 8 a.m. to 5 p.m.

In general, 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 or applicable Collective Bargaining Agreement. The defined City work week is a period of one hundred sixty-eight (168) consecutive hours that begins at 12.01 am Sunday and ends at midnight on the following Saturday. If you are a non-exempt employee, you should not begin work before your normal starting time nor continue to work beyond the normal quitting time without advance approval from your direct supervisor.

The City Manager, Department Head or direct supervisor may establish work hours and schedules different from the regular workdays for individual employees, certain classes of employees, or exempt employees, based upon the best business interest of the City and the needs of each department. Provided, however that the departmental procedure shall not nullify, modify, or run counter to these rules. Department rules, regulations, and procedures shall be approved by the City Manager. Employees shall

work all the hours and days assigned. Management reserves the right to modify or flex schedules consistent with the needs of the City.

D. Meal Periods and Rest Breaks

Non-exempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a 10-minute rest break for that segment.

Non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform their supervisor before the end of the shift so that the City may pay the employee for that work.

Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available should contact Human Resources.

Length of Work Period	Rest Breaks	Meal Periods
2 hours or less	0	0
2 hrs & 1 min – 5 hrs & 59 min	1	0
6 hours	1	1
6 hrs & 1 min – 10 hrs	2	1
10 hrs & 1 min – 13 hr & 59 min	3	1

E. Rest Breaks for Expression of Breast Milk

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for their child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, the employee is entitled to take a reasonable period each time the employee needs to express milk.

Rest breaks needed to express milk for children one (1) year or younger will be considered paid time if the employee is also working. The City will treat the rest breaks used by the employee for expressing milk for children over one (1) year of age to eighteen (18)

months as paid rest breaks up to the amount of time the City is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed during an employee's scheduled working hours beyond the paid rest breaks and/or meal periods for children one (1) year to eighteen (18) months will be unpaid.

The City will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within close proximity to the employee's work area, the City will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

i. Notice

An employee who intends to express milk during work hours must give their supervisor or Human Resources reasonable oral or written notice of her intention to do so in order to allow the City time to make any preparations necessary for compliance with this rule.

ii. Storage

Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

F. Cost of Living Allowance (COLA)

The Budget Committee shall recommend to Sherwood City Council for approval, an annual Cost of Living Allowance, based on recommendations from the City Manager and HR Director. The percentage of the COLA increase shall be based on the CPIW, West Index average from the prior calendar year and shall not exceed five (5) percent. If approved, the COLA increase will be an across the board increase effective the first full payroll after July 1st of each fiscal year.

G. Overtime

It is the policy of the City to minimize the need for overtime work. All overtime, except in cases of emergency, must be authorized by the employee's supervisor prior to the employee working overtime. Overtime compensation for represented employees is addressed in the applicable collective bargaining agreement. Unrepresented employees are eligible for overtime compensation pursuant to these rules and/or federal and state law.

i. **Time-and-a-Half**

The City pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. See "Employee Classification," above.

ii. **Limitation on Overtime Pay**

Overtime is calculated based on hours actually worked. Discretionary time off, such as PTO, Comp Time, Sick Leave, Family Leave will not be counted toward the 40 hours worked per week required to receive overtime pay.

iii. **Assignment of Overtime Work**

When overtime work is required by the City on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of their straight-time hours will normally be expected to continue to perform the job on an overtime basis. When overtime work is assigned by the City on a Saturday, Sunday, or holiday, it generally will be assigned first on a voluntary basis in order of seniority to the employees who regularly perform the particular work involved. 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.

When overtime is required by the City on a Sunday or on a holiday, the City will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or holiday.

iv. **Supervisor Authorization**

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or manager. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

v. **Compensatory (Comp) Time**

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 employee's 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 work week. The maximum accrual is twenty (20) 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.

H. Timekeeping Requirements

All employees must accurately record time worked on a timecard for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Unless directly instructed otherwise by a Supervisor, filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and

including termination. An employee who fails to record their time may be subjected to discipline as well.

I. Employee-Incurred Expenses and Reimbursements

The City will pay actual and reasonable business-related expenses incurred by employees during the performance of their job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by the employee's supervisor/manager before they are incurred. The City will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on City-approved travel. Employees are expected to use a City Purchasing Card for expenses incurred where practically possible.

Employees who fail to provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred risks forfeiting their payment or reimbursement.

Some examples of actual and reasonable business-related expenses that the City will reimburse/pay for are:

- *City approved Conferences or Workshops:*
- *City approved Education:*
- *Meals:* The City shall use the current daily per diem for meals and lodging per the US General Services Administration website per diem www.gsa.gov. A statement of the meals and lodging claimed should be provided to the Finance Department with other expense reimbursement documentation in order to receive the per diem. The meal and lodging per diem may be requested in advance of the planned travel in approved by the Department Head.
- *Mileage, Ride-Share Expenses and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Finally, employees using a ride-share service to travel to or from an airport or in connection with work-related travel may also be reimbursed upon submission of receipts on an expense report (the least expensive, but private, option must be selected). Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City.

As part of each employee's official compensation package, employees may retain any travel benefit program rewards such as frequent flier miles for the employee's own personal use. If the employee receives such travel benefit awards for their personal use, the employee may need to report the value of such rewards for income tax purposes. An Employee may accept non-monetary compensation (for example Meal Vouchers) from a carrier for delay or interruption of travel, or similar situation provided there is no additional cost to the City. Any vouchers or refunds for unused transportation or lodging paid for by the City are the property of the City of Sherwood.

J. Payroll Policies

You will be paid every other week based on hours worked in a predetermined fourteen (14) day period. The City does not provide advance payments of salary or loans from salary to be earned

Net pay will be directly deposited into the employee's bank account, unless an employee requests otherwise. If an employee requests to pick up their paycheck from City, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to City for someone else to receive the check.

K. Statement Regarding Pay Practices

The City makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the City has made any improper deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you must immediately report the error to Human Resources. The City will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City's pay practices.

See also "Statement Regarding Pay Equity" policy, above.

L. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current with regard to pay, deductions, benefits and other matters is important. If you have changes in any of the following items, please notify Human Resources to ensure that the proper updates are completed as quickly as possible:

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholding.

Employees may not intentionally withhold information from City about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, City may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

M. Performance Reviews

All City employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, step increases, job assignments, employee development, promotions, retention and discipline/termination.

The City's goal is to provide an employee with their first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work;
- A review of exceptional employee accomplishments;
- Establishment of goals for career development and job enrichment;
- A review of areas needing improvement; and
- Setting of performance goals for the employee for the following year.

Employees shall be evaluated with the following summary ratings:

- a. Meets or Exceeds Standards or Outstanding (eligible for increase)
- b. Does Not Meet Standards (not eligible for increase)

Any employee who receives a 'Does Not Meet Standards' performance rating shall not receive a pay step increase as per the compensation section. Any employee who fails to satisfactorily perform the duties or tasks of their position will be placed on a Performance Improvement Plan (PIP). A PIP is a tool designed to assist an employee in improving their performance. Employees who fail to successfully complete a PIP will be subject to disciplinary action (including termination).

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed no later than 30 days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

N. Pay Steps

The pay steps shall include for each classification or group of classifications a minimum and maximum rate. The rate 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, fringe benefits, the City's financial policies and positions, or any other relevant considerations. Nothing contained in the Employee Handbook, City Policies, 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.

i. Rates of Pay

Each employee shall be paid within the range designated for the classification. Normally an employee will be appointed at the first step of the range established for the classification. An appointing authority may request in writing that the City Manager approve an appointment to a step higher than the first step. The City Manager will make this decision, based on the recommendation of the HR Director, 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, the availability of budgeted and sustainable funds, the pay equity law or other factors in the best business interest of the City.

ii. Advancement

Advancement to successive pay steps for a class of positions shall be based on an employee's efficient and fully satisfactory performance of the duties and responsibilities of 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.

iii. Timing

An employee may be considered for advancement to a higher pay step on his or her yearly anniversary date. Provided, however, that probationary employees may be considered for advancement to a higher pay step upon successful completion of the probationary employment period, as provided for in the Probationary Employment section. The anniversary date shall be adjusted for employees on leave without pay status. Employees shall only be advanced to the next successive pay step for his or her class of positions.

iv. Reinstatement

Upon reinstatement, the employee shall be paid the same step in the salary range that the employee was being paid at the time of separation, or the salary specified by the body that directed the reinstatement. The employee's anniversary date shall remain the same, unless otherwise directed by the terms of the reinstatement.

v. Recall from Layoff

When an individual is recalled from a layoff to a position in the same class in which the person was previously employed, the employee shall be paid the same salary step at which the employee was being paid at the time of layoff.

vi. Re-employment

Upon re-employment, an employee may be paid at or below the step at which the employee was being paid at the time of separation from employment, at the discretion of the appointing authority.

vii. Promotion

When an employee is promoted, the employee's pay step in the new position shall be at least a five percent (5%) increase from the pay step from which the employee was promoted. The anniversary date of an employee who is promoted shall be adjusted so that it falls one (1) year from the effective date of the promotion unless a probationary period has been agreed, see Probationary Periods below. An exception would include an appointing authority requesting in writing that the City Manager approval a promotion to a higher rate within the new range. The City Manager shall review the matter and consider the qualifications, prior experience of the candidate, the City budget, the pay equity law and any other relevant factors.

viii. Demotion

When a voluntary classification demotion or demotion in lieu of layoff occurs the employee's salary shall be set the step or hourly rate within the salary range of the lower classification closest to the employee's current regularly assigned salary. The new salary may not be greater than the employee's regularly assigned salary prior to the demotion. When an involuntary demotion occurs, the appointing authority 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 a more appropriate pay step is. An employee who is demoted shall be adjusted so that their anniversary date falls one (1) year from the effective date of the demotion.

ix. Reclassification

When an employee's position is reclassified to a higher salary range it will be considered a promotion and the employee's current salary shall be adjusted by at least five percent (5%) and moved to the closest higher step in the new class of positions. The anniversary date of an employee who is reclassified shall be adjusted so that it falls one (1) year from the effective date of the reclassification.

When assigned to a classification with the same salary range, the employee will retain their current salary rate and anniversary date.

When assigned to a classification with a lower salary range, the employee's salary shall be adjusted to the step or rate in the pay range closest to his or her current rate without a reduction in pay, or be "Y-rated". The anniversary date of the employee shall remain the same.

x. Transfer

When an employee transfers to a different position in the same classification, the employee retains the same pay, performance evaluation, salary increase date and anniversary date. When an employee transfers to a position in a different classification with the same pay range, the employee's pay remains the same.

xi. Military Reserve

Regular employees who are members of the armed forces reserve program and who are called up to active duty or annual training will not have their salary/step increase eligibility affected by the military leave of absence.

xii. Probationary Periods

The Department Head may, with approval from the City Manager, grant a promoted, demoted or reclassified employee a pay increase upon successful completion of a new six-month trial period following the action. If a pay increase is granted, the anniversary date shall become the date of the completion of the new trial period.

xiii. Timing

Proposals for promotions, reclassifications and new positions shall be submitted to the City Manager, or designee, through the HR Director; with ample time to complete the process. If the promotion, reclassification or new position is approved, the new pay class, step and job description will become effective upon adoption.

xiv. Administrative Leave

Employees exempt from overtime pay may receive an administrative compensation credit of paid time off each calendar year based on their classification as indicated below:

12 Hours	Business Systems Analyst Public Works Program Analyst	
20 Hours	Customer Service Supervisor Engineering Associate II Building Official Civil Engineer Snr Civil Engineer	
40 Hours	Finance Manager Court Supervisor Fleet Supervisor Art Center Manager Public Works Utility Supervisor Library Manager City Recorder Payroll Specialist Recreation Supervisor Executive Assistant Systems Administrator HR Specialist Planning Manager City Engineer Community Development Director	Finance Director Public Works Director Community Services Director HR Director Police Chief Police Captain Utility Manager IT Director Senior IT Analyst Senior Network Engineer Economic Development Mgr Library Operations Supervisor Admin Assistant III-Conf. Adult Community Center Mgr Operations Supervisor

The City Manager may, in his or her sole discretion, add, remove, or otherwise alter the placement of classifications in the matrix in subsection (a) above.

Administrative leave is credited in the payroll period closest to January 1 of each year and must be used by the end of the calendar year or it is forfeited. No administrative leave shall be carried over to the next calendar year, nor shall unused administrative leave be converted to compensation. Employees appointed to a qualifying position after the first of the year may be granted administrative leave on a prorated basis. Eligible employees transferring to an ineligible position after the first of the year will forfeit any unused administrative leave. Employees are to schedule administrative leave in the same manner as PTO with the approval of their supervisor.

III. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work their entire work schedule, except for unpaid break periods or when required to leave on authorized City business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via phone call, text or email no later than the start of the employee's shift/workday. If the Supervisor is unavailable the employee shall notify their Department Head or Human Resources. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

B. Paid Time Off (PTO)

It is the policy of City to provide each full-time employee with PTO time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of their employment anniversary date. For regular, full-time employees, vacation accrues as follows:

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. Eligible employees are paid hours proportionate to the percentage of hours worked to a full 40-hour work week.

i. Scheduling PTO

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. 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.

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.

ii. PTO Maximum Accumulation

If the maximum accrual is reached, additional vacation leave will not accrue until the leave balance has been brought down below the maximum hours allowed. 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. Temporary accruals in excess of the allowable amount shall be approved in writing by the City Manager or their designee.

iii. Cash Out

Upon written request by an employee and written approval by the City Manager, an employee shall be allowed to convert a block of up to forty (40) hours of accrued PTO time into cash at the employee's then-current rate of pay once per fiscal year. To be eligible for the cash-out, the employee must have already taken at least eighty (80) hours of PTO within the past twelve (12) month period. Employees will be required to maintain a balance of a minimum of eighty (80) hours of accrued PTO, after cash-out, to be eligible for cash-out under this policy. The cash out process may take up to 2 pay periods to process and accrual caps will not be increased to allow for the processing time. Employees should plan accordingly. The City Manager will approve or deny any such PTO cash-outs in writing and may disallow or reduce the requested cash-out based on the ability of City finances to absorb the cost.

iv. PTO Upon Termination

Upon separation of employment, employees who have successfully completed their probation period or have a minimum 6 months of employment with satisfactory performance as determined by the Department Head, will be paid for unused PTO time that has been earned through the last day of work.

v. Longevity

When employees reach milestones outlined in this policy, they will receive a one-time additional PTO award of:

- 10 years = 1 day of PTO
- 15 years = 3 days of PTO

In instances where the employee has accrued the maximum paid time off, 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 workload requirements, or other legitimate reasons, that in the opinion of the Department Head, make use of accrued paid time off benefits unfeasible. Temporary accruals in excess of the allowable amount shall be approved in writing by the City Manager.

vi. Sabbatical Leave

Employees shall earn eighty (80) hours of sabbatical leave to be taken in conjunction with an equivalent amount of PTO leave from the employee's bank in the applicable anniversary fiscal year beginning on the employee's twentieth (20th) anniversary year of service and every fifth (5th) year thereafter. Unused sabbatical time shall not carry over. Sabbatical leave shall be used in a single block taken with an equivalent amount of PTO once in the eligibility year. It is the responsibility of the employees to ensure that they have enough PTO accrued to be eligible for the amount of sabbatical leave they request. Employees who have passed their twentieth (20th) anniversary date at the effective date of this policy shall be immediately eligible for sabbatical leave, however, in no event shall an employee take more than one sabbatical within a three (3) year period.

C. Sick Leave

The City provides eligible employee with paid sick leave in accordance with Oregon's Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact Human Resources. Please also refer to the Oregon Sick Leave Law poster that is posted on employee bulletin boards and is incorporated here: <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>

i. Eligibility and Accrual of Paid Sick Leave

Under Oregon's Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt and non-exempt employees. Sick leave runs concurrently with Oregon Family Leave Act leave, federal Family and Medical Leave Act and other leave where allowed by law. Employees using Paid Leave Oregon can use accrued Sick leave in addition to Paid Leave Oregon.

Employees begin to accrue paid sick leave on the first day of employment. Regular full-time employees shall accrue sick leave at a rate of 3.7 hours per pay period. Regular part-time employees shall accrue sick leave proportionate to the percentage of hours worked to a full 40-hour work week.

ii. Pay Rate and Carryover

Sick leave will be paid at the employee's regular rate of pay. Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek. Generally, sick leave pay will be included

in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

Sick leave accrual is capped at 720 hours.

iii. Use of Sick Leave

Paid sick leave may be used each calendar year for any of the following reasons:

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or their covered family member.
 - a. "Family member" means the employee's:
 - Spouse or registered domestic partner;
 - Child or the child's spouse or registered domestic partner;
 - Parent or the parent's spouse or registered domestic partner;
 - Sibling or stepsibling or the sibling's or stepsibling's spouse or registered domestic partner;
 - Grandparent or the grandparent's spouse or registered domestic partner;
 - Grandchild or the grandchild's spouse or registered domestic partner; or
 - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
2. To care for an infant or newly adopted child under 18 years of age, or for a newly placed foster child under 18 years of age, or an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability, completed within 12 months after birth or placement of the child.
3. To recover from or seek treatment for a health condition that renders the employee unable to perform at least one essential function of the position.
4. Absence associated with the death of a family member (attending funeral, making arrangements, grieving the death)
5. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault, stalking or bias crime as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
6. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for one or more of the qualifying reasons above must use accrued sick time hours for that reason and on each subsequent day of absence.

iv. Employee Notice of Need for Sick Leave

a. Foreseeable Sick Leave

If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before the leave begins. Generally, an employee must provide at least ten (10) days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of City. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practicable.

b. Unforeseeable Sick Leave

If the need for sick leave is unforeseeable, the employee must inform their supervisor via phone call, text or email no later than the start of the employee's shift/workday. If the supervisor is unavailable the employee shall notify their Department Head or Human Resources.

Employees must contact their supervisor daily while on sick leave, unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave. Employees shall inform their supervisor of any change in the duration of sick leave as soon as practicable.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, the City may deny the use and legal protections of sick leave.

v. Sick Leave Documentation

If an employee takes more than three consecutive scheduled workdays as sick leave, the City may require reasonable documentation showing that the employee was absent for an approved reason and for future absences. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, bias crimes, or stalking.

vi. Sick Leave Abuse

If the City suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations, and paydays, the City may require documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

D. Holidays

The City recognizes ten holidays each year. 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. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion to their normally scheduled number of hours equals 40 hours per week. (See examples below)

- Regularly scheduled 20 hrs./wk. = 50% = 4 hours paid
- Regularly scheduled 25 hrs./wk. = 62.5% = 5 hours paid
- Regularly scheduled 30 hrs./wk. = 75% = 6 hours paid
- Regularly scheduled 35 hrs./wk. = 87.5% = 7 hours paid
- Regularly scheduled 40 hrs./wk. = 100% = 8 hours paid

The holidays celebrated are:

1.	New Year's Day	January 1 st
2.	Martin Luther King Day	3 rd Monday in January
3.	Memorial Day	Last Monday in May
4.	Juneteenth	June 19 th
5.	Independence Day	July 4 th
6.	Labor Day	First Monday in September
7.	Veteran's Day	November 11 th
8.	Thanksgiving Day	4 th Thursday in November
9.	Day after Thanksgiving	Friday after Thanksgiving
10.	Christmas Day	December 25 th

A holiday that falls on a weekend will be observed on either the preceding Friday or the following Monday to coincide with local custom.

To be eligible for holiday pay, an employee must have worked their regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under City policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

E. Family Medical Leave

Oregon Family Leave Act (OFLA) Policy

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

Employees seeking further information should contact Human Resources. Please also refer to the "Oregon Family Leave Act" notices posted on Employee Bulletin Boards, which is incorporated here by reference.

i. Definitions

a. Family Member/Child

Family Member - Is defined as a spouse or domestic partner, a child of a covered individual or the child's spouse or domestic partner, a parent of a covered individual or the parent's spouse or domestic partner, a sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or domestic partner, a grandparent of a covered individual or the grandparent's spouse or domestic partner, a grandchild of a covered individual or the grandchild's spouse or domestic partner, any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

Child - Includes a biological, adopted, foster or stepchild, the child of a registered domestic partner, or a child with whom the employee is in a relationship of in loco parentis, under the age of 18 or over 18 if incapable of self-care because of a mental or physical disability.

b. Eligible Employee

OFLA. To qualify for OFLA leave an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week

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

Public Health Emergency Leave. Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the

30 days immediately before the date on which the leave would begin. This is available to employees who are eligible for OFLA only. See the definition of “public health emergency” below.

c. Public Health Emergency

A “public health emergency” is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. An example of this is when the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

d. Reasons for Taking Leave

OFLA Leave may be taken for any of the following purposes:

1. **Pregnancy Disability Leave:** For incapacity due to pregnancy, prenatal medical care or birth.
2. **Sick Child Leave:** To care for a child who suffers from an illness or injury that requires home care or has a serious health condition, or to care for a child whose school or place of care has been closed due to a public health emergency. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured.
3. **Bereavement Leave.** To deal with the death of a Family Member by attending the funeral of the Family Member, making arrangements necessitated by the death of the Family Member, or grieving the Family Member's death. Employees are eligible for two (2) weeks per family member, up to a maximum of four (4) weeks per leave year.
4. **Oregon Military Family Leave Act Leave (“OMFLA”):** During a period of military conflict, as defined by the statute, eligible employees with a spouse or registered domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces (“Military Spouse”), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment.
5. **Public Health Emergency Leave -** Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days immediately before the date on which the leave would begin. This is available to employees who are eligible for OFLA only. See the definition of “public health emergency” section above.

If applicable, OFLA leave will run concurrently with FMLA when permitted.

i. Length of Leave

In any One-Year Period, eligible employees may take up to 12 weeks of unpaid protected time off per leave year. Employees are eligible to take up to two (2) weeks of unpaid Bereavement leave, up to a maximum of four (4) weeks per leave year.

ii. One-Year Period

For purposes of determining the amount of OFLA leave that an eligible employee may take, "One-Year Period" means a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which the employee's OFLA leave begins.

iii. Intermittent Leave

Intermittent or reduced-schedule leave may be taken when medically necessary. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of the City's operations, including consulting management prior to the scheduling of treatment to work out a treatment schedule which best suits the needs of both the City and the employee.

iv. Employee Responsibilities - Notice

Employees must provide at least 30 days' notice before OFLA leave is to begin. If 30 days' notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin or a change in circumstances, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to the City within 24 hours of commencement of the leave.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise [Contact] as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify [Contact] within three business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with the City's normal call-in procedures. Employees who fail to comply with the City's call-in procedures may be disciplined or may have their period of OFLA leave reduced.

v. Certification

Generally speaking, employees may be required to provide sufficient information for the City to determine if the leave may qualify for OFLA protection and the anticipated timing and duration of the leave. An employee will be required to provide a note from a doctor or healthcare provider if the employee has used more than three days (*i.e.*, one, three-day occurrence or three separate instances) of sick child leave within a One-Year Period,

Employees must furnish the City's requested medical certification information within 15 calendar days after such information is requested by the City.

vi. Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including Sick, PTO, Comp Time and where applicable Admin Leave prior to a period of unpaid leave of absence on OFLA leave.

vii. Holiday Pay While on Leave

Employees using Sick, PTO, Comp Time or Admin Leave during a portion of approved OFLA leave in which a holiday occurs will qualify to receive holiday pay.

viii. Benefits While on Leave

The City will continue the employee's health coverage under any group health plan during a period of approved OFLA leave on the same terms as if the employee had continued to work. The employee must continue to make any regular contributions to the cost of the health insurance premiums during the period of approved OFLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on an unpaid OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the City's benefit plans.

ix. Job Protection

Employees returning to work from OFLA Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring OFLA Leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated OFLA Leave period, reinstatement may not be available unless the law requires otherwise.

The use of OFLA Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

x. Restoration of Leave Bank at Time of Re-Employment

An employee who leaves employment with the City for any reason may be eligible for OFLA leave if they are re-employed by the City within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for the City for 180 days or less; please speak with Human Resources for more information.

FMLA Policy

The following is a summary of the policy and procedures under the federal Family Medical Leave Act (FMLA).

Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave for the reasons identified below. Federal law prohibits retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used FMLA. In all cases, applicable federal laws, rules, policies and collective bargaining agreements govern the employee's and the City's rights and obligations, not this policy.

Employees seeking further information should contact Human Resources. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" posted on Employee Bulletin Boards, which are incorporated here by reference.

i. Definitions

Child/Son or Daughter

A "son or daughter" is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence. FMLA military family leave are not restricted by age — see below.

Eligible Employee

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

Leave under FMLA and OFLA will run concurrently when permitted. If applicable, leave under FMLA will also run concurrently with Paid Leave Oregon leave – see Paid Leave Oregon policy below.

Family Medical Leave

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

Family Member

- A "family member" is defined as a spouse, parent or a "son" or "daughter" (defined above).

Serious Health Condition

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

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

Other conditions may meet the definition of a “serious health condition;” see Human Resources for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

ii. Reasons for Taking Leave

FMLA may be taken under any of the following circumstances:

1. **Call to Active Duty Leave:** Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
2. **Employee's Serious Health Condition Leave:** To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
3. **Family Member's Serious Health Condition Leave:** To care for a family member with a serious health condition.
4. **Parental Leave:** For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. **Servicemember Family Leave:** Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform their duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.”

iii. Length of Leave

In any one-year period, eligible employees may take up to 12 weeks of unpaid protected leave.

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

iv. One-Year Period

The "12-month period" during which leave is available (also referred to as the "One-Year Period") is a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which the employee's FMLA leave begins.

v. Intermittent Leave

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of the City operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the City and the employee. Intermittent leave for Parental Leave is not available.

vi. Employee Responsibilities - Notice

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

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

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let Human Resources know as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.

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

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

vii. Certification

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

Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Additionally, Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the healthcare provider of the employee or the covered family member to support the request.

Employees must furnish the City's requested medical certification information within 15 calendar days after such information is requested by the City. In some cases the City may require a second or third opinion, at the City's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a medical certification.

viii. Medical Certification Prior to Returning to Work

If FMLA leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from their healthcare provider stating that the employee is able to resume work.

ix. Substitution of Paid Leave for Unpaid Leave

If an Employee is not receiving Paid Leave Oregon Benefits, employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence when on a FMLA leave. Use of accrued paid leave will run concurrently with FMLA leave.

x. Holiday Pay While on Leave

Employees using vacation pay or sick pay during a portion of approved FMLA leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

xi. On-the-Job Injury or Illness

Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify for FMLA Leave if the injury or illness is a "serious health condition" as defined by applicable law.

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

xii. Benefits While on Leave

If an employee is on approved FMLA Leave, the City will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA leave will be responsible for bearing the cost of their share of group health plan premiums which had been paid by the employee prior to the FMLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on an unpaid FMLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the City benefit plans.

xiii. Job Protection

Employees returning to work from FMLA leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring FMLA leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated FMLA leave period, reinstatement may not be available unless the law requires otherwise.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use FMLA leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

F. Paid Leave Oregon (PLO)

Paid Leave Oregon (PLO) is a state-run program, administered by the Oregon Employment Department (OED), that allows eligible employees to take up to twelve (12) weeks of paid time off per benefit year, for the following reasons:

- **Family leave** – for an employee to care for an eligible family member with a serious illness or injury, or to bond with a new child after birth, adoption, or foster care placement, or to effectuate the legal process required for placement of a foster child or the adoption of a child (eff. 01/01/2025)
- **Medical leave** – for an employee experiencing their own serious health condition or disability due to pregnancy.
- **Safe leave** – for an employee or eligible child dependent experiencing issues related to sexual assault, domestic violence, harassment, bias, or stalking.

The Paid Leave program also allows employees to take an additional two (2) weeks of Paid Leave for pregnancy, childbirth, or related medical conditions.

i. Notification Requirements

Although the Paid Leave Oregon program is administered by the Oregon Employment Department (OED), employees are required to notify the City when they have applied for leave.

Foreseeable Leave: If the need for Paid Leave is foreseeable or planned, the employee is required to provide Human Resources with at least 30 days' written notice before paid leave begins.

Unforeseeable Leave: If the need for Paid Leave is unforeseeable or unplanned, an employee is required to provide oral notice to Human Resources within 24 hours of the start of the leave, and the employee must also provide written notice within three (3) days after the start of the leave.

Written notice must include the employee's first and last name, type of leave, explanation of the need for leave, and anticipated timing and duration of leave. Timing and duration of leave should include the employee's plan for taking leave on an intermittent basis (and the proposed schedule) or in one block of time.

If the employee's dates of scheduled leave change, are extended by the PLO program, or if the reason for leave becomes known and/or, if circumstances change during the leave and the leave period differs from the employee's original notice, the employee must notify Human Resources within three business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees are expected to comply with City's normal call-in procedures.

Under Oregon law, an employee who fails to follow these notification requirements may receive reduced PLO benefits; specifically, the first weekly benefit amount will be reduced by 25 percent (the penalty calculated for leaves that are taken in increments of less than a full work week differs). See OAR 471-070-1310(9) and (10).

ii. Concurrent Use of FMLA Leave

If an employee's Paid Leave is also eligible for protected leave under FMLA, FMLA leave must be taken concurrently with Paid Leave.

Employees must provide sufficient information for the City to determine if the Paid Leave qualifies for FMLA leave. Employees who have applied for Paid Leave benefits are required to complete an FMLA Leave Request Form and return it to Human Resources.

If an employee is eligible for FMLA leave due to a serious health condition or has a family member with a serious health condition, employees must furnish medical certification information as required by the City's leave policy.

iii. Accrued Leave and Holiday Pay While on Leave

Employees using accrued leave in addition to receiving PLO benefits will continue to accrue sick, PTO, or other employer-provided leave, and receive holiday pay. Employees who do not use accrued leave while on a Paid Leave will not accrue sick, vacation, or other employer-provided leave, and will not receive holiday pay.

iv. Benefits While on Leave

If an employee is receiving Paid Leave benefits, the City will continue the employee's healthcare, life, disability, and all eligible voluntary coverage, on the same terms as if the employee had continued to work. An employee wishing to maintain coverage when on Paid Leave is responsible for paying their share of premiums, the same as when premiums were paid by the employee, prior to receiving Paid Leave benefits.

If the City chooses to pay the employee's portion of the insurance coverage during the period of Paid Leave, employees are expected to repay the City for those premiums. Upon return to work, the City will deduct those premiums from an employee's pay, up to 10% of an employee's gross pay, each period, until the City has been paid back.

v. Medical Certification Prior to Returning to Work

If an employee uses more than three consecutive scheduled workdays for their own serious health condition, and the Paid Leave is used concurrently with FMLA, prior to returning to work the employee must furnish medical certification from their healthcare provider stating that the employee is able to resume work.

vi. Job Protection

Employees who worked for the City for more than 90 consecutive calendar days prior to taking Paid Leave may be reinstated to their former position if the position still exists. If the position has been eliminated, the employee may be restored to a similar position with similar job duties with the same employment benefits and pay.

Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring Paid Leave have been resolved. If an employee does not return to work at the end of their Paid Leave, reinstatement may not be available.

vii. Use of Accrued Leave During Paid Leave

PLO benefits may not provide employees with 100% of their gross regular wages. Employees receiving PLO benefits may choose to use accrued paid leave (Sick, PTO, Admin Leave, etc.), and/or Comp time in addition to receiving PLO benefits.

viii. Complaint Procedure

The City prohibits retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or used Paid Leave.

ix. Who to Contact for More Information

For more information, or if you have questions about the Paid Leave Oregon policy, contact Human Resources.

For more information about the PLO program, including steps for applying for PLO benefits and contact information, go to <https://paidleave.oregon.gov/>

A poster with Paid Leave Oregon information, including information about how to apply for benefits is posted on Employee Bulletin Boards, which is incorporated here by reference.

G. Leave Donation

The City of Sherwood recognizes that employees or an employee's eligible family member (Parent, Spouse or child) may experience a Medical Emergency resulting in the need for additional time off in excess of their available accrued paid leave. A "Medical Emergency" is defined as a medical condition that requires the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available. To address this need, eligible employees may donate accrued PTO hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary. Donated leave shall not be used to extend employment beyond the point that would otherwise end by operation of any law, rule, policy or regulation.

i. Eligibility Guidelines

Employees may request to receive donated leave from their co-workers if the employee, or an immediate family member, experiences a medical condition that requires the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent. Employees who have experienced the death of a spouse, child or parent, may also request donated leave.

To qualify for donated leave, the employee must:

- (1) Have worked for City of Sherwood for not less than six (6) months prior to the Medical Emergency, or have been employed by the City of Sherwood for no less than thirty (30) days prior to the death of a spouse, child, or parent, in a benefit-eligible position;
- (2) Meet the eligibility requirements of the Family Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA) for a medical emergency;
- (3) Have no more than forty (40) hours of unused PTO, Sick, Admin or Comp time accumulated;
- (4) Have exhausted Paid Leave Oregon (PLO) benefits;
- (5) Reasonably demonstrate that all accrued leave will be exhausted;
- (6) Not be receiving, or eligible to receive, long-term/short-term disability benefits or any other supplemental income*

* If eligible, an employee must apply for the City of Sherwood's short-term and/or long-term disability benefits.

Employees may receive no more than 240 hours of donated leave within a 12-month period. Donated leave will not be granted or used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation.

ii. Leave Requests

Employees requesting donated leave must complete a Donated Leave Request Form and submit it to Human Resources. Employees seeking donated leave may be required to provide the City of Sherwood with medical certification that reasonably substantiates the request. A request for donated leave is not approved until it is approved by Human Resources, the employee's Department Director and the City Manager or their designee.

iii. Leave Donations

Employees may voluntarily donate hours of PTO for contribution to a Donated Leave Bank administered by the HR Department. No other type of leave may be donated. The following donation guidelines apply:

1. The donor may not donate more than forty (40) hours of leave per in a 12-month period, unless permission for larger donated amounts is granted by the City Manager or their designee;
2. Donations must be in increments of whole hours;
3. The donation of leave is on an hourly basis, without regard to the dollar value of the donated or used leave;
4. Employees cannot borrow against future leave to donate;
5. Donors must complete and sign a Leave Donation Form containing a declaration that the donation is intended as a gift and has been given freely and voluntarily without coercion, compensation or for other consideration; and
6. The donation must be made irrevocably, with the understanding that the donated leave is lost to the donor forever for all purposes including, but not limited to, use for paid time off, payoff upon termination, and retirement credit.

H. Bereavement Leave

Under this policy, "Family Member" means the employee's:

- Spouse or registered domestic partner;
- Child or the child's spouse or registered domestic partner;
- Sibling or stepsibling or the sibling's or stepsibling's spouse or registered domestic partner;
- Grandparent or the grandparent's spouse or registered domestic partner;
- Grandchild or the grandchild's spouse or registered domestic partner; or
- An individual related by blood or affinity whose close association with an employee taking bereavement leave is the equivalent of a family relationship.

Employees who have worked for the City for 180 calendar days, and averaged at least twenty-five (25) hours per week, may take up to two (2) weeks of unpaid bereavement leave per death of a Family Member up to a maximum of four (4) weeks per leave year. Employees who have worked for the City for 90-180 days and who have experienced the death of a Family Member may use up to forty (40) hours of accrued sick leave for bereavement purposes. Employees who have worked for the City for fewer than ninety (90) days may not be eligible for leave. Contact Human Resources for more information.

I. Jury and Witness Duty

i. Jury Duty

The City will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. 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. It is the employee's responsibility to keep their supervisor or manager informed about the amount of time required for jury duty.

ii. Witness Duty

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to Human Resources upon receipt.

Except for employee absences covered under City's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," or PLO Safe Leave, employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee must take unpaid leave. Employees must

present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than twenty-four (24) hours after being served.

J. Religious Observances Leave and Accommodation Policy

The City respects the sincerely held religious beliefs and observances of all employees. The City will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on the City's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with Human Resources, and may require information from the employee in support of the request for accommodation or leave.

K. Crime Victim Leave Policy

Any employee who has worked an average of at least twenty-five (25) hours per week for 180 days immediately before the date the employee takes leave is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or their immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered domestic partner, father, mother, sibling, child, stepchild, or grandparent of the employee.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- Provide as much advance notice as is practicable of their intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to Human Resources as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, the City may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

L. Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable unpaid leave to address domestic violence or the crimes of harassment, sexual assault, bias or stalking (either the employee or the employee's minor dependents).

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for

or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave. Employees should also determine whether Paid Leave Oregon may provide pay during this type of leave. See the "Paid Leave Oregon" policy for more information.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of their intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to Human Resources as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give the City notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault, bias crimes or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the City. Please contact Human Resources immediately with requests for reasonable safety accommodations.

M. Military Leave

Employees who wish to serve in the military and take military leave should contact Human Resources for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

All employees who are members of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service are entitled to a paid leave of absence from duties for a period not exceeding twenty-one (21) work days in any federal fiscal year (October 1st through September 30th) for training, provided the employee is employed at least six months prior to the leave. Employees who have not worked for the City for six (6) months will also receive up to twenty-one (21) work days in any federal fiscal year for the same purposes, but such leave will not be paid. Employees are not required to take their leave in one block of time but may use the paid leave allowed under this rule over the course of the

federal fiscal year. The actual number of paid work hours allowed is dependent on the employee's standard work schedule but must be consistent with the intent of this rule. Employees may use military leave for active duty or inactive duty for training, state active duty and duty under Title 10 or 32 of the United States Code.

The total number of paid days for both training and active duty shall not exceed the total amount allowed above in any federal fiscal year.

Absences incurred for additional active duty or inactive duty for training, state active duty and duty under Title 10 or 32 of the United States Code may be charged to accrued paid time off such as vacation or compensatory time or taken as unpaid leave.

To be eligible for military leave with pay the employee must provide advance written or verbal notice of the absence except in in

stances involving military necessity or where giving notice is otherwise impossible or unreasonable. To receive pay for the annual active duty for training, the employee must provide before, during or after the leave, documentation indicating that the call-up was for annual active duty for training or active duty in lieu of annual training.

IV. Employee Benefits

Generally, health and welfare benefits provided to unrepresented employees will closely mirror those provided to employees covered by the collective bargaining agreement between the City and AFSCME.

A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both City policy and that of its health insurance provider are entitled to the benefit options offered by the City. Generally speaking, that means the City offers medical insurance for all of its regular, full-time employees unless otherwise established by law. The City pays ninety percent (90%) of the cost of coverage for its regular, full-time employees. Part-time employees working less than twenty (20) hours per week are not eligible for health-insurance coverage.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by City. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by City, employees will be advised and provided with copies of relevant plan documents. Copies are available from Human Resources.

B. Employee Assistance Program (EAP)

This free, confidential service is provided by Canopy and is available to all employees and dependents covered on a CIS Regence or Kaiser medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large

or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol or drug abuse, grieving a loss, and career development services.

Canopy also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting Human Resources, or you can contact Canopy directly at 1-800-433-2320, or at www.canopywell.com.

C. Workers' Compensation and Safety on the Job

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

iii. Steps to Take if You are Injured on the Job

If you are injured on the job, City wants to know about it and expects to learn about it no later than twenty-four (24) hours after your injury (report all work-related injuries to your supervisor).

If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all of the following:

1. Immediately call the CIS Rapid Care line at (855) 959 2741 to report any work-related injury and to complete the state required 801 form.
2. Seek medical treatment and follow-up care if required.
3. Notify your Supervisor within twenty-four (24) hours of the injury

Failure to timely follow these steps may negatively affect your ability to receive benefits.

iv. Return to Work

If you require workers' compensation leave, you will — under most circumstances — be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit documentation from a healthcare provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples, and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining

agreement. The City does not discriminate against employees who suffer a workplace injury or illness.

v. Pay During Workers' Compensation Leave

a. First 120 days

If eligible for time loss due to an on-the-job injury or occupational illness and a worker's compensation accepted claim, the City shall issue a gross-up check each pay period in an amount which is the difference between any worker's compensation payments and the employee's regular gross wages, excluding overtime for that period covered by the compensation payments. Employees shall retain any time loss payment/checks received by the City's workers compensation provider. Employees may be required to provide Payroll with evidence of the workers compensation payment so that Payroll may calculate the gross-up check amount. The City will endeavor to process the gross up check as soon as operationally possible, however, depending on the date of the workers compensation payment, the gross up check may be paid in the following pay period.

The employee shall receive any general salary adjustments (COLA) and will be eligible for any salary step increase subject to satisfactory performance at the date of injury.

During the period of the first 120-days, the City will deduct the employee's insurance cost share premium contributions or the other required deductions through payroll deductions from any gross-up payments made to the employee each pay period.

During the first 120-day period, the employee will continue to accrue all benefits, including but not limited to sick leave, vacation accrual, health insurance and PERS contribution. The PERS contribution is limited to the value paid by the city as the gross-up payment each pay period.

b. After 120 days

Employees shall use available sick leave balances in order to gross-up and receive their regular gross wages. The employee's sick leave bank shall only be charged the difference between the employee's time loss payments/checks and their regular gross pay. If the employee's sick leave bank is depleted, the employee may elect to use available Comp Time or PTO to make up the difference. Employee medical benefits will continue for a maximum of 12 months and leave accruals will be calculated proportionately to the amount of leave used by the employee to supplement their wages.

vi. Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by the City, injured employees and their treating physicians, and our workers' compensation

insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, the City will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the City. While you are on modified or transitional work, you are still subject to all other City rules and procedures.

vii. Overlap with Other Laws

The City will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and FMLA/OFLA or Paid Leave Oregon. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

D. PERS (Public Employees' Retirement System) Benefits

The City participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at www.oregon.gov/PERS. For information about City's contributions to employee PERS or OPSRP plans, please see Human Resources.

The City will consider allowing PERS-eligible employees to retire from their employment with the City and then rehiring them, as permitted under Oregon law. The City will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of the City, and the ability of existing employees to perform the work of the retiring employee. Please refer to the Work Back policy and contact Human Resources for more information.

V. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

The City works to maintain a safe and efficient work environment. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

The City expects employees to report to work free of illegal drugs and alcohol and in a condition that is conducive to performing their duties in a safe, effective, and efficient manner.

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

i. Prohibited Conduct

The following examples of prohibited conduct do not apply to law enforcement employees who possess drugs, alcohol or other items identified in this policy in connection with law enforcement work.

- Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees or others.
 - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in system while on City property or on City time.
 - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by

screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.

- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington, or any other state's law.
- Bringing to City property, or possessing, items or objects on City property that contain any "controlled substance," including, for example, "pot brownies," "edibles," and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to coworkers, members of the public, or elected officials while on work time or on/in City property.
- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (or controlled substances), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

ii. Prescription Drugs and Medical Marijuana

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

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect City operations or safety of City employees or other persons, the City may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide City with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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

iii. Testing

The City reserves the right to:

- a. Subject applicants who are given a condition offer of employment in a safety-sensitive position to a drug and alcohol test;
- b. Test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- c. Discipline or discharge employee who test positive or otherwise violate this policy; and
- d. Test employees when they: (1) cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; and (3) when City reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

iv. Reasonable Cause Testing

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

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

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

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or

controlled substance testing of an employee or a search. This documentation shall be forwarded to Human Resources. Whenever possible, supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.

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

v. Search of Property

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

vi. Employee Refusal to Test/Search

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

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

vii. Crimes Involving Drugs and/or Alcohol

Employees shall report the following within one business day of the event:

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

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

viii. Drug and Alcohol Treatment

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

An employee who believes they have a problem involving the use of alcohol or drugs should ask a supervisor or Human Resources for assistance.

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

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

ix. Discipline and Consequences of Prohibited Conduct

An employee who violates this policy will be subject to either termination or a last-chance agreement.

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

x. Confidentiality

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

B. Mobile Devices Policy

This policy applies to employee use of cell phones, smart phones, tablets and similar devices, all of which are referred to as "mobile devices" in this policy.

i. Cell Phones and Mobile Devices in General

Employees are allowed to bring personal mobile devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or City-provided mobile devices may not violate the City's policies against harassment, bullying, and discrimination. Thus, employees who use a personal or City-provided mobile device to send a text or instant message or DM to another employee (or to someone not employed by the City) that is in violation of the City's policies prohibiting discrimination, harassment, and bullying will be subject to discipline up to and including termination.

Non-exempt employees may not use their personal or City-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from their supervisor. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a non-exempt employee's obligation from recording time for all hours worked.

ii. Employee Use of City - Provided or Paid for Mobile Devices

Mobile devices are made available to City employees on a limited basis to conduct City's business. Determinations as to which employees receive City-provided mobile devices will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, the City may provide a monthly cellular telephone allowance to employees who regularly make work calls from their mobile device on behalf of the City away from the office.

Employees who receive a mobile device from the City must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Further, employees who receive a cell phone or mobile device from the City must acknowledge and understand that because the mobile device is paid for and provided by the City, or subsidized by the City, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if the City has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Mobile Device Policy or any other City policy. Employees should have no reasonable expectation of privacy in a City-provided or -paid for mobile device. An employee who refuses to provide the City access to their personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Family and friends may not use an employee's City-provided mobile device.

iii. Mobile Devices and Public Records

City-related business conducted on City-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against the City or individual employees.

iv. Employee Use of Mobile Devices with Cameras

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used by employees during working hours, or at any City-sponsored function unless directly related to work activities and/or authorized to do so by the Supervisor or Function Organizer. Use of cameras must not violate personal

privacy, confidentiality of information, or be used to harass other staff or members of the public.

v. Mobile Device Use While Driving

The use of a mobile device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the City.

Employees are prohibited from using handheld cell phones for any purpose while driving on City-authorized or City-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or "instant" messages or DMs while driving on City business (other than those employees engaged in law enforcement work). Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

C. Use of City Email and Electronic Equipment and Services Policy

The City uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet and any new technologies used in the future. This policy governs the use of such City property.

i. Ownership

All information and communications in any format, stored by any means on or received or transmitted via City's electronic equipment or services is the sole property of the City.

ii. Use

All the City's electronic equipment and services are provided and intended for City business purposes only and not for personal matters, communications, or entertainment. This means, for example, that employees may not use the City-provided Internet, or City electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate the City's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;

- Engage in any activity that violates the rights of any person or the City, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the right to privacy, of protected healthcare information or otherwise, or other City-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, spyware, adware and other malware);
- Download or view streaming videos for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work; or
- Download any files for personal and/or non-business use.

In addition to the prohibited activities above, employees must ensure their occasional personal use of City systems:

- Does not adversely affect official duties;
- Is of reasonable duration and frequency;
- Does not adversely affect any City Equipment, systems or programs;
- Does not reflect adversely on the City of Sherwood;
- Does not overburden any communications system; and
- Creates no significant additional cost.

Further, employees may not use City-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

Employees are responsible for any damage that may occur from their personal use of City systems and must follow all city policies regardless if they are using systems for personal use. Failure to comply with this policy may result in disciplinary action up to and including termination of employment.

iii. Inspection and Monitoring – No Right to Privacy

Employee communications, both business and personal, made using City electronic equipment and services are not private. Any data created, received, or transmitted using City equipment services are the property of the City and may be recovered even though deleted by the user.

All information and communications in any format, stored by any means on City's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City's ownership of the electronic information, electronic equipment, or services, or the City's right to inspect such information. The City reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail, and other such material to monitor the use of all the City's electronic equipment and services, including all communications and internet usage and

resources/sites visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

iv. Hardware and Software

Employees may not install any hardware or software on the City systems or mobile devices without approval from the IT Department. All software installed on the City's systems must be licensed. Copying or transferring of City-owned software to a personal device/equipment may be done only for personal devices/equipment used for City business and with the written authorization of the IT Department.

v. Unauthorized Access

Employees are not permitted access to the electronic communications of other employees or third parties unless authorized to do so by the City Manager, City Attorney, Assistant City Manager, IT Director or HR Director. No employee can examine, change, or use another person's files, output, username or password unless they have explicit authorization from the City Manager, City Attorney, Assistant City Manager, IT Director or HR Director to do so.

Employees are not permitted to access information systems that they are not authorized to access and/or that are necessary for their job duties.

vi. Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

vii. Inappropriate Web Sites

The City's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful, or other objectionable materials, or that would otherwise violate the City's policies.

Please reference the full IT Acceptable Use policy

D. Social Media

i. Employee's Personal Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal, or diary, personal or commercial website, social networking website, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of

coworkers, or otherwise adversely affects our residents or people who work on behalf of the City or the City's legitimate business interests may result in disciplinary action up to and including termination.

ii. Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any City policies, including the City's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from your blog, website or other social networking site to a City-owned or maintained website without identifying yourself as a City employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City unless you are authorized by your manager/supervisor to do so. If the City is a subject of the content you are creating, be clear and open about the fact that you are a City employee and make it clear that your views do not represent those of the City or its employees or elected officials.

iii. Encouraged Conduct

Always be fair and courteous to coworkers, the residents we serve, the City's employees and elected officials, and suppliers or other third parties who do business with the City.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your coworkers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, coworkers, City employees or elected officials, that might constitute harassment or bullying, and/or that violate City policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

Maintain the confidentiality of the City's confidential information. Do not post internal reports, policies, procedures or other internal, City-related confidential communications or information. (See "Confidential City Information" policy, below.)

Nothing in this policy is meant to prevent an employee from exercising their right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt the City operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the City's interest in the effective and efficient fulfillment of its responsibilities to the public.

iv. Request for Employee Social Media Passwords

The City's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant to disclose or to provide access through the employee's or applicant's username and password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by the City.

Nothing in this policy prohibits the City from requiring an employee to produce content from their social media or internet account in connection with a City-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

v. City Sponsored Social Media Policy

"Social Media" includes Blogs, Facebook, LinkedIn, YouTube and other similar accounts. The City Manager and IT Director will approve authorized users. Only authorized users are allowed to use social media on behalf of the City. No one may use their social media accounts to post information, or reply to comments on behalf of the City.

a. New Social Media Sites or Accounts

An authorized user must seek and obtain approval from the IT Director prior to setting up a new account on a site. If an authorized user would like to add a site onto the approved list, the authorized user must first seek and obtain approval from the IT Director who will determine if it is possible to retain public records from that site.

b. Maintaining a City Social Media Account

An authorized user must:

- 1) Maintain all social media accounts preauthorized by the City and ensure the accounts comply with the City's code; charter; and policies, including this policy.
- 2) Provide the City's terms of use and disclaimer on all social media accounts maintained by the authorized user. An approved form is attached as Exhibit 1. If an authorized user wishes to modify the approved terms of use and disclaimer, then the authorized user must send it to the City Attorney's Office for review and approval.
- 3) Not discriminate based on content or viewpoint of a person's speech. Behaviors that are prohibited include blocking a person from a site or removing comments based on a viewpoint expressed by a person. Nevertheless, an authorized user may limit comments relevant to City business, related to the purpose of the social media account and consistent with the terms of use and disclaimer in Exhibit 1. An authorized user may remove comments that do not follow these guidelines. If an authorized user is unsure about removing a comment, the authorized user should first consult with the City Attorney's Office to ensure that removal is not inconsistent with free speech laws.

- 4) Record the content of any comment removed by the authorized user if the comment was removed pursuant to subsection (3), and to include the time, date, and identity of the poster.
- 5) Be inclusive and post with the community's varied usage of devices and platforms in mind to promote opportunities for interaction with all members of the city.
- 6) Consider the potential impact of statements made on social media sites prior to posting. Posts that express bias against any individual or group of individuals based on a protected class may expose the City to liability and legal costs.
- 7) Consider whether liking, sharing, reposting, retweeting, or commenting on another social media post could be perceived as an official endorsement of the City.
- 8) Not divulge confidential information; post information that would invade the privacy of others; or post information or opinions on legal matters or litigation, or any parties involved in legal matters or litigation.
- 9) Comply with the Terms of Use of each site.

vi. Responsibilities of Department Head of an Authorized User:

A department head or their designee, supervising the authorized user must routinely review the content posted by the authorized user. If the content does not comply with the City's code, charter, and policies, then the department head or their designee, must cause the content posted to be removed from the site. The content of any post removed by the department head or their designee must be documented, include the time, date and reason for removal.

vii. Public Records Retention

- 1) Authorized users must ensure that they take appropriate steps to preserve original public records created or maintained on the City's social media accounts.
- 2) The content of the public record dictates how long the City must preserve the record. Exhibit 2 provides a guide on the City's retention schedule for common types of public records created or maintained on social media. Authorized users should consult with the City Recorder if they have questions on the appropriate retention schedule.
- 3) If an authorized user receives a public records request for public records created or maintained on the City's social media account, the authorized user must refer the person making the request to the City Recorder.

viii. Content Ownership

Content created or maintained by an authorized user on social media for City business is the property of the City and is considered 'work made for hire' under 17 U.S.C §101-810.

ix. Terminating a Social Media Account

Before terminating a Social Media Account, the IT Director and City Manager will perform a review process in which engagement and overall organizational goals are measured. If the review determines that the account longer meets goals and needs, the City Manager will authorize termination of the social media account. The authorized user must then post a notice informing the public that the City will no longer be posting content to the account before terminating the account. The authorized user must coordinate with the City Attorney and City Recorder before posting the notice and before termination of the account.

Exhibit 1. Approved Disclaimer Statement

TERMS OF USE & DISCLAIMER

- A. As the City's social media site is a limited public forum, comments should relate to city matters and to the topics being discussed in the original post. They should not contain spam, advertising, or solicitations of commerce; advocate illegal activity or violence; promote products or political organizations; infringe on copyrights or intellectual property rights of others; or disclose information that must be kept confidential by law or administrative rule.
- B. Comments should be family friendly and not contain abusive or vulgar language, sexually explicit subjects, hate speech, derogatory terms, or offensive conduct.
- C. Comments should not contain personal or defamatory remarks about a person's age, education, ethnicity, race, family status, gender, national origin, class, physical ability or qualities, religion, and social orientation.
- D. The City reserves the right to determine which comments are unacceptable for its page, and people who repeatedly violate this policy may be prohibited from posting. Only comments that comply with the standard outlined above in A through C will be approved on the City's page.
- E. A posted comment is the opinion of the poster only and does not imply endorsement or agreement by the City of Sherwood, its elected officials, or employees.
- F. Use of the City's page constitutes acceptance of this policy. Any information posted here is public information and may be subject to monitoring, moderation, or disclosure to third parties under Oregon Public Records Law. If you do not agree to these terms, you should not use the site.

Exhibit 2. Record Retention Schedule

The City does not have to maintain duplicate records. Therefore, if a public record on a site has an official record on the City's website or Records Management System, then the authorized user does not have to retain his or her post on social media as a separate record. For example, if an authorized user tweets a link to a news release that already exists on the City's website, that tweet does not have to be retained as a separate record.

If it is not a duplicate record, original public records must be retained depending on the content of the public record. The following table provides examples of common information on social media and the retention schedule for those records:

Type of Public Record	Retention Schedule
Records involving City policy or historically significant content	Permanently
Records documenting citizen awards by the City to honor volunteers for civic contributions (ex. Photographs, videos, etc.)	Six-year period from the date of the award
Records providing notice of public hearings and meetings	Three-year period from the date of the publication
Records that are routine press releases that communicate the City's activities to the public	Two-year period from the date of the publication

E. Confidential City Information Policy

This policy does not supplant Department-specific policies, or state and federal laws such as the Health Insurance Portability and Accountability Act (HIPAA).

Employees must not access, use, or disclose sensitive or confidential information or data except in accordance with City policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use, or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of City) may be removed from our premises without permission from the City Manager. Likewise, any materials developed by the City's employees in the performance of their jobs is the property of the City and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the City's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

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

City employees, elected officials, volunteers and those doing business with the City are expected to maintain the confidentiality of the City of Sherwood's confidential information. Do not post internal reports of any kind, policies, procedures or other internal City-related confidential communications or information.

Request for public information should be directed to the City Recorder's Office.

F. Artificial Intelligence in the Workplace Policy

This policy aims to ensure that employee use of AI Chatbots conforms with City's policies and goals relating to privacy, confidentiality and data security and is used to enhance productivity and efficiency.

Although AI takes many forms and can serve many different functions, this policy addresses only the use of a web-based interface to ask or "prompt" the chatbot in a conversational manner to find answers to questions or to create or edit written content (for example, Open AI's ChatGPT and Google's Bard). This policy applies to all City employees and to all work associated with City that those employees perform, regardless of location (on or off City premises).

i. AI Usage in General

Employees wishing to use AI chatbots in connection with work should discuss the parameters of the intended use with their supervisor or manager. The supervisor or manager may approve, deny or modify the requested parameters as best meets City policy, legal requirements or other needs of the City. A supervisor or manager may not approve any request to use AI when the use will involve entering propriety or confidential City data without review by the City Attorney.

All AI chatbot-generated content must be properly cited as “AI chatbot-generated content” when used as a resource for City work, except for general correspondence (such as email or text).

All AI-generated content must be reviewed for accuracy before relying on it for work purposes. If a reliable source cannot be found to verify actual information generated by the chatbot, that information cannot be used for work purposes.

Authorized AI-generated uses include general knowledge questions meant to enhance your understanding on a work-related topic; to brainstorm ideas related to projects you are working on; to create formulas for Excel spreadsheets or similar programs; to develop or debug code (to be verified before use); to draft an email or letter; for drafting job descriptions or job announcements; or to summarize online research or to create outlines for projects.

Employees must always comply with Oregon's record retention and public records laws, and any City policy relating to the retention or destruction of public records.

ii. Prohibited AI Uses

Prohibited AI-generated uses include:

- Using any text created by an AI chatbot in final work products of any kind (except as noted above);
- Copying/pasting, typing or in any way submitting City content or data of any kind into the AI chatbot;
- Inputting confidential or sensitive information about City employees (past or present), any individual with reasonable or legally protected privacy interests, or descriptions of City personnel matters into the AI chatbot; or
- Inputting data or information into an AI chatbot that discloses confidential or propriety information of the City.

iii. Ethical Use

Employees must use generative AI chatbots in accordance with all City policies and values. These technologies must not be used to create content that is inappropriate, discriminatory, or otherwise harmful to others or the City. Such misuse will result in discipline, up to and including termination of employment.

iv. Monitoring

All City policies relating to computer usage, mobile devices and the like apply when using AI chatbots on work time, regardless of whether the equipment is owned or provided by the City.

G. Ethics Policy

The City believes in treating people with respect and adhering to ethical and fair business practices. Employees must avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the City or the City's residents.

City's employees are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. Information on Oregon's ethics laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If you have questions about whether an activity meets the City's or Oregon's ethical standards, please talk with the City Attorney. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

H. Open-Door Policy

The City's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. City's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in City, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by Human Resources.

I. Outside Employment

Generally, employees may obtain employment with an employer other than City or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of City time (including the employee's work time), City facilities, equipment and supplies, or the prestige or influence of the employee's position with the City. In other words, the employee may not engage in private business interests or other employment activities on the City's time or using the City's property;

- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for the City.

The City requires employees to report outside employment to their Supervisor before the outside employment begins. Thereafter, an employee must provide an update to their supervisor on an annual basis, or sooner if any changes in outside employment occur. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

J. Criminal Arrests and Convictions Policy

Employees must promptly and fully disclose to their supervisor on the next working day:

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City property, or in a City vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, including termination.

K. Political Activity Policy

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

L. Bad Weather/Emergency Closing Policy

It is the policy of the City of Sherwood to be open the maximum number of days each year in order to best serve the public. In the event of inclement weather conditions, all employees shall make a good faith effort to report to work on time. This includes, but is not limited to, allowing sufficient travel time and using alternative routes or methods of transportation. All employees are expected to report to work, regardless of the employee's location of residence and the proximity to city facilities. If staff cannot reach the office and are able to serve City from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides. Emergency personnel are excluded from this policy.

i. Inability to Report to Work

Where the City Manager has not determined that a schedule change or closure is appropriate, an employee who is not able to serve the city from home and who is unable to report to work due to inclement weather conditions shall first use any accrued Paid Time Off or Comp Time. The employee shall be placed on leave without pay if other paid leave has been exhausted. Employees will be required to utilize paid leave prior to authorization for unpaid leave. It is the employee's responsibility to report such an inability to report to work as soon as possible to their supervisor.

ii. Request For Adjusted Work Schedule

Requests to report to work at a later time and/or requests to leave early due to inclement weather conditions shall be made as soon as practicable to the immediate supervisor. Employees will be paid for adjusted work schedules as noted in Section i. of this policy.

iii. Request to Make Up Work

An employee may request to be allowed to make up work hours missed due to inclement weather conditions during the same pay period. Hours will be paid at straight time. Approval shall be at the sole discretion of the Department Manager.

iv. City Implemented Schedule Changes

In the event the City implements late arrival and/or early release times, employees who are able to work from home are expected to do so during the closure hours and then report to work for the remainder of their shift. All other employees will be paid for their full shift; provided they reported for work as required by the schedule change notice and as noted in Section i. of this policy.

v. City Closures

The City Manager may choose to close some, or all City Facilities. In the event the City closes all facilities, employees who are able to work from home are expected to do so. All other employees will be paid for their full shift, that shift does not count towards hours worked for the purpose of calculating overtime unless otherwise stated in the appropriate Collective Bargaining Agreement. If some City Facilities remain open, the City may require that employees report to a facility other than their usual place of work.

vi. Previously Scheduled Leave

Employees on leave for previously scheduled Paid Time Off or Comp Time will have their leave designated as originally scheduled.

Employees will be responsible to call the Employee Information Line (503) 625-4232 for information on inclement weather schedule changes.

M. Driving While on Business Policy

Employees working in positions where driving is an essential function of their duties must possess a valid driver's license and must carry auto liability insurance on any personal vehicles used to conduct City business. Employees who use their own vehicles for authorized City business use should make any necessary arrangements with their insurance carriers.

The City may verify the validity of an employee's driver's license and/or driving record at the time of hire and at any point during their employment if driving is an essential function of their job or if so doing relates to a legitimate business purpose of the City. The City receives automated reports from the Department of Motor Vehicles (DMV) regarding its employees' driving records and notifies the City when there are transactions on an employee's driving record such as speeding tickets and citations.

While on City business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Mobile Device Use While Driving" in the Mobile Devices Policy (B) above.

Employees who receive a ticket or citation while driving a City-owned vehicle or while on City business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.

N. Workplace Violence Policy

Threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the City.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City, or that threaten the safety, security or financial interests of the City. Employees are also strongly encouraged to

report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to the City Manager.

The City also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of coworkers or others. See policy on "Workplace Inspections (O)"

O. Workplace Inspections – No Right to Privacy Policy

This policy applies to inspections conducted by City pursuant to policy, established practice or law unless otherwise addressed in a different policy in this Handbook or applicable CBA.

Any City-led inspection may include a search of any organization-provided property, such as desks, work areas, file cabinets, voicemail/phone systems and computer systems (including email accounts maintained by the City and internet browsing history). *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail/phone and computer systems assigned to them by the City; **these areas are not private.***

P. Smoke-Free Workplace Policy

The City provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, vaping, cigars and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to City property, vehicles or facilities/buildings.

City buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, City prohibits tobacco/marijuana use in or around City vehicles and equipment or machinery.

Employees who smoke must do so outside of City's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. The City has established employee smoking areas; please contact Human Resources for more information.

Q. Hiring of Family Members Policy

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at the City subject to the same selection and evaluation process and job requirements as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or

financial relationship, would fall under the direct line of supervision of the other family member or partner.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructuring, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform Human Resources. The employees and the City will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, the City will make the final decision, based on the City's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by the City. Policy violations may result in discipline, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

R. Prohibition on Secret Recordings Policy

Employees may not obtain or attempt to obtain the whole or any part of a conversation by means of any device without first obtaining permission from all of the people in the conversation. This rule applies to the recording of conversations made during work hours, while at work-related functions, or in connection with work between or among employees, supervisors/managers, elected officials, or members of the public. It does not apply to conversations where there is no expectation of privacy, such as a City Council meeting, a Board of Commissioners work session, and the like.

This policy does not apply to law enforcement employees who record conversations in connection with their official public safety duties. Nothing in this policy prohibits or restricts an employee's right under the federal or Oregon constitutions to make recordings outside of working hours or while not representing or working on behalf of the City. If anything in this policy contradicts existing CBA provisions on the recordings of personnel meetings, or Oregon or federal law that provide for lawful secret recordings, the CBA provision or law will apply.

Employees who secretly record meetings with supervisors, coworkers, elected officials, members of the public or others while on duty will be subject to discipline, up to and including termination of employment.

S. Employee Photo Identification and Access

i. Policy

All City of Sherwood employees, volunteers, and contract employees who are scheduled to work for a period of thirty (30) days or longer will be issued ID Cards. Volunteers whose duties for the City necessitate access to protected City property may be issued an ID Card. The ID Cards are required to be worn in a visible location while on duty. Failure to abide by the procedures in this section may result in a termination of privileges.

ii. Guidelines and Reporting Requirements

a. Applicability

An employee ID Card will include your photo, full name, and job title. It can be used to enter certain City Buildings and other City locations. Each ID Card has specific access rights based on your assigned location and access needs. ID's cards issued to volunteers and other individuals may include a photo but will include full name and job title.

b. Loss of ID Card

In the event an ID Card is lost or misplaced, inform your supervisor, IT and Human Resources (HR) staff as soon as possible. Employees should work with IT and HR to make every effort to replace the ID Card prior to their next scheduled shift.

c. Return of ID Card

Upon separation of employment or discontinuation of City activities, each employee or other individual shall return their ID Card to Human Resources or their immediate supervisor, no later than their last working day.

d. Restrictions of Use

The City may grant access to City facilities for contract employees or others utilizing City buildings and amenities. Access may be restricted, revoked, or denied at the discretion of City management. Upon completion of business with the City, access cards shall be returned to appropriate personnel (Human Resources, IT, reception, etc.). City property shall not be tampered with or removed from any City facility without express permission from City management. Access cards must never be shared or given to unauthorized personnel. In the event an access card is misplaced, lost or stolen, the holder shall immediately notify the City so the card can be deactivated.

T. Financial Stewardship Policy

i. Scope

This procedure will apply to all employees, volunteers, and elected officials of the City of Sherwood who are entrusted with or oversee financial or other assets of the City. This includes budgets, equipment, supplies and financial assets other than purchasing cards which are addressed in a separate policy. The City desires that its employees, volunteers, elected officials, and agents are and remain good steward of the financial and other assets entrusted to them or under their purview.

ii. Guidelines and Reporting Requirements

a. Financial Stewardship

As public employees, we are constantly reminded that we must be good stewards of the public trust, ensuring the resources of our organization are well protected and used efficiently to accomplish the missions of our services. The public sector environment can be quite different from that encountered in the private sector employment, with more laws and rules guiding the processes used to make purchase decisions and the expenditure of funds. Employees, elected officials, volunteers and other agents of the City must familiarize yourself with the City's policies and practices around making purchases and other financial decisions.

Individuals covered by this policy should be aware of fiduciary obligations, such as the duty of good faith and fair dealing, the duty of care, the duty of confidentiality, and the duty of loyalty. Essentially, these require conduct that is in the best interest of the City and requires the individual to avoid self-dealing (or workplace conduct and decision making that benefits them to the detriment of the City).

If a City employee, volunteer, elected official or other agent believes in good faith that another City employee, volunteer, elected official or other agent has not acted consistent with these duties or as a good steward, then they should report this concern immediately to their supervisor or to Human Resources.

Examples of conduct that would not be permissible under this policy include but are not limited to the following:

1. Taking home, or lending out City equipment for personal use, even if the equipment will be returned.
2. Loaning or giving inventory or supplies to a vendor or private person or entity even if there is an intention to return or replace the inventory or supplies.
3. Manipulating a bid received by the City to lower the cost or "rotate" the award of a contract to or for another vendor.
4. Failure to disclose and ownership, management or other interest in an entity that responds to a City bidding opportunity, whether or not the

contract is awarded to you or the entity you are affiliated with.

5. Installing broadband first at your house or filling the pothole in front of your house because it's your house, when others are scheduled to receive the installation or service before you.
6. Using a City vehicle to drive a relative to a personal medical appointment, lunch, or another personal errand.

This list is not comprehensive.

U. Recruitment Policy

The City of Sherwood has designed and will provide a system for filling positions that open and competitive. Recruitment and selection will be coordinated between Human Resources and the hiring department, including City leadership when necessary or appropriate to the position.

i. Guidelines and Other Requirements

a. 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 on the City website simultaneously with external posting.

b. Publication

Any published announcements of position vacancies shall include class and position title, minimum and maximum rates of pay for the classification, required minimum 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.

c. Forms

All applications for open positions shall be made on the forms provided and in the manner required by the City. Any information submitted shall be verified and investigated by the City prior to hiring to the extent necessary to determine the applicant's qualifications. 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. Applications, once submitted, become the property of the City and may be disposed of in accordance with state law. A separate application must be submitted for each job vacancy. The City may require additional or supplemental materials from applicants.

d. Merit and Fitness

The City Manager, with Human Resources, 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 applicant's or employee's fitness for a particular position.

e. Examinations

Human Resources will work with departments to determine the type of competitive examination the City will administer in order to fairly test and determine an applicant's qualifications to perform the duties of the vacant position. 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 according to the requirements of the job 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 state and federal law, and the City's Equal Employment Opportunity policies.

f. Equal Opportunity

The City provides equal employment opportunity to all persons in matters affecting them including but not limited to recruitment, promotions, training, and discipline, without regard to a person's race, color, religion, national origin, sex, age, marital status, domestic partnership, veteran status, disability, familial status, sexual orientation, gender identity, source of income, or any other legally protected status. Also, the City will make reasonable accommodation for qualified disabled applicants seeking employment with the City.

g. 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.

h. Pre-Employment Drug Testing

All final applicants for employment (excluding emergency hires) in Safety Sensitive roles 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. Applicants can provide the defense by providing evidence to the Human Resources Department that the positive result is as a result from a legally prescribed drug. The applicant may reapply in one year. Reference Appendix E – Alcohol and Drug Policy.

ii. Other Recruitment Topics

a. Employment of Relatives

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.

b. Residency

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 or Department Head. Telephones may be required of employees.

c. Veteran Preference

Human Resources will add appropriate veteran preference points to the application, testing, and interview scores according to the procedure set forth in the Oregon Revised Statutes (ORS Chapter 408).

d. Disqualification

The Human Resources Director or designee may disqualify an applicant at any time during the recruitment process from employment consideration for reasons including but not limited to:

1. Failure to meet the minimum qualifications of the classification for which the application was made.
2. Inability to perform the essential duties of the class specifications with or without reasonable accommodation.
3. Conviction of a crime which would disqualify the applicant from the duties of the position.
4. Use or attempted use of political influence, bribery, threats, or intimidation to secure an advantage in obtaining employment.

5. False or misleading statement or material omission in the application or at any stage in the hiring process.
6. Failure of the applicant to be present at the time and place designated for any portion of the examination process or inappropriate behavior during the interview process.
7. Poor job performance while employed in another position in the City or other employment.
8. Failure to pass a background check, Department of Motor Vehicles check, drug/alcohol test, if applicable, physical examination, or any other pre-employment examination required for the position.

e. Trial Employment

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 closely observe 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.

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, demoted, and reclassified employees.

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.

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, 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.

V. Personnel Records

This procedure will apply to all employees, volunteers, and elected officials of the City of Sherwood who have or require access to personnel records. This is not intended to address the creation of such records, or the retention or destruction of records, all of which are addressed by other City policies or by state public records laws including but not limited to administrative rules.

The City of Sherwood must protect personnel records as highly confidential and limit access as necessary to do so. Generally speaking, volunteers, vendors and independent contractors should not have access to these records unless their work directly and expressly requires such access. An example of this might include an independent contractor hired to assist with payroll or as administrative support to Human Resources staff. Personnel records, documents and files may be stored in electronic and/or paper format with access to records and documents limited as described in this policy.

i. **Guidelines and Reporting Requirements**

a. Content

Personnel records shall be maintained on all City employees and shall be located in the Human Resource Department. Departments/Divisions may also create and maintain employee files, which may contain duplicates of items in the personnel file and other information that would assist the supervisor in monitoring the performance and in completing annual evaluations.

b. Confidentiality

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 Manager's approval, provided, however, employees have the right to copy documents from their own personnel file at any time, subject to notification of the City Manager. Authorized inspections shall take place in the presence of the City Manager, or the Human Resource Director.

c. Public Information

The following information from an employee's personnel file is available for public inspection, subject to any reasonable regulations on the time and manner of inspection that may be determined by the City Manager: Employment 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 will comply with state law, including but not limited to the Oregon Department of Justice regulations regarding disclosure of public records.

d. Other Employee Files

These files are kept separate and accessed appropriately per City guidelines and procedures and may include: recruitment and selection files, grievance and complaint files, employee benefits, worker's compensation and medical records containing information documenting an employee's work related medical history.

e. Discipline Authority

Unless otherwise prohibited by the City Charter, Resolutions or Ordinances approved by Council, or the municipal code, the City Manager has the ultimate authority to hire and terminate employees. Department Heads and supervisors have the responsibility to recommend the hiring of employees and to investigate complaints and to recommend discipline within the general guidelines. To ensure consistent decision-making, all disciplinary actions should be reviewed by the Department Head and Human Resources prior to being issued. Department Heads and supervisors should maintain job performance records to document poor performance when it occurs and written records of investigations and rule infractions when no disciplinary action is taken. Documentation of all disciplinary action, including oral reprimands should be sent to the Human Resources for inclusion in the personnel file. Records related to coaching and counseling, though not disciplinary in nature, should also be sent to Human Resources.

W. Telecommuting Policy

Telecommuting allows employees to work at home, while traveling, or in a satellite location for an agreed upon part of their workweek. The City considers telecommuting to be a viable, flexible work option when the employee, the position and the organizational needs are suited to such an arrangement. Telecommuting may be appropriate for some employees and positions, but not for others. Telecommuting is not an entitlement, it is not a benefit, and does not constitute a change in the terms and conditions of employment with the City.

i. Procedures

Telecommuting can be temporary or intermittent, such as working from home for a short-term project or on while traveling for business, or a set schedule of working away from the office. Either an employee or a supervisor/manager can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made may be discontinued at-will and at any time at the request of either the employee, or the supervisor, manager, or City leadership. Reasonable effort will be made to provide one (1) week's notice of any change to the telecommuting arrangement to accommodate commuting, dependent care, and other issues that may arise. There may be instances, however, when no advance notice is possible. A telecommuting agreement must be reviewed, signed and approved before beginning any telecommuting arrangement.

ii. Eligibility

Any individual who is telecommuting must meet all job expectations with no active or ongoing discipline in the last 12 months and maintain a “meets job standards” or above, on all performance measures and attendance.

Before entering into any telecommuting agreement, the employee and manager, with the assistance of the Human Resources Department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- The ability of the employee to accomplish their work satisfactorily and on time, without being on the premises for some portion of their regular work schedule, and without detrimental impact on their productivity or on their work group.
- The needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters (e.g. good communication skills, a solid work plan, and demonstrated accountability and responsiveness within reasonable timeframes.)
- The employee's work responsibilities and whether the work is appropriate for a telecommuting arrangement.
- Ongoing Telecommute arrangements are limited to Oregon residents; however, a temporary Telecommute agreement for non-Oregon residents may be considered in limited circumstances upon approval of the City Attorney and City Manager. Approval of out-of-state remote work will be made on a case-by-case basis and may be informed by factors that include legal compliance obligations of the other state. Remote work outside of the of the 50 United States of America and the District of Columbia is prohibited.
- The ability of the employee to meet established work objectives, fully complete clearly defined tasks, and accomplish measurable results.
- Equipment needs, workspace design considerations, and scheduling issues. The employee and their supervisor or manager will review the physical workspace needs and the appropriate location for the telecommute arrangement.
- Employee's demonstrated capability to work productively without direct supervision. Indicators include consistent high performance, excellent attendance, a positive attitude toward assigned work, self-motivation, and no active or ongoing discipline in the last 12 months.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions on working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and their supervisor or manager agree, and the Human Resources Department concurs, a telecommuting agreement will be prepared and signed by all

parties. For the purposes of any employee represented by AFSCME, the employee and the City are not precluded from entering telework agreements without further Union involvement or bargaining obligation.

Evaluation of telecommuter performance will include regular, as agreed upon, interaction by phone, e-mail and/or virtual video (with Camera on) or conversations between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems. As identified periodically and annually, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications.

Implementation of a telework arrangement by the City does not set any precedent or right to continued use. The City may discontinue any or all telework agreements in the City's sole discretion

Human Resources staff will work with the employee and their supervisor or manager to evaluate such a request and, if appropriate, develop and authorize the remote work arrangement. In order to ensure compliance with the City's disability accommodation obligations, remote work arrangements authorized as an ADA accommodation will need to go through the ADA interactive process. As with other remote work assignment requests, such accommodations are considered on a case-by-case basis and include additional consideration of the employee's job-related medical restrictions/limitations and their impact on the employee's ability to perform the essential duties of the position. For more information on this or other disability accommodation options, employees are encouraged to contact the Human Resources Department.

iii. Temporary Eligibility

Supervisors may not ask employees who are on a medical leave to work remotely. Employees may ask a Supervisor for permission to temporarily work remotely as an alternative to taking leave if the employee is mentally and physically able to perform their duties but unable to physically return to their regular work location. **If an employee requests a remote work arrangement as an ADA accommodation, the supervisor must immediately contact the City's Human Resources Department.**

iv. Equipment

On a case-by-case basis, the City will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, phone and other office equipment) for each telecommuting arrangement. The Human Resources and Information Technology departments will serve as resources in this matter. Equipment supplied by the City will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the City is to be used for City business purposes only. The telecommuter must sign an inventory of all City

property received and agree to take appropriate action to protect the items from damage and theft. Upon termination of employment or the telecommuting arrangement, all of the City's property will be returned, unless other arrangements have been made.

Only approved equipment should be connected or attached to any City equipment and/or hardware.

The employee will establish an appropriate and safe work environment within their home or other work site for work purposes. The City will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

v. Security

Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary City and customer information accessible from their remote work site. Steps include the use of locked file cabinets and desks, regular password maintenance, passing of cybersecurity training and Phish tests, security requirements imposed by the Information Technology Department (including but not limited to ensuring software and applications are currently updated with security patches, maintaining a personal firewall and updated anti-virus and anti-spyware programs, and keeping their operating system configured securely), and any other measures appropriate for the job and the environment. Telecommuting employees shall remain subject to the City's acceptable use policy. Failure to adhere to security measures may lead to corrective or disciplinary action.

vi. Time Worked

Telecommuting does not otherwise alter the basic terms and conditions of employment including wages, overtime compensation, insurance benefits, paid leave, salary reviews, workers compensation, etc.

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the City's time-keeping system. Hours worked more than those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with these requirements may result in the immediate termination of the telecommuting agreement and other disciplinary action.

Telecommuting is not a substitute for dependent care. Employees are paid to perform work duties and not to provide dependent care when engaged in work duties. Employees must ensure that they are accessible within a reasonable timeframe during their scheduled work hours and able to complete work assignments on time. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

vii. Reimbursement

Generally, the City does not reimburse costs associated with teleworking and will not pay or reimburse the employee for:

- Time involved in travel between the regular office and the telework site.
- Purchasing computer equipment, internet service, printer/ink cartridges, or any other office supplies not already supplied by the City (See Equipment Clause above for obtaining supplies.)
- Any purchase, service charge, or cost related to telecommuting that is not specified in the agreement.

viii. Other Requirements

Telecommuting shall not adversely affect customer service, employee productivity, or the progress of an individual or team assignment. Employees must be available to report for work at any time during their regularly scheduled hours.

Employees who have been telecommuting prior to the implementation of this Telecommuting Policy and Procedure must promptly complete a Telecommuting Agreement and comply with all of the requirements of this policy.

ix. Ad-Hoc Arrangements

Temporary and ad-hoc telecommuting arrangements can be approved for circumstances such as inclement weather, special projects or business travel. These arrangements have no expectation of ongoing continuance.

x. Use of Employees Equipment

Employees acknowledge that usage of their personal property to conduct City business is subject to public records law, as well as other state and federal laws, such as HIPAA, subpoena, court order, and other requirements that may require the employee to grant the City full access to their personal property for inspection and duplication of the information contained in the property.

xi. Termination and/or Suspension

The City of Sherwood has the right to offer a telecommuting arrangement to an employee and to terminate a Telecommuting Agreement at any time without grievance, appeal, or other bargaining obligation. In most cases, probationary employees are not eligible for telecommute agreements unless otherwise agreed in writing by the Department Director.

Unless specifically stated as a condition of employment, telecommuting is voluntary, and employees may decline a telecommuting arrangement if the option is presented. The employee may also discontinue the arrangement at any time, unless otherwise specified in the Telecommuting Agreement.

Telecommuting may be discontinued or suspended in the City's sole discretion at any time.

Supervisors and managers will monitor the work environment for any negative effects a telecommuting arrangement may have on the workload or morale of the co-workers of the telecommuter and may need to suspend or terminate the telecommuting arrangement to ensure equal workloads amongst staff.

X. Vehicle Safety and Usage Policy

This procedure will apply to all employees, volunteers, and elected officials of the City of Sherwood. Also, included is any person on a grant program funded by the Federal Government, which requires Worker's Compensation coverage as a prerequisite of the grant. Emergency vehicles may be exempted due to Departmental operating policies. In any situation where the terms of this policy conflict with any provision of the Sherwood Police Department Operating Procedures, Policies and Training in effect, the SPD Operating Procedures, Policies and Training shall be the controlling document for employees covered by those policies. City business is defined as driving at the request, or for the benefit, of employer. It does not include normal commuting to and from work.

The City of Sherwood vehicles are for use of employees in the performance of their duties. ORS 244 (Government Standards and Practices) prohibits public officials, which by definition includes government employees, from availing themselves of a benefit not available to the general public. City vehicle assignments are not to be used as fringe benefits, but rather to enhance the performance of the City employees carrying out their duties. The Department Supervisor or the City Manager must approve exceptions in writing.

Individuals contracting with the City for the purpose of providing goods and services are required to provide their own transportation and will not use City vehicles. They are required to provide automobile liability coverage.

i. Driver Guidelines and Reporting Requirements

1. The City of Sherwood vehicles are to be driven by authorized persons only, except in the case of repair testing by a mechanic or other authorized agent of the City.

2. Any employee who has a driver's license revoked or suspended shall immediately notify their supervisor the next business day and immediately discontinue operation of the City vehicle. Failure to do so may result in disciplinary action, up to and including termination of employment.

3. All accidents in City vehicles, regardless of severity, must be reported to the employee's immediate supervisor, and if necessary, to the police in the jurisdiction where the accident occurred. Accidents are to be reported immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible). Accidents in personal vehicles while on City business must follow these same

accident procedures. Accidents involving the employee's personal injury must be reported to Human Resources for Worker's Compensation purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination of employment.

4. Drivers must report all ticket convictions received and/or no contest pleas made during the operation of a City vehicle, or while driving a personal vehicle on City business, within 72 hours to their supervisor. Employees are personally responsible for all fines imposed due to convictions and/or no contest pleas.

5. Motor Vehicle Records will be obtained on all drivers prior to employment. The City may obtain DMV records on a more frequent basis if an employee's driving record posts a conviction, accident, and/or suspension. A driving record that is considered by the Department Supervisor and/or the Risk Manager to be in violation of the intent of this procedure will result in a loss of the privilege of driving a City vehicle.

ii. Driver Criteria and Administration

Employees must have a valid and current driver's license to operate City vehicles or a personal vehicle with current auto insurance while on City business.

Employees are expected to drive in a safe and responsible manner and to maintain a good driving record. The Department Supervisor and/or Human Resource Manager are responsible for reviewing records, including accidents, moving violations, etc., to determine if an employee's driving record indicates a pattern of unsafe or irresponsible driving, and to make a recommendation for disqualification of City vehicle driving privileges. All employees who drive City vehicles as a part of their employment will have driving records monitored in compliance with the Department of Motor Vehicles; State of Oregon automated reporting systems (A.R.S.).

Criteria that may indicate an unacceptable record includes, but is not limited to:

- Three (3) or more minor moving violations within a three-year period.
- Two (2) or more chargeable accidents within a three-year period. Chargeable means that the driver is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration. Any citation issued at the site of an accident will be considered a single incident.
- Any combination of accidents and/or moving violations based on the attached Driver Screening Guidelines.
- Suspension of Driver's License.
- Violations include any ticket, charge, or other law enforcement proceeding relating to these, as well as independent evidence of violations.

iii. Driver Safety Rules

1) The use of a City of Sherwood vehicle while under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for

discipline, including termination of employment. Absolutely no use of alcohol is permitted for four hours prior to operating a City vehicle or a personal vehicle on City business.

- 2) Cellphone use while driving must be hands-free, according to Oregon State law, and should be kept to a minimum. Drivers need to be aware when use of the cell phone is creating a distraction from safe driving and adjust their usage accordingly, including pulling off the road to continue/finish the conversation if needed. Whenever possible, drivers should complete calls while the vehicle is parked. While driving, attention to the road and safety should always take precedence over conducting business over the phone.
- 3) No driver should operate a City vehicle when his/her ability to do so safely has been impaired by illness, fatigue, injury, or prescription medication.
- 4) All drivers and passengers operating or riding in a City vehicle must wear seat belts, even if air bags are available.
- 5) Drivers are responsible for the security of City vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.
- 6) The use of head lights and/or driving lights is encouraged at all times, or during inclement weather or at any time when a distance of 500 feet ahead of the vehicle cannot be clearly seen. Emergency vehicles may be exempted due to Departmental operating policies.
- 7) All State and Local laws must be obeyed, including relevant Oregon Revised Statutes (ORS) Traffic Codes.

iv. Accident Procedures

- In an attempt to minimize the results of an accident, the driver must prevent further damages or injuries and obtain all pertinent information and report it accurately.
- Call for medical aid if necessary.
- Call the police. Accidents, regardless of severity, may need to be reported to the police. If the driver cannot get to a phone, he/she should write a note giving location to a reliable appearing motorist and ask him to notify the police.
- Record names and addresses of driver, witnesses, and occupants of the other vehicles and any medical personnel who may arrive at the scene.
- Do not discuss the accident with anyone at the scene except the police. Do not accept any responsibility for the accident. Do not argue with anyone.
- Provide the other party with your name, address, driver's license number, and insurance information. (Insurance cards are located in each City vehicle.)
- Immediately report the accident to your supervisor. Provide a copy of the accident report and/or your written description of the accident to the Human Resource/Risk Manager.
- There will be a formal accident review conducted on each accident to determine cause and how the accident could have been prevented.

v. **General Rules and Regulations for the Use of City Vehicles**

a. Vehicle Priority

Priority #1 - 24-Hour assigned vehicle

Priority #2 - Used during work day

A vehicle assigned to an employee under Priority #1 may be used for personal transportation only as specifically defined in the personal use, passengers and authorized drivers of City vehicles section at the end of this procedure. An employee to whom a 24-hour vehicle is assigned shall be fully responsible for the coordination of general maintenance and proper care of the vehicle.

The vehicle color, factory options and equipment are standardized and shall not be altered, except as authorized by the City.

It is the responsibility of the assigned driver to inform their Department Supervisor of any vehicle maintenance needs or safety problems they become aware of.

Employees shall drive vehicles with reasonable prudence to conserve fuel and sustain them the highest operating efficiency.

Employees to whom a 24-hour assigned vehicle is issued will be held accountable for maintaining proper fluid levels and tire air pressure. Present the vehicle for repair, service or adjustment whenever such is needed, and preventative maintenance when time is due.

City vehicles are provided to eligible employees to enable them to efficiently perform their job functions for the City. They are not intended to be fringe benefit items.

No employee will be allowed the use of a City vehicle and/or fuel credit for their personal use or gain.

No vehicle will be used for transporting any bulk material that protrudes from truck/cargo area or interior compartment without properly securing based on the loading requirements.

Assigned City fuel credit cards are to be used for fuel and/or required maintenance products only, and for the assigned vehicle only, unless otherwise authorized by the Supervisor. Employees are to use regular unleaded gas only, unless otherwise specified.

City vehicles must not be taken out of the State of Oregon without prior supervisor approval.

Copies of the Vehicle Registration, a Copy of the Insurance Card, and a Vehicle Accident Report Packet must be always kept in the vehicle.

b. Personal Automobiles

The City's insurance coverage only extends to the City for liability that may occur as a result of an accident in excess of your personal auto insurance while a personal automobile is being used by the employee for official City business. Damage to employee-owned personal autos (including an employee's personal auto deductible), as well as injury to passengers and/or third parties, are the responsibility of the employee. Employees who use personal vehicles for City business must maintain all insurances required under State law.

Those employees who occasionally use their personal vehicle for City business will be reimbursed on a mileage basis pursuant to current employment policies and the current Federal Government reimbursement rate (see Employee incurred expenses and reimbursements section on page X).

c. Personal Use, Passengers and Authorized Drivers of City Vehicles

The use of a City-owned auto must be within the course and scope of an employee's employment. Personal use of City-owned vehicles is not allowed unless the employee has an emergency response role and is on call at the time of use. Any liability that may result from the personal use of a City-owned auto outside the course and scope of employment is the sole responsibility of the employee.

City vehicles are to be driven by authorized employees only, or in case of repair, testing, by a mechanic. Spouses, other family members, or other non-employee, are not authorized to drive City vehicles. Passengers are normally limited to those individuals who need to ride the vehicle to conduct City business, or as approved by the Department Supervisor.

d. Supplement to Vehicle Safety & Usage Procedure

Drivers are required to always maintain a safe following distance. Drivers should keep a two (2) second interval between their vehicle and the vehicle immediately ahead. During slippery road conditions, the following distance should be increased to at least four (4) seconds.

Drivers must yield to right of way at all traffic control signals and signs requiring them to do so. Drivers should also be prepared to yield for safety's sake at any time. Pedestrians and bicycles in the roadway always have the right of way.

Drivers must honor posted speed limits. In adverse driving conditions, reduce speed to a safe operating speed that is consistent with the conditions of the road, weather, lighting, and volume of traffic. Tires can hydroplane on wet pavement at speeds as low as forty (40) mph.

Radar Detectors are strictly prohibited in City Vehicles. Drivers are to drive at the speed of traffic but never to exceed the posted speed limit.

Turn signals must be used to show where you are heading, while going into traffic and before every turn or lane change.

When passing or changing lanes, view the entire vehicle in your rear-view mirror before pulling back into that lane.

Be alert of other vehicles, pedestrians, and bicyclist when approaching intersections. Never speed through an intersection on a caution light. When the traffic light turns green, look both ways for oncoming traffic before proceeding.

When waiting to make left turns, keep your wheels facing straight ahead. If rear ended, you will not be pushed into the lane of oncoming traffic.

When stopping behind another vehicle, leave enough space so you can see the rear wheels of the car in front. This allows room to go around the vehicle if necessary and may prevent you from being pushed into the car in front of you if you are rear-ended.

Avoid backing where possible, but, when necessary, keep the distance traveled to a minimum and be particularly careful.

VI. Termination of Employment

A. Workplace Rules and Prohibited Conduct

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and the City's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- Falsification of employment, time or other City records.
- Recording time worked of anyone other than yourself; allowing another employee to record your work time.
- Theft or the deliberate or careless damage or destruction of any City property, or the property of any other employee, member of the public, vendor or third party.
- Unauthorized use of City equipment, materials, or facilities.
- Provoking a fight or fighting during work hours or on City property.
- Carrying firearms or any other dangerous weapon on City premises at any time with the exception of Law Enforcement Officers.
- Engaging in criminal conduct while at work.
- Causing, creating, or participating in a significant or substantial disruption of work during working hours on City property.
- Insubordination, including but not limited to failure or refusal to follow the lawful orders or instructions of a supervisor or member of management.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. Employees are expected to be at work on time, remain until the workday ends, and perform the work assigned to or requested.
- Sleeping on the job; faking illness or injury to avoid working.
- Excessive personal telephone calls or texting during working hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City.
- Misrepresentation of City policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City. Employees may not use the City's name, logo, likeness, facilities, assets, or other resources of the City for personal gain or private interests.
- Violation of any safety, health, security or City policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory or legislative bodies.
- Failing to timely pay water/sewer/tax accounts with the City on time, and/or whose City-provided services are disconnected. This includes, without limitation, situations where the employee writes a check to the City that is refused for payment due to non-sufficient funds.

This statement of prohibited conduct does not alter the City's policy of at-will employment. Except for employees subject to a collective bargaining agreement or

contract of employment, the City remains free to terminate the employment relationship at any time, with or without cause or notice.

B. Corrective Action/Discipline Policy

Employees are expected to always perform to the best of their abilities. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City standards, the City will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating the employment of an employee for serious violations of City policies, procedures, and rules and for other inappropriate behavior or conduct, the City may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The City may also choose to send the employee to a training or an education opportunity.

In all cases, the City will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. The City may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City deems such action appropriate. The City retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

C. Retirement or Resignation from Employment

Employees choosing to resign or retire are asked to give City as much notice as possible — preferably a minimum of two weeks. When giving two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. Employees who do not give two-weeks' notice of their intent to leave City will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with their Supervisor and Human Resources before making a final decision.

Employees must return all City property, including phones, computers, identification cards, credit cards, keys, and manuals, to their Supervisor on or before their last day of work.

D. Layoffs

This procedure will apply to all employees of the City of Sherwood. Unless provided for in a collective bargaining agreement, part-time exempt non benefit eligible, limited duration, and seasonal employees are at will employees and have no layoff rights. The City of Sherwood works diligently to manage its budget and staff needs so that layoffs will not be necessary. However, whether due to changes in the law, or unforeseen or other circumstances, layoffs may occasionally be necessary.

Any applicable collective bargaining agreement will take precedence over this policy if there is a conflict between the two.

i. Guidelines and Requirements

a. Generally

Employees may be laid off whenever the City Manager or City Council determines that there is a shortage of work or funds, abolishment of a position, a material change in duties resulting in the employee not meeting the qualifications for the position, or other changes in the City's organization is in the best interest of the City.

b. Procedures

The department will identify the position(s) to be eliminated, however, the City Manager shall have full discretion, for purposes of layoff. Typically, the least senior employee in the affected job classifications shall be laid off first. The order of layoff will be based on the following factors:

- Retention of specific programs or services;
- Job skills and ability;
- History of discipline and/or corrective actions;
- Performance Evaluations;
- Special skills, licenses, registrations, and/or certifications;
- Efficiency of City operation;
- Experience, education, and training;
- The division, location, and work to be performed.

c. Notice

All affected 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. The City will strive to provide at least 10 calendar days' notice of the impending layoff.

When employees are laid off, a list of those employees eligible for rehire will be created. The order of names on layoff eligible lists shall be determined by seniority of service. If a laid off employee is notified in writing that they are being recalled, the employee must report to work within 14 calendar days. If they do not report to work, their name will be

removed from the layoff eligible list. The City will attempt to contact the employee by certified mail at the last address listed in the employee's personnel file. If the letter is returned unclaimed, the employee's name will be removed from the layoff eligible list.

d. Recall

An employee will remain on the layoff list and be eligible for recall for twelve (12) months. Employees laid off for a period of more than twelve (12) months lose all seniority credits. Employees recalled within twelve (12) months of their date of layoff shall be recalled in the inverse order of layoff; provided, however, that a department director may, with approval of the Human Resources Director, decline to re-employ an employee from a layoff list when, in the judgment of the Department Director, the position to be filled requires knowledge, skills, and abilities which the employee does not possess in sufficient amount to make it probable the employee can satisfactorily perform the duties. If an employee is refused re-employment, such refusal shall not cause the employee's name to be removed from the layoff list.

If an employee declines to return from a layoff either expressly or by not presenting for work within ten (10) days of the date of the notice that they have been recalled, their name will be removed from the layoff list.

e. 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 and leave accruals.

E. References

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

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

Employee Acknowledgement

Acknowledgment of Receipt of the City of Sherwood Employee Handbook 2024

I acknowledge that I have received and will read a copy of City's 2024 Employee Handbook. I also understand that a copy of the City of Sherwood Handbook 2024 is available to me at any time to review in the Human Resources Department, on the Bamboo HRIS and on the intranet.

I understand that City has adopted the City of Sherwood Employee Handbook 2024 only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City's sole discretion. I also understand that the Personnel Policies in the Employee Handbook, control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policies in the Employee handbook are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either City or I may terminate my employment relationship at any time, for any lawful reason and with or without notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review City's policies regarding equal employment opportunity and that the City aims to provide a workplace free of harassment, discrimination, and retaliation. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation, or harassment to Human Resources, the City Manager, or any trusted manager or supervisor.

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

I have read this acknowledgement carefully before signing.

Employee Signature

Date

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.

VERSION CONTROL

SECTION/POLICY	SUMMARY OF CHANGE	DATE OF REVISION	AUTHORIZED BY