

THIRD AMENDED AND RESTATED  
EMPLOYEE HANDBOOK  
OF THE  
CITY OF JOHN DAY

Effective July 1, 2023

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Third Amended and Restated Employee Handbook

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## THIRD AMENDED AND RESTATED EMPLOYEE HANDBOOK OF CITY OF JOHN DAY

### 1. INTRODUCTION

#### a. Welcome

We would like to take this opportunity to welcome you to City of John Day, an Oregon municipal corporation (“City”). We look forward to working with you as we serve our mission, while also providing a rewarding and supportive environment to our employees. As part of our team, we encourage all employees to embrace our goal of excellence and integrity. Furthermore, we value our employees’ loyalty and honesty and encourage open communication. We are confident that we will provide you with a rewarding employment environment.

#### b. Mission; Core Values

City’s mission is to improve City and the quality of life of the community while maintaining its friendly small-town nature, through considered choices and planned growth and development.

City’s core values consist of trust, professionalism, integrity, respect, customer service, teamwork, and excellence, each of which are more particularly described on the attached Exhibit A.

#### c. Purpose of Third Amended and Restated Employee Handbook

This Third Amended and Restated Employee Handbook of City of John Day (this “Handbook”) is intended to communicate City’s employment policies and procedures. It is presented as a matter of information only. This Handbook does not anticipate every situation nor answer every question about an employee’s employment with City. Because this Handbook applies to all employees, each employee is required to carefully and thoroughly review this Handbook in its entirety. After reviewing this Handbook, each employee must sign and return the Employee Handbook Receipt Acknowledgement Form (the “Acknowledgement Form”) to the City Manager. The Acknowledgement Form is attached hereto as Exhibit B.

#### d. Reservation of Rights

Neither this Handbook nor any of its terms create or constitute a contractual relationship between City and any employee. Except for the at-will employment policy provided under Section 8, at any time, with or without prior notice, City may modify, supplement, revise, change, delete, discontinue, and/or suspend all or any part of the procedures, practices, policies, and/or benefits provided in this Handbook as business, employment, legislation, and/or other conditions dictate. Any modification, supplementation, revision, change, deletion, discontinuance, and/or suspension of all or any part of the procedures, practices, policies, and/or benefits provided in this Handbook will apply to all existing and future employees.

#### e. Employee Handbook Supersedes Previous Policies

The policies set forth in this Handbook supersede all prior oral and/or written City procedures, practices, policies, rules, and commitments. Accordingly, disregard all previously issued handbooks (and all policies contained therein). Any representation by any person that in any respect conflicts with any

matter set forth in this Handbook is invalid unless specifically acknowledged in writing by the City Manager. If any policies contained in this Handbook expressly and clearly conflict with the terms of any collective bargaining agreement between City and the members of the subject bargaining unit, the terms of the collective bargaining agreement control; if any policies contained in this Handbook expressly and clearly conflict with any applicable federal, state, and/or local laws, regulations, and/or ordinances, the terms of the federal, state, and/or local laws, regulations, and/or ordinances control.

## 2. EMPLOYMENT POLICIES

### a. Employment Applications

City relies upon the accuracy of information contained in the employment application and related documentation presented during the hiring process. Any misrepresentations, falsifications, and/or material omissions in any application or related documentation may result in the person's exclusion from further consideration for employment or, if the person has been hired, termination of employment. In processing applications, City may obtain credit information on applicants consistent and in accordance with the Federal Credit Reporting Act and any other applicable federal and Oregon laws and regulations. City may check the employment references of all applicants.

### b. Residence Requirement

Residency will not be a condition of employment. Employees are encouraged, however, to live within City's incorporated limits and participate in civic activities and affairs.

### c. Veterans Hiring Policy

All things being equal, City will give preference to veterans when making hiring decisions in accordance with applicable federal, state, and local laws, regulations, and ordinances; City does not discriminate against individuals based on current or prior military service.

### d. Background Investigations

City may conduct criminal background investigations in connection with the hiring process (e.g., after a conditional offer of employment has been extended in some cases) and/or for cause to identify employees that have specific criminal convictions that reasonably relate to the applicant's or employee's (as the case may be) fitness to perform the subject position. Such behavior, when identified, will limit City's risk in employing those individuals who may cause harm to themselves or co-workers. All criminal background investigations will be conducted consistent and accordance with applicable law.

### e. Employment Authorization (I-9 Form)

The Immigration Reform and Control Act of 1986 requires that City ensure that employees are authorized for employment in the United States. Therefore, only individuals lawfully authorized for employment in the United States will be employed by City.

In connection with the Immigration Reform and Control Act of 1986, City must collect certain information and review certain documentation concerning the employment authorization of individuals hired after November 6, 1986. This information and documentation will be used only for compliance

with the Immigration Reform and Control Act of 1986 and not for any unlawful purpose. If your employment authorization changes or terminates after the commencement of your employment, please inform the City Manager immediately.

f. Income Tax Withholding (W-4 Form)

Employees are required to fill out a W-4 form at the time of hire. Employees must submit their W-4 form to the office manager within two business days of hire. During employment, if employees have changes to make to their W-4, they may request a new form, at any time, for proper payroll deductions. All changes must be made via submission of a new W-4. Verbal changes are not sufficient. All employees are advised to consult with a tax advisor to determine the appropriate withholding allowance for them personally.

3. ANTI-HARASSMENT

a. Harassment - General

City is committed to providing a work environment that is pleasant, professional, and free from harassment, intimidation, hostility, and/or other offenses which may interfere with an employee's work performance. Be advised that this anti-harassment policy applies not only when employees are on City premises but also at a City sponsored off site event, while traveling on behalf of City, and/or conducting any City business, regardless of location. Harassment in employment based on sex, race, national origin, religion, age, disability, and/or any other basis prohibited by law is prohibited. Examples of harassment based on race, national origin, religion, age, or disability include, without limitation, words, signs, offensive jokes, cartoons, pictures, posters, emails, or statements that depict such protected groups or individuals in a derogatory way. City does not tolerate harassment by anyone, including supervisors, co-workers, or non-employees. Any action or conduct contrary to this policy is prohibited, will not be tolerated, and may result in disciplinary action up to and including termination of employment. For purposes of this and all other City policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles; "protective hairstyles" includes hairstyle, hair color, or manner of wearing hair, including braids.

b. Sexual Harassment and Sexual Assault

City prohibits the sexual harassment and/or sexual assault of any individual in the workplace. Sexual harassment is generally defined to include any unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment, (b) submission or rejection of such conduct affects employment opportunities, and/or (c) the conduct interferes with an employee's work, or creates an intimidating, hostile, or offensive work environment. Sexual harassment also includes harassment based on another person's gender, harassment based on pregnancy, childbirth or related medical conditions, or harassment of another employee of the same gender as the harasser. Sexual assault is generally defined as unwanted conduct of a sexual nature that is inflicted on a person or compelled through use of physical force, manipulation, threat, and/or intimidation.

Examples of sexual harassment and sexual assault prohibited by law and this Handbook include, without limitation, the following: (a) threats or insinuations that another employee's refusal to submit

to sexual advances will adversely affect the employee's employment, evaluation, compensation, advancement opportunities, assigned duties, or any other condition of employment or career development; (b) unwelcome sexual advances, flirtations, or propositions; (c) verbal abuse or sexually oriented jokes or comments of a sexual nature; (d) unwelcome whistling, staring, or leering at another person; (e) unwelcome sexually suggestive or flirtatious letters, notes, emails, or voicemails; (f) displaying or circulating pictures, objects, or written materials that are sexually suggestive or that demean or show hostility towards a person because of the person's gender; and (g) displaying of sexually suggestive objects or pictures.

c. Complaint Procedure

An employee who reasonably believes in good faith that he or she has been subjected to harassment and/or sexual assault is encouraged (but is not required) to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A person who receives such a request must immediately comply with it and must not retaliate against the employee for rejecting the conduct.

**If the employee is uncomfortable addressing the harasser/assaulter, or the harasser fails to comply with the employee's request, the employee must promptly report the offending behavior, whether the behavior is directed toward the employee personally or to another employee, in accordance with the grievance/complaint policy described under Section 8 of this Handbook.** Without otherwise limiting the immediately preceding sentence, if the harassment complaint concerns the employee's Department Head and the employee is uncomfortable addressing his or her complaint with the Department Head, the employee must bring the harassment complaint to the City Manager within five days of the event giving rise to the complaint. To the extent possible, all complaints of harassment will be handled confidentially.

d. Retaliation Prohibited

City prohibits retaliation against an employee who brings a harassment/assault complaint or assists in investigating a harassment/assault complaint. Retaliation in violation of this policy may result in disciplinary action up to and including termination of employment. No action will be taken against an employee who in good faith complains of harassment/assault or who assists in the investigation of a harassment/assault complaint. **An employee who believes that he or she may have been retaliated against for having reported harassment or participated in an investigation of a harassment complaint must follow the retaliation reporting procedure described under Section 8 of this Handbook.**

4. EQUAL EMPLOYMENT OPPORTUNITY

a. Equal Employment Opportunity - General

City provides an equal employment opportunity to all persons without regard to age, color, race, religion, sex, national origin, marital status, the presence of any sensory, mental, or physical disability, veteran's status, sexual orientation, and/or any other protected classification. Employment decisions, including, without limitation, hiring, assignment, promotion, wages, transfer, training, layoff, and termination, will be based on merit and business needs and not on any protected classification or other bases prohibited by applicable federal, state, and/or local laws. Any action or conduct contrary to this



policy is prohibited, will not be tolerated, and may result in disciplinary action up to and including termination of employment.

b. Genetic Information Non-discrimination Act (GINA)

City does not discriminate against applicants or employees based upon either the employee's or the employee's family genetic information nor does City use genetic information in employment decisions. Once a condition manifests itself, the GINA no longer applies. More detailed information about GINA is available on the EEOC poster placed on the employee bulletin board.

Employees may be asked to sign voluntary waivers, in which the employee acknowledges that his or her genetic information will only be provided to licensed health care professionals or board-certified counselors involved in the wellness program. There is no penalty for non-participation.

c. Complaint Procedure

**An employee who reasonably believes in good faith that he or she has been subjected to, or is a witness of, unlawful discrimination must promptly report the offending behavior in accordance with the grievance/complaint policy described under Section 8 of this Handbook.** Without otherwise limiting the immediately preceding sentence, if the unlawful discrimination complaint concerns the employee's Department Head and the employee is uncomfortable addressing his or her complaint with the Department Head, the employee must bring the unlawful discrimination complaint to the City Manager within five days of the event giving rise to the complaint. To the extent possible, all complaints of unlawful discrimination will be handled confidentially.

d. Retaliation Prohibited

City prohibits retaliation against an employee who brings a discrimination complaint or assists in investigating a discrimination complaint. Retaliation in violation of this policy may result in disciplinary action up to and including termination of employment. No action will be taken against an employee who in good faith complains of discrimination or who assists in the investigation of a discrimination complaint. **An employee who believes that he or she may have been retaliated against for having reported discrimination or participated in an investigation of a discrimination complaint must follow the retaliation reporting procedure described under Section 8 of this Handbook.**

5. WORKPLACE FAIRNESS ACT

City prohibits discrimination as defined under ORS 659A.030, including conduct that constitutes sexual assault and conduct that constitutes discrimination on the basis of service in a uniformed service or on the basis of disability. The statute of limitations period applicable to an employee's right of action for alleging unlawful discriminatory conduct is five years.

City will not require or coerce any employee to enter into a nondisclosure or nondisparagement agreement. A nondisclosure agreement is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, and/or sexual assault. A nondisparagement agreement is any agreement by which one or more parties agree not to discredit and/or make negative or disparaging written or oral statements about any other party or City. An employee claiming to be aggrieved by discrimination, harassment, and/or sexual

assault may, however, voluntarily request to enter into a settlement, separation, and/or severance agreement which contains a nondisclosure or nondisparagement. An employee that enters into a settlement, separation, and/or severance agreement will have seven days to revoke the agreement from the date of the employee's execution of the agreement. City employees are advised to document any incidents involving prohibited discriminatory conduct and report such conduct in accordance with the grievance/complaint procedure described in Section 8 of this Handbook.

Nothing in this policy precludes any person from filing a formal grievance in accordance with the Oregon Bureau of Labor and Industries' Civil Rights Division or Equal Employment Opportunity Commission. Be advised that Oregon law requires that any legal action taken on alleged discriminatory conduct (specifically discriminatory conduct prohibited under ORS 659A.030, 659A.082, and/or 659A.112) must be commenced no later than five years after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

#### 6. RELIGIOUS ACCOMMODATION

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against an employee on the basis of religion. Under Title VII, an employer must reasonably accommodate the sincerely held religious beliefs of an employee provided the accommodation will not cause an undue hardship. Although an employee desiring religious accommodation will be given the opportunity to suggest reasonable accommodations, City's accommodation may or may not be the accommodation preferred by the employee.

Any employee who believes his or her sincerely held religious beliefs need to be accommodated must contact the Department Head. If the employee is uncomfortable discussing the issue with the Department Head, the employee must contact the City Manager.

#### 7. AMERICANS WITH DISABILITIES ACT OF 1990

City is committed to complying with the Americans with Disabilities Act of 1990 and applicable Oregon disability laws to ensure equal employment opportunities to all qualified persons with disabilities. An applicant or employee who believes that he or she may need an accommodation to perform the essential functions of his or her position must discuss such needs for a possible accommodation with the City Manager. Subject to applicable federal and Oregon laws, City will attempt to make a reasonable accommodation for a qualifying employee or applicant. Communications concerning an applicant's or employee's need for an accommodation will be kept confidential to the extent possible.

#### 8. GRIEVANCE/COMPLAINT RESOLUTION PROCESS

##### a. Grievance/Complaint Resolution Process - General

City desires to encourage and provide a work environment that allows employees the opportunity to express concerns honestly and without fear of retaliation. City believes that undisclosed problems will remain unresolved and will lead to impaired working relationships, dissatisfaction with working conditions, and a decline in productivity. To this end, each employee must adhere to this dispute resolution policy so that any complaint the employee may have will be resolved quickly, fairly, and thoroughly.

b. Grievance/Complaint Resolution Steps and Process

Step 1 - Department Head

An employee must bring any complaint he or she may have to the employee's Department Head within five days of the event giving rise to the complaint. Complaints must be brought to the Department Head by the completion and submission of the Employee Complaint Form attached hereto as Exhibit C (the "Complaint Form"). Upon the Department Head's receipt of the Complaint Form, the Department Head will promptly initiate a thorough investigation to gather all facts about the complaint that the Department Head deems necessary or appropriate. After an investigation has been completed, a determination will be made by the Department Head regarding an appropriate resolution. In all cases, the employee will be notified of the outcome of the Department Head's investigation. The employee may not necessarily be informed of any disciplinary actions, however. The decision of the Department Head on any given complaint will not set any precedent nor bind future decisions of the Department Head.

If the Department Head receives a complaint of harassment and/or unlawful discrimination, the Department Head must provide the City Manager a copy of such complaint immediately upon receipt. The Department Head must keep the City Manager reasonably informed of the Department Head's investigation of any complaint of harassment and/or unlawful discrimination and must consult with the City Manager before making a determination regarding an appropriate resolution of the complaint of harassment and/or unlawful discrimination.

Step 2 - City Manager

If the complaint concerns the Department Head and the employee is uncomfortable addressing his or her complaint with the Department Head, or the employee is not satisfied with the Department Head's handling of the complaint, the employee must bring the complaint to the City Manager within five days of the event giving rise to the complaint; provided, however, if the complaint is brought to the City Manager because the employee is not satisfied with the Department Head's handling of the complaint, the employee must bring the complaint to the City Manager within five days of the Department Head's resolution determination.

Complaints must be brought to the City Manager by the employee's completion and submission of the Complaint Form. Upon the City Manager's receipt of the Complaint Form, the City Manager will promptly initiate a thorough investigation to gather all facts about the complaint that the City Manager deems necessary or appropriate. After an investigation has been completed, a determination will be made by the City Manager regarding an appropriate resolution. In all cases, the employee will be notified of the outcome of the City Manager's investigation. The employee may not necessarily be informed of any disciplinary actions. The decision of the City Manager on any given complaint will not set any precedent nor bind future decisions of the City Manager.

Step 3 - City Council

If the complaint concerns the City Manager and the employee is uncomfortable addressing his or her complaint with the City Manager, or the employee is not satisfied with the City Manager's handling of the complaint, the employee must bring the complaint to the full City Council within ten (10) days of the event giving rise to the complaint; provided, however, if the complaint is brought to City Council because the employee is not satisfied with the City Manager's handling of the complaint, the employee must bring the complaint to City Council within twenty (20) days of the City Manager's resolution determination. Complaints must be brought to City Council by the employee's completion and

submission of the Complaint Form. Upon City Council's receipt of the Complaint Form, City Council will establish a hearing date within thirty (30) days after receipt of the complaint. City Council will make its determination based on the record, and both sides of the issue will be allowed to present evidence and testimony pertinent thereto. The decision of City Council will be final and binding on all parties, including supervisory personnel. The decision of City Council on any given complaint will not set any precedent nor bind future decisions of City Council.

c. Retaliation Prohibited

City cannot promise that an employee's point of view will always be accepted, but each Department Head, the City Manager, and City Council will listen and make an effort to ensure that problems are resolved quickly, fairly, and thoroughly. The dispute resolution procedure is intended to provide each employee a fair and objective review of any complaints. The dispute resolution procedure in no way limits an employee's recourse to any civil or legal process.

City prohibits retaliation against an employee who brings a complaint or assists in investigating a complaint. Retaliation in violation of this policy may result in disciplinary action up to and including termination of employment. No action will be taken against any employee who in good faith makes a complaint or who assists in the investigation of a complaint. An employee who believes that he or she may have been retaliated against for having made a complaint or participated in an investigation of a complaint must report the retaliation in accordance with the following procedure so that the employee's concerns may be investigated:

1. The employee must report any retaliation to the Department Head.
2. If the retaliation concerns the Department Head, the employee must report the retaliation to the City Manager.
3. If the retaliation concerns the City Manager, the employee must report the retaliation to City Council.

All complaints of retaliation must be filed by the completion and submission of the Complaint Form.

9. AT-WILL EMPLOYMENT AND PROBATIONARY PERIOD

a. At-Will Employment

City does not guarantee or promise any employee employment with City for any specified period of time. An employee is employed on an at-will basis. Therefore, an employee may be terminated (or the employee may voluntarily resign) at any time, for any reason or no reason, with or without cause or prior notice, subject to applicable federal, state, and local laws, regulations, and/or ordinances.

The at-will employment relationship between City and any employee may not be modified except by express provision contained in a written employment contract signed by the Mayor. Any representation by any person contrary to the employment at-will relationship, whether verbal or written, may not be relied upon by any employee.

b. Probationary Period

An employee's first six months of employment (the "Probationary Period") will be a time for establishing relationships with employees, management, and City Council. In addition, the Probationary Period will provide City an opportunity to evaluate the employee's conduct, attitude, and work performance, and provide the employee an opportunity to determine if his or her job is suitable and can be performed successfully by the employee. Except as otherwise specifically provided in this Handbook or applicable law, during the Probationary Period an employee will not be entitled to any of the benefits provided to employees under this Handbook.

Notwithstanding anything contained in this Handbook to the contrary, an employee's Probationary Period may be extended by the City Manager in the City Manager's sole discretion; provided, however, an employee's total Probationary Period may not exceed 18 months in the case of the Police Chief and Telecommunications Manager and 12 months in the case of all other employees. If the City Manager determines that extending an employee's Probationary Period is necessary or appropriate, the City Manager will provide the employee written notice of the extension.

During and after an employee's Probationary Period, the employee's employment relationship with City will be at-will. Therefore, notwithstanding anything contained in this Handbook to the contrary, an employee's employment with City may be terminated during or after the Probationary Period. An employee's successful completion of the Probationary Period does not guarantee continued employment with City or otherwise modify the employee's at-will employment relationship with City.

10. EMPLOYMENT CLASSIFICATIONS AND DESCRIPTIONS

a. Employee Categories

Upon employment, employees will be classified under one of the following classifications:

Regular Full-time Employee

A regular full-time employee is an employee who is scheduled and regularly works no less than 40 hours per week. To the extent eligible, and except as otherwise provided in this Handbook and/or applicable law, a regular full-time employee that has completed his or her Probationary Period is eligible to receive all employee benefits provided by City in accordance with, and subject to, applicable standards, policies, and regulations.

Regular Part-time Employee

A regular part-time employee is an employee who is scheduled and regularly works less than 40 hours per week. To the extent eligible, and except as otherwise provided in this Handbook and/or applicable law, a regular part-time employee that is scheduled and regularly works no less than 20 hours per week is eligible to receive holiday pay, vacation pay, sick leave, and medical, dental, and life insurance benefits in accordance with, and subject to, applicable standards, policies, and regulations. Except for sick leave and as otherwise provided under applicable law, all other regular part-time employees will not be eligible to receive any employee benefits provided by City under this Handbook.

Temporary Full-time Employee

A temporary full-time employee is an employee whose employment with City is intended to be of limited duration (with no expectation of continued employment) and who is scheduled and regularly works no less than 40 hours per week. A temporary full-time employee includes a seasonal employee (e.g., summer help) who City does not intend to retain on a year-round basis. Except for sick leave and as otherwise provided under applicable law, a temporary full-time employee is not eligible to receive any employee benefits provided by City under this Handbook.

#### Temporary Part-time Employee

A temporary part-time employee is an employee whose employment with City is intended to be of limited duration (with no expectation of continued employment) and who is scheduled and regularly works less than 40 hours per week on an indefinite irregular work schedule. Except for sick leave and as otherwise provided under applicable law, a temporary part-time employee is not eligible to receive any employee benefits provided by City under this Handbook.

#### Temporary Agency Employee

A temporary agency employee is located and hired through a temporary employment agency. The temporary employment agency recruits, tests, and refers the employee to City based upon the skills specified and experiences needed for the position. A temporary agency employee is not an employee of City, is paid directly through the temporary employment agency, and is not eligible to receive any employee benefits provided under this Handbook (except as otherwise required under applicable law). A temporary agency employee may be eligible to receive employee benefits through the temporary employment agency, including sick leave benefits.

### b. Employee Classifications

Each employee is classified (according to federal and state wage and hour laws) as an exempt or non-exempt employee. The City Manager will make the appropriate designation regarding the status for each new position or when a position changes substantially.

#### Exempt Employee

An exempt employee is an employee who holds a bona fide executive, administrative, professional, or other qualified position and is paid a salary that at least equals the minimum salary requirements under applicable law. An exempt employee does not receive overtime compensation. If an employee is considered an exempt employee, he or she will be informed of this classification at the time the employee is hired, transferred, or promoted.

#### Non-Exempt Employee

A non-exempt employee is an employee who does not qualify as an exempt employee and will be paid overtime compensation in accordance with applicable law.

## 11. HOURS, PAY ADMINISTRATION, AND OVERTIME

### a. Business Hours

City's regular business hours are from 8:00 a.m. to 4:00 p.m., Monday through Friday. A regular full-time employee's normal workday is eight hours per day and his or her normal workweek is 40 hours. City's workweek begins on Sunday at 12:00 a.m. and ends at 11:59 p.m. on Saturday.

b. Employee Work Schedules

City Manager will establish employee work schedules. Employee work schedules may vary due to various circumstances, including, without limitation, the employee's position, employment status, and City's business needs. To the extent possible, the City Manager will assign employees to work schedules that remain constant from week to week. However, no particular work schedule or number of work hours is guaranteed to any employee. The City Manager reserves the right to modify an employee's work schedule at any time the City Manager deems necessary or appropriate. Changes to an employee's work schedule may be made for specific periods or, in some cases, on an ongoing and indefinite basis. The City Manager will attempt to provide the employee advance notice of any work schedule changes. Employees must be available for scheduled work hours.

c. Pay Period and Payday; Paychecks

City has one pay period per month. If a payday falls on a weekend or holiday, payroll checks will be issued on the last day of work immediately preceding the weekend or holiday.

City makes all efforts to comply with applicable state and federal wage and hour laws. However, if an employee reasonably believes that City has made any improper deductions, has failed to pay the employee for all hours worked or for overtime, or has failed to properly calculate the employee's wages in any way, the employee must immediately report the error to the employee's Department Head. City will promptly investigate all reports of improper pay practices and will reimburse the employee for any improper deductions or omissions. No employee will suffer retaliation and/or discrimination because he or she has reported errors or complaints regarding City's pay practices.

d. Mandatory Deductions from Paycheck

City is required by law to make certain deductions from an employee's paycheck. These deductions include federal, state, and local income taxes and the employee's contribution to Social Security. Mandatory deductions will be itemized on the employee's check stub. An employee's W-2 reflects how much of the employee's earnings were deducted for these purposes. Any other mandatory deductions made from an employee's paycheck (e.g., court-ordered garnishments) will be explained whenever City is ordered to make such deductions. Oregon law requires employers to provide employees with notice regarding the availability of state and federal Earned Income Tax Credit ("EITC"). Employees may be eligible for EITC, a benefit for working people with low to moderate income, particularly those with children. For additional information regarding eligibility for EITC, employees are encouraged to visit these websites:

Federal: <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit>

Oregon: <https://www.oregon.gov/DOR/programs/individuals/Pages/credits.aspx>

e. Elective Paycheck Deductions

Under certain circumstances, an employee may authorize City to make deductions from the employee's paycheck (e.g., payroll savings plans, credit union loan payments, etc.). Employees are directed to contact the Administration Department for details concerning the availability of elective deductions.

f. Direct Payroll Deposits

Direct payroll deposit is the automatic deposit of an employee's pay into his or her financial institution account(s). Automatic payroll deposit is available for most financial institutions. Please contact the Administration Department for more information concerning direct payroll deposit.

g. Overtime and Compensatory Time

Subject to applicable Oregon and federal laws, each non-exempt employee will receive an overtime rate of pay equal to one and one-half (1.5) times his or her regular hourly rate of pay for time worked in excess of 40 hours in any workweek. Hours paid for holidays, vacation, and jury service will not be considered "time worked" for purposes of computing overtime compensation. All overtime work must receive the prior approval of the Department Head or the City Manager. Any authorization City may have provided an employee to use remote access services and/or technologies is not an approval of overtime or work from home. All overtime and work from home must be approved in accordance with applicable City policies and procedures. Accumulation of unapproved excess hours or overtime may result in disciplinary action up to and including termination of employment. Employees will be required to work overtime when overtime work is requested. Exempt employees are not entitled to overtime compensation.

Compensatory time, in lieu of paid overtime, will be computed at one and one-half (1.5) times the employee's overtime hours (i.e., time worked in excess of 40 hours in any workweek), with the prior agreement of the City Manager. Compensatory time accumulation may not exceed 60 hours. Once this maximum accumulation is reached, all overtime compensation by the employee will automatically be paid in cash.

Employees are encouraged to work with the City Manager to schedule and use compensatory time within 30 days of when it is accrued. At the discretion of the City Manager, employees who have accrued less than 20 compensatory hours may be able to choose whether to receive paid cash or the accrued compensatory time. Subject to budgetary limits, employees who have accrued more than 20 hours of compensatory time may be "cashed out" for all compensatory hours greater than 20 hours. Upon an employee's termination of employment, any accrued compensatory time is payable to the employee.

h. Recording of Time

Each non-exempt employee must accurately record (and post daily) his or her time worked on his or her attendance and timecard, including, without limitation, time worked remotely through the employee's use of remote access services and/or technologies. The attendance and timecard must be completed by the date indicated on the payroll calendar.

An employee may not record time for another employee nor permit someone to record time for the employee. All corrections and/or additions to an employee's timecard must be made and approved by the City Manager. Falsification of timecards (or any other time keeping records) may result in disciplinary action up to and including termination of employment. All employees are required to follow federal and state wage and hour laws.



i. Absenteeism/Tardiness

Punctuality and regular attendance are essential functions of each employee's job. Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for meal and rest periods or when required to leave on authorized City business.

Excessive tardiness and/or absenteeism (excused or not) may lead to disciplinary action up to and including termination of employment. Each situation of excessive tardiness or absenteeism will be evaluated on a case-by-case basis. City may consider an employee who fails to report to work without notification to the City Manager for a period of two or more consecutive days to have voluntarily terminated his or her employment relationship.

j. On-Call Duty

City's Public Works Department (the "Department") must be available 24 hours a day, 365 days a year. To this end, City must keep one Department employee on call each day to respond to any Department-related emergencies. Please refer to the On-Call Policy attached hereto as Exhibit D.

12. GENERAL OFFICE POLICIES

a. Appearance

City expects that all employees will dress in a manner that reflects the professionalism of City and the individual. We expect that employees will be well groomed. Dress will be professional for all meetings with outside agencies or persons and business casual on days when no meetings or public contact is expected. City recognizes that different applications of this policy may be necessary depending on the degree of public contact, nature of work, and safety issues. Therefore, this policy provides only general guidance. The final decision as to what constitutes appropriate professional appearance is the responsibility of the City Manager.

b. Employee Personnel Files

An employee may examine the records contained in his or her personnel file relating to the employee's wages, hours, benefits, discipline, or other terms and conditions of employment at any reasonable non-working time during regular business hours.

Examination Procedures

For the protection of all, and to maintain employee privacy, an employee may examine his or her records only in accordance with the following safeguards: (a) records may be examined only by the employee, the City Manager, or City Attorney; (b) records may be examined by appointment and prior arrangement with the City Manager; and (c) records may be examined only in the presence of the City Manager. If an employee disagrees with any information contained in his or her personnel file or records, and City does not agree to remove or correct the item in dispute, the employee may explain his or her position by submitting a written, signed statement to the City Manager. The statement will become a permanent part of the employee's personnel file.

Furnishing Information to Third Parties

City assumes no obligation to furnish information about any employee to any third-party (other than to verify his or her current employment). An employee who desires that City furnish certain information to a third party may file a written request to that effect with the City Manager. The employee may be required to execute a release before City discloses certain information to third parties.

c. Personal Conduct

While City does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with City's legitimate business interests. For this reason, employees should be aware of the following policies:

Illegal Conduct

Employees are expected to conduct their personal affairs in a manner that does not adversely affect City's integrity, reputation, or credibility. Illegal off duty conduct on the part of an employee that adversely affects City's legitimate business interests or the employee's ability to perform his or her job will not be tolerated and may result in disciplinary action up to and including termination of employment. For purposes of this section, off-duty activities also includes participation in online activities, including, without limitation, forms of online publishing and discussion such as blogs, wikis, file-sharing, user-generated video and audio, virtual worlds, and social networks.

Outside Employment

While employed by City, employees are expected to devote their energies to their jobs with City. The following types of outside employment are strictly prohibited, unless the employee receives prior approval of the City Manager: (a) employment that conflicts with an employee's work schedule, duties, and/or responsibilities; (b) employment that creates a conflict of interest or is incompatible with the employee's employment with City; and/or (c) employment that requires the employee to conduct work or related activities on City's property during working hours or using the employee's working hours or City's facilities and/or equipment. Employees who wish to engage in outside employment that may fall within one of the categories listed in the immediately preceding sentence must submit a written request to the City Manager explaining the details of the outside employment. If the outside employment is authorized, City assumes no responsibility for the outside employment. City will not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of the outside employment. Authorization to engage in outside employment may be revoked at any time.

d. Meal and Rest Periods

City will provide unpaid meal periods to its employees subject to and in accordance with Oregon law. To this end, each non-exempt employee working at least six hours (but not more than eight hours) in any one work period will receive an unpaid uninterrupted 30-minute meal period during which the employee will be relieved of all duties. When a non-exempt employee's work period is more than eight hours, the non-exempt employee will receive the number of meal periods required under Oregon law. Except as otherwise provided under Oregon law, meal periods will be scheduled as follows: (a) if a non-exempt employee's work period is seven hours or less, the meal period will be taken between the second and fifth hour worked; (b) if the work period is more than seven hours, the meal period will be taken between the third and sixth hour worked.

City will provide paid rest periods to its employees subject to and in accordance with Oregon law. To this end, each non-exempt employee will receive a paid, uninterrupted 10-minute rest period

(during which the employee will be relieved of all duties) for each four-hour segment of work or major portion thereof in any given work-period. When a non-exempt employee's work period is more than eight hours, the non-exempt employee will receive the number of rest periods required under Oregon law. As the nature of work allows, a non-exempt employee's rest period will be taken in the middle of each four-hour segment of work or major portion thereof. The "major portion" of four hours means any work segment greater than two hours.

City supports nursing mothers and provides reasonable rest periods to express milk until the employee's child reaches 18 months of age. If an employee needs additional breaks to express milk, they are permitted to take as many breaks as reasonably necessary. Employees are permitted (but not required) to use available paid leave for any work missed related to expressing milk. Any breaks taken by employee in accordance with this policy will be unpaid (unless the applicable break is paid pursuant to a regularly scheduled break). If an employee needs any assistance locating a private location to express milk, please contact the City Manager.

Meal and rest periods are mandatory and not optional. An employee's meal and rest period(s) may not be taken together as one break. Meal and rest periods may not be "skipped" in lieu of departing early from work. An employee who fails to adhere to the meal and rest period policies and laws may be subject to discipline up to and including termination of employment. If an employee has any questions concerning the meal and/or rest periods available to him or her, the employee must contact the City Manager.

e. Expense Reimbursement

City understands that at times an employee may incur out-of-pocket expenses related to the performance of the employee's job duties and responsibilities. However, each employee should avoid incurring out-of-pocket expenses, if possible. If the employee should incur expenses, the employee must obtain the prior approval of the Department Head or the City Manager (for any expense, regardless of the amount). Approved out of pocket expenses will be reimbursed after the employee submits a reimbursement request form with the Department Head or the City Manager. The original receipts must be submitted with the request form. Requests for reimbursement must be submitted within 30 days after incurring the expense(s).

When an employee is required to travel outside City for City related business meetings, educational workshops, and/or other required travel, the employee must use an available City vehicle, if practicable. City will reimburse an employee for the costs of fuel for City vehicle. If a City vehicle is not available and/or use of a City vehicle is not practicable, the employee may use his or her personal vehicle for the required travel. If the employee must use his or her personal vehicle, an employee's actual mileage will be reimbursed. Prior authorization of the Department Head or the City Manager is required for fuel and mileage reimbursements. Fuel and mileage reimbursement requests must be submitted within 30 days of incurred travel. Fuel will be reimbursed at its actual cost. Automobile mileage will be reimbursed at the then current rate(s) determined by City from time to time.

f. Smoking

Smoking (including, without limitation, pipes, cigars, cigarettes, vape pens, e-cigarettes, etc.) is prohibited on or in any part of City's buildings, within 10 feet of any entrance to any City building or air intake, and/or any vehicles owned, leased, or rented by City. No additional meal or rest periods beyond

those allowed under City's meal and rest period policies will be provided for the purpose of smoking. An employee that violates this nonsmoking policy may be subject to disciplinary action up to and including termination of employment.

g. General Telephone Use

City telephones are to be kept free for regular business. Personal telephone calls are to be kept to a minimum and in a manner that is not disruptive to the employee and/or co-workers (and must be conducted at an appropriate location). Incoming personal calls should be kept to a minimum. Personal long-distance calls on City's telephones are not permitted.

h. Cell Phone Use

Cell phones are a common method of communication. The use of cell phones while at work, however, can have a disruptive effect on the smooth operation of City. Accordingly, City has adopted the following rules regarding personal cell phones in the workplace:

Cell Phones - General

Employees are allowed to bring personal cell phones to work with them. During working hours, however, employees must keep personal telephone calls to a minimum and in a manner that is not disruptive to the employee and/or co-workers (and must be conducted at an appropriate location).

Cell Phones While Driving

The use of any cell phone while driving may present a hazard to the driver, other employees, and the general public. Therefore, except as otherwise permitted by applicable law, employees may not use hand-held cell phones for business purposes while driving. If an employee needs to make a call while driving, he or she should locate a lawfully designated area to park and make the call. Notwithstanding anything contained in this Handbook to the contrary, employees must adhere to all federal, state, and local laws, rules, and regulations regarding the use of cell phones and distracted driving.

i. No Expectation of Privacy

City may need to access or search material in an employee's desk, office computer, or work area. Additionally, City may need to review data stored on the computer system or in other electronic communications systems maintained by City (including cell phones). Working areas are not private and do not guarantee the confidentiality of materials or activities. Similarly, City's communication systems (e.g., electronic mail and telephone system) are not secure. Employees have no expectation of privacy in any message stored, sent, or received on City's communication systems. Employees have no expectation of privacy in City's property which has been provided for their use or personal property which they bring to the workplace.

j. City Credit Card Use

Credit cards issued by City are to be used for City business only. All credit cards must be protected from unauthorized use (e.g., maintained in secure locations) when not in use and must be signed out for use by an authorized user. Any purchases made using City's credit cards must be submitted with the original receipt attached. Any unauthorized use will result in collection of expenses incurred and may result in disciplinary action up to and including termination of employment.

k. Open-Door Policy

City maintains an open-door policy, enabling employees to discuss with their supervisors any issues they may have or suggestions regarding policies or procedures. Because City strives to provide a friendly and cooperative work environment free from the elements that would deter employees from doing their best work, employees are encouraged to discuss work-related matters with their supervisors and to offer suggestions that will help improve the work environment, City's procedures, and/or public service.

l. Employment of Immediate Family Members

Employment of relatives under certain circumstances may produce conflicts of interest and problems concerning disparate treatment which can damage City's integrity. In addition, conferring of benefits or privileges based on relationship rather than merit, and the appearance that benefits or privileges may have been so conferred, can harm City's functioning. Therefore, City has adopted a policy concerning the employment and supervision of a member of the individual's family in order to, among other things, avoid the possibility of personal bias and to strengthen City's confidence and integrity.

An individual may not be employed by City in a position where the individual will have supervisory, appointment, or grievance adjustment authority over a member of the individual's family or in a position of being subject to such authority which a member of the individual's family exercises. To this end, an individual may not hire or participate in the employment of a member of the individual's family, including, without limitation, participation in the application review and employment decision making process. If two existing employees work together in a supervisory relationship and, subsequently, the relationship becomes the type of familial relationship subject to this anti-nepotism policy, a review of the relationship will be made by the City Manager to determine whether one of the employees must be transferred or reassigned. Any exception to this anti-nepotism policy must first be approved in writing by the City Manager; provided, however, if the subject individual is the City Manager, any exception to this anti-nepotism policy must first be approved by City Council.

For purposes of this anti-nepotism policy, a "member of the individual's family" means the wife, husband, son, daughter, mother, father, brother, grandmother, grandfather, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, or grandchild of the subject individual.

m. Ethics

City believes in treating people with respect and adhering to ethical and fair business practices. City expects employees to avoid situations that might cause their personal interests to conflict with the interests of City or situations that may compromise their reputation or integrity. Employees who violate this ethics policy or who create an equally detrimental impact on City may be subject to disciplinary action up to and including termination of employment.

City employees are public employees. As such, City employees are subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts or strict definitions of conflicts of interest. If an employee is coming to City after working in the private sector, the employee 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/>.

Please direct questions about whether an activity meets City's or Oregon's ethical standards to the City Manager.

n. Political Activity

Oregon law provides that "no public employee may solicit money, influence, or otherwise promote or oppose any political committee, or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours." However, this prohibition does not restrict the right of a public employee to express personal political views.

Employees have the right to form, join, and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining as provided under applicable federal and Oregon laws.

o. Public Records and Records Retention

Oregon law provides that "every person has a right to inspect any public record of a public body in this state." "Public body" includes cities and counties and other public entities, including City. Although there are some exceptions (such as personnel files), most records in a public body are available to the public for inspections. It is the intent of City to be responsive to requests for public records. Employees must comply with City's public records request policy.

Employees must follow federal and state law with regards to archiving records, including electronic records. If you are unclear as to what the requirements are, please refer to the State Attorney General's website, [www.doj.state.or.us](http://www.doj.state.or.us).

p. Standards of Professionalism

All City employees will use their best judgment in communicating with other City employees, customers, partners, and community members. The manner in which City employees conduct themselves should create a favorable and lasting impression of City. The continued success of City depends on the quality, integrity, expertise, and professionalism of City's employees.

Written communications must meet the highest standards of accuracy and neatness. Individuals who telephone City must receive prompt and courteous attention and a helpful and meaningful response. Individuals who visit City must always be treated with deference, tact, courtesy, and respect. All employees should present themselves in a professional and efficient manner.

q. Inclement Weather/Emergency Closing

Except for regularly scheduled holidays, City will be open for business Monday through Friday during normal business hours. City recognizes that due to inclement weather, national crisis, and/or other emergencies (collectively, an "Emergency"), City may close for all or part of a regularly scheduled

workday. The City Manager (or his or her designee) will make the decision as to whether an Emergency exists and will endeavor to notify all employees of the same.

If an Emergency prevents safe travel, the City Manager (or his or her designee) will determine whether City offices should be closed, or its opening delayed. If there is not any indication of office closure, employees may assume that the office is open as scheduled. The conditions between the employee's home and the office may be better or worse than the norm. If the office is closed, the employee should stay home. If the office is open on a delayed schedule or other alternative schedule, the employee should arrive when he or she can do so safely.

Employees will receive an unpaid excused absence from work for each full workday that City is closed due to an Emergency. Subject to the approval of the City Manager, a regular full-time employee that has accrued but unused vacation may use vacation time for a full workday closure due to an Emergency. Should a closing occur while an employee is already on vacation, he or she will not be entitled to additional wages and such day will be counted against the employee's vacation.

If a partial workday closure occurs, each non-exempt employee will be paid his or her normal pay for the hours the employee actually works during such partial closure day. Employees will receive an unpaid excused absence from work for the period during which City is closed. This is true whether the closure is due to early closing or late opening. Subject to the approval of the City Manager, a regular full-time employee that has accrued but unused vacation may use vacation time for the hours the employee is unable to work due to the Emergency. Except as otherwise provided under applicable law, exempt employees will be paid their normal weekly salary for any workweek in which work is performed.

Employees who are late or who choose not to report to work when City is otherwise open will be subject to the provisions of City's attendance/tardiness policy (e.g., the employee must provide appropriate notice of the tardiness or absence, the employee must provide an explanation for the tardiness or absence, etc.).

r. Oregon Non-mandatory Meeting Law

Except as otherwise provided by applicable law, Oregon law prohibits any employer from taking adverse employment action against an employee who decline to attend meetings or participate in communication concerning the employer's opinion about religious or political matters.

s. Whistleblower Policy

City does not discriminate against employees who report in good faith alleged violations of any federal, state, or local laws, rules, and/or regulations.

13. CONFIDENTIALITY, INTERNET, AND ELECTRONIC MAIL

a. Employee Confidentiality

Employees will be provided and exposed to certain Confidential Information. Because of the sensitive nature of the Confidential Information, employees must maintain (even after their termination of employment) all Confidential Information in the strictest confidence and may not directly or indirectly

use, communicate, and/or disclose any Confidential Information to any person other than to City or its respective employees who have a reasonable need for such information without the express prior written consent of the City Manager, or upon court order to do so. In addition, employees must store all Confidential Information in a manner and location that will prevent unauthorized or inadvertent disclosure. For purposes of this Handbook, the term “Confidential Information” means, without limitation, any and all confidential documentation and/or information (regardless of form) relating to or concerning City’s business affairs, personnel and employment matters, legal, and/or litigation matters, and certain other documentation and/or information that concern valuable, special, or unique aspects of City and/or City’s employees that need to be protected from improper disclosure, including, without limitation, medical records, I-9 documentation, and domestic violence protection requests; provided, however, the term “Confidential Information” does not include documentation and/or information that is generally available to the public and/or subject to disclosure under the Oregon Public Records Law, ORS 192.410 - 192.505.

b. Removal and Reproductions of Confidential Information

Employees may not remove or make reproductions of any Confidential Information (except in the ordinary course of performing an employee’s duties) without the express prior written consent of the City Manager. Each employee must promptly notify the City Manager of any unauthorized use, communication, and/or disclosure of any Confidential Information and must assist City in every way to retrieve any Confidential Information that was used, communicated, and/or disclosed by the employee without the City Manager’s specific prior written authorization, and must exert the employee’s best efforts to mitigate the harm caused by the unauthorized use, communication, and/or disclosure of the Confidential Information.

c. Return of Confidential Information

Upon the earlier of the request of City or an employee’s termination of employment (for any reason whatsoever), each employee is required to immediately return to City any and all documents, instruments, and/or materials containing any Confidential Information accessed or received by the employee, together with all copies and summaries of such Confidential Information. This policy does not operate to transfer any ownership or other rights in or to the Confidential Information to any employee or any other person. Any employee that violates this confidentiality and nondisclosure policy may be subject to disciplinary action up to and including termination of employment and legal action, if warranted.

d. Work-Place Privacy and Confidentiality

City recognizes an employee’s right to privacy. In achieving this goal, City adopts these basic principles: (a) the collection of employee information typically is limited to information City needs for business and legal purposes; (b) personal information and information in confidential records ordinarily will not be disclosed, except as permitted or required by law, or as authorized by the employee; (c) verifications of employment dates, job title, and wages may be provided without written approval; (d) internal access to employee records will be limited to authorized employees; (e) all employees have a responsibility not to disclose information about other employees through overheard conversations, mislaid documentation, faxes, e-mails, and hard copies of correspondence sent to a wrong destination; (f) city’s IT Department maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored in City’s systems; and (g) all employees are required



to follow these principles, as well as any other City policy or practice related to confidential information. Violations of this may result in corrective action, up to and including termination.

e. Background Screening and Medical Records

City stores background screening information in access-protected files. This file is not considered part of your personnel file, so it is not available to employees for review. City stores employee medical records in access-protected folders, separate from master personnel files. Generally, employees “own” their medical information, which means that without the employee’s permission, City does not typically inform other employees of an individual’s medical condition(s).

f. Internet – General

This policy concerns employee use of any City-provided internet access resources. City’s internet access resources are, like other City resources, first and foremost made available for City-related business. Internet access resources should be used for work-related matters.

Prohibited Uses

Although the internet offers tremendous opportunity, it also offers individuals with illegal or unethical avenues for reaching others. The following represents an example of internet uses City deems inappropriate: (a) using the internet for commercial advertising; (b) using copyrighted material in reports without permission; (c) using the internet to lobby for votes; (d) using the internet to access pornographic materials; (e) creating a computer virus; (f) using the internet to send or receive messages with someone else’s name on it (except as authorized); (g) using the internet for any purpose inconsistent with any City policy; and (h) using the internet to use or copy software or other intellectual property for which an employee has not paid. An employee that violates this internet use policy may be subject to disciplinary action up to and including termination of employment.

Personal Use

Only minimal non-disruptive internet use is permitted for personal purposes during working hours. Employee internet use is a privilege (not a right) that may be revoked at any time. All employees should be aware that the inappropriate use of the internet may be a violation of local, state, and/or federal laws.

Privacy

City may track internet usage and is aware (or may be aware) of which sites are visited by employees. Accordingly, no employee has (or should expect to have) any expectation of privacy. Whether for the purpose of managing internet access resources and traffic flow, assuring system security, verifying and ensuring compliance with City’s policies or applicable law, or for any other reason, City reserves the right (from time-to-time or at any time), to intercept, divert, discard, access, or review any internet communication, other electronic communications or file, or any contents of such communication, or any other information created on, transmitted over, or stored in City’s or service provider’s facilities, whether incoming or outbound, and whether at the time of transit or thereafter. Further, City reserves the right to disclose to other persons or otherwise use the contents of any internet communication or any other electronic communications or file for any of the foregoing purposes, as well as for the purposes of complying with or assisting law enforcement officials or legal authorities who may, by subpoena, search warrant, or otherwise, seek review of such communications, or for the purposes of litigation or other legal proceedings.

#### g. Email - General

Email is a valuable business tool. However, email misuse may have a negative impact on City and City employees. Email messages are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Therefore, an employee must write email communications with no less care, judgment, and responsibility than the employee would use for letters or internal memoranda written on City's letterhead. A violation of City's email policy may result in disciplinary action up to and including termination of employment.

##### Inappropriate Uses of Electronic Mail

The following represents an example of email uses City deems inappropriate: (a) transmission of junk mail; (b) use of email for commercial purposes; (c) transmission of email intending to harass another individual; (d) transmission of email containing any threatening, sexually suggestive, sexist, racist, ethnic, or otherwise demeaning comments to any individual; (e) transmission of email that discriminates against an employee by virtue of any protected classification (e.g., race, gender, sex, nationality, etc.); (f) transmission of email that is inconsistent with any City policy; (g) using City's email system for the purpose of sending or receiving a large number of personal messages that impairs the employee's ability to perform his or her job duties and responsibilities; and (h) unauthorized transmission of any Confidential Information.

##### Privacy

City owns any communication sent via email or that is stored on its email system. City reserves the right to access any material in an employee's email or on the employee's computer at any time, with or without prior notice.

#### h. Social Media

##### Social Networking and Blogging

City takes no position on any employee's decision to start or maintain a social media blog or participate in other social networking activities. However, it is the right and duty of City to protect itself from unauthorized disclosure of information. This social networking policy covers City-authorized social networking and personal social networking and applies to all employees.

##### General Provisions

Blogging or other forms of social media or technology include, without limitation, video or wiki postings, sites such as Facebook, Instagram and Twitter, chat rooms, personal blogs, or other similar forms of online journals, diaries, or personal newsletters not affiliated with City. Unless specifically instructed, employees are not authorized (and therefore restricted) from speaking on behalf of City. Employees are expected to protect the privacy of other employees and are prohibited from disclosing personal employee and non-employee information and any information to which employees have access through work. This policy does not prohibit employees from exercising their rights under applicable laws, including employment laws.

##### Authorized Social Networking

Authorized social networking is social networking or blogging on behalf of City which has been authorized by City. Authorized social networking and blogging is used to convey information about City services, promote and raise awareness of City activities and events, and issue or respond to breaking

news or negative publicity. The goal of authorized social networking and blogging is to become a part of the community conversation and promote web-based sharing of ideas and exchange of information. When social networking, blogging, or using other forms of web-based forums, City must ensure that use of these communications maintain our integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

#### Personal Blogs/Social Networking

City respects the right of employees to write blogs and use social networking sites; City does not want to discourage employees from self-publishing and self-expression and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

However, if employees choose to identify themselves as a City employee, they must understand that some readers may view them as a spokesperson for City due to the content, including text and images.

Because of this possibility, employees must state that their views expressed in their blog or social networking area are their own and not those of City, nor of any person or organization affiliated or doing business with City.

#### Employer Monitoring

Employees are cautioned that they should have no expectation of privacy while using the internet at work, subject to lawful access to public postings. Postings can be reviewed by anyone, including City officials. City reserves the right to monitor comments or discussions about City, its employees, and clients. Employees are cautioned that they should have no expectation of privacy while using City equipment or facilities for any purpose, including authorized blogging.

#### 14. SUBSTANCE ABUSE

##### a. Substance Abuse Policy

The future of City is dependent on the physical and psychological health of its employees. Drug and alcohol dependency is an illness and a major health problem. City will utilize every reasonable means to maintain a drug-free work environment for its employees, including supervisor training, employee education, providing employees access to information concerning drug and alcohol abuse programs, and implementing substance abuse testing of employees and job applicants to detect the use of illegal substances.

##### b. Definitions

As used in this substance abuse policy, the following terms have the following meanings:

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

“Drug” means amphetamines, methamphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substances.

“Employee” means any person who works for salary, wages, or other remuneration.

“Job applicant” means a person who has applied for a safety sensitive position with City and has been offered employment conditioned upon successfully passing a substance abuse test (which person may have begun work pending the results of the substance abuse test).

“Nonprescription medication” means a drug or medication authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

“Prescription medication” means a drug or medication lawfully prescribed by a physician for an individual and taken in accordance with such prescription. “Prescription medication” does not include medical marijuana in any form whatsoever.

“Substance” means drugs or alcohol.

c. Prohibited Conduct

The primary goal of City is to maintain a safe, productive, and drug-free work environment. For this reason, City has established the following policy: (a) an employee will not use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job and/or possess any marijuana or other illegal drug paraphernalia on or at the job; (b) an employee will not report to work under the influence of illegal drugs or alcohol; and (c) an employee will not use prescription drugs illegally (provided, however, nothing in this policy precludes the appropriate use of prescription or non-prescription medications). Any violation of this policy may result in disciplinary action up to and including termination of employment. **Marijuana is considered a “controlled substance” under applicable federal regulations. Therefore, marijuana is an illegal drug for purposes of this substance abuse policy, even if it has been prescribed by a physician and even though Oregon has authorized the use and sale of recreational and/or medical marijuana.**

d. Pre-Employment Drug Testing – Safety Sensitive Positions

Prior to an offer of employment being made, a job applicant for a safety sensitive position will be notified that he or she will be required to submit to a drug test as a condition of employment. Once a conditional offer of employment has been made, the job applicant will be required to undergo testing for the presence of drugs as a condition of employment. A job applicant will be required to submit voluntarily to a drug test at a laboratory chosen by City and, by signing a consent agreement, will release City from liability connected to the pre-employment drug testing. Any job applicant with a confirmed positive test will be denied employment. Refusal to submit to a drug test will be interpreted as a voluntary withdrawal of application for employment.

If the physician, medical official, or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment. City will not discriminate against applicants for employment because of a past history of drug abuse. It is the current use of drugs that is prohibited. The job applicant with a confirmed positive test result may, at his or her option and expense, have a second confirmation test made on the same specimen. A job applicant will not be allowed to submit another specimen for testing. Applicants must present themselves drug-free as demonstrated by the drug testing selected by City. A job applicant who has failed a pre-employment drug test may initiate another inquiry with City after a period of not less than six months.

e. General Procedures

An employee reporting to work visibly impaired will be deemed unable to properly perform required duties and will not be allowed to work. If possible, the employee's supervisor will first seek the City Manager's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including, without limitation, whether illegal drug use has occurred. If, in the opinion of the supervisor, the employee is considered impaired, a drug test may be required. If a drug test is not immediately possible, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative (depending on the determination of the observed impairment) and accompanied by the supervisor or another employee, if necessary. An impaired employee will not be allowed to drive. To ensure that the decision to test is reasonable, the supervisor will discuss with the City Manager his or her reasons for believing that testing is warranted. If the employee is the supervisor, the City Manager will be consulted.

f. Employee Drug Testing

It will be a condition of employment for all employees to submit to drug testing when there is reasonable suspicion to believe that an employee is using illegal drugs. Reasonable suspicion of illegal drug use may arise under the following circumstances: (a) observation of drug use or of the physical symptoms or manifestations of being impaired due to drug use; (b) abnormal conduct or erratic behavior while at work or a significant deterioration in work performance; (c) a report of drug use provided by a reliable and credible source; (d) evidence that an individual has tampered with any drug test during his or her employment; (e) reasonable evidence that the employee has used, possessed, sold, solicited, or transferred drugs while working, on City's premises, or while operating any Equipment (as defined below); and/or (f) when an employee has caused or contributed to an on-the-job injury, loss, and/or accident. An employee who has been asked to undergo reasonable suspicion testing may be required to transfer to another position at City's discretion pending the results of the testing.

g. Consequences of Positive Test Result

An employee with a confirmed positive test result may, at his or her option and expense, have a second confirmation test made on the same specimen. An employee will not be allowed to submit another specimen for testing. An employee will be suspended without pay pending the results of the second confirmation test. If the physician, medical official, or lab personnel has reasonable suspicion to believe that the employee has tampered with the specimen, the employee may be subject to disciplinary action up to and including termination of employment. City may terminate any employee with a confirmed positive test result. If a decision not to terminate is made, the employee may be suspended without pay pending a confirmed negative test result. The employee must provide a confirmed negative test result, at the employee's own expense, within 30 days from the date of the positive test result.

h. Alcohol Abuse

An employee who is under the influence of alcohol at any time while on City business or at any time during the hours between the beginning and ending of the employee's workday, whether on duty or not and whether on City property or not, will be guilty of misconduct and may be subject to discipline up to and including termination of employment. An employee will be determined to be under the

influence of alcohol if (a) the employee's normal faculties are impaired due to the consumption of alcohol, or (b) the employee has a blood alcohol level of .04 or higher. To the extent City determines applicable, testing to determine whether an employee is under the influence of alcohol will occur in accordance with the procedures described in Sections 14e – 14h.

i. Compliance and Confidentiality

Testing of applicants and employees will be completed in a fair, consistent, and non-discriminatory manner and in accordance with all applicable federal, state, and local laws, rules, and regulations. An employee or applicant who has a disability which affects his or her ability to be tested in accordance with this substance abuse policy must notify the City Manager so that the City Manager may determine whether a reasonable accommodation to City's testing procedures is possible.

City will treat as confidential all information received by City through its drug and alcohol testing program consistent with the provisions of applicable federal, state, and local laws, rules, and regulations. Except as provided therein, release of such information will be solely pursuant to a written consent form signed by the person tested.

j. Commercial Drivers

In compliance with the Omnibus Transportation Employee Testing Act of 1991 and applicable Oregon law, City maintains a drug and alcohol testing program (the "CDL Testing Program") for applicants and employees who are required to obtain a commercial driver's license. The CDL Testing Program includes pre-employment, reasonable suspicion, random, and post-accident alcohol and controlled substances testing. Employees subject to the CDL Testing Program will also be subject to City's general substance abuse policy. Any employee that violates the CDL Testing Program may be subject to disciplinary action up to and including termination of employment.

15. COMPENSATION AND PERFORMANCE EVALUATIONS

a. Compensation

City strives to hire and retain the highest quality employees to successfully achieve its vision and mission. City works to maintain competitive wages within the community, commensurate with experience and education. City will review salaries annually and, based on the budget and financial health of City, will strive to maintain market standards. Annual performance evaluations for all staff will be conducted in on or about June each year. Salary adjustments may or may not be granted at the time performance evaluations or promotions are given – there are no automatic pay raises; provided, however, if a salary adjustment occurs, the salary adjustment will be effective as of July 1 of the applicable year. Pay raises are made at the discretion of the City Manager.

b. Performance Evaluations

Employee performance evaluations may be completed (a) during and/or immediately after the completion of an employee's Probationary Period, (b) in the event of promotion or change in the employee's duties and responsibilities, (c) annually, and (d) any other time selected by the City Manager. Performance evaluations will be completed by the employee's direct supervisor.

Performance evaluations are a two-way communication process designed to accomplish the following objectives: (a) maintain and improve job satisfaction by letting employees know City is interested in their job progress and personal development; (b) serve as a systematic guide to recognize needs for further training and progress planning; (c) ensure a factual, objective analysis of an employee's performance vs. job requirements; (d) help place employees in positions within City that best utilize their talents and capabilities; (e) provide an opportunity to discuss job problems or other job-related interests; (f) serve as an aid in salary administration; (g) provide a basis for coordinating the goals and objectives of the employee and City; and (h) give recognition for superior performance. Wage adjustments are not necessarily made at the time a performance evaluation is completed.

During an employee's performance evaluation, the employee is encouraged to discuss his or her interests and future goals. Performance evaluations provide the City Manager an opportunity to suggest ways for the employee to advance and make his or her job more fulfilling. If an employee has any questions or concerns regarding performance evaluations, the employee is encouraged to contact the City Manager.

## 16. EMPLOYEE BENEFITS

### a. Employee Benefits - General

City strives to provide the best, most equitable, and most cost-effective benefits for its employees in recognition of the influence employment benefits have on employee economic and personal welfare. Paid in various benefit forms on an employee's behalf, the total cost of providing the benefit program described in this Handbook and other documents represents a significant supplement to employee pay. The benefits described in this Handbook are provided at City's sole discretion. This Handbook is not and should not be interpreted to be an insurance, promise, or guaranty of an obligation to provide such benefits.

Except as otherwise provided in this Handbook (e.g., the sick leave policy), benefits provided under this Handbook are provided only to regular full-time and part-time employees that (a) have completed their Probationary Period, and (b) meet the requirements imposed by applicable standards, policies, and regulations (including, without limitation, the work hour requirements and those other conditions specified in this Handbook and/or contained in the applicable benefit policy/plan booklets). The benefit policies contained herein are intended to consist of a general description of the applicable benefits. Details of each specific benefit may be outlined in the documentation for such benefit.

### b. Paid Holidays

Subject to the terms and conditions contained in this Handbook, City observes the following holidays each calendar year:

New Year's Day  
President's Day  
Martin Luther King, Jr.'s Birthday  
Memorial Day  
Juneteenth  
Independence Day  
Labor Day

Veteran’s Day  
 Thanksgiving  
 Christmas Day  
 Two Floating Holidays

Each employee will receive a day off from work on each holiday. If the holiday falls on a Saturday, it will be observed on the Friday immediately preceding the holiday; if the holiday falls on a Sunday, the holiday will be observed on the Monday immediately following the holiday. On each holiday, each regular full-time employee will be paid an amount equivalent to his or her regular rate of pay for eight hours of work. On each observed holiday, each regular part-time employee that is scheduled and regularly works no less than 20 hours per week will be paid an amount equivalent to his or her straight time rate of pay for such employee’s regularly scheduled daily work hours. Holiday pay will not be paid to any other employees.

As identified above, each eligible regular full-time and part-time employee may select two paid floating holidays each fiscal year. Floating holidays must be used in full-day increments; partial days are not permitted. Each floating holiday selected by an employee must receive the City Manager’s prior written consent. Any unused floating holiday(s) will not carry over into the next fiscal year and will not be paid to employee upon termination or separation of employment.

If a holiday falls on an eligible regular full-time or part-time employee’s vacation or sick leave day, the day will be treated as a holiday rather than a vacation or sick leave day. To qualify for holiday pay, the regular full-time or part-time employee must be on paid status the day before and the day after a holiday. A regular full-time or part-time employee is not eligible to receive holiday pay if the employee is on an unpaid leave of absence. Holiday pay is not considered as time worked for overtime purposes.

c. Vacation

City provides paid vacation to each regular full-time and part-time employee (that is scheduled and regularly works no less than 20 hours per week) that has completed his or her Probationary Period. Vacation pay is computed at the employee’s regular rate of pay (and does not include overtime or other forms of compensation). If a holiday falls on an employee’s scheduled vacation day, the day will be charged to holiday pay rather than vacation pay.

Accrual Schedule

Each regular full-time employee and eligible part-time employee will receive vacation benefits based on the length of the employee’s continuous service with City in accordance with the following schedule:

*Regular Full-Time Employee (General)*

<u>Length of Continuous Service</u>	<u>Monthly Vacation Accrual</u>	<u>Maximum Yearly Accrual</u>
0-5 years	8 hours per month	96 hours per year
6-15 years	10 hours per month	120 hours per year
16-20 years	12 hours per month	144 hours per year
20 + years	14 hours per month	168 hours per year



*Regular Full-Time Employee – Grant County Police Officers’ Association*

<u>Length of Continuous Service</u>	<u>Monthly Vacation Accrual</u>	<u>Maximum Yearly Accrual</u>
0-3 years	8 hours per month	96 hours per year
4-10 years	10 hours per month	120 hours per year
11-15 years	12 hours per month	144 hours per year
15+ years	14 hours per month	168 hours per year

*Regular Full-Time Employee - City Manager*

<u>Length of Continuous Service</u>	<u>Monthly Vacation Accrual</u>	<u>Maximum Yearly Accrual</u>
0-5 years	10 hours per month	120 hours per year
6-15 years	12 hours per month	144 hours per year
16+ years	14 hours per month	168 hours per year

*Regular Part-time Employee*

Each regular part-time employee that is scheduled and regularly works no less than 20 hours per week will receive vacation benefits based on the length of the employee’s continuous service with City in accordance with the following schedule:

<u>Length of Continuous Service</u>	<u>Monthly Vacation Accrual</u>	<u>Maximum Yearly Accrual</u>
0-5 years	4 hours per month	48 hours per year
6-15 years	5 hours per month	60 hours per year
16-20 years	6 hours per month	72 hours per year
20 + years	7 hours per month	84 hours per year

The term “continuous service” means the employee’s uninterrupted employment with City, absent of any interruption, separation, termination, and/or unpaid administrative leave. Continuous service will not be considered interrupted due to an employee’s military leave, sick leave, family leave, and/or other approved paid leave.

Vacation benefits are not earned until the final day of the month, and may not be taken until the month after which the vacation benefits are earned. A regular full-time or part-time employee will not receive any vacation benefits during his or her Probationary Period. However, if the regular full-time or part-time employee successfully completes his or her Probationary Period, the employee will receive vacation benefits retroactive to the employee’s date of employment.

**Vacation Accumulation**

Employees are encouraged to take vacation leave in the calendar year immediately after the calendar year in which the vacation time is earned. For this reason, in no event may vacation leave accumulation exceed the following:

Those receiving 4 hours per month	80 hours
Those receiving 5 hours per month	100 hours
Those receiving 6 hours per month	120 hours
Those receiving 7 hours per month	140 hours
Those receiving 8 hours per month	160 hours

Those receiving 10 hours per month	200 hours
Those receiving 12 hours per month	240 hours
Those receiving 14 hours per month	280 hours

Any earned but unused vacation benefits exceeding the maximum leave accumulation will be immediately forfeited.

#### Requests and Scheduling of Vacation Leave

A regular full-time or part-time employee desiring to take vacation leave must provide City appropriate advance notice. Appropriate advance notice includes, without limitation, making requests for vacation leave on the forms provided by City. All requests for vacation leave must be approved by the Department Head and the City Manager.

Vacation leave must be taken in a manner that will not materially and unreasonably interfere with City's operations. Although an employee's vacation leave preferences will be given deference, City does not guarantee that each employee will be permitted to use his or her vacation leave during the period(s) preferred by the employee.

#### Payment of Vacation Benefits Upon Termination of Employment

Employees will be paid for all earned but unused vacation benefits upon termination of employment (subject to the accrual limitations provided above) at the employee's then applicable regular rate of pay.

#### d. Sick Leave

City provides each eligible employee paid sick leave ("sick time") in accordance with ORS 653.601 et seq. Sick leave pay is computed at the employee's regular rate of pay and does not include overtime or other forms of compensation.

#### Sick Leave – Permitted Purposes

In accordance with ORS 653.601 et seq., an eligible employee may use his or her sick leave for any of the following purposes: (a) the employee's own illness, injury, or health condition, including time off for medical diagnosis, care, treatment, and preventative care; (b) to care for a family member with an illness, injury, or health condition, including medical diagnosis, care, treatment, and preventative care; (c) for any purpose designated under the Oregon Family Leave Act ("OFLA"), including, without limitation, bereavement leave or caring for a newborn child, regardless of whether OFLA would otherwise apply; (d) for any purpose allowed under Oregon's domestic violence, harassment, sexual assault, and/or stalking law; (e) to donate accrued sick time to another employee, who may use it for any qualified purpose, if the donation is permitted under City's employee leave bank policy; and/or (f) public health emergency as defined under ORS 653.601 et seq.

#### Accrual Schedule

Each eligible regular full-time employee will receive eight hours of paid sick leave per month of service, for a total not to exceed 96 hours per year. Sick leave benefits are not earned until the final day of the month and may not be taken until the month after which the sick leave benefits are earned (except as provided below). All other eligible employees will receive four hours of paid sick leave per month of service, for a total not to exceed amount 48 hours per year. Sick leave benefits are not earned until the final day of the month and may not be taken until the month after which the sick leave benefits are earned (except as provided below).

An eligible employee will not receive any sick leave benefits during the first three months of his or her employment. However, if the eligible employee successfully completes his or her first three months of employment, the employee will receive sick leave benefits retroactive to the employee's date of employment. An employee that begins employment with City after January 1st of any calendar year will receive prorated sick leave benefits for such calendar year.

#### Sick Leave Accumulation

Accrued but unused sick leave may be carried over from one year to the next; provided, however, in no event will (a) a regular full-time employee's total sick leave accumulation exceed 2,080 hours, and/or (b) any other employee's total sick leave accumulation exceed 1,040. Any earned but unused sick leave benefits exceeding 2,080 hours, in the case of regular full-time employees, or 1,040 in the case of any other employees, will be immediately forfeited. Notwithstanding anything contained in this Handbook to the contrary, accrued but unused sick leave will not be paid out to any employee upon termination of employment (whether the termination was voluntary or involuntary).

#### Scheduling of Sick Leave

If the need for sick leave is foreseeable, (a) an employee desiring to take paid sick leave must provide the employee's Department Head reasonable advance notice of his or her intention or need to take sick leave (e.g., 10 days' prior to the date the sick leave will commence or as soon as practicable), and (b) the employee will make a reasonable attempt to schedule the use of sick leave in manner that does not unduly disrupt City's operations. If the need for sick leave is unforeseeable, the employee will provide notice to the employee's Department Head as soon as practicable.

Requests for sick leave will be permitted provided the employee has accrued sick leave available. However, failure to return from sick leave on the scheduled time/date may be considered job abandonment and treated as a voluntary termination.

#### Medical Verification

If an employee takes more than three consecutive scheduled workdays of sick leave for a purpose described in subparagraphs (a) – (d) under the paragraph titled "Sick Leave – Permitted Purposes", above, City may require the employee to provide verification from a health care provider of the need for the sick leave or certification of the need for leave for purposes of ORS 659A.272 as provided under ORS 659A.280.

If the need for sick leave is foreseeable and is projected to last more than three scheduled workdays, the employee must provide verification or certification before the employee's sick leave commences or as soon as otherwise practicable. If the employee commences sick leave without providing prior notice, (a) medical verification will be provided to City within 15 days after City requests verification, or (b) certification provided as specified in ORS 659A.280 will be provided to City within a reasonable time after the employee receives the request for certification.

In accordance with ORS 653.601 et seq., if City suspects that an employee is abusing sick leave, including engaging in a pattern of abuse, City may require verification from a health care provider of the employee's need for sick leave regardless of whether the employee has used sick leave for more than three consecutive days. As used in this paragraph, the term "pattern of abuse" includes, without limitation, repeated use of unscheduled sick leave on or adjacent to weekends, holidays, vacation days, and/or paydays.

City will pay any reasonable costs for providing medical verification or certification required under this policy, including lost wages, that are not paid under a health benefit plan in which the employee is enrolled.

e. Employee Leave Bank

City has established an employee leave donation bank to assist regular full-time and regular part-time employees who experience hardship due to a serious health condition or medical emergency and have no sick or vacation time to use. The donation bank is funded by voluntary, non-coerced donations of accrued but unused vacation pay and sick leave from regular full-time and part-time employees. The following conditions apply to the employee leave donation bank:

i. Donations must be voluntary, non-coercive, and not individually solicited. Donations must be made in no less than four-hour increments. Donations must be made to the donation bank, not to a specific individual. Donors will remain anonymous. Donations may not be revoked or cancelled.

ii. A recipient of donated time must be a regular full-time or regular part-time employee that has successfully completed his or her Probationary Period at the time of his or her request for donated time. The recipient must have also previously exhausted all his or her vacation pay and sick leave. The recipient must be experiencing hardship due to the recipient's serious health condition or medical emergency and have no sick or vacation time to use and would otherwise be subject to a financial hardship due to the salary (wage) discontinuance (i.e., leave without pay). Hardship due to the serious health condition or medical emergency of an immediate family member of the recipient also qualifies. An "immediate family member" means the wife, husband, son, daughter, mother, father, brother, grandmother, grandfather, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, or grandchild of the recipient.

iii. An employee may donate not more than 40 hours per calendar year, provided that, after making the donation(s), the employee has a minimum of 80 hours of accrued but unused vacation time and 8 hours of accrued but unused sick leave remaining. Any time donated to the employee donation bank will be deemed forfeited by the employee and the employee will not be compensated in any manner for the donated vacation pay and/or sick leave. Any one recipient may receive not more than one-third of the total amount of time in the leave donation bank (up to but not to exceed 40 hours). Donated time will be paid to the recipient at the recipient's rate of pay in effect at the time the recipient is paid the donated time. The value of the donated pay used by the recipient will become part of the recipient's gross pay and will be taxable to the recipient. Leave days that are allocated to a recipient and not used will revert back to the donation bank.

iv. Donors must complete and submit a leave donation form to the City Manager for review and approval. If approved, the donated time is deducted from the donor's benefits and applied to the donation bank. Employees may request time from the leave donation bank by completing and submitting a leave donation request form to the City Manager for review and approval. The City Manager may request documentation to support any request for donated time. The City Manager will determine whether a request for donated time will be granted. The decision of the City Manager on any given request will not set any precedent nor bind future decisions of the City Manager.

f. Medical, Dental, and Life

A group medical, dental, and life insurance plan is provided to each (a) regular full-time employee that has successfully completed his or her first thirty days of employment, and (b) each regular part-time employee that has successfully completed his or her first thirty days of employment and is scheduled and regularly works no less than 20 hours per week. Each qualifying regular full-time and part-time employee is eligible for these benefits on the first day of the month immediately following the successful completion of his or her first thirty days of employment. Spouses and dependents of the eligible employee may be added to the group plan. City will pay no more than 80% of the eligible employee's spouse and/or dependents medical, dental, and/or life insurance; any unpaid balance will be paid by the eligible employee. Any questions on coverage or claims should be directed to the City Manager.

g. Public Employees Retirement System

After six months of full-time employment, employees will be required to participate in the Public Employees Retirement System. Details concerning the retirement system may be obtained in the office of the City Recorder.

17. LEAVES OF ABSENCE

a. General - Unpaid Leave of Absence

City may grant, in its sole discretion, an employee an unpaid personal leave of absence. To be qualified for an unpaid personal leave of absence, the employee must have completed one full year of employment with City at the time of his or her leave request. Except in the case of an emergency, an employee desiring to take an unpaid personal leave of absence must obtain the City Manager's prior approval no less than five days prior to the date the leave is to commence. If circumstances prohibit advance notice, an employee must obtain permission from the City Manager as soon as practical.

If a leave of absence is granted, the employee's name remains on the payroll, the records remain intact, but no compensation or benefits are received or accrued, including, without limitation, the employee's wages, vacation, and City's payment of the employee's insurance premiums (subject to applicable law, policy, and regulations). Failure to return to work as scheduled from an approved unpaid leave of absence or to inform the City Manager of an acceptable reason for not returning as scheduled will be considered a voluntary resignation of employment. An employee requesting an unpaid leave of absence must exhaust all of his or her accrued but unused sick leave prior to being granted an unpaid leave of absence.

b. Bereavement Leave

An employee who wishes to take time off due to the death of an immediate family member should notify the City Manager immediately. For purposes of this bereavement leave policy, an "immediate family member" is defined as the employee's spouse, domestic partner, child, parent, spouse's or domestic partner's parent, sister, brother, child, grandchild, or grandparent. Up to three days of paid bereavement leave will be provided to a regular full-time employee that has successfully completed his or her Probationary Period. Bereavement leave is paid at the employee's regular rate of pay. Employees may, with supervisory approval, use any available vacation time for additional time off

as necessary, or for attendance at funerals of individuals who do not meet the criteria of “immediate family member.”

c. Jury Duty

If an employee is called for jury duty, City encourages the employee to fulfill his or her right and duty as a citizen. Except as otherwise provided below, time off will be granted for the duration of the employee’s jury duty. The employee must provide the jury duty summons to his or her supervisor as soon as possible so that proper arrangements can be made to cover in the employee’s absence. The employee will receive full wages (at his or her regular rate of pay) for time spent on jury duty. The employee will also be eligible for employee benefits as if he or she were actively employed during an approved jury duty. If the employee is dismissed from jury duty early on any day, the employee must report to work for the remainder of the day. If the employee is summoned to appear in court as a witness, the employee is allowed unpaid time off. Any compensation paid to an employee by the court for jury duty will be turned over to City, excluding mileage reimbursement.

City requires that employees inform the City Manager as soon as possible if they are called to serve on jury duty so that City may submit a hardship deferral if needed to fulfill City mission-essential work.

d. Military Leave - Reserve Duty

City supports leaves of absence for military training in accordance with applicable state and federal law. An employee who is an active reservist in the armed forces will be granted military leave for the annual two-week training period. Written requests are to be accompanied by a copy of the military orders. Military leave for training will be granted without pay; provided, however, an eligible employee may use any earned but unused vacation during any military leave taken under this policy.

e. Military Leave - Active Duty

City supports leaves of absence for military service in accordance with applicable state and federal law. An employee must immediately inform the City Manager when he or she is aware of the need to be absent for military service so that appropriate leave may be arranged. An employee must present the City Manager with a copy of the employee’s service papers when received. Upon returning to City after the employee’s completion of the military leave, the employee will be reinstated, if eligible, with full privileges as determined by the Uniformed Service Employment and Re-employment Rights Act. Military leave will be granted without pay; provided, however, an eligible employee may use any earned but unused vacation during any military leave taken under this policy.

f. Crime Victim Leave

An eligible employee may take an unpaid leave of absence to attend criminal proceedings involving crimes in which the employee or the employee’s immediate family members were victims. An employee may be eligible for this type of leave if (a) the employee worked an average of 25 hours or more per week in the 180 days immediately prior to the leave being taken, and (b) the employee is a “crime victim” (i.e., someone who has suffered financial, social, psychological, or physical harm due to a felony, or who is an immediate family member of the crime victim). “Immediate family member” for purposes of this policy includes the spouse, domestic partner, parent, grandparent, sibling, child, or

stepchild of a crime victim. An eligible employee must provide reasonable notice of the employee's intention to take crime victim leave and must provide the City Manager copies of any criminal proceeding scheduling notices. Crime victim leave is generally unpaid, but an employee may use any accrued paid leave during the crime victim leave.

g. Domestic Violence Leave and Accommodation

An employee may be eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or the employee's minor dependents in accordance with applicable law. Reasons for taking domestic violence leave include situations where the employee (or the employee's dependents) need to (a) seek legal or law enforcement assistance, (b) secure medical treatment or recover from injuries, (c) seek counseling from a licensed mental health professional, (d) obtain services from a victim services provider, and/or (e) relocate or secure an existing home. When seeking domestic violence leave, the employee must provide as much advance notice as practicable of the employee's intention to take leave, unless giving advance notice is not feasible. Notice of the need to take leave must be provided by submitting a request for leave form to the City Manager indicating the time needed, when the time will be needed, and the reason for the leave. Domestic violence leave is generally unpaid, but an employee may use any accrued but unused paid leave (including PFML defined below) during the domestic violence leave. Employees who are victims of domestic violence, harassment, sexual assault, or stalking may additionally request a reasonable safety accommodation that will allow the employee to more safely continue to work.

h. Accepting Other Employment While on Leave

Subject to applicable law, if an employee accepts employment with another or goes into business while on a leave of absence, the employee will be considered to have voluntarily resigned from employment with City.

i. Oregon Family Leave Act ("OFLA") and Family and Medical Leave Act ("FMLA")

Notwithstanding anything contained in this Handbook to the contrary, City will adhere to the following OFLA/FMLA policy if and to the extent required under applicable Oregon and federal laws.

City recognizes that employees need support in balancing work, personal, and family responsibilities. City's policies are in compliance with federal and Oregon leave laws and will administer this policy in accordance with all legal requirements. If any part of this policy is in conflict with current state or federal law, then the state or federal law takes precedence over the conflicting provision of this policy. All other non-conflicting provisions of this policy will remain in full force and effect. Employees seeking further information should contact the City Manager. Please also refer to the "Employee Rights and Responsibilities" notice posted in the office break room, which notice is incorporated herein by reference.

Definitions

As used in this OFLA/FMLA policy, the following terms have the following meanings:

"Child" includes a biological, adopted, foster or stepchild, the child of a same-gender domestic partner or a child with whom the employee is in a relationship of in loco parentis.

“Family member” is defined as a spouse, parent (biological, adoptive, step, foster, or in loco parentis), or child (biological, adopted, step, foster, or in loco parentis). “Family member” also includes a parent-in-law, grandparent, grandchild, same-gender domestic partner, and parent or child of same-gender domestic partner.

“Serious health condition” is defined under FMLA as an illness, injury, impairment, or physical or mental condition that involves (a) inpatient care, including any period of incapacity connected with inpatient care or any subsequent treatment connected with such inpatient care, or (b) continuing treatment for (i) an incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves, (ii) in-person treatment by a health care provider two or more times within 30 days of the first day of incapacity, with the first treatment occurring within 7 days of the first day of incapacity, or (iii) in-person treatment by a health care provider on at least one occasion occurring within 7 days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of a health care provider; (c) any period of incapacity due to pregnancy or prenatal care; (d) any period of incapacity or treatment for a chronic serious health condition (i.e., asthma, diabetes, epilepsy, etc.); (e) permanent or long-term incapacity for which treatment may not be effective but is under the continuing supervision of a health care provider (i.e., Alzheimer’s, severe stroke, terminal stages of a disease, etc.); or (f) multiple treatments by a health care provider for and recovery from restorative surgery after an accident or other injury or a condition that if not treated would result in incapacitation of more than three calendar days (i.e., chemotherapy or radiation for cancer, physical therapy for severe arthritis, dialysis for kidney disease, etc.). 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.

“Public Health Emergency” refers to a public health emergency as defined in ORS 433.442 and declared under ORS 433.441 or ORS 401.165.

#### Reasons for Taking Leave

Family Medical Leave may be taken under any of the following circumstances:

##### 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.

##### Family Member’s Serious Health Condition Leave

To care for a family member with a serious health condition.

##### 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.

##### 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. This type of leave is available only to employees who are eligible under OFLA.

#### Call to Active-Duty Leave

Eligible employees with a spouse, son, daughter or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only.

#### Servicemember Family Leave

Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. This type of leave is available under FMLA only.

#### Child School Closure

To care for the employee’s dependent child as a result of the closure of the dependent child’s school or childcare provider as a result of a public health emergency.

#### Public Health Emergency Leave

An employee will be eligible to take leave during a public health emergency if the employee has worked for City for no less than 30 days immediately before the leave begins, and the employee has worked an average of 25 hours per week during the 30 days immediately preceding the leave. In addition, an employee may take leave to care for the employee’s dependent child due to closure of the dependent child’s school or childcare provider as a result of a public health emergency. To request public health emergency leave to care for a dependent child, the employee may be required to show verification to City, including the following: (a) the dependent child’s name requiring home care; (b) the name of the school or child care provider that is subject to closure; (c) a statement from the employee that no other family member is willing or able to care for the child; and (d) a statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.

#### Eligible Employees

To qualify for Oregon Family 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 under Oregon law, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

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

Part-time employees who meet the hourly eligibility requirements for family leave are entitled to a pro-rated equivalent of 12 workweeks of leave during the year. If a part-time employee works a varying schedule, the leave entitlement is based on the average weekly hours over the twelve weeks worked prior to the beginning of the leave period. Leave under state and federal law will run concurrently when permitted. Please contact the City Manager for more information on eligibility.

#### Length of Leave

In any one-year calculation period, eligible employees are entitled to Family Medical Leave within the following limits: (a) twelve weeks of Family Medical Leave (parental leave, serious health condition leave, sick child leave, or call to active duty leave); (b) twelve weeks of leave for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and (c) employees who take the entire twelve weeks of parental leave are entitled to an additional twelve weeks of leave to care for a sick child.

When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during a single twelve-month period to care for the servicemember. During the single 12-month period in which servicemember family leave is taken, an eligible employee is entitled to a combined total of 26 workweeks of leave for purposes of parental leave, serious health condition leave, or call to active-duty leave.

#### One-Year Calculation Period

The “twelve-month period” during which leave is available (also referred to as the “one-year leave calculation period”) will be determined by a rolling twelve-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 twelve weeks which has not been used during the immediately preceding twelve months.

#### 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 or the serious injury or illness of a covered service member. Additionally, leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without their express consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of operations, including consulting the City Manager prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both City and the employee. Intermittent leave for parental leave is not available.

#### Employee Responsibilities - Notice

Employees must provide at least 30 days advance notice before leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember. 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. For Call to Active-Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Whether leave is to be continuous or is to be taken intermittently or

on a reduced schedule basis, notice need only be given one time, but the employee will advise the City Manager 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 the City Manager within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.

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

#### Certification

Generally speaking, employees must provide sufficient information for City to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Servicemember Family Leave. Employees also must inform the employer if the requested leave is for a reason for which OFLA or FMLA leave was previously taken or certified. Additionally:

- a. Employees requesting serious health condition leave for themselves or to care for a covered 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 must furnish City's requested medical certification information within 15 calendar days after such information is requested by City. In some cases (except for leave to care for a sick child), City may require a second or third opinion, at City's expense. Employees also may be required to submit subsequent medical verification.
- b. Employees requesting sick child leave under OFLA may be required to submit a medical certificate if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.

#### 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.

#### Substitution of Paid Leave for Unpaid Leave

Employees may use any available vacation time (if any) while on approved OFLA or Family Medical Leave. If the employee's vacation time (if any) is exhausted, the leave will be unpaid. Employees will inform their supervisor or the City Manager if they wish to use vacation time or other paid leave (if any) during a qualifying leave of absence.

#### Holiday Pay While on Leave

Employees receiving short or long-term disability will not qualify for holiday pay, if any. Employees using vacation time (if any) during a portion of approved OFLA or Family Medical Leave in which a holiday (if any) occurs will qualify to receive holiday pay, if any. Employees who are on unpaid leave during a holiday, if any, will not qualify to receive holiday pay, if any.

### On-the-job Injury or Illness

Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify as Federal Family Medical Leave if the injury or illness is a “serious health condition” as defined by applicable law. Periods of employee disability resulting from a disabling compensable workers’ compensation injury will not be counted as OFLA leave unless the injury or illness is a “serious health condition” of the employee as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment. If the employee’s serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers’ compensation time-loss benefits.

### Benefits While on Leave

If an employee is on approved Family Medical Leave under FMLA and/or OFLA, City will continue the employee’s health coverage (if any) under any “group health plan” on the same terms as if the employee had continued to work.

### Job Protection

Employees returning to work after an approved FMLA and/or OFLA leave of absence will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement. Employees are expected to promptly return to work when the circumstances requiring OFLA and/or FMLA leave have been resolved, even if leave was originally approved for a longer period. With the exception of employees on leave as the result of an on-the-job injury or illness or otherwise required by law, reinstatement will not be considered if the leave period exceeds the maximum allowed. Employees who work for other employers during their leave, or who use OFLA/FMLA for reasons other than the reason for which leave had been granted, may be subject to disciplinary action up to and including termination of employment.

### Complaint Process under FMLA

Generally, a complaint must be filed within two years of the date of the last action which the employee contends was in violation of FMLA. However, if it can be shown that the action taken by the employer was willful, the complaint may be filed within three years of that date. For the best chance of success in resolving the complaint, the complaint should be filed as soon after the date of the last action thought to be in violation of FMLA as reasonably possible. The complaint may be filed by the employee or any other person on behalf of the employee.

Complaints may be filed with the Secretary of Labor by contacting the nearest office of the Wage and Hour Division of the Employment Standards Administration, U. S. Department of Labor. The complaint may be filed in person, by letter or by telephone; however, the complaint must be reduced to writing. The U.S. Department of Labor will review the merits of the complaint, and where appropriate, will undertake to resolve the complaint administratively, through negotiations with the employer. When the complaint is resolved administratively, actions are limited to a two-year period and interest and liquidated damages are not recovered. In some cases, the Secretary of Labor may file a lawsuit on behalf of the employee in the event negotiations with the employer are unsuccessful and the Secretary is convinced that violations of the Act did occur.

### To Access Additional Information:

If you have access to the Internet visit the FMLA website: <http://www.dol.gov/esa/whd/fmla>. To locate your nearest Wage-Hour Office, telephone the Wage-Hour toll-free information and help line at 1-866-4USWAGE (1-866-487-9243): a customer service representative is available to assist you with referral

information from 8am to 5pm in your time zone; or log onto DOL's Home Page at <http://www.wagehour.dol.gov>. U.S. Department of Labor Employment Standards Administration Wage and Hour Division, Washington, D.C. 20210.

j. Paid Family and Medical Leave.

Each eligible employee (as defined below) will receive paid leave subject to and in accordance with this paid family and medical leave ("PFML") policy. This PFML policy is intended to comply with the requirements provided under ORS 657B.015 et seq. If any part of this policy is in conflict with current applicable law, then applicable law takes precedence over the conflicting provision of this policy. All other non-conflicting provisions of this policy will remain in full force and effect. Employees seeking further information regarding this PFML policy should contact the city manager.

Definitions.

As used in this PFML policy, the following terms have the following meanings:

"Base year" means the first four of the last five completed calendar quarters preceding the benefit year.

"Benefit year" means the 12-month period as determined by the director of the Oregon Employment Department ("OED") by rule under ORS 657B.340.

"Child" means (a) a biological child, adopted child, stepchild or foster child of an eligible employee or of the eligible employee's spouse or domestic partner, (b) a person who is or was a legal ward of an eligible employee or of the eligible employee's spouse or domestic partner, or (c) a person who is or was in a relationship of in loco parentis with an eligible employee or with the eligible employee's spouse or domestic partner.

"Eligible employee" means an employee who (a) has earned at least \$1,000 in wages during the base year or if an employee has not earned at least \$1,000 in wages during the base year, an employee who has earned at least \$1,000 in wages during the alternate base year, and (b) may apply for paid family and medical leave insurance benefits under ORS 657B.015.

"Family and medical leave insurance benefits" means the wage replacement benefits that are available to an eligible employee under ORS 657B.050 for family leave, medical leave or safe leave.

"Family leave" means leave from work taken by an eligible employee to (a) care for and bond with a child during the first year after the child's birth or during the first year after the placement of the child through foster care or adoption, or (b) care for a family member with a serious health condition. "Family leave" does not include leave described in ORS 659A.159 (1)(d) (to care for a child suffering from a condition which is not a serious health condition), ORS 659A.159 (1)(e) (to deal with the death of a family member), or ORS 659A.093 (military leave).

"Family member" for purposes of this policy includes the following: (a) the spouse of an eligible employee; (b) a child of an eligible employee or the child's spouse or domestic partner; (c) a parent of an eligible employee or the parent's spouse or domestic partner; (d) a sibling or stepsibling of an eligible employee or the sibling's or stepsibling's spouse or domestic partner; (e) a grandparent of an eligible employee or the grandparent's spouse or domestic partner; (f) a grandchild of an eligible employee or

the grandchild's spouse or domestic partner; (g) the domestic partner of an eligible employee; or (h) any individual related by blood or affinity whose close association with an eligible employee is the equivalent of a family relationship.

"Medical leave" means leave from work taken by an eligible employee that is made necessary by the eligible employee's own "serious health condition" as defined by ORS 659A.150.

"Safe leave" means leave taken for any purpose described in ORS 659A.272.

#### Employee Contribution.

An employee is required to contribute 60% of the total contribution rate (as determined annually by the OED) of the employee's wages. In accordance with ORS 657B.150, City will deduct the applicable employee contribution rate from each employee's paycheck.

#### City Contribution.

City may (but is not obligated to) contribute a percentage of the employee's total contribution rate as identified above (which percentage contribution is determined by City annually and may be adjusted (or eliminated) in City's sole discretion). The remaining balance of the employee's contribution rate must be paid by the employee.

#### Applying for Paid Leave.

An eligible employee must apply for family and medical leave insurance benefits directly through the OED. An employee may submit an application online at [paidleave.oregon.gov](http://paidleave.oregon.gov).

#### Permitted Purposes.

In accordance with ORS 657B.020 an eligible employee may qualify for family and medical leave insurance benefits for any of the following permitted purposes (or combination thereof): (a) family leave; (b) medical leave; or (c) safe leave. The OED has sole discretion to determine whether an employee is eligible (i.e., qualified) for family and medical leave insurance benefits. An employee who disagrees with the OED's decision may appeal the decision under ORS 657B.410.

#### Length of Leave.

In any one benefit year, an eligible employee is entitled to 12 weeks of paid leave for any of the permitted purposes (identified above), or combination thereof. An employee who takes the entire 12 weeks for family leave to bond with a child after birth may take an additional two weeks for limitations related to pregnancy, childbirth, and/or a pregnancy-related medical condition. Eligible employees may take leave consecutively or intermittently in increments equivalent to one workday or one workweek at a time.

#### OFLA and FMLA while on PFML.

Any paid leave under this policy must be taken concurrently with any leave taken by an eligible employee under OFLA and/or the FMLA. Notwithstanding the immediately preceding sentence, an eligible employee who is taking leave under this policy in combination with OFLA and/or FMLA leave may take a total of 16 weeks of combined paid and unpaid protected leave in a single benefit year (or 18 weeks for an eligible employee with limitations related pregnancy, childbirth, and/or a pregnancy-related medical condition).

#### Notice.

If the need for leave is foreseeable, an employee desiring to take leave must provide the city manager 30-days advance notice of his or her intention or need to take leave under PFML. If the need for leave is unforeseeable (i.e., in the case of an emergency), the employee must provide (a) verbal notice to the city manager within 24-hours of commencing leave, and (b) written notice the city manager within three days of commencing leave. Failure to provide appropriate notice under this policy may result in a reduction in the eligible employee's benefit amount as determined by the OED.

Any information related to an employee's notice/request for PFML will remain confidential. City will not disclose such information without express prior written consent of the employee unless disclosure is otherwise required by law.

#### Benefits while on Paid Leave.

If an employee is on approved PFML by OED, the employee will receive payment of wages directly from the OED. City is not responsible for an employee's wages while an employee is on leave under PFML and receiving family and medical leave insurance benefits from the OED. Notwithstanding the immediately preceding sentence, City will continue the employee's health insurance coverage (if any) under any "group health plan" on the same terms as if the employee had continued to work (i.e., City will continue to pay its share of the employee's medical insurance premiums during paid leave). An employee must continue to pay his or her share of medical insurance premiums before they are due. An employee on paid leave will not accrue seniority or any other employee benefits (e.g., vacation time) that may otherwise accrue while the employee is working. An employee may, but is not required to, exhaust all other paid time (e.g., paid sick time, vacation, etc.) before applying for paid leave under this policy.

#### Job Protection.

An employee returning to work from OED approved PFML will be reinstated to the employee's former position; provided, however, that the subject employee must have worked for City for at least 90 days prior to commencement of the PFML. If the position has been eliminated, the employee may be assigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated for circumstances where the law does not require reinstatement.

#### Return from Leave.

Employees are expected to promptly return to work when the circumstances requiring PFML under this policy have been resolved, even if the leave was originally approved for a longer period. Reinstatement will not be considered if the leave period exceeds the maximum allowed. Employees are on PFML under this policy because they are unable to work. Employees who work for other employers during their leave, or who use PFML for reasons other than the reason for which PFML had been granted, may be subject to disciplinary action up to and including termination of employment.

#### Retaliation Prohibited.

City prohibits retaliation against an employee who takes leave in accordance with this PFML policy. Retaliation in violation of this PFML policy may result in disciplinary action up to and including termination of employment. An employee who believes that they may have been retaliated against for having inquired and/or taken leave under this PFML policy is urged to promptly notify the city manager so that the employee's concerns may be investigated.

#### Complaint Process under PFML.

An employee who alleges a violation of ORS 657B.015 et seq. may bring a civil action under ORS 659A.885 or may file a complaint with the Commissioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

18. EMPLOYEE SAFETY AND EQUIPMENT USE

a. General Employee Safety

City is committed to the safety and health of all employees and recognizes the need to comply with regulations governing injury and accident prevention and employee safety. Maintaining a safe work environment, however, requires the cooperation of all employees. City strongly encourages each employee to communicate with the City Manager regarding safety issues.

b. Reporting Injuries

All accidents, injuries, potential safety hazards, and health and safety related issues must be reported immediately to the City Manager. If an employee is injured, the employee should contact outside emergency response agencies, if needed. If an injury does not require medical attention, a Supervisor and Employee Report of Accident Form must still be completed in case medical treatment is later needed and to insure that any existing safety hazards are corrected. The employee's Claim for Workers' Compensation Benefits Form must be completed in all cases in which an injury requiring medical attention has occurred. An employee returning to work after being absent due to a work-related injury must (a) report to the City Manager prior to beginning work, and (b) bring a doctor's clearance for returning to work.

c. Equipment Use and Care

Employees are responsible for operating City's tools, computers, software, and equipment (collectively, "Equipment") with due care and in a manner that will not cause unnecessary fatigue or abuse. If any Equipment (or part thereof) breaks while an employee is using such Equipment, the same must be reported and not left in poor condition for the next user. Equipment is to be used for City business only and not for personal use. City expects each employee to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines when using Equipment. Each employee is responsible for the Equipment entrusted to him or her and is expected to return such Equipment promptly upon the earlier of when requested or when the employee's employment relationship with City is terminated.

19. DISCIPLINARY ACTION AND SEPARATION OF EMPLOYMENT

a. Discipline and Termination

City may issue oral or written reprimands, suspensions, demotions, pay reductions, and/or take any other appropriate disciplinary actions against employees for misconduct and/or violation of any City policies and/or procedures. The appropriate disciplinary action will be determined by City and will be based upon a careful review and evaluation of the particular facts and circumstances. Notwithstanding anything contained in this Handbook to the contrary, because an employee's employment with City is at-will, an employee may be terminated at any time, for any reason or no reason, with or without cause



or prior notice, and regardless of whether or not City undertook any prior corrective action (subject to applicable federal, state, and local laws, regulations, and ordinances).

b. Disciplinary Appeals

A disciplinary appeal is a statement in writing from the employee explaining his or her objection to the disciplinary action. **If an employee desires to appeal a disciplinary action, the employee must appeal the disciplinary action in accordance with the grievance/complaint resolution process provided under Section 8 of this Handbook.** Any disciplinary grievance not initiated and carried forward by the employee within the time limits and in accordance with the grievance process provided under Section 8 will render the grievance null and void; that is the grievance will be considered to not exist. Any grievance not taken to the next step of the grievance process will be considered settled on the basis of the last replay made and received.

c. Return of City Property

Upon separation of employment (whether voluntarily or otherwise), the separated-employee must return all City property provided to the employee or otherwise in his or her possession by the employee's last day of employment. City property includes, without limitation, credit cards, keys, identification cards, tools, software, computer disks, this Handbook, Confidential Information, and any other items provided to the employee or otherwise in the employee's possession that belong to City. If requested by City, the separated employee will execute a written certification satisfactory to City that he or she has returned all of City's property, documents, and materials, including, without limitation, all Confidential Information.

d. Post Employment Inquiries

Upon an employee's separation of employment with City, City will provide only the dates of the former employee's employment and position held as verbal employment verification. City will not verify the salary of a former employee or provide any other information concerning the employee unless the departing employee has completed and signed an appropriate release form. Employees may not, under any circumstances, respond to any requests for information regarding a departed City employee unless approved by the City Manager. All employee inquiries should be immediately referred to the City Manager.

e. Exit Interview

An exit interview will be scheduled with the City Manager when an employee leaves City. This gives the departing employee an opportunity to offer constructive feedback, positive comments, or address any unresolved issues prior to leaving. This also allows City to solicit the employee's honest opinions, as well as suggestions for improvement at City.

Exhibit A  
CORE VALUES

Employees are expected to adhere to City's core values of trust, professionalism, integrity, respect, customer service, teamwork, and excellence, each of which are further explained below:

Trust

Employees will promote open communication, setting an example through honesty, fairness, and consistency in their conduct toward others. Trust includes keeping confidential information at appropriate levels, doing what is right, taking responsibility for actions, and admitting mistakes.

Professionalism

Employees will seek and provide honest feedback; maintain and increase their skills; consider City's needs in their own development; share individual expertise and experience; and support and mentor others. Written communications must meet the highest standards of accuracy and neatness.

Integrity

Employees will keep commitments and promises; represent the truth; act in the best interests of City, their department, and their team; and accurately represent their skills and competencies.

Respect

Employees will practice patience and active listening; be sensitive to others' time; recognize the contributions of others; support work/life balance needs of self and others; and treat others impartially and with dignity.

Customer Service

Employees will make customer service a top priority; consider long- and short-term customer needs; deliver on commitments to customers; and take responsibility for improving customer service. Individuals who contact City must receive prompt and courteous attention and a helpful and meaningful response. Individuals who visit City must always be treated with deference, tact, courtesy, and respect.

Teamwork

Employees will build strong working relationships; maintain a collaborative work environment; recognize and celebrate success; support career goals and objectives of others; and reward appropriate team behavior.

Excellence

Employees will insist on excellence in all things; make quality customer service a top priority; strive for continuous improvement; provide timely and constructive performance feedback; recruit and develop quality staff; and contribute to City's overall quality of life.

Written communications must meet the highest standards of accuracy and neatness. Individuals who telephone City must receive prompt and courteous attention and a helpful and meaningful response. Individuals who visit City must always be treated with deference, tact, courtesy, and respect. All employees should present themselves in a professional and efficient manner.

Exhibit B  
City of John Day  
EMPLOYEE HANDBOOK RECEIPT ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, have received a copy of the Third Amended and Restated Employee Handbook (the "Handbook") of City of John Day (the "City") dated effective \_\_\_\_\_, 2023. I have read the Handbook in its entirety and understand and agree that I must abide by the policies set forth therein.

I understand that the Handbook is presented as a guide for City employees and contains descriptions and explanations of City's rules, policies, procedures, and benefits. I understand the rules, policies, procedures, and benefits contained in the Handbook may be changed, amended, and/or modified by City for any reason, at any time, with or without prior notice. I acknowledge and agree that my failure to comply with any City policy may result in disciplinary action up to and including termination of employment.

I understand that my employment with City is at-will. Therefore, my employment relationship may be terminated at the option of either City or me at any time, for any reason or no reason, with or without cause or prior notice. I understand that nothing contained in the Handbook or this acknowledgement will be construed to modify, change, and/or vary the at-will nature of my employment relationship with City or to create a contract of employment for a specific period of time.

EMPLOYEE:

CITY OF JOHN DAY:

\_\_\_\_\_  
Print: \_\_\_\_\_

\_\_\_\_\_, City Manager

\_\_\_\_\_  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Dated: \_\_\_\_\_

Exhibit C  
EMPLOYEE COMPLAINT PROCEDURE FORM

(attached)

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Exhibit D  
PUBLIC WORKS DEPARTMENT ON-CALL POLICY

[attached]

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