

CITY OF WALDPOR



EMPLOYEE HANDBOOK

(Updated March 2022)

City of Waldport Employee Handbook

Welcome to the City of Waldport - we're glad to have you on our team. At the City, we believe that our employees are our most valuable asset. In fact, we attribute our success as a city 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 the personnel policies that govern the employment relationship between the City and its employees. 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 document supersedes any prior written policies of the City that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions, if any. You will receive updated information concerning changes in policy, and those updates should be kept with your copy of this handbook. If you have any questions about any of the provisions in this handbook, or any policies that are issued thereafter, please ask your supervisor.

This handbook does not create a contract of employment between the city and its employees. All employment at the City is "at will." That means that either you or the City may terminate this relationship at any time, for any reason, with or without cause or 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 City Manager (or that is included in a collective bargaining agreement).

Sincerely,
Dann Cutter, City Manager

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PERSONNEL POLICIES

1. Equal Employment Opportunity (EEO) Policies

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and bullying. Further, all employees are responsible for respecting the rights of their coworkers and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or the City Manager, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

The following EEO Policies apply to all employees. Members of management 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.

A. No-Discrimination Policy

The City of Waldport provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status, marital status, or any other status protected by applicable federal, Oregon, or local law. This EEO policy 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. No-Harassment Policy

The City of Waldport prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace.

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

Sexual Harassment

Sexual harassment has been defined as 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:

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

Other Forms of Prohibited Harassment

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

Such harassment may include verbal or physical conduct that denigrates or shows hostility towards an individual because of any protected status, such as jokes, pictures (including drawings), epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to a protected class, or written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

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 verbal, nonverbal, and physical conduct.

It is acknowledged that dealing with the general public may result in tense, confrontational and stressful impacts on an employee's workplace. The City will strive to ensure these are minimized at every opportunity and will adopt rules and codes of conduct in meetings, and public spaces to ensure employees are protected from this to the best of the City's ability. As, from time to time, the City will be engaged in litigation, or quasi-judicial proceedings with a member or members of a public group, during that time the City will require communication with those parties to be in writing, either electronic or physical, to ensure that the employee has the opportunity to have reviewed, ask questions of, and seek legal guidance to ensure that the employee is protected from both action and accusation regarding official communication.

Complaint Procedure

If an employee believes they have experienced any harassment, discrimination, or bullying, they are expected and required to bring the matter to the attention of their immediate supervisor as soon as possible. If the employee believes that it would be inappropriate to discuss the matter with their immediate supervisor or if they feel uncomfortable discussing the issue with their supervisor, they may bypass the immediate supervisor and report the matter directly to any manager or supervisor, including the City Manager.

In addition, any employee who observes any conduct that he or she believes constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to the City Manager.

Investigation

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.

Protection Against Retaliation

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

Confidentiality

All complaints under this policy will be treated as confidentially as is possible under the circumstances and as is consistent with the City's need to investigate and respond to the complaint.

C. Disability Accommodation Policy

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

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 operation of the City.

Requesting an Accommodation

In recognition of the barriers to full participation faced by this group, and in compliance with the ADA/Oregon law, accommodations may be implemented to the extent that they are not an undue hardship for the City.

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 which permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities.

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

2. Employment Status

A. Employee Classification

The City classifies employees as follows:

Regular Full-time: Employment in an established position requiring 32 hours or more of work per week. Generally, full-time employees are eligible to participate in the City's benefit programs.

Regular Part-time: Employment requiring less than 32 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 32 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for benefits including paid time off, leaves or medical insurance.

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. Participation in benefits programs for temporary employees is limited to eligibility for workers' compensation. Temporary employment can either be full-time or part-time.

Additionally, all employees are defined as either "exempt" or "nonexempt," 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 the City rules and procedures.

B. The Workweek/Work Day

The workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. Employees shall normally work five (5) consecutive eight (8) hour days or four (4) consecutive ten (10) hour days. Other work schedules may be arranged between supervisor and employees upon approval of the City Manager.

C. Meal Periods and Rest Breaks

Depending on hours worked, all nonexempt employees are required to take a paid rest breaks and unpaid meal periods. All employees working more than five (5) consecutive hours in any workday shall receive at least a one-half (½) hour unpaid lunch break. All employees shall receive a 15 minute paid break during each four (4) consecutive hour work period. Any employee working two (2) hours or more overtime in any workday shall receive an additional 15 minute paid break.

D. Overtime/On-Call

The City pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. Non-exempt employees are those who work in positions for which an overtime premium must be paid under Oregon wage and hour law and the Fair Labor Standards Act.

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

On-Call: Non-exempt employees placed on an on-call status will only be required to make themselves accessible by phone and be within a reasonable response time to effectively handle emergencies or other callbacks. Employees are not required nor expected to remain on City premises while they are in on-call status. With regard to the Alcohol/Drug Use, Abuse and Testing Policy (Section 5A), on-call employees are considered to be "on duty" for the duration of their on-call status.

Call Back: Non-exempt employees called back to work outside their scheduled work hours, whether or not they're on-call, will receive a minimum of two (2) hours of compensation at their overtime rate.

E. Compensatory (Comp) Time

In lieu of paid overtime, comp time will be computed at one and one-half times the overtime hours with prior agreement. Employees may accumulate up to 80 hours of compensatory time. Compensatory time off shall be scheduled by mutual agreement. All employees are encouraged to use earned comp time and paid leave. When an employee is separated from employment with the City, any remaining comp time will be paid to the employee.

F. Timekeeping Requirements

All non-exempt employees are required to accurately report the number of hours they work in any given work period. In making the regular report of hours worked during a pay period, all employees must indicate the total number of hours worked or earned compensation (i.e. holiday, paid leave, comp time). Failure to submit a time sheet 24 hours prior to the scheduled pay day may result in a delay.

All employees are required to use the time accounting designated by the City Manager. Each employee will be held accountable to its accuracy. Any employee who falsifies their own or another's time recording will be subject to immediate disciplinary action up to and including termination.

G. Employee-Incurred Expenses and Reimbursements

The City will reasonable City-related expenses incurred in the performance of job responsibilities if they are pre-approved by the supervisor 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 must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement. Meals and Travel will be reimbursed per Federal GSA rates provided at <https://www.gsa.gov/travel/plan-book/per-diem-rates> for the area travelled. When in question, DAS publication 40.10.00 most recent to the time at issue will be used as a reference for clarification or adjustment.

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

- Conferences, Workshops, and Education
- Certificates and Licenses: The City shall pay for all continuing certifications and licenses required in connection with City employment, as well as the training and preparation costs.
- Meals: Employees will be reimbursed for the reasonable cost of meals while on City-related travels overnight. The cost of alcoholic beverages will not be reimbursed.
- Mileage 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. 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.
- Clothing and Equipment: The City will supply uniforms, coveralls, safety equipment, special footwear, inclement weather gear, and clothing to those employees who are required to wear/use them. The City will supply and maintain all tools needed for the job.

H. Wage and Salary Policies

The City will issue paychecks on the 5th and the 20th of each month. If the 5th or 20th falls on a weekend, the City Manager may authorize variance from this schedule at his/her discretion.

The City does not provide advance payments of salary, or loans from salary to be earned. A paycheck will be provided unless an employee requests a direct deposit into the employee's bank account. No paychecks will be personally delivered to any person other than the employee named on the paycheck unless the employee provides written permission for someone else to receive the check.

The City makes all efforts to comply with applicable state and federal wage and hour laws. Any perceived errors in calculation should be reported to payroll or the City Manager. 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 because he or she has reported any errors or complaints regarding the City's pay practices.

On July 1st of each year, the salary schedule and employees' wages shall be increased by a percentage equivalent to the January through December increase in the Portland CPI-U. Any increase above six percent or less than two percent shall be reviewed and approved by the City Manager, as shall any increases during a budgetary crisis.

All movement on the salary schedule within a classification will be based on satisfactory performance for one year at each step of the schedule. Employees who have reached the top step of the salary range for their job title shall receive a 1% rate increase on each July 1st after they have been at the top step for at least one year and upon each subsequent July 1st.

Employees required to be on-call will be paid 1/12th of their hourly rate for every hour so assigned.

I. 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. Employees should notify payroll of changes in name, address, phone number, exemptions, dependents, beneficiary, or other information having a bearing on their employment to assure that the proper updates/paperwork are completed as quickly as possible.

J. Performance Reviews

All City employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action.

An employee's first formal performance evaluation occurs six months following 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
- Setting of performance goals for the employee for the following year

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 not later than thirty 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.

3. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences Policy

Employees are expected to report to work as scheduled, on time and be prepared to start work. Employees are also expected to remain at work for 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 should 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 before the start of the employee's work day. 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 may 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 be deemed an employee's voluntary resignation of employment.**

B. Paid leave

It is the policy of the City to provide each full-time employee with paid leave on a periodic basis. The amount of paid leave to which an employee becomes entitled is determined by the employee's length of service as of his or her employment anniversary date. Paid leave is not accumulated while an employee is on a leave of absence without pay. For regular, full-time employees, paid leave accrues as follows:

0 thru 4 years: 11.33 hours per month

5 thru 9 years: 14.66 hours per month

10 or more years: 18 hours per month

Employees may not accrue more than 480 hours of paid leave. Subject to reasonable operational requirements, paid leave will be granted at the time requested by the employee. Priority will be given to those who submit requests for paid leave first.

An employee may cash in accumulated paid leave time, but only on a one-for-one basis. For example, an employee may decide to take 40 hours paid leave and would be eligible to cash in 40 hours of accrued paid leave. This right would be subject to available funds.

C. Sick Leave (for Part-Time and Temporary Employees Only)

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

Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this section of the policy, "employee" includes part-time and temporary employees. Full-time employee leave benefits are covered in Section B "Paid Leave" above.

Beginning January 1, 2016, employees subject to this policy may accrue and use up to 40 hours of paid sick leave per calendar year. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. Paid sick leave shall be taken in hourly increments.

Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. 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.

Employees may carry over up to a maximum of 40 hours of accrued and unused sick leave for use in a subsequent calendar year, but may use only 40 hours of sick leave each calendar year. Sick leave accrual is capped at 80 hours.

Use of Sick Leave

Accrued paid sick leave may be used for 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 his/her covered family member. For the purposes of this section, "family member" means the eligible employee's grandparent, grandchild, spouse, or same-gender domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee's biological, adoptive or foster parent or child.
2. For any purpose allowed under the Oregon Family Leave Act..
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's Paid Sick Leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

Employee Notice of Need for Sick Leave

Notice of need to take leave should be provided by submitting a request for leave in writing to his or her supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. 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 oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

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. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.

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 on a more frequent basis. 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 11 holidays each year. All full-time employees will receive eight hours of compensation for each designated holiday. Regular part-time employees receive four hours of pay for each designated holiday. The holidays celebrated are:

New Year's Day	Martin Luther King Jr Birthday	President's Day
Memorial Day	Independence Day	Labor Day
Veterans' Day	Thanksgiving Day	Friday after Thanksgiving
Christmas Day	Employee's Birthday (must be scheduled in advance and taken within 30 days of birthday or forfeited)	

Holiday Work

Any regular non-exempt employee who works on a designated holiday shall receive one and one-half (1 ½) times their scheduled rate of pay for all hours worked on that holiday. This section does not apply to the employee's birthday.

E. Family Medical Leave

City employees are not eligible for leaves of absence under the Oregon Family Leave Act (OFLA) or the federal Family Medical Leave Act (FMLA) due to the entity's small size. One exception is that the City will honor requests from eligible employees to take a leave of absence under the Oregon Military Family Leave Act. Thus, during a period of military conflict, as defined by law, eligible employees with a spouse or registered same-gender 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. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

F. Bereavement Leave

Bereavement leave will be granted to full-time employees in the event of absence necessitated by the death of a family member. In the event of the death of an employee's spouse, child, parent, or sibling, the employee will be granted three days off work with pay or five days off work with pay for out of state travel. In the event of the death of an employee's grandparent, father- or mother-in-law, or son- or daughter-in-law, the employee will be granted one day off work with pay. Paid or unpaid leave may be used if additional time off is needed. Requests for bereavement leave should be made to the employee's immediate supervisor before the leave is to begin. Regular part-time employees may be granted bereavement leave at the discretion of the City Manager.

For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-gender domestic partner, child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-gender domestic partner or spouse.

J. Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his or her 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 paid leave or similar paid time off while on this type of leave.

Notice of need to take leave should be provided by submitting a request for leave in writing to his or her supervisor 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 oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault 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 the City Manager immediately with requests for reasonable safety accommodations.

K. Military Leave

Employees who wish to serve in the military and take military leave should contact the City Manager for information about their rights before and after such leave. Employees are entitled to reinstatement upon completion of military service, provided the employee returns or applies for reinstatement within the time allowed by law.

4. Employee Benefits

A. Healthcare Benefits

The City offers medical insurance for all of its regular, full-time employees. The City pays the cost of individual and dependent coverage for its regular, full-time employees. Part-time employees are not eligible for health-insurance coverage. Effective 1/01/2018, the City has adopted the Voluntary Employees' Beneficiary Association Trust for Public Employees in the Northwest (VEBA), which is integrated with the health-insurance coverage. Employer annual contributions shall be equal to \$500 for employee coverage, \$1,000 for employee and spouse coverage, and \$1,500 for family coverage, which shall be contributed on a semi-monthly basis on behalf of all eligible employees.

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 the City. These documents govern all issues relating to employee health insurance. The City also offers vision, dental, life insurance, and long term disability coverage.

The free, confidential Employee Assistance Program (EAP) service is provided to all employees covered by our medical insurance benefits, and their covered dependents who may be experiencing life problems. The website for this service is www.myrbh.com. Enter Oregon when asked for an access code. The 24 hour hotline number is (866) 750-1327.

B. PERS (Public Employees' Retirement System) Benefits

The City participates in the Public Employees Retirement System (PERS); therefore, an employee's designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on 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 (888) 320-7377 or visit their website at www.oregon.gov/PERS. For information about the City's contributions to employee PERS or OPSRP plans, please see payroll.

C. Workers' Compensation and Safety on the Job

Employees are protected by Workers' Compensation Insurance under Oregon law. This insurance covers employees in the 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.

Steps to Take If Injured on the Job

To ensure that employees receive any workers' compensation benefits to which they may be entitled, follow all of these steps in a timely manner. Failure to follow these steps may negatively affect benefits.

1. Immediately report any work-related injury to your supervisor. Report the injury at the time it happens, and no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to payroll.

Return to Work

If workers' compensation leave is required, the City will strive to reemploy at the most suitable vacant position available. The employee must first submit an approved medical certificate demonstrating ability to return to work.

When returning from workers' compensation leave, an employee has no greater right to reinstatement than if they had been continuously employed rather than on leave. The City does not discriminate against employees who suffer a workplace injury or illness.

Early Return-to-Work Program

The Return-to-Work program provides guidelines for returning to work at the earliest possible time after an employee has 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 the employee to return to their 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 workers' compensation insurance carrier claims staff. The goal is to return employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

Following a medical determination that modified work may be performed, the City will attempt to provide the employee with a temporary job assignment for a reasonable period of time until the employee can resume their regular duties (except where provided as an accommodation for a disability). If, due to a work related injury, the employee is offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect compensation. While on modified or transitional work, an employee is still subject to all other City rules and procedures.

Overlap with Other Laws

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

5. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

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

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

1. Prohibited Conduct

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

- a. Possession, sale and/or use of drugs on the City premises, while in uniform or in City-provided clothes, while on work-related travel, or while on City business;
- b. Failure to notify the City of an arrest or conviction under any criminal drug or alcohol statute within two days of the arrest or conviction;
- c. Possession and/or consumption of alcoholic beverages or being under the influence of alcohol while on duty, while in City-provided clothes or on City premises, while operating a City vehicle (or while operating a personal vehicle in connection with the performance of City business), or while performing job functions other than at the employee's home;
- d. Being under the influence of drugs while on duty, on City premises, on City work time, while in City-provided clothes, while on City business, or while operating a City vehicle (or while operating a personal vehicle in connection with the performance of City business)

As used in this policy, "drug" 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.

2. Prescription Medication and Medical Marijuana

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify their supervisor of such use immediately before starting or resuming work. This includes, without limitation, medical marijuana. Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as the City will not agree to allow an employee to use medical marijuana as an accommodation.

3. Testing

The City reserves the right to:

- a. subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and/or alcohol test;
- b. test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- c. discipline or discharge employees who test positive or otherwise violate this policy; and
- d. test employees after an *on-the-job* accident.

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

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

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing within 48 hours. 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.

4. Search of Property

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

5. Employee Refusal to Test/Search

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

An employee who refuses to cooperate with any and all tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise

otherwise in violation of the City's no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Cell Phones and Public Records

City-related business conducted on either the City-provided or personal cell phones, may be subject to disclosure under Oregon's Public Records laws.

Cell Phone Use While Driving

The use of a cell phone 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 prohibits the use of hand-held cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of the 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.

C. Use of Email and Electronic Equipment, Facilities and Services

Employees shall not use City property for illegal purposes or for purposes that risk City equipment or jeopardize City interests. Do not abuse the use of City equipment for personal purposes.

Inspection and Monitoring

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

All information and communications in any format, stored by any means on the City's electronic equipment, facilities 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 the City's ownership of the electronic information, electronic equipment, facilities, 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 of the City's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems unless they have administrator privileges. All software installed on the City's computer systems must be licensed.

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 management.

Security

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 and these methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

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 on harassment and discrimination.

D. 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 personal or social web logs or blogs, journals or diaries, personal or social web sites, web bulletin boards or chat rooms, or any other form of electronic communication.

Employees shall not create and post any text, images links or other media that compromises the City's security or confidentiality, or violates the City's no-harassment and no-discrimination policies, including discriminatory remarks, harassment, or threats of violence, or similar inappropriate or unlawful conduct. Employees may disclose their employment status but shall be explicit that the views expressed are those of the individual, not representative of the organization, its employees or elected officials.

Violation of this policy may result in disciplinary action up to and including termination.

It shall be the policy of the city of Waldport to limit communication of city business or response to concerns expressed over social media through only the official city of Waldport website, press releases or social media account.

All elected or appointed officials are required to simply refer questions regarding city concerns to the city manager or city recorder for response through these channels. If an elected or appointed official would like a question addressed on a specific matter of public interest or a statement posted such that members of the public can be informed of a current or urgent city matter, they may request the city manager address the question directly, or via a separate city statement. Employees will refrain otherwise in engaging in individual social media discussions on an issue, and the policy shall be that elected officials refrain from attempting to provide this assistance or clarification.

For campaign or candidacy purposes, statements made regarding an official's position on an issue shall be made on accounts specifically related to their official's candidacy (i.e. not a personal account, but an account with their sought position title), and if elected those account's entire usage deemed a public record. Any statements of any nature on these pages shall include language expressing that this is the sole opinion of the official and does not represent the city or officials' governing body (Council, Commission etc). Private inquiries made via social media shall be directed to the official's public email and responded to only via this public email. City business shall not be discussed nor referenced in personal social media accounts.

E. Workplace Privacy and Confidentiality

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with the 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 release confidential information contrary to Oregon or federal laws 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 the City) may be removed from the premises without permission from the City Manager. 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.

F. Ethics

Employees of the City are subject to the State of Oregon ethics laws. Information on these laws is available at City offices or at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>. If an employee has questions about whether an activity meets Oregon's ethical standards, they should speak with their immediate supervisor.

*B Public meeting law
↳ Ethics*

G. Outside Employment

Generally, employees may obtain employment with a private employer 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. The City requires employees to report outside employment to their supervisor.

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), 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
- Receipt of money or other consideration for performance of duties that the employee is required to perform for the City.

H. Criminal Arrests and Convictions

Employees must promptly and fully disclose to their supervisor:

- 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;
- All arrests, citations, convictions, guilty pleas, no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or,
- If an employee is arrested, cited or convicted of a violation of any law that will prevent the employee from performing any of the essential functions of their position, including without limitation the loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license.

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

I. Political Activity

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.

J. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City, the City is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond the City's control, such as inclement weather, a national crisis, or other emergencies that make one or more City facilities inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her designee) will decide whether to and to what extent the City will close and how compensation is handled. All attempts will be made to notify employees of the closure.

In the event of extreme bad weather, the City recognizes that each employee's ability to safely reach work may be different. If an employee cannot safely report to work in such circumstances, they should contact their supervisor. Employees may use paid leave or unpaid leave to cover weather-related absences. If an employee cannot reach the office and is able to work from home, they should do so subject to approval by their supervisor.

K. Driving While on Business

Employees who use their own vehicles for authorized City business 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. Employees are responsible for notifying their supervisor promptly of any restrictions, limitations, or changes in their driving status.

L. Workplace Violence

Threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner. All employees have the express authority to demand members of the public to leave City premises or to contact the sheriff office to handle disruptive behavior.

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 should make such reports directly to their supervisor or the City Manager.

The City may conduct an investigation of a current employee where the employee's behavior raises concerns about the safety of co-workers or others, or potentially jeopardizes the security or financial interest of the City. An employee investigation may include, but is not limited to, investigation of criminal records, a search of desks, work areas, file cabinets, voice mail systems, computer systems, and City vehicles and equipment.

All information related to the reports, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances. The City Manager or his/her designee will notify the reporting employee of any action taken in response to the report.

M. Smoke-Free Workplace

The City buildings and vehicles are tobacco-free areas. Oregon law prohibits smoking within 10 feet of building entrances and other openings.

6. 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 document, may also be grounds for discipline, up to and including termination.

1. Falsification of employment or other City records
2. Theft or the deliberate or careless damage or destruction of any City property, or the property of any other employee, citizen, vendor or third party
3. Unauthorized use of the City equipment, materials or facilities
4. Provoking a fight or fighting during work hours or on City property
5. Carrying unauthorized firearms or any other dangerous weapon on City premises at any time
6. Engaging in criminal conduct while at work
7. Causing, creating or participating in a significant or substantial disruption of work during working hours on City property
8. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City employee, customer or vendor
9. 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
10. 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 or requested.
11. Sleeping or malingering on the job
12. Excessive personal telephone calls during working hours
13. Unprofessional appearance during normal business hours
14. Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City
15. Misrepresentation of City policies, practices, procedures, or 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.
16. Violations of Oregon's Ethics laws
17. 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.
18. Harassment or discrimination that violates the City policy

This statement of prohibited conduct does not alter the City's policy of at-will employment. Either an employee or 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 perform to the best of their abilities at all times. 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 the City standards, the City will endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. This can be accomplished through forms of discipline short of termination, such as (in no particular order) verbal warnings, written warnings, suspensions without pay, and demotions. The corrective action process will not always commence with a 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 employment of an employee for serious violations of the 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.

In all cases, the City retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, the City reserves the right to 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. At all times, 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.

C. Retirement or Resignation

If choosing to resign or retire, the employee should give the City as much notice as possible, preferably a minimum of two weeks. When giving a two-week notice, paid leave should not be used in lieu of notice. If a two-week notice of intent to leave the City is not given, the employee may not be eligible for re-employment at a later date. Employees who miss three or more consecutive work days without contacting their immediate supervisor are typically considered to have resigned their employment.

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. Payment of wages upon termination of employment will be within the provisions of Oregon law.

D. References, Recommendations, and Disclosures

All requests for references, recommendations, or disclosures must be directed to the City Manager or his/her designee. No manager, supervisor or employee is authorized to release references for current or former employees. Managers, supervisors, and employees are expressly prohibited from using a website or the internet to discuss a current or former employee's performance.

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