



CITY OF MANZANITA

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COUNCIL REGULAR SESSION

Zoom Video Conference
<https://ci.manzanita.or.us>

AGENDA **updated**

December 7, 2022
06:00 PM Pacific Time

Video Meeting: Council will hold this meeting through video conference. The public may watch live on the [City's Website: ci.manzanita.or.us/broadcast](https://ci.manzanita.or.us/broadcast) or by joining the Zoom webinar:

<https://us02web.zoom.us/j/83605370193>

Call in number:
+1 253 215 8782

Please note that a passcode is not required to enter the webinar.

Note: agenda item times are estimates and are subject to change

1. **CALL TO ORDER** (6:00 p.m.)

Mike Scott, Mayor

2. **AUDIENCE PARTICIPATION** (6:01 p.m.)

Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to cityhall@ci.manzanita.or.us), or in person to city staff**

3. **CONSENT AGENDA** (6:10)

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

A. Approval of Minutes

- a. October 25, 2022 Budget Committee Work session
- b. November 9, 2022 Work Session
- c. November 9, 2022 Regular Session

B. Approval of Bills

4. COUNCILOR REPORTS (6:15)

5. NEW BUSINESS (6:25)

- A.** Updated Employee Policy Manual
Leila Aman, City Manager

- B.** Renewal of Public Works Equipment Fund
Leila Aman, City Manager

- C.** Amendment to Klash Contract
Leila Aman, City Manager

- D.** Budget Committee Selection Committee
Leila Aman, City Manager

6. CITY MANAGER REPORT (6:45)

7. ADJOURN (6:50)

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at cityhall@ci.manzanita.or.us or phone at 503-368-5343. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's youtube channel](#).

CITY OF MANZANITA
October 25, 2022
BUDGET COMMITTEE WORK SESSION

1. CALL MEETING TO ORDER: The meeting was called to order on October 25, 2022, at 10:00 am via Zoom by Budget Committee Chair Dave Dillon.

ROLL: Members present: Mike Scott, Linda Kozlowski, Jerry Spegman, Jenna Edginton, Dave Dillon, Jim Hickey, Jim Dopp, and Chip Greening. Steve Nuttall and Kathryn Stock were absent and excused. Staff present: City Manager Leila Aman, Development Services Manager Scott Gebhart, and Accounting Manager Nina Aiello. Panelists present: None

1. FY 2022/23 FIRST QUARTER FINANCIAL REVIEW: Accounting Manager Aiello discussed the 22/23 first quarter financial review. Council stated that they would like to see year to date revenue from the last fiscal year included on the report. Council discussed the differences between cash basis accounting and accrual-based accounting, and how each impacts the fiscal year revenue.

2. FINANCE DEPARTMENT UPDATE: Accounting Manager Aiello provided an update on the finance department, stating that the auditors are continuing work towards presenting the audit to City Council in December. Budget preparation will begin in February, and the first budget premeeting will be March 21, 2023. In addition, Aiello is working on creating internal financial policies that aim to support separation of duty among departments.

3. INDIRECT COST ALLOCATION UPDATE: City Manager Aman has been working on creating a draft model for indirect cost allocation. This methodology relies on the percentage that each department spends on over all materials and services to determine transfers. A model that addresses capital projects will also need to be drafted. Aman hopes to have clear direction on which methodology the Budget Committee and Council would like to use by March. This will determine FY 23/24 transfers, as well as determining if the transfers allocated in FY 22/23 are appropriate.

4. REVENUE DIVERSIFICATION DISCUSSION: City Manager Aman and Councilor Spegman are working with consultant ECONorthwest to advance the revenue diversification study. They are currently analyzing city services and fees, determining how services have changed over the years as well as what future services may be, and determining where resources are being spent to perform these services. This will determine what kinds of revenue sources the city should target to offset the cost of providing services. Aman would like to form a Revenue Diversification Subcommittee to include two members of the Budget Committee and/or Council, as well as herself and Councilor Spegman. The subcommittee will review and analyze the study before presenting it to council at the January 4, 2023 City Council meeting.

A motion was made by Kozlowski, seconded by Hickey, to appoint Dave Dillon and Chip Greening as members of the Revenue Diversification Subcommittee. Motion passed unanimously.

5. BUDGET COMMITTEE APPOINTMENT PROCESS: City Manager Aman stated that there are three members of the Budget Committee up for reappointment in 2023. Aman recommended forming a selection committee made up of one existing member of the budget committee not up for reappointment, one City Councilor, and one member of staff. The committee will be responsible for setting criteria to evaluate candidates, such as having experience in accounting and finance, demonstrating an interest in our city government, and being able to weigh things objectively while working together collaboratively. A member of City Council will be appointed to serve on the committee at the December 7, 2022 City Council meeting. Jim Dopp was nominated as a member of the budget committee to serve on the selection committee.

A motion was made by Kozlowski, seconded by Hickey, to nominate Jim Dopp to serve on the selection committee. Motion passed unanimously.

6. ADJOURN: Dave Dillon adjourned the meeting at 11:01 Am.

**MINUTES APPROVED THIS
7TH Day of December, 2022**

Mike Scott, Mayor

Attest:

Leila Aman, City Manager

CITY OF MANZANITA
November 9, 2022
CITY COUNCIL WORK SESSION

1. CALL MEETING TO ORDER: The meeting was called to order on November 9, 2022, at 3:00 pm via Zoom by Mayor Mike Scott.

ROLL: Members present: Mike Scott, Linda Kozlowski, Steve Nuttall, and Jerry Spegman. Jenna Edginton was absent and excused. Staff present: City Manager Leila Aman, Accounting Manager Nina Aiello, Chief of Police Erik Harth, STR Program Manager Judy Wilson, and Assistant City Recorder Nancy Jones. Panelists present: None

2. Homelessness Management in Public Spaces:

Chief of Police Erik Harth provided council with an overview of current case law, and new legislation including House Bills 3115 and 3124 regarding management of houseless persons in public spaces. The city has until July 1, 2023, to renew and update current ordinances to ensure compliance with this new legislation. Chief Harth proposed next steps to include a review of Ordinance 94-6 section 14 and Ordinance 94-11 and to establish a new Ordinance to address camping in public spaces. A draft of the new Ordinance and proposed changes to the existing Ordinances will be presented to council in February or March.

5. Adjourn: Mayor Scott shared that the new council takes office on January 4th. He adjourned the meeting at 3:47 pm.

MINUTES APPROVED THIS
7th Day of December, 2022

Mike Scott, Mayor

Attest:

Leila Aman, City Manager

CITY OF MANZANITA
November 9, 2022
CITY COUNCIL REGULAR SESSION

1. CALL TO ORDER: The meeting was called to order on November 9, 2022, at 6:00pm via Zoom by Mayor Mike Scott.

Roll: Council members present: Mayor Mike Scott, Linda Kozlowski, Steve Nuttall, Jerry Spegman. Jenna Edginton was absent and excused. Staff present: City Manager Leila Aman, Accounting Manager Nina Aiello, Public Works Director Dan Weitzel, Development Services Manager Scott Gebhart, STR Program Manager Judy Wilson and Assistant City Recorder Nancy Jones. Panelists present: Planning Commission Chair Karen Reddick Yurka, Souvanny Miller, Miller Nash, City Attorney and Kyle Ayres, North Coast Civil Design, Contract City Engineer.

2. AUDIENCE PARTICIPATION: There were 21 people in attendance. There were 3 public comments. There were two comments about the Land Use Board of Appeals (LUBA) regarding the record and one comment about the town hall survey.

3. CONSENT AGENDA:

- A. APPROVAL OF MINUTES –
 - a. October 5, 2022 City Council Work Session
 - b. October 5, 2022 City Council Regular Session

- B. APPROVAL OF BILLS FOR PAYMENT

A motion was made by Nuttall, seconded by Kozlowski, to approve the consent agenda that includes approval of the October 5, 2022, City Council Work Session and October 5, 2022 City Council Regular Session; approve payment of bills and all subsequent bills subject to approval by the Mayor or Council President and City Manager; Motion passed unanimously.

4. COUNCILOR REPORTS: Council members took turns sharing what they worked on for the month of November.

5. PUBLIC HEARING:

A. View Grading Moratorium– Leila Aman, City Manager
City Manager Leila Aman stated that she issued notice to the Department of Land Conservation & Development and has worked with the city attorney to finalize the findings for a view grading moratorium. She recommended that the City Council adopt and approve the findings and place a Moratorium on view grading. The findings have been posted on the city's website and are included in the council packets.

A Public Hearing was opened by Mayor Scott at 6:16pm and closed and 6:18pm – there was one comment in support of the findings.

A motion was made by Nuttall to approve and adopt the findings for a moratorium on view grading as presented by staff, seconded by Kozlowski; Motion passed unanimously

B. Second Reading ORD 22-02 Affordable Housing Tax Abatement- Leila Aman, City Manager

City Manager Aman spoke about ORD 22-02. If approved, Manzanita will be the first city to adopt this Tax Abatement. The Ordinance is applicable to units of 3 or more and mirrors the Tillamook County Ordinance.

A Public Hearing was opened by Mayor Scott at 6:19pm and closed and 6:21pm – there was one comment in support of the Ordinance.

A motion was made by Kozlowski to accept the second reading of ORD 22-02 Affordable Housing Tax Abatement, seconded by Nuttall; Motion passed unanimously

6. New Business:

A. Construction Manager General Contractor Contract Approval - City Manager Leila Aman asked Council to approve the contract with Cove Built LLC for the construction of city hall. Aman stated that the contract will require two authorizations. This initial authorization allows the city manager to move forward with Phase 1 predevelopment that will move the project through 30 percent schematic design. Once complete the City Council will be asked to authorize Phase 2 which includes the completion of design and construction of the project.

A motion was made by Kozlowski to approve Resolution 22-14 that will authorize the city manager to execute a contract for the construction of a new City Hall, with Cove Built LLC, seconded by Spegman; Motion passed unanimously

B. Dorcas Lane Reconstruction Bid Documents - Public Works Director Dan Weitzel
Public Works Director Dan Weitzel spoke about the replacement of Dorcas Lane. He asked for approval to have North Coast Civil Design release this project for competitive bidding. This project includes the installation of a storm water main, replacement of all water mains and service lines to homes and includes a complete reconstruction of the road base with gravel shoulders. If approved, the bidding would close on November 29. Staff anticipate that the successful bid will be presented to Council at the December meeting. Staff estimates it will take 168 days to complete with a completion date of June 2023.

A motion was made by Spegman to approve the bid documents, seconded by Nuttall; Motion passed unanimously

C. Planning Commission Appointments - Criteria - Planning Commission Chair Karen Reddick Yurka

Planning Commission Chair Karen Reddick Yurka stated that there is currently one vacancy on the Planning Commission, with two more vacancies expected in December. Selection Committee members include Chair Yurka, Councilor Edginton and City Manager Aman. The Committee met to discuss and establish proposed criteria per the council Rules and Regulations. Yurka reviewed the criteria and asked Council for approval. It is anticipated that appointments will be recommended to City Council at the meeting on January 4, 2023.

A motion was made by Kozlowski to approve the criteria, seconded by Nuttall; Motion passed unanimously

7. OLD BUSINESS:

A. Short Term Rental Inspection and Renewal Fees - Development Services Manager Scott Gebhart

Development Services Manager Scott Gebhart presented a list of updated STR inspection fees. The current fee schedule as presented in Ordinance 10-03 does not account for the cost of staff time. Staff time includes administration time, inspections, and time for implementation and enforcement. The current rate structure only charges 39 percent of costs. Gebhart asked Council to approve Resolution 22-15¹. Councilor Nuttall noted that the proposed fees in the Resolution included in the packet were not the same as the staff report. Staff confirmed the rates proposed in the report were correct and that the Resolution would be updated with those figures.

A motion was made by Nuttall to approve Resolution 22-15 with the fees as stated in the staff report, seconded by Kozlowski; Motion passed unanimously

B. Surplus Vehicle Discussion - Public Works Director Dan Weitzel

Public Works Director Dan Weitzel spoke about the 5 speed Ford Ranger. He asked council to declare it as surplus to be sent to the State surplus.

A motion was made by Nuttall to surplus the Ford Ranger Pickup Truck, seconded by Kozlowski; Motion passed unanimously

8. CITY MANAGER REPORT: Aman spoke about the fence that currently surrounds the Quonset hut is due to new information from additional Hazardous Materials analysis that revealed that the paint on the Quonset hut is friable asbestos. The city is actively working with DEQ to address

¹ Note that the Resolution was misnumbered 22-17 and the final was renumbered to 22-15 to ensure proper sequence with previous Resolutions.

the issue and develop a plan for remediation. Aman shared that Dan Weitzel was able to secure a grant from the State Preparedness Incident Response Equipment (SPIRE) for a 30-kilowatt generator. Chief Erik Harth secured a grant from CIS to cover half the cost of body cameras for the police force. Planning of a tree lighting ceremony at Underhill Plaza in December is underway. The city will share more information when the date and time are confirmed.

9. INFORMATION AND ADJOURN:

1. Manzanita Municipal Court will be held November 18, 2022 and continues to remain closed to the public.
2. The Planning Commission will meet November 21, 2022 at 4:00 via zoom.

Mayor Scott adjourned the meeting at 7:20PM.

**MINUTES APPROVED THIS
7th Day of December, 2022**

Michael Scott, Mayor

Attest:

Leila Aman, City Manager

2022 Resolution Numbering Notice:
Resolution Number 22-18 was changed to Resolution 22-14
Resolution Number 22-17 was changed to Resolution 22-15

BILLS FOR APPROVAL OF PAYMENT

From 11/1/2022 - 11/30/2022

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH Expansion	ROADS	Visitors Center	WATER
AXON ENTERPRISE (POLICE EQUIPMENT)	\$3,196.00		\$3,196.00							
BACKFLOW MNGMT (WATER TRAINING)	\$300.00									\$300.00
BEARING ARCHICTECTURE (PROFESSIONAL SERVICES)	\$10,287.48						\$10,287.47			
BRIDGE TOWER (PROFESSIONAL SERVICES)	\$418.20							\$164.72		\$253.48
CASELLE (MONTHLY SERVICE FEE)	\$2,145.00									\$557.00
CHARTER (INTERNET SERVICE)	\$589.91	\$219.98	\$129.98						\$109.97	\$129.98
CIS (PROPERTY/LIABILITY)	\$1,021.40	\$1,021.40								
CITY OF NEHALEM (FINES & ASSESSMENTS)	\$584.00				\$584.00					
CITY OF WHEELER (FINES & ASSESSMENTS)	\$1,901.00				\$1,901.00					
COLUMBIA LOCKSMITH (LOCKSMITH SUPPLIES)	\$650.00					\$650.00				
DEPT. OF MOTOR VEHICLES (DRIVING RECORDS)	\$3.70				\$3.70					
ECO NORTHWEST (REV. DIVERSIFICATION CONSULTANT)	\$4,450.00	\$4,450.00								
FASTENAL (MATERIALS & SUPPLIES)	\$438.12									\$438.12
HAHN & ASSOCIATES (ENVIRONMENTAL CONSULTANT)	\$6,960.50						\$6,960.50			

BILLS FOR APPROVAL OF PAYMENT
From 11/1/2022 - 11/30/2022

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH Expansion	ROADS	Visitors Center	WATER
PINE GROVE COM. HOUSE (FACILITY RENTAL)	\$175.00	\$175.00								
RHINO ONE (GEOTECHNICAL CONSULTANT)	\$23,178.30						\$23,178.30			
RHYNO NETWORKS (IT SERVICES)	\$387.00	\$249.00	\$66.00							\$72.00
RTI (PHONE SERVICE)	\$496.45	\$96.12	\$100.05							\$300.28
SHELDON OIL CO. (FUEL)	\$1,854.13		\$1,249.35	\$97.07		\$25.39		\$126.93		\$355.39
STAPLES (OFFICE SUPPLIES)	\$406.10	\$82.97		\$323.64						
STATE FORESTER (DIST 50 FIRE PROTECTION)	\$504.83									\$504.83
STATE OF WASHINGTON (DRIVING RECORDS)	\$0.48				\$0.48					
SURPLUS CASHIER (EQUIPMENT & SUPPLIES)	\$750.00	\$750.00								
SWEET SEPTIC (PORTABLE TOILETS)	\$460.00								\$460.00	
TILL CO PAYABLE (FINES & ASSESSMENTS)	\$160.00				\$160.00					
TILLAMOOK PUD (ELECTRIC SERVICE)	\$3,516.22	\$100.14	\$110.12			\$80.07	\$53.75	\$609.00	\$64.02	\$2,499.12
TRAILERS PLUS PORTLAND (EQUIPMENT)	\$9,534.33	\$9,534.33								
US BANK (CITY VISA)	\$5,834.39	\$1,562.62					\$2,198.28*	\$929.77	\$295.84	\$847.88
VERIZON (TELEPHONE)	\$1,159.60	\$293.26	\$344.36	\$114.98					\$64.99	\$342.01
WASHINGTON FEDERAL (VISITORS CENTER LOAN)	\$25,433.76								\$25,433.76	

BILLS FOR APPROVAL OF PAYMENT

From 11/1/2022 - 11/30/2022

VENDOR	TOTAL	ADMIN	POLICE	BLDG	COURT	PARKS	CH Expansion	ROADS	Visitors Center	WATER
TOTALS	\$150,622.69	\$47,110.23	\$5,357.86	\$1,409.53	\$3,549.18	\$1,119.96	\$52,674.02	\$1,830.42	\$26,583.58	\$7,202.13



COUNCIL STAFF REPORT

To: Mayor and City Council
From: Leila Aman, City Manager

Date Written: December 3, 2022

Subject: **Employee Handbook of Personnel Policies**

ACTION REQUESTED

Approve Resolution Updating the Employee Handbook of Personnel Policies.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

City Council approved Resolution 19-07 approving an updated Employee Handbook at its regular meeting in July 2019.

ANALYSIS

The Employee Handbook has not been reviewed and updated in nearly four years. The Equal Employment Opportunity (EEO) Policies located in Section 1 is updated to reflect recent state and federal policies. The policies against Discrimination, Harassment and retaliation have been significantly modified. The City Attorney has prepared and reviewed these policies.

Other notable changes include an update to the Compensatory Time off which was previously allowable for both nonexempt and exempt employees. The new policy allows for Compensatory Time off only for nonexempt employees. The policy limits the accrual of compensatory time off to 40 hours and must be used within 60 days. For exempt employees, a policy for flexible time off has been established. This approach is in line with best practice and limits any financial and unplanned financial liability with respect to exempt employees. This policy shift has been discussed with all exempt staff and all department heads are in support of this change.

Previously staff were only allowed to carry over 100 hours of vacation per year. The new vacation policy allows staff to carry over unlimited time but they are strongly encouraged to take at least one half of their vacation time during the year in which it was earned. Employees are not entitled to pay in lieu of taking time off for vacation. Upon termination of employment for any reason, an employee will be paid for up to 120 hours of unused earned vacation with any remaining accrual being automatically forfeited.

Previously staff were allowed to take either the day before Christmas (Christmas Eve) or the Day before New Years Day (New Years eve) off. This inadvertently creates a challenging situation for the City in terms of staffing levels on these days and the ability for the city to remain open. The City Manager proposes to award staff with one additional holiday per year and allow for both days as holidays so that City Offices may be closed during this time creating certainty for the public, and for staff. Police Officers who are unable to take the normal holidays off will be awarded one additional floating holiday for a total of 13 paid holidays for the staff.

Finally, two key administrative changes have been made to reflect the new biweekly pay schedule and the establishment of a new remote work policy to allow certain staff to work from

home as needed. This approach includes the development of a telework arrangement for the staff with their manager as appropriate.

This Handbook will be reviewed and updated on an annual basis with the City Attorney. It is anticipated that each December, if any substantive policy changes are required the Handbook will be updated and presented to Council for approval.

BUDGET IMPACT

There are no budget impacts.

WORKLOAD IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The City Attorney, Chief of Police, Public Works Director, Accounting Manager and Development Services Manager have all reviewed and approved the changes.

STAFF RECOMMENDATION

Staff recommend that City Council approve the Resolution updating the Employee Handbook of Personnel Policies.

ALTERNATIVES

Except for the EEO policies and others required by state and federal law, City Council can elect to recommend amendments to the proposed policies.

ATTACHMENTS

1. December 8, 2022, Employee Handbook
2. Resolution 22-16

EMPLOYEE HANDBOOK OF PERSONNEL POLICIES

City of Manzanita



Effective December 8, 2022

Welcome!

Welcome to the City of Manzanita (the "City"). 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 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 (the "Handbook") describes, in summary, the personnel policies and procedures 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 Handbook supersedes any prior handbooks or written policies of the City that are inconsistent with its provisions.

All employment at City of Manzanita 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 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 agreed to in writing by the City Manager.

This Handbook does not create an express or implied employment contract between the City and its employees. It is a broad statement of practice policy. It does not promise specific treatment in a specific situation. Its provisions generally provide uniform guidelines, but are not intended to substitute for the good judgment and discretion of City management.

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 me.

Sincerely,

A solid red rectangular box used to redact the signature of the City Manager.

City Manager
City of Manzanita

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I. Equal Employment Opportunity (“EEO”) Policies

The City is an Equal Opportunity Employer. We comply with all federal, Oregon, and local laws in providing our employees and applicants with equal opportunities. Our decisions and criteria governing the employment relationship with all employees are non-discriminatory, and are based on job requirements and an individual’s skills and experience without regard to race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as afros, braids, locks, and twists), color, sex (including pregnancy, childbirth, related medical conditions, breastfeeding, or reproductive health decisions), religion, age, sexual orientation, gender identity or expression, marital status, national origin, veteran status, disability, or any other status protected by state, federal, or local law. It is our intent that such factors will not be a consideration for any of the following: employment, retention, promotion, recruitment or recruitment advertisement, rates of pay or other forms of compensation, administration of benefits, selection for job or management training, and demotion or separation. All matters related to employment are based upon job performance, plus trustworthiness, dependability, and reliability once hired.

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 and/or corrective action, up to and including termination.

This statement reaffirms the City’s commitment to the principles of equal employment opportunity and our expectation that all employees will lend their full support to furthering the City’s commitment to these principles. All employees are encouraged to discuss these EEO Policies with the City Manager at any time if they have questions relating to the issues of alleged discrimination, harassment, or bullying.

A. Policy Against Discrimination, Harassment, and Retaliation

The City is committed to providing a supportive and positive work environment that is free of discrimination and harassment against any person on the basis of age, race (including physical characteristics that are historically associated with race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as afros, braids, locks, and twists), color, sex (including pregnancy, childbirth, related medical conditions, breastfeeding, or reproductive health decisions), sexual orientation, gender identity or expression, national origin, religion, marital status, disability, and/or veteran status or any other category protected by federal, state, or local law. Harassment or intimidation of any kind by or toward another employee or any other person (including a visitor or vendor/supplier), or harassment of any person not associated with the City by use of City relationships, resources or assets, will not be tolerated. Conduct that the City determines to constitute a violation of this policy may result in the strictest disciplinary action.

The City expects all employees should have the expectation that they work in a professional environment and that the City promotes EEO and prohibits unlawful discriminatory practices, including without limitation harassment.

The City expects that all relationships among persons will be respectful and professional, free of bias, prejudice, and harassment in the workplace, at work-related events, or any activity coordinated by or through the City.

1. Applicability

This policy applies to all employees, elected officials, City Council members, volunteers, interns, and any other person we interact with in the course of City activities. This policy applies to conduct at the workplace and at work-related events, including business trips, off-site City meetings, and City-related social functions.

This policy has been developed to ensure that all employees can work in an environment free from unlawful harassment, discrimination, and retaliation. The City will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of these policies will be investigated and resolved appropriately.

2. Sexual Harassment

Sexual harassment is one form of harassment. It is a violation of state and federal law and will not be tolerated. Sexual harassment, as defined by the U.S. Equal Employment Opportunity Commission ("EEOC") and stated below, is expressly prohibited:

"Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

EEOC, 29 C.F.R. Part 1604, "Guidelines on Discrimination Because of Sex."

The definition of sexual harassment includes many forms of offensive behavior and can include gender-based harassment of a person of the same sex as the harasser. Conduct which may be considered in violation of this policy includes, but is not limited to:

- Unwanted sexual advances;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct, including without limitation leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters;
- Verbal conduct, such as making or using derogatory comments, epithets, slurs, or jokes;
- Verbal sexual advances or propositions;
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, or sexually degrading words used to describe an individual;
- Suggestive or obscene letters, notes, or invitations; and/or

- Inappropriate physical conduct, including without limitation touching, assaulting, impeding, or blocking movements.

This policy also includes and is intended to strictly prohibit sexual assault, whether in the workplace or outside the workplace at work-related events, including business trips, off-site business meetings, and work-related social functions. Sexual assault means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation, or a sexual offense has been threatened or committed as described in Oregon's criminal statutes.

Unwelcome behavior, whether physical or verbal, that creates an intimidating, hostile, or offensive work environment is prohibited.

3. Other Forms of Harassment

This policy applies not only to complaints and investigations of sexual harassment and intimidation, but to all other forms of harassment and intimidation based on age, race, sex, sexual orientation, national origin, religion, marital status, disability, veteran status, or any other category protected by federal, state, or local law.

4. Reporting and Documenting Concerns

We need the participation and support of all employees to help keep the City free of harassment and discrimination. If you believe you have experienced or witnessed harassment, discrimination, or any other behavior prohibited by this policy, you should promptly report the facts of the incident(s) and the name of the individual(s) involved directly to your supervisor. If, for any reason, you feel uncomfortable reporting to your supervisor, promptly contact another supervisor and/or the City Manager with your concerns.

Upon receipt of a report of prohibited discrimination, harassment, or sexual assault, the manager who received the report will provide a copy of this policy to the employee.

5. No Retaliation

No employee will be retaliated against for making a complaint under this policy in good faith, or for participating or otherwise assisting in an investigation of such a complaint in good faith. If you believe you have been retaliated against in violation of this policy, you must report it to your supervisor. If your supervisor is the source of the concern, then report it to another supervisor and/or the City Manager

See also the Reporting Improper and Unlawful Activity Policy, below.

6. Investigation and Response

The City encourages the prompt reporting of complaints or concerns, so that action can be taken quickly. Early reporting and intervention are very often the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination, or retaliation will be investigated by the City promptly and appropriately to the circumstances in accordance with the City's investigative policy. It may be conducted by the City Manager or an outside investigator as the City determines to be appropriate. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge.

The City will maintain confidentiality throughout the investigatory process to the extent possible with acceptable investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include without limitation training, referral to counseling, or corrective action. Examples of possible corrective action include without limitation a warning, written reprimand, reassignment, temporary suspension without pay, or termination as the City believes appropriate under the circumstances.

The City may also subject managers and supervisors who fail to report known harassment—or fail to take prompt, appropriate corrective action—to disciplinary and/or corrective action, up to and including termination.

False and malicious complaints of harassment, discrimination, or retaliation, as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary and/or corrective action.

Following receipt of a complaint or concern, the City Manager will follow-up with the individual employee, or employees, who expressed the concern, every three (3) months for one (1) year to ensure no further concerns or retaliation are experienced. However, employees should not wait for the City Manager contact to share or communicate any further concerns or experiences. If an employee would like the City Manager to discontinue the follow-up process, a request must be submitted in writing to the City Manager

7. No Limitation of Remedies

Nothing in this policy prevents a complainant from a formal complaint with the Oregon Bureau of Labor and Industries (BOLI), or the EEOC and/or any other state or federal agency responsible for enforcing laws governing prohibited discrimination, harassment, and retaliation in employment.

A complaint filed by an employee with BOLI alleging an unlawful employment practice as described in ORS 659A.030 (prohibiting discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, age, or expunged juvenile record); ORS 659A.082 (prohibiting discrimination and mandating leave for certain military service); ORS 659A.112 (prohibiting discrimination against individuals with disabilities), or unlawful harassment, sexual assault, or a violation of the additional protections for victims outlined above, must be filed no later than five (5) years after the occurrence of the alleged unlawful employment practice. Other claims may have shorter timeframes.

In addition to the above, nothing in this policy prevents any person from seeking remedy under any other available law, whether civil or criminal.

8. Employment or Settlement Agreements

No employee will be required or invited to sign a non-disclosure agreement, non-disparagement agreement, a no-rehire provision or other agreement that would prohibit discussion or disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. For the purposes of this policy, a nondisclosure agreement is an agreement by which one or more parties agree not to disclose certain information, a non disparagement agreement is an agreement by which one or more parties agree not to make negative statements about the other(s), and a no-rehire provision is a provision in an agreement that prohibits an employee from seeking reemployment with an employer and allows an employer to not rehire that individual in the future.

An employee may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

9. Protected Communications and Documentation

This policy is not intended to restrict communications or actions protected or required by state or federal law. A victim of harassment may voluntarily disclose information regarding an incident of harassment that involves the victim.

Anyone who observes or experiences what they believe to be incidents of discrimination, harassment, or sexual assault are also encouraged to document such incidents.

10. Additional Victim Support Services

Employees may choose to use the Employee Assistance Program (“EAP”) benefits available to them through the City’s group health policy, and related services throughout and following instances related to concerns and complaints. In addition, there are victims’ resources available from City Manager

Any employee who has questions or concerns about this policy should talk with the City Manager

B. Disability Accommodation Policy

The City complies with all applicable federal, Oregon, and local laws providing for nondiscrimination in employment of individuals, and this includes providing reasonable accommodation(s) for qualified individuals in accordance with these laws, except where such an accommodation is unreasonable or would create an undue hardship on 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 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, providing readers and

interpreters, or making the workplace readily accessible to and usable by people with disabilities.

If you have a physical, mental, or sensory disability that affects your ability to perform any of the functions of your job and you believe you need an accommodation, or if you are pregnant or have a pregnancy-related condition that may require accommodation, discuss your circumstances with the City Manager. Likewise, if any work-related requirement may interfere with a religious observance or personal religious belief, you should talk to the City Manager and inquire about accommodation. 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 the City Manager and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. We will treat such information as confidential, except to the extent that others need to know to evaluate your request for an accommodation or to provide accommodations.

Once a request for accommodation is made, as permitted by law, the City may request medical opinions to verify your limitations or disability, identify potential reasonable accommodations, or to determine whether your continued work would pose a safety or health risk.

The City will make decisions about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation. While we encourage employees to suggest the specific accommodations that they believe may be ideal, be aware that the City is not required to make the specific accommodation requested and may provide an alternative effective and reasonable accommodation, to the extent it does not pose an undue hardship to the City.

C. Reporting Improper or Unlawful Conduct—No Retaliation

Employees may report reasonable 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;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the City;
- A substantial and specific danger to public health and safety resulting from actions of the City; 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.

1. Employee Reporting Options

In addition to the City's **Open Door Policy** (see Section V(H) below), employees who wish to report improper or unlawful conduct should first talk to his or her 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 the City Manager. Department heads are required to inform the City Manager about reports of improper or unlawful conduct they receive from employees.

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.

Employees who believe the City has violated the law may file a complaint with the BOLI or bring a civil action in court to enforce their rights.

2. 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 his/her coworker or supervisor acting within the course and scope of his or her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) the City Manager; 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.

3. Policy Against Retaliation

The City will not retaliate against employees who make reports or disclosures of information of the type described above based on a reasonable belief that the conduct is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided by Oregon law or by City policy).

In addition, the City prohibits retaliation against an employee because he or she participates in good faith in any investigation or proceeding resulting from a report made under 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 and/or corrective action (up to and including termination) 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 his or her 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 and /or corrective action, up to and including termination.

II. Employment Status

A. Probationary Period of Employment

The probationary period is an integral part of the employee selection process and provides the City with the opportunity to upgrade and improve the quality of City services by observing a new employee's work, training and assisting them in adjusting to their position and by providing an opportunity to terminate any employees whose work performance fails to meet required work standards.

All new employees, including current employees who are promoted or transferred within the City, are hired into a probationary training period that generally lasts no less than six (6) months but can be up to eighteen (18) months for some positions. The probationary period is an extension of the employee selection process. During this period, you 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 probationary 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 probationary period, a decision about your employment status will be made. The City 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.

Employment with the City is at-will. 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 probationary period for any lawful reason. Further, completion of the probationary period or continuation of employment after the probationary 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

1. Classification of Personnel

The City classifies employees as follows:

- *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.
- *Regular Part-time*: Employment requiring 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 working less than 24 hours per week are not eligible for insurance benefits except those mandated by applicable law.

- *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.

2. Exempt Status

Additionally, all employees are defined by federal and Oregon law as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime and/or compensatory, or comp time. 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 workweek is a seven-day work period beginning Sunday at 12:00 a.m. through Saturday at 11:59 p.m. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m.

D. Meal Periods and Rest Breaks

Nonexempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in one work period, so a typical eight (8) hour shift will include two (2) ten (10) minute breaks. Ideally, the rest break should be taken in the middle of each four-hour segment. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Nonexempt employees are required to take at least a 30-minute unpaid meal period when the work period is six (6) 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 (6) 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 his or her supervisor before the end of the shift, so the City may pay the employee for that work. For Police Officers, who are subject to emergency call even during their meal period, the meal period will be paid.

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” to come in late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline and/or corrective action, up to and including termination.

If unforeseen circumstances have prevented you from taking any scheduled breaks, the employee must notify their supervisor and/or the City Manager before the end of the shift, so that appropriate adjustments can be made.

E. Rest Breaks for Expression of Breast Milk

1. Procedure

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her 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 reasonable time as needed to express breast milk.

The City will treat the rest breaks used by the employee for expressing milk 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. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

If an employee takes unpaid rest breaks, the City may, at the sole discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this rule.

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.

Consult with your supervisor or the City Manager for any questions about this policy or for assistance with arranging these breaks.

2. Notice

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

3. 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. Overtime

1. Time-and-a-Half

The City pays overtime in accordance with applicable law. This means paying one and one-half times a non-exempt employee's hourly rate (the "overtime rate") for all hours worked in excess of 40 hours in a single work week.. See "Employee Classification," above. However, at the request of the employee and with approval of the supervisor, an employee may adjust their schedule within the 40-hour workweek even if the regular daily shift hours are exceeded on some days.

2. Assignment of Overtime Work

You may be required to work overtime. When overtime work is required by the City on a particular job, the non-exempt employee performing that job at the conclusion of his or her 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, it generally will be assigned on a predetermined schedule given to the employee with at least one-week's notice. That said, such notice is not always possible due to the emergency nature of the need, as is often the case for Police and Water staff, in which case as much notice as possible will be provided .

3. Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized (orally or in writing) by a supervisor or management. Although unauthorized overtime work will be paid, employees who work unauthorized overtime may be subject to discipline and/or corrective action, up to and including termination.

4. Compensatory ("Comp") Time (Non-exempt Employees Only)

Overtime hours are automatically paid at the next regular payroll unless the employee requests comp time in their timesheet and it is approved by their supervisor that it be accumulated as comp time, and that request is approved by the City Manager. Just as with overtime, comp time will be credited at one and ½ hour for each hour of overtime worked. No more than forty (40) hours of comp time may accrue, and any time in excess of 40 hours will automatically be paid as overtime and not accrue as additional comp time.

Nonexempt employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued. Comp time will be automatically paid out if not used within 60 days. In addition, when a nonexempt employee is separated from employment with the City, any remaining comp time will be paid to the employee.

5. Flexible Scheduling (Exempt Employees Only)

City employees are periodically asked to attend or work meetings or events on evenings and weekends, or to complete courses or training which may require extended hours beyond their traditional weekly time commitment. While such occasional additional time commitments are to be expected and are part of the employee's responsibilities, where possible to accommodate for extreme fluctuations, an employee will be allowed to flex their schedule, with approval from their manager and provided operational needs will accommodate it. This generally means, an agreed adjustment to their regularly scheduled hours, including shortened work days in the week(s) or reduced weekly schedule, after a period of extended after hours availability. Generally speaking, schedule adjustments, should occur within the same calendar month. This is not intended to be an hour-for-hour adjustments, as exempt personnel may regularly work more than 40 hours per week, but instead a way to recognize significant or extraordinary work obligations with scheduling flexibility, where possible.

G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on a time sheet for payroll purposes. Filling out another employee's time sheet, allowing another employee to fill out your time sheet, or altering any time sheet will be grounds for discipline and/or corrective action, up to and including termination. An employee who fails to record his or her time may be subjected to discipline and /or corrective action as well.

Salaried exempt employees also may be required to record their paid and unpaid time on a time sheet. These employees will be instructed separately on this process.

H. Employee-Incurred Expenses and Reimbursements

The City will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this Handbook; and (2) pre-approved by your 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 must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one (1) month of the expense being incurred or the employee risks forfeiting their payment or reimbursement.

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

- *Conferences or Workshops*: Includes registration fees and charges. Conference materials not included in the registration fee may be obtained with pre-approval of the Department Head or City Manager.
- *Lodging*: A room rate at an official conference hotel will be considered a reasonable rate. Otherwise, a room rate of \$115.00 per night plus taxes will be considered a reasonable rate.

- *Meals*: The following rates plus up to a 15% gratuity will be considered the maximum to be reimbursed for employee meal expenses: Breakfast - \$14.00; Lunch - \$14.00; Dinner - \$28.00. If a meal is provided as part of a conference registration, you may not seek reimbursement for that meal.
- *Mileage and Parking*: Employees will be reimbursed for authorized use of their personal vehicles at a rate of 58 cents per mile. 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.

I. Payroll Policies

You will be in accordance with the City's regular payroll schedule, which is currently bi-weekly every other Friday.

If a payday falls on a City-recognized holiday, employees will receive their checks on the last workday before the holiday.

If an employee requests to pick up his/her check from City, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to the City for someone else to receive the check.

The City will comply with applicable Oregon and federal wage and hour laws, including laws regarding deductions from paychecks such as garnishment. 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, or has failed to properly calculate your wages in any way, you must immediately report the error to the Department Head or the City Manager. The City will investigate all reports of improper pay practices and will make payments to employees accordingly. No employee will suffer retaliation or discrimination because he or she has reported any errors or complaints regarding the City's pay practices.

J. Payroll Deductions

The City makes the deductions from employees' paychecks that are required by law. Among these deductions are your federal, state and local income taxes and your contributions to Social Security, Medicare, applicable retirement programs, and worker's compensation insurance, as required by law. The amount of the deductions may depend on an employee's earnings and on the information an employee furnishes on his or her W-4 form regarding the number of dependent/exemptions claimed as required by law. Any change in your name, address, telephone number, marital status or number of exemptions must be reported to the Accounting Manager immediately, to ensure proper withholdings for tax purposes. Other deductions may be made from the employee's paycheck with the employee's written request, including but not limited to:

- Retirement plan contributions;
- Insurance payments; and

- Any other deduction of general interest to the City employee authorized by the employee in writing, with approval of the Accounting Manager

Employees will be notified of any other mandatory deductions to be made from their paycheck, such as court-ordered wage garnishments, whenever the City is ordered to make such deductions. See the Accounting Manager for details and other deductible options.

K. Errors in Pay

Every effort is made to avoid errors in employee paychecks. Employees are expected to review their paystubs, including their deductions and benefits accruals. If you believe an error has been made, tell your supervisor or the Accounting Manager immediately. The City will take the appropriate steps to research the problem and to assure that any necessary correction is made properly and promptly.

L. Personnel Records

Personnel records are considered confidential. Occasionally, the City receives requests for information for personnel records as part of court proceedings or government activities. It is our policy to respond to all such requests to the extent we are required to do so by law. In all other situations, we generally will provide only your job title, current status, and verification of employment dates, unless you specifically authorize us in writing to release additional information.

When you move, change your telephone number, have a marital or dependent change, or have other changes in your personal information that may impact benefits or tax reporting, please keep the Accounting Manager informed of such changes so we may keep your personnel records and insurance accurate and up-to-date. It is your responsibility to see that we have your current address and phone number, so that we can communicate with you as needed.

Examination of personnel files will generally be limited to normal business hours. A reasonable charge, not to exceed the actual cost to the City, may be required for any copies requested by a team member.

While employed, you may review your personnel file at any mutually convenient time generally limited to business hours. If you wish to do so, please notify the City Manager, so that a specific time may be scheduled when appropriate personnel will be available to answer your questions. Following employment, access to personnel files will be handled in accordance with applicable law. A reasonable charge, not to exceed the actual cost to the City, may be required for any copies requested by a former employee.

M. 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 can be important to you with regard to pay, deductions, benefits, and other matters. If you have changes in any of the following items, please notify the

Administration Office to ensure that the proper updates/paperwork are completed as quickly as possible:

- Name;
- Address and telephone number;
- W-4 deductions;
- Dependents;
- Person to be notified in case of emergency;
- Changes to employee benefits status; and
- Other information having a bearing on your employment.

Employees may not intentionally withhold information from the City as a means to abuse City policy. Upon request, the City may require employees to provide proof of marital status/domestic partnership status for purposes of employee benefits only. Employees who violate this policy may be subject to discipline and/or corrective action, up to and including termination.

N. Performance Reviews

All City employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, pay increases, job assignments, employee development, promotions, retention, and discipline/corrective action/termination. Any employee who fails to satisfactorily perform the duties of his/her position is subject to disciplinary action, up to and including termination. Performance reviews and salary increases do not alter the at-will employment relationship.

The City's goal is to provide an employee with his/her first formal performance evaluation within six (6) months after hire or promotion. After the initial evaluation, the City will strive to provide periodic formal performance reviews.

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 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.

III. Time Off and Leaves of Absence

A. Attendance, Punctuality, and Reporting Absences

Each employee is important to the overall success of operations. When one employee is absent, someone else must do the job. 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 must be avoided. Regular attendance is important for the efficient operations of each department, and is an essential function of your job. Regular and on-time attendance is a strong factor in your success at the City and will be carefully examined during performance reviews. Absences protected by applicable Oregon or federal leave laws are not considered when evaluating the employee's attendance.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent or tardy for any reason must inform their supervisor via telephone no later than one (1) hour before the start of the employee's shift/work day. If the employee's supervisor is not available by phone, then contact the City Manager as soon as possible. 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 be deemed an employee's voluntary resignation of employment.

B. Vacation

The City provides paid vacation for each full-time employee who has completed his or her probationary period. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his or her employment anniversary date.

For Regular Full-time employees, vacation accrues as follows:

Length of continuous service	Vacation accrual per month	Vacation hours per year
0-4 years	6.66 hours	80 (10 days)
5-9 years	8.66 hours	104 (13 days)
10-14 years	10.66 hours	128 (16 days)
15 -19 years	13.33 hours	160 (20 days)
20 or more years	16.66 hours	200 (25 days)

Regular Part-time employees earn vacation in the proportion that their normally scheduled number of hours compares to 40 per week. For example, a Regular Part-time employee who

usually works 20 hours per week would earn 40 hours of vacation upon completing his or her first year of service.

Vacation leave accrues on a monthly basis from date of hire, but vacation leave may not be taken during an employee's probationary period unless prior arrangements have been made with the Department Head prior to employment.

Vacation leave may be carried over from year-to-year, although employees are strongly encouraged to take at least one-half of their vacation leave in the year in which it is earned.

Vacation must be scheduled with one's supervisor at least two (2) weeks in advance of the date(s) the employee wishes to take as vacation to determine whether or not the time off can be allowed.

Employees are not entitled to pay in lieu of taking time off for vacation. Upon termination of employment for any reason, an employee will be paid for up to 120 hours of unused earned vacation with any remaining accrual being automatically forfeited.

C. Sick Leave

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.

Employees with questions about this policy may contact their supervisor or the Administration Office. Please also refer to the Oregon Sick Leave Law poster that is posted in City Hall and is incorporated here by reference.

1. Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt, and non-exempt employees. Sick leave runs concurrently with other leave where allowed by law.

Employees begin to accrue paid sick leave on the first day of employment, but may not use paid sick leave until the 91st day of employment. After the 91st day of employment, paid sick leave may be used as it is accrued.

For regular full-time employees, paid sick leave shall accrue at the rate of eight (8) hours for every month worked until the 720 hour accrual cap is reached. Regular part-time employees and temporary employees shall accrue paid sick leave in the proportion that their normally scheduled number of hours compares to 40 per week. For example, a regular part-time employee who usually works 20 hours per week would accrue paid sick leave at the rate of four hours per month until the 720 hour accrual cap is reached. Paid sick leave shall be taken in hourly increments.

2. Pay Rate and Carryover

Paid 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. The employee may be required to provide 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 accrued and unused sick leave for use in a subsequent calendar year. Sick leave accrual is capped at 720 hours.

3. Use of Sick Leave

Accrued paid sick leave may be used for the following reasons:

- For an employee's mental or physical illness, injury, or health condition; need for medical diagnosis, care, or 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.
 - "Family member" means the eligible employee's grandparent, grandchild, spouse, or registered 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.
- For any purpose allowed under the Oregon Family Leave Act, ORS 659A.159, including bereavement leave.
- 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 leave law (ORS 659A.272).
- In the event of certain public health emergencies or other reasons specified under Oregon's 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.

4. Employee Notice of Need for Sick Leave

Foreseeable Sick Leave: If the need for sick leave is foreseeable, an employee must notify the supervisor/manager as soon as practicable before the leave. Generally, an employee must provide at least 10 days' advance 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 City's operations. Employees must notify their supervisor/manager of any change in the expected duration of sick leave as soon as is practicable.

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify the department head as soon as practicable. Generally, an employee should notify his/her immediate supervisor of unforeseeable sick leave at least 30 minutes before the beginning of his/her shift, unless physically unable to do so, at which time notice should be given as soon as possible.

An employee must contact his/her supervisor daily while on sick leave, unless an extended period of sick leave has been prearranged with the supervisor or when on protected leave. The employee shall inform his/her supervisor of any change in the duration of sick leave as soon as practicable. The employee should make a reasonable attempt to schedule the use of sick time in a manner that does not unduly disrupt the City's operations.

5. Sick Leave Verification

If an employee takes more than three (3) consecutive scheduled workdays as sick leave, the City may require medical verification or certification showing that the employee was absent for an approved reason. The employee must provide medical verification within 15 days of the City's request; certification must be provided within a reasonable time. Medical verification includes documentation signed by a healthcare provider, or alternative acceptable documentation for victims of domestic violence, harassment, sexual assault or stalking.

6. 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 verification from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline and/or corrective action, up to and including termination.

D. Holidays

The City recognizes thirteen (13) holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday for the number of hours proportional to their normally scheduled number of hours per week compared to 40 hours per week. The holidays celebrated are:

- New Year's Day—January 1
- Martin Luther King Jr. Day—3rd Monday in January
- Presidents' Day—3d Monday in February
- Memorial Day—last Monday in May
- Independence Day—July 4
- Labor Day—1st Monday in September
- Veterans' Day—November 11
- Thanksgiving Day—4th Thursday in November
- Day after Thanksgiving Day
- Christmas Day—December 25
- Christmas Eve – December 24

- Day before New Year's Day - December 31
- One (1) floating holiday

If a holiday listed above falls on a Sunday, the following Monday will be given as a holiday unless Monday is already a holiday; then the preceding Friday will be given as a holiday. If a holiday listed above falls on a Saturday, the preceding Friday will be given as a holiday. Likewise, where there are back-to-back holidays such as Christmas Eve and Christmas, or New Year's Eve and Near Years Day, where the preceding holiday falls on a Friday, then the holiday would be observed on the preceding Thursday.

Holidays listed above which occur during vacation or sick leave shall not be charged against such leave.

Floating holidays may only be used in full-day increments; partial days are not allowed. The floating holiday must be used in the calendar year it was accrued.

Employees must coordinate requests for floating holidays with their manager.

Holidays for Police Personnel: In lieu of the holidays listed above, employees working in the Police Chief and Police Officer positions shall accrue one regular shift of holiday leave at the beginning of the year and then one more per month thereafter. Such leave must be taken within two (2) months of when the leave was accrued. Holiday leave may be used in conjunction with other paid leave with the approval of the City Manager. Upon termination of employment, an employee shall be paid for all unused earned holiday leave.

In addition, any police personnel who are veterans are permitted to take 1 day of leave on Veteran's Day, provided that the employee: (1) would otherwise be required to work on that day and (2) requests the day off at least 21 days in advance. Within 14 days after receiving a timely request, the City will let the employee know whether that individual will be allowed to take Veteran's Day off. If taking leave on that day would be an undue hardship for the City (for example, if it determines the public safety requires additional staffing), the employee will be allowed to take a different day off of work, provided this time is unpaid unless the employee elects to use a floating holiday.

E. Family Medical Leave

City employees are not eligible to take leave under the federal Family and Medical Leave Act or the Oregon Family Leave Act because the City has fewer than 25 employees. However, the City permits employees to take up to twelve (12) workweeks of unpaid leave in a 12-month period for one or more of the following reasons:

- To care for a newborn child, a newly adopted child, a newly placed foster child under age eighteen (18), or an adult child who is incapable of self-care because of a physiological or mental impairment. Family leave includes time to effectuate the legal process required for placement of a foster child or adoption of a child. This leave must be completed within twelve (12) months after birth or placement.
- To care for a family member with a serious health condition;

- To care for a covered service member with a serious injury or illness, if the team member is the spouse, son, daughter, parent or next-of-kin of the service member. [Note: An eligible team member is entitled to a total of twenty-six (26) workweeks of leave for this purpose during a single twelve (12)-month period, measured forward from the first date the team member uses covered service member leave as required by law];
- To take medical leave when the team member is unable to work because of a “serious health condition; or
- Because of “qualifying exigencies” arising out of the fact that the team member’s spouse, son, daughter or parent is on active duty under a federal call (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation, as required by law. “Qualifying exigencies” will be determined in accordance with applicable law at the time of the request, and may include but are not limited to assisting the military family member with or attending activities such as: (1) short-notice deployments; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities related to a family member’s active duty status or impending call to active duty as may be permitted by District.

To qualify for Family Medical Leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave, an employee must have been employed for at least 180 days (no per-week hourly minimum is required). For purposes of Oregon Military Family Leave Act leave, an employee becomes eligible after having worked only 20 hours per week (no minimum length of employment required).

Employees seeking further information should contact the City Manager.

1. Definitions

For purposes of this policy, the following definitions will apply:

“Family member” is defined as a spouse (including registered, same-sex domestic partners), parent (biological, adoptive, step, foster, or *in loco parentis*), parent of a registered, same-sex domestic partner, parent-in-law, grandparent, grandchild, or “child” (see definition below).

“Child” includes a biological, adopted, foster or stepchild, the child of a registered, same-sex domestic partner, or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of Serious Health Condition Leave, the “child” can be any age; for all other types of family medical leave, the “child” must be under the age of 18 or over 18 if incapable of self-care because of a mental or physical disability.

“Serious health condition” is an illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home; requires constant or continuing care such as home care administered by a health care professional; or involves either an overnight stay in a medical care facility, or continuing treatment by a health care 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.

Other conditions may qualify as "serious health conditions". 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.

2. Reasons for Taking Leave

Family Medical Leave is defined to include and may be taken under any of the following circumstances:

- *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.
- *Family Member's Serious Health Condition Leave*: To care for a Family Member with a serious health condition.
- *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.
- *Pregnancy Disability Leave*: For incapacity due to pregnancy, prenatal medical care or birth.
- *Sick Child Leave*: To care for a child who suffers from an illness or injury that does not qualify as a Serious Health Condition but that requires home care. 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. Sick Child Leave is not available if another family member is able and willing to care for the child.
- *Bereavement Leave*. See the Bereavement Leave Policy below in this handbook.

3. Length of Leave

In any One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), or Sick Child Leave;
- In some cases, an additional 12 weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee ("Pregnancy Disability Leave"); and
- In some cases, employees who take the entire 12 weeks of Parental Leave will be entitled to an additional 12 weeks of Sick Child Leave.

4. One-Year Calculation Period

The “twelve-month period” during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a rolling 12-month period measured backward from the date an employee uses any family medical leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

5. Intermittent Leave

Intermittent or reduced schedule leave may be taken when medically necessary due to the serious health condition of a covered family member or the employee. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of 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, unless allowed by applicable law.

6. Employee Responsibilities —Notice

Employees must provide at least 30 days’ notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, or for planned medical treatment for a serious health condition of the employee or of a family member. If 30 days’ notice is not practicable, such as 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. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to 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 his or her supervisor 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 his or her supervisor 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 the leave may not be protected.

7. Certification

Generally, employees must provide sufficient information for the City to determine if the leave qualifies for family medical leave protection and whether the anticipated timing and duration of the leave complies with this policy. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider.

Additionally:

- Employees requesting Serious Health Condition leave for themselves or to care for a family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.

- Employees requesting Sick Child Leave may be required to submit, at a minimum, a note from a doctor or health care 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 Calculation Period.

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 (except for leave to care for a sick child), the City may require a second or third opinion, at City 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.

8. Fitness-for-Duty Certification

If family medical leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from their health care provider stating that the employee is able to resume work.

9. Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave before a period of unpaid leave of absence on family medical leave. Use of accrued paid leaves will run concurrently with family medical leave, except where paid family or medical leave benefits are available under Paid Leave Oregon, once they become available after September 3, 2023. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time or sick leave available to use during a family medical leave, the leave will be unpaid.

10. Holiday Pay While on Leave

Employees receiving short- or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved family medical 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.

11. On-the-Job Injury or Illness

Family Medical Leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, family medical leave will commence.

12. Benefits While on Leave

The City will continue the employee's health coverage under any group health plan during a period of approved family medical 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 family medical leave. Employees will not

accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on a family medical 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 City benefit plans.

13. Job Protection

Employees returning to work from Family Medical 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 Family Medical 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 Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.

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

Employees must use leave for the qualifying purpose for which leave is certified, or leave may not be protected. Employees may not use family medical leave fraudulently or the employee may be subject to discipline and/or corrective action, up to and including termination.

F. Bereavement Leave

Up to 40 hours of bereavement leave will be granted to full-time employees who have worked for the City for 90 or more days. This leave is provided to employees who have experienced the death of a family member. Employees will be paid during the first 24 working hours of bereavement leave, and the balance of this leave is unpaid. Employees, however, may use accrued sick leave during the bereavement leave period. "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), biological, step-, or foster child or parent, parent-in-law, grandparent, or grandchild, or any person with whom the employee has an in loco parentis (i.e., in place of parents) relationship. Requests for bereavement leave must be made to the employee's immediate supervisor before the leave is to begin.

Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The 40 hours of bereavement leave must be taken in the 60-day period following notice of death of a family member.

Employees who wish to take bereavement leave must inform their supervisor as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, oral notice must be provided within 24 hours of beginning leave. Written notice must be provided to the employer within three days of returning to work.

G. Jury and Witness Duty

1. 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. Jury duty leave is treated as time worked for pay purposes, but the employee must turn over any jury duty pay above \$50.00 he or she receives.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his or her supervisor or manager informed about the amount of time required for jury duty.

2. 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 the Administration office upon receipt.

Except for employee absences covered under the City's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation or comp time to cover their absence from work. If the employee does not have any available vacation or comp time, the employee's absences will be unpaid. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than one business day after being served.

H. Religious Observances Leave and Accommodation Policy

The City respects the religious beliefs and practices of all employees. The City will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's operations. 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 to the City Manager.

I. Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault. The leave may be reasonably limited if it creates an undue hardship to the City. Accrued but unused sick or vacation time may be used during the leave period.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and

- Submit a request for the leave in writing to the City Manager 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, including police reports, court orders or evidence from a court, or be provided by an attorney or other professional servicing the victim as outlined in Oregon regulations.

J. Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable unpaid 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 including involvement in a judicial action or proceeding;
- 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 to take steps to 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.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his or her 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 the City Manager as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. All documents will be kept confidential. The City will then generally require certification of the need for the leave, including without limitation:

Certification for this type of leave may include, but is not limited to:

- A copy of a police report indicating that the employee or the employee's minor child or dependent was a victim of domestic violence, sexual assault, or stalking.
- A copy of a protective order or other evidence from a court or attorney that the eligible employee appeared in or was preparing for a civil or criminal proceeding related to domestic violence, sexual assault, or stalking.
- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy, or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, sexual assault, or stalking.

If more leave than originally authorized needs to be taken, the employee should give the City notice as soon as is practicable before 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 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 Service Leave

Employees who wish to serve in the Armed Forces, Military Reserves, National Guard, or other military service 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.

Oregon Public Employee Temporary Active Duty Leave: In addition to the above, employees who have worked for the City for six (6) months are entitled to military service leave with pay not to exceed 15 calendar days in any one training year for annual active duty for training as a member of the National Guard, National Guard Reserves, or any reserve component of the U.S. Armed Forces, or the U.S. Public Health Services.

A "training year" means the federal fiscal year (October 1 through September 30) for any unit of the National Guard or a reserve component. Such leaves are granted without loss of other leave and without impairment of other pay, rights, or benefits, providing the employees receives bona fide orders to training duty for a temporary period and providing they return to their position immediately upon expiration of the period of ordered duty as provided for under ORS 408.290.

L. Oregon Military Family Leave

During a period of military conflict, as defined by State statute, eligible employees with a spouse or registered same-sex 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. An employee is expected to provide at least five (5) days' notice of a need for Military Family Leave, and the leave will be unpaid unless the employee elects to use any available sick leave or vacation in advance of leave.

IV. Employee Benefits

A. Healthcare Benefits

Employees who meet the definition of “benefit eligible” under both the City policy and that of its health insurance provider are entitled to the benefit options offered by the City. Generally, that means the City offers medical, dental, and vision insurance for all of its Regular Full-time employees and their dependents unless otherwise established by law.

Currently the City pays 94% of the monthly premium costs for medical, dental, and vision coverage with employees paying 6% of the premium costs as monthly payroll deductions. Regular Part-time employees who work 96 hours or more per month are eligible for medical, dental and vision insurance coverage, and the City pays a percentage of the premium equal to the proportion of full time hours worked. These percentages are reviewed by the City periodically.

The group insurance policies and the summary plan descriptions issued to employees set out the terms and conditions of the medical, dental and vision insurance plans offered by the City. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the City, employees will be advised and provided with copies of relevant plan documents. Copies are available from the City Administration office.

B. Life Insurance

As of January 1, 2023, City employees who enroll in the City’s group health plan are also eligible for a life insurance benefit of up to \$50,000, paid for by the City.

C. Employee Assistance Program (EAP)

This free, confidential service is provided to all employees covered by our medical insurance benefits, and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the City Administration Office.

D. Workers’ Compensation and Safety on the Job

Employees are protected by workers’ compensation insurance under Oregon law. This insurance covers employees 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.

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

If you are injured on the job, the City wants to know about it and expects to learn about it as soon as possible after your injury; you must report all work-related injuries to the 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:

- Report in writing any work-related injury to your supervisor as soon as possible following the injury;
- Seek medical treatment and follow-up care if required; and
- Promptly complete a written Employee’s Claim Form (Form 801), which may be obtained from your Department Head, and initiate a claim by calling CIS directly. Injuries must be

reported in this manner within 24 hours if medical treatment is sought, and within 3 days if no medical care is obtained.

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

2. Return to Work

When an employee who sustained an injury is able to return to the employee's regular employment, the City will strive to reinstate the employee to the employee's former position if it exists, or to a vacant and suitable position existing position. However, the employee must first submit documentation from a physician or nurse practitioner authorized to provide compensable medical services certifying that the employee is able to perform the essential functions of his or her 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. The City does not discriminate against employees who suffer a workplace injury or illness.

3. 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.

4. Overlap with Other Laws

The City will administer Workers' Compensation laws and regulations in compliance with all other applicable federal, Oregon, and local laws.

E. 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 the City's contributions to employee PERS or OPSRP plans, please see the Administration office.

F. Longevity Pay

The City provides additional pay to recognize employees who have worked for the City for many years. A longevity pay premium is paid monthly to employees who have reached Step E on the salary schedule and have completed 10 or more years of uninterrupted service with the City. One of the following percentages is added to the Step E base pay depending on the number of years the employee has been with the City:

- Step E and completion of 10 years of service: 1.5% of Step E base pay
- Step E and completion of 15 years of service: 2.5% of Step E base pay
- Step E and completion of 20 years of service: 3.5% of Step E base pay

G. Certification Premium Pay

The City encourages its employees to seek professional certifications above what are required to hold certain positions.

For employees in the Police Officer classification, certification premium pay is awarded for attainment of the following certifications from the Oregon Department of Public Safety Standards and Training:

- DPSST Intermediate Certification = 2% of base pay per month; or
- DPSST Advanced Certification = 5% of base pay per month.

For employees in the Utility Worker and Senior Utility Worker classifications, certification premium pay is awarded for attainment of the following certifications from the State of Oregon:

- Water Distribution II = 2% of base pay per month
- Water Treatment II = 2% of base pay per month

Total eligibility for certification pay is 4% for attainment of both Water Distribution II and Water Treatment II certifications.

V. 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.

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

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

1. Prohibited Conduct

- 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.

As a limited exception, law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, *e.g.*, collecting evidence.

- 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 scheduled or unscheduled working 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 citizens. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on City property or on City scheduled or unscheduled working time.
 - Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, *e.g.*, collecting or transporting evidence.
 - 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 Substances Act, including marijuana that is otherwise lawful to use under Oregon 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” and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other “controlled substance” to co-workers, members of the public, or elected officials during the employee’s working hours or on/in City property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, “vape” pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law enforcement work.
- 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.

2. 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 health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee’s performance or City operations.

The City is an employer that affects public safety and strives to provide a safe environment for its employees and its citizens. As such, the City adheres to the EEOC guidelines regarding prescription drugs. Employees who are in a position affecting public safety must inform their supervisor about any prescription drugs that they take or use that affects the employee’s ability to perform their essential functions, resulting in a direct threat to the public. 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 the 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 the City will not agree to allow an employee to use marijuana when working, during meal or rest breaks, or anywhere on City property. (See "Disability Accommodation Policy," above.)

3. 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, before work, or during a meal or rest break, or has used drugs or alcohol in violation of this policy, the 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 the City Manager. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her "reasonable cause" assessment.

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 used 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 one business day after the test result is received. 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. Post-Accident Testing

Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment or property; or (b) result in an injury to themselves or another employee requiring offsite medical attention; or (c) when the City has reasonable cause to believe that the accident or injury may have been caused by drug or alcohol use.

5. 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, or in property, equipment or supplies provided by the City to employee.

6. 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 and/or corrective action, 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.

7. Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five (5) calendar days of the arrest or conviction;
- 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.

8. 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 that he or she has a problem involving the use of alcohol or drugs should ask a supervisor or the City Manager 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 of the 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 or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

9. Discipline/Corrective Action and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol in accordance with 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 the problem. The last-chance agreement will inform the employee of the problems noted with their performance and to 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.

10. 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. Media Contact

Press/News releases are to be made only by the City Manager and/or designees in his or her absence. Inquiries by the media should be directed to the City Manager immediately.

C. Cellular Devices Policy

This policy applies to employee use of cell phones, smart phones (including iPhones, “smartphones” and similar devices), tablets and similar devices, all of which are referred to as “cellular devices” in the Cellular Devices Policy.

1. Cell Phones and Cellular Devices in General

Employees are allowed to bring personal cell phones and cellular 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. The City will not be responsible for any damage to personal cell phones and cellular devices that employees bring to work with them.

Employees who use personal or City-provided cell phones/cellular devices may not violate the City’s policies against harassment and discrimination. Thus, employees who use a personal or City-provided cell phone/cellular device to send a text or instant message to another employee (or to a citizen or someone not employed by the City) that is harassing or otherwise in violation of the City’s no-harassment and no-discrimination policies will be subject to discipline and/or corrective action, up to and including termination.

Nonexempt employees may not use their personal or City-provided cell phone/cellular 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, use of data, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

2. Employee Use of City-Provided Cell Phones/Cellular Devices

Cell phones/cellular devices are made available to City employees on a limited basis to conduct the City’s business. Determinations as to which employees receive City-provided cell phones will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device.

Employees who receive a cell phone or cellular device from the City must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Devices Policy. Further, employees who receive a cell phone or cellular device from the City must acknowledge and understand that because the cell phone/cellular device is paid for and provided by the City, any use of data, any communications (including text messages) received by or sent from the cell phone/cellular 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 Cellular Device Policy or any other City policy. An employee who refuses to provide the City access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline and/or corrective action, up to and including termination.

Employees may not use City-provided cell phones or cellular devices to call 1-900, 1-976 or similar “pay per minute” services. Further, family and friends may not use an employee’s City-provided cell phone/cellular device.

3. Cell Phones/Cellular 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.

4. Cell Phone/Cellular Device Use While Driving

The use of a cell phone or cellular 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 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 cellular device to send or receive text or "instant" messages while driving while conducting 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 and /or corrective action, up to and including termination.

5. Use of City-Provided Cell/Phone/Cellular Devices Required During Working Hours

Employees who have been issued cell phones/cellular devices by the City must carry their City-provided cell phone/cellular device during working hours and keep them turned on. Upon written notice to the employee, the location of the cell phone/cellular device may be tracked during the employee's working hours using the GPS locator within the cell phone/cellular device. The locator is used primarily to quickly identify the location of employees working outside of City offices so that unanticipated work tasks can be assigned more efficiently. Such tracking will not be done outside of the employee's working hours to protect the employee's privacy. Employees may not turn off location services on the phone while on duty during working hours. Employees may not add, remove, or modify the use of applications on the cell phone/cellular device unless approved by their department head.

D. Use of City Email and Electronic Equipment, Facilities, and Services

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

1. Ownership

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

2. Use

All of the City's electronic equipment, facilities, and services are provided and intended for City business purposes only and not for personal matters, communications, or entertainment. Access to the Internet, websites and other electronic services paid for by the City are to be used for City business only. This means, for example, that employees may not use the City-provided Internet, or City electronic equipment, facilities 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 rights to privacy of protected healthcare information or other City-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses); or
- Download or view streaming video 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.

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.

3. Inspection and Monitoring

Employee communications, both business and personal, made using City electronic equipment, facilities, and services are not private to the employee. 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 websites visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

4. Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems without approval from the City Manager. All software installed on the City's computer systems must be licensed. Copying or transferring of City-owned software may be done only with the written authorization of the City Manager.

5. Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City management. No employee can examine, change or use another person's files, output or user name unless they have explicit written authorization from the City Manager to do so.

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

7. 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.

E. Social Media

The City recognizes that many employees engage in social media activity while off duty. 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 web site (such as Facebook, LinkedIn, Snapchat, TikTok, etc.); web bulletin board or chat room; microblogging (such as Twitter); and media –sharing sites (such as Instagram, Tumblr, YouTube, Flickr, etc.), whether or not associated or affiliated with the City, as well as any other form of electronic communication. "Social media activity" also includes permitting, or failing to remove, posts by others where the employee can control the content or visibility of posts, such as on a personal page or blog.

The City respects the legal rights of its employees and understands that their time outside of work is their own. However, employees who engage in social media activity should be mindful that their social media activity, even if done off premises and while off-duty, could affect the City's legitimate interests. For example, some readers may mistakenly view you as a de facto

spokesperson for the City. Given these and other risks, this policy applies to all City employees using social media activity when on or off duty, while using the City's or personal electronic resources or internet access, and whether or not an employee or volunteer posts anonymously or uses a pseudonym.

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 co-workers, or otherwise adversely affects our citizens or people who work on behalf of the City or the City's legitimate business interests may result in disciplinary and/ or corrective action, up to and including termination.

1. Prohibited Postings

Employees will be subject to discipline and/or corrective action, 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 and/or corrective action, up to and including termination.

Do not create a link from your blog, website, or other social networking site to a City-owned or City-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 receive written authorization 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.

Employees should not use City's names, logos, trademarks, or proprietary graphics in a way which suggests that the employee is representing the City or any of its affiliated operations, or while engaging in conduct that is unlawful or violates City policy.

Employees should not post photographs or video of the non-public areas of the City's premises, or of any volunteers or employees, even if in public areas, without the City's prior written approval.

2. Encouraged Conduct

Always be fair and courteous to co-workers, the citizens 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 co-workers, 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; disparage citizens, co-workers, City employees, or elected officials; might constitute harassment or bullying, and/or that violate City policies. Examples of such

conduct might include without limitation offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other protected class 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 of Manzanita Information" policy, below.)

Nothing in this policy is meant to prevent an employee from exercising his or her right to make a complaint of discrimination or other workplace misconduct, to address working conditions in concert with other employees, or to express an opinion on a matter of public concern that does not unduly disrupt 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.

3. 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 for employment to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a user name 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 receiving specific information about activity of an employee on a personal online account or service, or from requiring an employee to share content from his or her social media or internet account that has been reported to the employer that is necessary for the employer to make a factual determination about an investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

F. Confidential City of Manzanita Information

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 and/or corrective action for violating this policy.

Examples of inappropriate disclosures include without limitation discussing or revealing confidential information to friends or family members or attempting to use confidential information for personal gain or the gain of others.

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 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 legitimate business purpose or when required by law.

G. Ethics

At the City, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to 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 citizens.

We at the City are public employees, and as such, are also subject to the State of Oregon's ethics laws. The employees of the City must adhere to all applicable Oregon and local ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

In particular, the City expects the following:

- Personal Interests Avoided. City employees may not use City property, time, equipment, or services for personal interest or gain, unless that use is part of the employee's compensation package in or City's benefits package.
- Gifts and Gratuities. Employees shall not accept any special favors, gifts, or gratuities resulting from or related to employment with the City. Notwithstanding the foregoing and in accordance with Oregon ethics rules, Department Heads may allow acceptance of non-monetary gifts of nominal value at holidays or special occasions which are available to be shared by all employees.

If you have questions about whether an activity meets the City's or Oregon's ethical standards, please talk with your supervisor or the City Manager. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to discipline and/or corrective 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. The 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 unlawful retaliation. If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the 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 the City Manager.

I. Outside Employment

Generally, employees may obtain employment with an employer other than the 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 the City's operations or these rules and policies.

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 during the City's operational hours 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 department head before the outside employment begins. Thereafter, an employee must provide an update to their department head on an annual basis, or sooner if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline and/or corrective action, up to and including termination.

J. Criminal Arrests and Convictions

Employees must promptly and fully disclose to their supervisor, or other manager if the employee's supervisor is unavailable, 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. All criminal arrests and convictions will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they are incarcerated may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary and/or corrective action, including termination.

K. Political Activity

1. Official Position—Campaigning

Employees may not use their official authority or position with the City to further the cause of any political party or candidate for nomination or election to any political office.

2. On-Duty 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.

3. Off—Duty Activity

During the term of employment, a City employee may not hold any elective office that creates a conflict of interest between the duties of that employee and the prospective duties of the elective office holder. An employee must obtain a prior written approval from the City Manager before filing as a candidate for an elective office. Failure to obtain prior written approval may be deemed by the City to constitute a voluntary resignation if the employee is elected and the City determines that the elected position creates a conflict of interest with the employee's position with the City.

Nothing in this rule is intended to restrict the political actions or activities of employee outside of their regular working hours.

L. Appearance/Dress Code

You are a part of the image visitors and constituents have of our City and your personal neatness, dress, grooming, and conduct will greatly influence the opinion others have of the City. That means the professional presentation of all employees is important to maintaining the trust and respect of our constituents and visitors. The purpose of this dress code policy is not to be restrictive, but to ensure a sanitary, professional atmosphere in all areas of the facilities and represents the high quality of service offered at and by the City.

- Clothing and other attire must be clean, free of visible holes, rips or tears, and not revealing.

- Clothing should not include language or images that could be considered offensive to community members, employees, or others in the workplace based on racial, sexual, religious, political, ethnic or other characteristics or attributes of a sensitive or legally protected nature.
- Employees are further requested and expected to abide by more specific requirements or expectations applicable to their location or department.
- Piercings or gauges are permitted in the ear and nose, provided they do not present a safety or other hazard while on duty.
- Tattoos may be visible, provided they are not offensive to community members, employees, or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.

M. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City (see “Holidays” section, above), 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 of our office locations 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 offices and/or operations will close. Information about a closure will be transmitted to employees by the City Manager or his/her designee via phone or email.

In the event of extreme bad weather, we recognize that each employee’s ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve the City from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides. If you elect to not report for work when others in your department have reported for work, you must use accrued comp time (if you’re a nonexempt employee) or vacation time for that day.

N. Driving While on Business

Employees using a private vehicle to conduct the City’s business must possess a valid driver’s license and must carry auto liability insurance. 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 your driver’s license and/or your driving record at the time of hire and at any point during your employment.

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 operated. Seatbelts are to be used in all vehicles while on City 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 City 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, "Cell Phone Use While Driving" policy, 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 and /or corrective action, up to and including termination.

O. Workplace Violence

The City recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, 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 their supervisor.

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 co-workers or others. See policy on "Workplace Inspections."

P. Workplace Inspections — No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by the City under policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems, and computer systems. 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 and computer systems assigned to them by the City; these areas are not private.

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

Q. Smoke-Free Workplace

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, 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, the City prohibits tobacco/marijuana use in or around City vehicles and equipment or machinery. In addition, Oregon law prohibits smoking within 10 feet of building entrances, exits, windows that open, and ventilation intakes that serve an enclosed area.

R. City Property

You are expected to exercise care in the use of City property. Negligence in the care and use of City property and unauthorized removal or personal use of City property may be cause for discipline, and/or corrective action, up to and including termination. City property issued to you, including, but not limited to, software, manuals, and proprietary information, must be returned if your employment with the City is terminated, either voluntarily or involuntarily. If City property is not returned, you will be responsible for the value of the property.

Removal of property from the premises without written authorization from the supervisor or City Manager responsible for the property in question will be treated as theft. Employees are required to report to City Manager any information or evidence regarding property theft or damage. Failure to do so will result in termination. Examples of the kind of property subject to this policy are:

- Materials, equipment and tools.
- Personal property owned by City or other employees.
- Confidential literature.
- Files, computer disks, tape, and other storage media.
- Information identified as proprietary.

The City is not responsible for stolen items, including personal items.

1. Equipment and Supplies

Supplies and equipment represent an enormous cost to the City. Proper job performance requires care and good judgment in the operation of equipment and use of supplies. Each Department Head and his/her employees shall be responsible for the safety, maintenance, and upkeep of the department's supplies and equipment.

2. Automobiles

The City provides parking facilities for the use of City employees. Employees may not park in areas designated as visitor or emergency vehicle. The City assumes no responsibility for damage to vehicles or theft of articles from vehicles while on City property.

Certain team members are required to use City-owned vehicles to carry out their duties. When the vehicles are not being used for business, they will be kept on City owned or leased property.

An employee who operates a City-owned vehicle must follow the additional expectations outlined in the "Driving While on Business" policy above.

S. Remote Work

Employees are not to work from home or away from the office without prior permission from their supervisor, and all time spent working offsite must be appropriately reported. Failure to obtain prior approval and/or report work time spent working remotely may result in disciplinary and/or corrective action, up to and including termination.

Where remote work is requested, the City will determine in its sole discretion whether the employee's job is appropriate for a telecommuting arrangement, including equipment needs, workspace design considerations, and scheduling issues. If approved, the arrangement will be subject to a remote work agreement that outlines the scope of the approval and requirements applicable to the circumstances.

Any approved telework arrangements are a privilege and not an expectation of employment. The City has the right to refuse to make teleworking available to an employee and to terminate a telework arrangement at any time.

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 and/or corrective action, 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 and /or corrective action, up to and including termination.

- Falsification of employment or other City records.
- Recording of work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time sheets (your own or another employee's).
- 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.
- Unauthorized use of City equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City property.
- Engaging in criminal or other unlawful 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 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.

- 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.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business 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.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- 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.
- Harassment or discrimination that violates City policy.

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

C. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give the City as much notice as possible—preferably a minimum of two (2) weeks. When giving your two weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two weeks' notice of your intent to leave the City, you will not be eligible for re-employment at a later date.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the City Manager before making a final decision.

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

D. References

All requests for references or recommendations must be directed to the City Manager. No manager, supervisor or employee is authorized to release 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, the City discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

Acknowledgment of Receipt of 2023 Employee Handbook of Personnel Policies

I acknowledge that I have received a copy of the City of Manzanita's (the "City") 2023 Employee Handbook of Personnel Policies (the "Handbook"). I also understand that a copy of the Handbook is available to me at any time to review in the Administration Office and that an electronic copy will be provided to me upon request. I understand that it is my responsibility to read, familiarize myself with, and abide by the policies, procedures, and rules contained in this Handbook. I also agree that if there is any policy or provision in the Handbook or supplements that I do not understand, I will ask my supervisor, manager, or the City Manager for clarification.

I also understand and acknowledge that:

- I understand that the City has adopted the Handbook only as a general guide about policies, work rules and the work environment, and that its rules and policies, including but not limited to wages and working conditions, are subject to change at any time in the City's sole discretion.
- I understand that the Handbook control over any other contradictory statements, and it supersedes any Handbook previously issued.
- I acknowledge that the Handbook is not an employment contract and is not intended to give me any express or implied contract of employment or right to continued employment or to any other term or condition of employment.
- I understand that either the City or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice. I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.
- I have reviewed or will review the City's policies regarding equal employment opportunities, anti-harassment, anti-discrimination, and anti-retaliation and that the City aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to the City Manager or any trusted manager or supervisor. I understand that any employee who engages in conduct prohibited by these policies will be subject to discipline and/or corrective action, up to and including termination of employment.
- I understand that my use of the City's property, equipment, and technology constitutes my consent to all the terms of conditions related to its policies regarding those areas. I understand that I have no expectation of privacy in connection with City computers and devices, and that I should not use such equipment for personal use.
- During my employment with the City, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new policies as issued, and to ask questions about any interpretation of any of the policies.

- I understand that this Handbook and the policies contained herein are not intended to limit or prevent me from exercising any rights I may have under federal and/or equivalent Oregon law.
- 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.



City of Manzanita

COUNCIL RESOLUTION No. 22-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANZANITA, OREGON, ADOPTING AN EMPLOYEE HANDBOOK OF PERSONNEL POLICIES

WHEREAS, the current handbook of City personnel policies has not been updated since 2019 and does not reflect updated state and federal guidelines; and

WHEREAS, the City Manager and staff have prepared an updated employee handbook of personnel policies which reflects current state law and other personnel matters; and

WHEREAS, the City Council wishes to have personnel policies which clearly describe the City's expectations of staff and what working conditions City employees should expect; now, therefore,

Now, Therefore, be it Resolved by the City Council of the City of Manzanita:

Section 1. Effective December 8, 2022, the Employee Handbook of Personnel Policies identified as Exhibit A. attached hereto and by this reference incorporated herein is hereby adopted by the City Council.

Section 2. All handbooks of personnel policies for all City employees adopted before December 8, 2022 are hereby rescinded. This section does not apply to adopted departmental work rules.

Introduced and adopted by the City Council on **December 7, 2022.**

This resolution is effective on **December 8, 2022.**

Michael Scott, Mayor

ATTEST:

Leila Aman, City Manager/ City
Recorder



City of Manzanita

COUNCIL RESOLUTION No. 22-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANZANITA, OREGON, CONTINUING THE PUBLIC WORKS EQUIPMENT RESERVE FUND ESTABLISHED BY ORDINANCE NO. 01-02

WHEREAS, ORS 294.346 (1) allows cities to create reserve funds to provide for the financing of capital equipment and facilities; and,

WHEREAS, the Manzanita City Council created a Public Works Equipment Reserve Fund by Ordinance No. 01-02; and,

WHEREAS, ORS 294.346 (2) requires the City to review a reserve fund every ten years and determine whether the fund will be continued or abolished; and,

WHEREAS, the Manzanita City Council has reviewed the reserve fund and desires to continue the Public Works Equipment Fund.

Now, Therefore, be it Resolved by the City Council of the City of Manzanita:

SECTION 1. The Public Works Equipment Reserve Fund established by Ordinance No. 01-02 is hereby continued for ten years until June 30, 2032, at which time the City Council shall review the Fund and determine whether it should be continued further or abolished.

Introduced and adopted by the City Council on **December 7, 2022**.

This resolution is effective on **December 8, 2022**.

Michael Scott, Mayor

ATTEST:

Leila Aman, City Manager/ City
Recorder



COUNCIL STAFF REPORT

To: Mayor and City Council
From: Leila Aman, City Manager

Date Written: December 3, 2022

Subject: **Authorize Change Order Amendment to Klosh Contract**

ACTION REQUESTED

Authorize Change Order Amendment to Klosh Contract.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[November 3, 2021](#) – City Council authorized the City Manager to enter into a contract with Klosh, LLC for the purpose of providing Owners Representative Services for the City hall Project.

ANALYSIS

In November of 2021 the City Council authorized the City Manager to enter into a personal Services Agreement with Klosh LLC for the purpose of providing Owners representative Services for the City Hall project. Since that time, Klosh has performed and continues to perform all services required including General Administration, Procurement of the Project team including the selection of the Architect and General Contractor, and leading the coordination and organization of the program planning.

The original contract was structured as follows:

Phase 1: Services provided through the completion of master planning and 30% complete schematic design documents.

Transition Period: Up to 58 hours of Services as may be requested by Owner after completion of Phase 1 and before commencement of Phase 2.

Phase 2: Services provided after completion of Phase 1 through Project close-out. The maximum total compensation for the contract is \$126,038.

The total compensation for Phase 1 was \$36,571. The City Manager authorized the transition period bringing the total compensation for Phase 1 to \$45,447. The proposed change order includes an additional request of \$7,316 to account for additional services required to complete Phase 1. Those additional services included preparation of CM/GC procurement evaluations in response to a significant public records request. Preparation for and attendance at two additional community meetings for a total of four community meetings. (Two meetings were originally scoped.) Additional project support not anticipated in the original contract such as multiple City Council presentations, addressing existing asbestos hazards & ongoing coordination with DEQ, responding to individual community member concerns, and evaluator training for the CM/GC procurement.

This amendment will allow the Owners Representative to complete the tasks required by the city to accomplish the goals of Phase 1. The primary reason for this amendment is based on the city's desire to engage fully with the public, conduct additional outreach and to address the extension of the project timeline to ensure that new decision makers are fully briefed and prepared for the next steps in the project and to ensure appropriate remediation of hazardous materials beyond what was originally anticipated in the project timeline.

BUDGET IMPACT

Approval of the Amendment would increase the total project contract by \$7,316 from the City Hall Fund. There are sufficient resources budgeted in the current fiscal year to accommodate this amendment.

WORKLOAD IMPACT

None. However, if this Amendment is not approved the City Manager will need to take on additional responsibilities in order to complete Phase 1 of the project this will have significant impact on the City Managers workload.

STAFF RECOMMENDATION

Recommend approval of the amendment of \$7,316 bringing the total project cost for Phase 1 to \$52,736 and the total project contract to \$133,354.

ALTERNATIVES

Council can elect to not approve the contract amendment.

ATTACHMENTS

1. Klash Amendment



November 15, 2022

City of Manzanita

Leila Aman, City Manager
PO Box 129
Manzanita, OR 97130

Manzanita City Hall – Contract Amendment #1

Dear Leila,

First and foremost, thank you for the opportunity to provide services for the Manzanita City Hall project. It is our understanding that our work will focus on budget and scope alignment through 30% Schematic Design and funding approval by the Manzanita City Council.

Our team will always strive to deliver with excellence, keeping your objectives in mind along the way. We are committed to providing you with the highest quality and time-efficient project management and administration services.

The scope of work for this contract amendment includes the following activities:

- Compile and anonymize CM/GC procurement evaluations in response to a public records request.
- Prepare for and attend two additional community meetings for a total of four community meetings.
- Provide additional project support not anticipated in the original contract such as City Council presentations, addressing existing asbestos hazards & coordination with DEQ, responding to individual community member concerns, and evaluator training for the CM/GC procurement.

Our proposed labor fee for Contract Amendment #1 is \$7,316 which will be billed hourly and is a not-to-exceed amount. This brings the total approved contract value for Phase I to \$52,736 and includes the Transition Period as described in the contract.

We are confident that our value will be demonstrated at every level of engagement on this project.

Sincerely,

Approved by:

DocuSigned by:

723DE812560D43A...

Jeff Caldwell, President

Leila Aman, City Manager

Klosh Group, Inc.

Date: