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CITY OF WOODBURN
HUMAN RESOURCES RULES

October 2021

INTRODUCTION

The greatest asset of the City of Woodburn is its human resources - the employees who perform all those tasks to deliver municipal services and exercise government functions. To ensure the employment of qualified individuals and the fair and objective treatment of all employees, it is vital that an organization have well defined personnel rules.

The purpose of these Human Resources Rules (HR Rules) is to set forth the official policies and procedures to be followed in terms of city-wide employment matters, including recruitment, classification, compensation, performance, conditions of employment such as hours of work and leave provisions, safety, training, promotion, transfer, discipline, termination, and other matters affecting employees of the City. Said rules and policies are provided to maintain consistency and equity in personnel matters and encourage each employee to give their best service to the City. The expectation is that both management and employees will use this manual as a resource and a guide when approaching employment issues.

The City reserves the right to unilaterally modify, supplement, rescind, or revise any provision of this manual from time to time or withdraw or amend any portion of these rules as they apply to current or future employees. Nothing contained herein should be construed to create contractual or vested rights. Management and employees will be advised of any changes as they occur.

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1 GENERAL PROVISIONS

1.1 Responsibilities and Objectives

The HR Rules contain personnel policies and procedures to be followed in the daily administration of employee matters. These written procedures are intended to increase understanding, eliminate the need for personal decisions on matters of citywide policy, and help to achieve equity and consistency throughout our organization. It is the responsibility of every member of management to administer these policies in a consistent and impartial manner. A copy of this manual should be available upon request to employees to read any policies of interest in detail. It is essential that employees understand the policies contained herein.

With the adoption of the HR Rules, the following objectives for a citywide system of human resources administration will be implemented:

A. Provide and maintain a system of personnel administration, including appeal procedures, under which the appointment and retention of persons in City employment shall be based on merit and fitness for the job.

B. Perform human resources administration in a manner consistent and compliant with state and federal laws and guidelines.

C. Establish and maintain a position classification system which shall group all positions in City employment into classifications based upon their duties, responsibilities, and authority.

D. Provide for a compensation plan for all City employees which is equitable and competitive while promoting efficiency and good stewardship of public funds in the operation of the City government.

1.2 Administration

A. Section 21 (c) (3) of the Woodburn Charter provides that the City Administrator may appoint and remove employees and has supervisory authority over them so that City tasks are efficiently accomplished.

B. Pursuant to Ordinance 2466, the Woodburn City Council recognized that the City Administrator has Charter authority over personnel issues.

C. Pursuant to the Charter authority, the City Administrator established the Human Resources Department and appointed a Human Resources Director with delegated authority to oversee personnel issues.

D. The City Administrator shall have the power to interpret the HR Rules.

E. The Human Resources Director will administer the HR Rules; prepare and recommend revisions and amendments to the HR Rules; maintain and monitor the City's compensation and classification plans; assist departments with interpreting and implementing the rules; monitor the implementation of the rules to promote compliance, consistency, equity and fairness; and be responsible for dissemination and providing notice of the rules including the interpretation and methods of administration of the rules.

F. Each executive management member will assist in keeping the manual up-to-date by notifying the Human Resources Department when problems are encountered or when improvements can be made. It is the responsibility of all managers and supervisors to ensure that the manual is kept current and the policies are communicated and understood by all employees.

G. Each employee is responsible for complying with these rules.

1.3 Applicability

These HR Rules apply to all City employees. The HR Rules do not apply to elected officials and members of appointed boards, commissions, and committees, or volunteers unless stated otherwise in this document or any other City-wide policy (e.g. non-discrimination and anti-harassment policy, reasonable accommodation policy, etc.).

1.4 Collective Bargaining Agreements

The City recognizes that the American Federation of State, County, and Municipal Employees (AFSCME) and Woodburn Police Association (WPA) represent designated groups of City employees in their employment relations with the City. Each of these organizations negotiates a collective bargaining agreement with the City of Woodburn covering negotiated conditions of employment, including rates of pay, wages, and hours of work. To the extent that there is any conflict between any of the provisions of these Rules and any applicable provision of a collective bargaining agreement, the collective bargaining agreement will prevail.

1.5 Employment Agreements

Select individuals employed by the City, including Department Directors, serve in their employment capacity under an individual employment agreement. These HR Rules are in full force and effect as applied to those serving under an employment agreement, except to the extent that there is any conflict between any provision of these HR Rules and any applicable provision of an individual employment agreement. In such circumstances, the employment agreement will prevail.

1.6 Personnel Files

A personnel file will be maintained in the Human Resources Department for each individual employed by the City. The personnel file is the recognized official record of an individual's employment with the City. Personnel Files will contain:

- Individual's employment application(s)
- Personal Information (non-confidential and non-medical)
- Salary, offer letters, job description, employment agreement
- Promotions, demotions, transfers
- Performance evaluations
- Disciplinary actions
- Work history – Personnel Action Forms (PAFs)

No information that, in the City's judgment, reflects critically upon an employee shall be placed in an employee's personnel file unless it bears either the signature or initials of the employee indicating that the employee has seen the document. If the employee has seen the document but refuses to sign or initial it, the supervisor must make a notation that the employee received a copy of the document and refused to sign. The supervisor shall provide the employee with a copy of the document when placing it in the employee's personnel file. HR will follow up and confirm with the employee that they were provided a copy of the document they refused to sign, before placing in the employee's personnel file.

Personnel files shall not contain:

- Medical records including worker compensation documents
- Conviction or arrest records
- Records of investigation of criminal conduct
- Confidential reports from previous employers
- Information related to an employee's citizenship or immigration status, including I-9 forms
- Other materials that are excluded or maintained separately by federal or state law

The City shall keep such information as confidential and in separate files and shall retain those documents as prescribed under state and federal law.

1.6.1 Changes to an Employee's Personal Data

Employees are responsible for ensuring that personal information (legal name, home address, home telephone number, person to call in case of emergency, etc.) maintained in their personnel file is up-to-date.

1.6.2 Review of Personnel Files & Access

Employees may review their files in the Human Resources Department during regular City office hours. An employee's authorized union representative may inspect and obtain copies of the employee's official personnel file, upon the employee's written release. The City may charge fees for providing information

to requestors. These charges may not exceed the actual cost of providing the information but may include copying costs and costs for labor involved in locating and copying the information.

Supervisors will have access to the non-medical files of their subordinates.

Generally, information contained in personnel files will be treated as exempt from public disclosure. The City may, however, be required by law to release or disclose certain personnel information of employees. In such cases, the City will only release information which cannot be treated as confidential under Oregon Public Records Law and federal laws or which is required to be released by a court order.

1.7 Severability

Should any section or portion of these rules be declared or held by a court of competent jurisdiction to be unlawful or unenforceable by a change in laws, all other sections and provisions of the rules shall remain in effect.

1.8 Effective Date

The HR Rules and its revisions are effective upon execution of an Administrative Order adopting them and, supersede the previous Personnel Policies and Procedures Manual.

2 RECRUITMENT & EMPLOYEE SELECTION

Recruitment processes are developed and used to attract, evaluate and select the most qualified candidates to fill vacancies for all regular and temporary/limited duration positions. The criteria used in these processes shall be based upon knowledge, skills, abilities, experience and other characteristics needed for the effective performance of duties assigned to the position being recruited.

Recruitment processes shall be job related, and shall be developed and administered in accordance with federal and state guidelines.

2.1 Equal Employment Opportunity Policy

The City of Woodburn is an equal employment opportunity employer and has Non-Discrimination and Harassment Policy and Procedures in place. The City is committed to, and will recruit, hire, train, and promote into all job positions without regard to an individual's race, color, sex, sexual orientation, gender identity, religion, ethnicity, national origin, age, disability, private health or genetic information, familial status, domestic partnership, marital status, veteran status, status as the victim of certain crimes, status as a good faith whistle blower, or other protected status under federal or state law. It is the policy of the City to ensure that employees be selected and promoted based on merit and without discrimination, and that reasonable accommodation is provided to qualified employees and applicants that need them.

2.2 Recruitment Activities

Recruitment and selection of employees is a complex, shared management and supervisory responsibility. There are a variety of operational concerns which must be considered, including: collective bargaining contracts, budget constraints, compensation policies, equal employment opportunity policies, and other federal and state laws.

All vacant positions shall be recruited for and filled in accordance with these HR Rules. A department director or designated supervisor, desiring to fill a vacant position shall first notify the Human Resources Department in writing prior to commencing any job recruitment activities. Recruiting efforts will then be coordinated by the Human Resources Department with the cooperation of the hiring department. All appointments require the prior approval of the Human Resources Director or City Administrator.

2.3 Announcement

Vacancy announcements will specify the title, minimum and maximum rates of pay for the classification, duties, required minimum qualifications, required application submittals (i.e. resume, copies of certificates, transcripts, etc.), other desired qualifications, final date on which applications will be received, and other pertinent information. Announcement of vacancies shall be posted primarily on the City's website. In addition, information on vacancies will be distributed by methods which will best assure qualified and diverse prospective applicants are reached.

2.4 Applications

Applications are only accepted online, unless a reasonable accommodation is requested for a paper application. The City does not accept unsolicited resumes and letters of inquiry from persons seeking employment with the City. When unsolicited applications or resumes are received, they will be returned to the sender via email and include the online Job Interest Card information.

Online applications must be submitted by 5:00 p.m. Pacific Time on the listed close date, unless the posting states otherwise. Applications filed with the City will become the property of the City and may be disposed of in accordance with state records retention schedule. A separate application must be submitted by an applicant for each job vacancy.

The City may require additional supplemental materials (e.g. background paperwork) from applicants selected to move forward in the hiring process.

2.5 Screening of Applicants & Selection

The Human Resources Director will use any combination of the following to determine whether applicants meet or exceed the minimum qualifications listed in the class specification:

- Information the applicant supplies on the application;
- Written, performance, physical agility (if appropriate) examinations and background checks or any combination thereof;
- Individual or group interviews;
- Information and evaluation supplied by references and previous employers; or
- Other appropriate job-related screening techniques.

2.5.1 Disqualification of Applicants

The Human Resources Director may reject the application of any person who:

- lacks the qualifications for the position;
- has made false statements of any material fact on the application;
- has been dismissed for cause from City employment;
- has resigned in lieu of discipline or termination (including resigning during the disciplinary investigative process); or
- has provided unclear or incomplete information on their application.

Prior to rejecting an application, the Human Resources Director will determine whether there are any special circumstances or accommodations that should be considered.

2.5.2 Laid-Off Employees

Any vacancy in a classification for which there is a current lay-off eligibility list will be filled from the list.

2.5.3 Selection Policy

Through the Human Resources Director's initial screening process, applications of the most qualified candidates will be sent to the hiring department for review and selection steps. Finalists will be selected

based on their performance during the selection process, skills and experience as related to the position being filled and reference and background checks.

This policy shall be administered in accordance with equal opportunity and veteran's preference laws.

2.6 Nepotism

Nepotism is favoritism shown by those acting in the capacity of a supervisor or a person with oversight authority to family members or someone with whom they have a financial, close personal, or familial relationship. Appointments, transfers, and promotions to positions shall be based on merit as determined by a comparison of job related qualifications. Bias in favor of candidates who are related to persons involved in or who have an effective influence upon the selection process is prohibited.

Department Directors, supervisors, lead workers, and managers shall not be in a direct reporting relationship with or supervise someone with whom he or she is personally or intimately involved nor participate in any employment practice or action regarding that person.

Nothing in this policy should be construed as to prevent the employment of one or more than one member of a family in the same department provided the employment has been based upon merit principles, does not present ethical concerns, and direct supervision does not involve a member of the same family.

No person may be an applicant for a position where he or she:

- Is a relative or household member of City Council or the City Administrator as defined by ORS 244.020; or
- Currently holds an elective office of the City or served in the capacity of an elected official of the City during the past year.

2.7 Employment of Minors

The employment of minors under the age of 18 is strictly regulated by state and federal wage and hour laws. These restrictions include regulating the type of work minors may perform and the hours during which they may be employed. The laws regulating their employment are enforced by the State of Oregon Bureau of Labor and Industries. (BOLI) and the US Department of Labor (DOL). Minors may not be employed unless the City has been issued a current annual Employment Certificate by BOLI. The City does not employ minors under the age of 16.

Annually, the Human Resources Department will ask departments their anticipated utilization of minors in the next fiscal year. Based on those projections, the Human Resources Department will file an application with the Bureau of Labor and Industries (BOLI) authorizing such employment.

Validated Employment Certificates shall be posted in conspicuous locations at the sites where minors are employed. Departments do not need to independently apply for an Employment Certificate, but are responsible for the proper posting of the certificate.

2.8 Veterans Preference

In accordance with State law, the City will award preference points during the hiring process to qualified veterans and disabled veterans seeking employment for any vacant positions and promotions. Veterans' preference points shall be added at each stage of the hiring process to passing scores in accordance with Oregon Law (ref. ORS 408.230). To claim veterans' preference, applicants must state on their application they want to claim veterans' preference and submit documentation of qualifying veteran's status to the Human Resources Department along with their application, no later than the closing date of the recruitment.

2.9 Pre-Employment Screens

To comply with federal and state hiring laws and the City's non-discrimination policy, hiring managers will not make illegal pre-employment inquiries. The conditional offer of employment may include any one or a combination of the following:

2.9.1 Employment Verification

The hiring department shall be responsible for conducting reference checks, and contacting references and former employers of the finalist(s) in the selection process to establish a clear understanding of a prospective employee's past work habits, history, and qualifications. The Human Resources Department will provide assistance and procedural advice as necessary.

2.9.2 Drug & Alcohol Testing

The City of Woodburn may require a post-offer, pre-employment drug and alcohol screening for some positions. The Human Resources Director and City Attorney will determine which positions require pre-employment drug and alcohol testing based on criteria such as public safety related work, working with or operation of vehicles and machinery, working around hazardous materials, F.T.A. safety-sensitive jobs, or D.O.T. required testing for commercial driver's license holders. An applicant who tests positive for illegal/illicit drugs or alcohol or refuses to test or has an inconclusive test (dilutes/adulterated/etc.) will not be considered for hire where the applicant's use of drugs and/or alcohol could affect requisite job standards, duties, or responsibilities.

2.9.3 Background Checks

In order to protect its interest and the well-being of its employees and the public, the City will conduct background checks prior to a final offer of employment for candidates. Applicants for certain positions will be subject to a full background investigation that reviews an applicant's criminal history and credit history as well as other relevant information concerning the applicant's fitness for the particular position. The content of the background check is confidential.

Possessing a criminal conviction will not necessarily bar a candidate from hire with the City of Woodburn. The Human Resources Director shall review and evaluate the conviction records and shall ensure that any decision not to hire, promote, or transfer due to a criminal conviction is job-related and consistent with business necessity. When reviewing a conviction record, factors such as the following shall be considered:

- The nature, gravity, and frequency of the offense;
- The duties of the position the employee holds or is applying for;

- The age of the individual at the time of conviction;
- The time that has passed since the conviction;
- Rehabilitation, if any; and
- The employee's entire work record or the applicant's work qualifications in total rather than only one aspect of an individual's history.

2.9.4 Driving Records

Every person filling a position in which driving is an essential job function, must meet the City's driving standards in order to limit the City's financial risk and to maximize the safety of drivers, passengers, and the public when vehicles are driven on City business. Meeting the City's driving standards is a job requirement for new hires, recalls, and when an employee moves from a non-driving position to a position where driving is an essential job function. This rule applies to regular, temporary, and seasonal appointments. Volunteers must also meet the City's eligibility criteria to drive on City business. Job announcements for positions requiring driving will include the driver's license requirement and driving standards language. The City will periodically check on the status of drivers licenses for all employees who operate a City vehicle.

2.9.5 Medical and Psychological Examination

Successful applicants for employment may be required, as a condition of employment, to take a City-paid medical examination to establish their fitness to perform job-related functions pursuant to state and federal law. Medical examinations will be conducted by a physician maintained by the City who is qualified to conduct occupational physical examinations and is knowledgeable of applicable standards. Candidates may be eliminated from consideration for employment based on the examining physician's report. Psychological examinations will be conducted using the same process as the medical examination.

Employees may be required to have a medical examination on other occasions when the examination is job related and consistent with business necessity or per public safety guidelines. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a particular disability, or has a questionable ability to perform essential job functions due to a medical condition.

3 EMPLOYMENT STATUS

3.1 Personnel Action Forms

A Personnel Action Form is to be completed in full by the operating department for all personnel actions such as hiring/appointments, compensation adjustments, promotions, transfers, layoffs, dismissals, or any other matter affecting status of employment. The Personnel Action Form must be completed and processed through the Human Resources Department preferably prior to implementation. In the case of new employees, it will be the hiring department's responsibility to submit the Personnel Action Form prior to and preferably no less than three days prior to the effective date of the action being requested.

3.2 Types of Appointments

A budgeted position is not authorized to be filled until it is declared a vacancy or a double hire/overfill is approved by the Department Director who is the appointing authority. The appointing authority has the right at any time to withdraw the vacancy and to leave any position in their department unfilled. While a position remains unfilled under this authority, it shall not be considered a vacant position.

3.2.1 Probationary Appointment

Appointments made at entrance or promotion to a regular full-time position shall be considered probationary appointments. Probationary employees are at-will employees and serve at the pleasure of the Appointing Authority.

3.2.2 Regular Full-Time Appointments

Regular full-time employees are those who are scheduled to work for an average of twenty (20) or more continuous hours per week for a period longer than six (6) months. Regular full-time appointments are made upon successful completion of a probationary period or recall of a laid-off employee. A regular full-time appointment extends to the employee the rights, privileges, and protection provided by the HR Rules and applicable collective bargaining contracts.

3.2.3 Part-time Appointments

Regular Part-time employees are those who are scheduled to work normally for an average of less than twenty (20) hours per week Part-time regular appointments may be made where positions require someone less than full-time (less than 20 hours per week) on a year-round basis. Part-time regular employees are at-will employees and serve at the pleasure of the Appointing Authority.

3.2.4 Employment Agreement Appointments

Employees hired and working under an employment agreement as defined in Article 1.5 are at-will and serve at the discretion of the City Administrator. Employment Agreements are usually only extended for employee appointments that are part of the City's management team and not otherwise represented under any collective bargaining agreement.

3.2.5 Limited Duration/Temporary Appointments

Limited Duration/Temporary appointments where the funding support is derived from a specific dedicated revenue source associated with a special project either capital or operational in nature. Limited Duration/Temporary appointments may also be made to a regular full-time position that is temporarily vacant due to the incumbent's leave of absence and when the replacement employee's services will be needed for a period of two (2) years or less; or the position is identified for a project with a defined period not to exceed two (2) years. Employees with Limited Duration/Temporary appointment receive the same leave accruals, retirement and health benefits as regular full-time employees. Limited Duration/Temporary appointments are at-will and serve at the pleasure of the Appointing Authority.

3.2.6 Seasonal Appointments

Department Directors may make seasonal appointments where additional employees are needed during a particular season, or in emergencies to prevent delay or injury to the public; or to meet a non-recurring or short-term workload need, provided budgeted funds are available. Seasonal appointments shall not exceed six (6) months from date of hire. Successive seasonal appointments to the same position with the same person shall not be made without a minimum of a thirteen (13) week break in service. Personnel employed as seasonal shall not be eligible to participate in any City fringe benefit program, unless specifically provided for by law. Seasonal appointments are at-will and serve at the pleasure of the Appointing Authority.

3.2.7 Exempt vs Non-Exempt Positions

All positions are defined by federal and Oregon law as either “exempt” or “non-exempt,” which determines whether the employee in that position is eligible for overtime compensation. Employees will be instructed as to whether their position is exempt or non-exempt at the time of hire or when a promotion or demotion occurs.

3.3 Probationary Period

The probationary period shall be utilized by Department Directors, managers, or supervisors as an opportunity to observe the employee's work performance, assist the employee in acquiring the skills needed for the position, and to end employment of any employee whose work performance fails to meet the required standards.

3.3.1 Initial Probation for Regular Full-Time Appointments

All initial regular full-time appointments shall be subject to a probationary period of twelve (12) months, unless otherwise specified by a collective bargaining agreement. In the event that a leave of absence occurs, with or without pay, for 15 consecutive calendar days or more, the probationary period will be adjusted or extended by the total number of calendar days of the leave of absence.

Probationary employees may resign or be terminated without cause or notice at any time for any reason. Employees serving their initial probationary period are not considered to have any vested property rights during their initial probationary period.

The Department Director may, with the concurrence of the Human Resources Director, extend an employee's probationary period for a specified time not to exceed an additional three (3) months. The

employee shall be notified of the reason for extension and another performance evaluation shall be required at the end of this additional period.

3.3.2 Probation Following Promotion or Transfer as a Result of a Competitive Hiring Process

Employees will serve a probationary period of six (6) months, unless otherwise specified by a collective bargaining agreement, following a promotion or transfer as a result of a competitive hiring process, during which an employee is required to demonstrate, by actual performance of the duties, fitness for the classification in which the employee has been appointed. Police Management positions will serve a probationary period of twelve (12) months.

3.3.3 Prior Service Credit

A seasonal or regular part-time employee appointed to a regular full-time position in the same classification they currently serve, may have the time spent as a seasonal or part-time employee count towards their probationary period, not to exceed six (6) full calendar months, so long as there was no break in service between the seasonal or part-time appointment and the regular full-time appointment. The Department Director and Human Resources Director must approve the granting of prior service credit at the time of appointment.

An employee who separates from employment with the City and who is later rehired shall have a new continuous service date established and will not receive prior service credit for previous employment.

3.3.4 Action at the End of Probationary Period

Prior to completion of an employee's probationary period, the Department Director must, through the performance evaluation process, take one of the following actions:

a) Affirm that the services of the employee have been found to be satisfactory and that the employee be granted regular status in the position;
b) Affirm that the employee's probationary period be extended for a specific period of time (not to exceed an additional three (3) months);
c) Recommend that the employee's services be terminated; or
d) In the case of a promoted employee, return the employee to his/her previous classification if the position is still available.

Written confirmation of the change in status or extension of probationary status must be sent to the Human Resources Director for review and approval or denial. The employee must also be provided written confirmation of the action taken. Written confirmation may include the recommendation or affirmation, the written performance evaluation, and the Personnel Action form.

Employees retain their probationary status and therefore at-will status until the provisions of this section indicating his or her successful completion of the initial probationary period are completed.

3.4 Anniversary Date

The anniversary date for an employee is the date of hire or their effective date of promotion. Approved annual merit increases will be effective on an employee's anniversary date.

3.5 Continuous Service

An employee's continuous service date is set based upon his/her work record starting with a regular full-time appointment with the City that has no break in service other than approved or protected leave. The continuous service date shall be used for determining length of service in connection with layoffs and any other matters involving seniority. Employees who are on leave of absence without pay for 30 consecutive calendar days or more shall have their continuous service date adjusted by the total number of calendar days that they are on such leave. The continuous service date shall not be adjusted for unpaid leaves protected under federal and state laws.

3.6 Performance Reviews

The overall purpose of a performance review system is the accurate measurement of an employee's work performance. It attempts to eliminate bias and prejudice by means of a systematic approach subject to impartial review and check. Emphasis should be placed on measuring employee work results and achievement of mutually established performance and development goals.

The performance evaluation shall be part of the employee's personnel file and may be used for decisions for training, merit pay increases, job assignments, employee development, promotions, retention and discipline/termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action (including termination).

Supervisors will evaluate the performance of their employees at mid-probation and thirty (30) days before probation ends. All regular full-time and part-time employees will receive performance evaluations annually by their anniversary date.

Reviews will generally include the following:

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

The Performance Evaluation will be signed by the immediate supervisor, department director, HR Director and the appraised employee. Performance evaluations are a permanent part of an employee's personnel file and are not subject to grievance. Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis. If an employee changes supervisors, the supervisor with the longer period of supervision over the employee during the previous year is responsible for taking the lead in the evaluation.

If an employee's performance is so deficient as to not merit a salary increase, action will be taken to place the employee on a work improvement plan or discipline, demote, reassign, or terminate the

employee for performance reasons. In the case of an unsatisfactory performance review, a wage increase will not be withheld more than twelve (12) months, subject to Department Director and HR Director approval.

3.7 Job Changes

An employee who receives a promotion, demotion, or lateral transfer must complete the remainder of their twelve (12) month initial probation, or start a new six (6) month period of probation to the classification, whichever is longer, except for some demotions per Article 3.5.2.

3.5.1 Promotions

Promotion is the movement of an employee from a position in one classification to a position in another classification having a higher salary range through a competitive hiring process. When an employee is promoted, the employee shall be placed on a step in the new range that will provide a minimum of a 5% increase, or to the minimum of the new range, whichever is higher, unless appointed to the top step. The date of promotion shall establish a new anniversary date for subsequent wage increases, and the employee shall serve a probationary period per Article 3.3.2.

3.5.2 Demotions

Demotion is the movement of an employee from a position in one classification to a position in another classification having a lower salary range. A voluntary demotion is a demotion initiated by an employee. An involuntary demotion is a demotion initiated by an appointing authority. When an employee chooses demotion, the employee's pay shall be set in the new pay range at a step closest to the former rate of pay without resulting in a pay increase. Demotion for cause (unsatisfactory conduct or performance) will result in a reduction in salary to any step in the pay grade of the lower classification determined by the Department Director and approved by the Human Resources Director.

3.5.3 Transfers

Transfer is the movement of an employee from one position to another position of the same class or of another class having the same salary range, involving the performance of similar duties and requiring essentially the same basic qualifications. An employee may request a lateral transfer to a vacant position by submitting a request to the Human Resources Department. The employee must meet the qualifications listed in the position description. Both the hiring department director and the employee's current department director must approve the transfer. When an employee is transferred from one classification to another classification having the same salary range, the employee's pay will remain the same. The employee will not serve a probationary period following a transfer if transfer was done within the same classification. The employee will be placed on 6 month probation to the classification if they have not previously served a probationary period in the new classification.

3.8 Reclassification

Reclassification is a change in the allocation of an individual position by raising it to a higher class, reducing it to a lower class, or by moving it to another class at the same level on the basis of significant changes in the essential functions, duties, authority, difficulty, or responsibility of the work assigned to such position, or due to an internal or external equity adjustment.

An employee who is reclassified into a classification that has a higher salary range will receive a pay increase. The pay increase will be to the closest step in the pay scale of the new position that will generate an increase in pay.

The salary of the employee who is reclassified into a classification that has a lower salary range will be frozen until the new range reaches the employee's present pay level.

3.9 Resignations

Any employee wishing to leave City employment in good standing shall present a written resignation to the employee's supervisor. This notice shall be given at least two (2) weeks before leaving, stating the date the resignation shall become effective and the reason for leaving. Unless unforeseen circumstances intervene or as otherwise agreed to by the appointing authority, failure to give proper notice of resignation will render an employee ineligible for rehire.

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

Notice of resignations shall be promptly forwarded to the Human Resources Department along with a Personnel Action Form and the IT Employee Separation Form. The employee may complete an exit survey through Human Resources Department. Human Resources Department may also survey exiting employees for the purposes of evaluating employee satisfaction and retention.

3.10 Retirements

Any employee wishing to retire from the City employment shall present a written notice to the employee's department director. This notice shall be given at least two (2) weeks before retirement, stating the effective date. The Department Director may, in extenuating circumstances, permit a shorter notification period.

Notice of retirement shall be promptly forwarded to the Human Resources Department along with a Personnel Action Form and the IT Employee Separation Form.

3.11 Death of an Employee

In the unfortunate event of the death of an employee, the employee's department shall process a Personnel Action Form and the IT Employee Separation Form and send both to the Human Resources Department. The Human Resources Department shall coordinate the benefits and COBRA continuation with the third party carriers. The City payroll will process any reconciliation of PERS. The surviving beneficiary should contact PERS and Life Insurance directly regarding benefits. All wages earned but yet to be paid to a deceased employee shall be distributed in accordance with ORS 652.190—wages not exceeding $10,000, shall, upon the employee's death, become due and payable to the employee's surviving spouse, or if there is no surviving spouse, the dependent children, or their guardians or the conservators of their estates, in equal shares. If an employee's survivors cannot be located or if the wage debt exceeds $10,000, the City will contact the local probate court for instructions for wage distribution.

Should an employee fatality occur on-the-job or in the line of duty, the employee's department must immediately make a report of the fatality to Human Resources and the City Administrator. Appropriate steps will then be taken to notify the employee's family and ensure proper reporting to necessary state agencies.

Family members of the employee are welcomed and encouraged to access the Employee Assistance Program (EAP) for any personal assistance they may need.

3.12 Layoff

A department director may initiate a layoff of an employee(s) without prejudice because of changes in duties in the organization, lack of funds, curtailment of work, program, or services, or for any other legitimate reason as determined by the City. Employee(s) to be laid off shall be selected on the basis of skill, ability, experience, special licenses or certifications, retention of specific programs or services as judged in the future staffing needs of the operating department. When all the factors are equal, the City will lay off or reduce the hours of the employee with the shortest length of service.

Employees classified as part-time, temporary/limited term, seasonal, contract or probationary serve at the pleasure of the City and are not subject to the layoff procedures. Layoff procedures for represented employees are established by provisions of the applicable collective bargaining agreements.

Layoff notices shall be provided by the Department Director to affected employees in writing, not less than two (2) weeks before the effective date of such action. The department shall submit a list to the Human Resources Department of the names and class titles of persons receiving a layoff notice.

The Human Resources Department will work with the employees who were notified of a pending layoff to find replacement employment. Employees who are to be laid off will be given preferential consideration for vacancies in other departments if the employee possesses the skill, ability, and experience required in the vacant position. In lieu of layoff, an employee may take a voluntary demotion to a lower class requiring similar knowledge, skills, and abilities, contingent on availability of a vacancy. The employee shall be paid at the range established for the lower class. The employee may be placed at any step in the range in accordance with his/her experience as recommended by the Department Director. Unless otherwise specified in the relevant labor contract, bumping to lower classifications will not be permitted.

3.10.1 Recall

Employees on layoff status will be eligible for recall for a period of twelve (12) months from the date of layoff. Such recall shall be instituted in inverse order of layoff within the job classification and the department from which the layoff occurred. Laid off employees who have been notified in writing that they are being recalled to a vacant position must report to work within 14 calendar days or their names will be removed from the layoff eligible list. Additionally, an employee who is offered appointment to a vacant position and declines the appointment will be removed from the layoff eligibility list. The City will attempt to contact the employee by certified mail at the last address listed in the employee's personnel file. If the letter is returned unclaimed, the employee's name will be removed from the layoff eligible list. It shall be the laid-off employee's responsibility to maintain a current address at which they may be contacted.

Employees on layoff status may be afforded preferential consideration for rehire in departments other than the one in which they were laid off. Such preferential consideration shall be applied prior to an open recruitment being conducted for the vacant position. Exercise of the preferential rehire option is at the discretion of the Department Director of the department in which the vacancy exists.

When an employee on layoff status is recalled or rehired into a replacement position by the City, the amount of sick leave which that employee had accrued at the time of layoff shall be reinstated. The period of being laid-off shall be treated as a leave of absence without pay and the employee's continuous service shall be adjusted per Article 3.3.6.

3.13 Final Paycheck

The City requests two (2) weeks advance notice prior to any resignation or retirement. An employee who provides at least 48 hours' notice of their voluntary separation from City employment, excluding Saturdays, Sundays, and holidays, will receive their final paycheck on their last day worked. If such notice is not given, the employee will receive their final paycheck within five business days. An employee will receive their final paycheck immediately if the separation is involuntary.

4 CLASSIFICATION

The purpose of the classification plan is to provide a systematic arrangement of positions and to provide accurate descriptions and specifications for each classification. The classification plan shall standardize titles, each of which shall be indicative of a definite range of duties and responsibilities.

The Human Resources Director shall be responsible for the maintenance of a classification plan which shall group all positions based upon their duties, authority, and responsibilities. The Human Resources Director may allocate positions to the appropriate classification and may make revisions in the classification plan which shall consist of additions, abolishment, consolidations, divisions, or amendments to existing classifications.

4.1 Classification Specifications

The Human Resources Department shall maintain classification specifications for all active job classifications in the City. A classification specification is the written description of a classification and shall include a title, EEOC category, FLSA designation, statement of job duties, authority, responsibility, essential job functions, and required qualifications and certifications.

The classification title shall be the official title used on all personnel actions, payroll records, budget documents, official records, and reports relating to the position. Any other working title authorized to be used by the Department Director may be used as a designation of any particular position. Any working title used shall be an accurate reflection of actual duties and responsibilities of a position but shall not be intended to elevate one's position or role in the organization.

Classification specifications are intended to indicate the kinds of duties that may be assigned to any position allocated to the classification. They are not to be construed as prescribing the exact duties or responsibilities of any position, or as limiting or modifying the authority of a department director to assign, direct, and control the work of employees.

4.2 New Classifications

A Department Director desiring to add a new position to their department must submit a Request for New Position Form, stating the essential job duties for the proposed position, to the Human Resources Director. The Human Resources Director will review the information provided and determine the proper classification for the position. New positions requested by departments through the budget process must follow these same guidelines.

4.3 Reclassifications

4.3.1 Human Resources Initiated Review

The Human Resources Department will periodically review a classification to determine whether the duties and other criteria outlined in the classification properly reflect the position requirements.

4.3.2 Department Initiated Review

A Department Director or supervisor may submit to the Human Resources Director a request to review an employee's current classification. The request must include a Position Review Form outlining the current job duties of the position. The employee's immediate supervisor must complete and sign the supervisor section of the Position Review Form. The Human Resources Department will then review the form and consider if the information provided warrants a reclassification.

4.3.3 Vacant Position

When a Department Director desires to change the classification of a vacant position, a written request with justification and documentation must be submitted to the Human Resources Director.

4.3.4 Program Changes

Changes in department programs or reorganizations may require a position with a different classification. If a department requires a position with a different classification based on organizational need, the Department Director must submit a Request for New Position Form, stating the essential job duties of the proposed position, to the Human Resources Director.

4.3.5 Existing Positions

Employees shall perform duties and responsibilities as outlined according to their assigned classification specification. If an employee has been assigned a duty or duties not expressly included in the employee's classification specification, the supervisor shall review the classification specifications to determine if the duties are appropriate for that employee's classification. After such review, if there continues to be a question about the appropriateness of the duty, the supervisor shall request a determination by Human Resources Department prior to the assignment of the duty to the employee. If Human Resources Department determines the duty is not anticipated in the employee's classification, the Department Director shall either assign the duty to an employee in a classification for which the duties are anticipated or request a reclassification of the position.

4.4 Effect of Reclassification on Incumbent

4.4.1 Classification to Lower Level Position

Human Resources Director will determine if the incumbent meets the minimum qualifications for the position. If the incumbent meets the minimum qualifications of the classification, the employee will be reclassified to the lower level position. The wages of the employee who is placed in the lower classification will remain frozen until the pay grade of the new classification reaches the employee's current salary. The reclassified employee will not be placed on probationary status and the anniversary date shall not be adjusted.

If the incumbent employee does not meet the minimum qualifications of the classification, the position will be filled through a competitive selection process. The incumbent employee may apply for the position. The employee will be subject to layoff according to these rules or the applicable collective bargaining agreement should they be unsuccessful in the competitive process.

4.4.2 Classification to Higher Level Position

Human Resources Director will determine if the incumbent meets the minimum qualifications for the classification. Human Resources Director will also evaluate if the incumbent has been performing the higher level duties and if the change in duties has occurred by the gradual addition or inclusion over a substantial period of time. If the Department Director indicates a need for the employee to continue the higher level duties, and the incumbent employee meets the minimum qualifications and has been performing the higher level job duties, the employee will be reclassified to the higher classification. The reclassified employee will not be placed on probationary status and the anniversary date shall not be adjusted.

If the incumbent employee has not been performing the higher level duties and does not meet the minimum qualifications of the classification, the position will be filled through a competitive selection process. The incumbent employee may apply for the position. The employee will be subject to layoff according to these rules or the applicable collective bargaining agreement should they be unsuccessful in the competitive process.

4.4.3 Reclassification to a Position Within the Same Pay Range

When an employee is reclassified to a position in a classification with the same pay range, or if the Human Resources Department re-titles a classification and there are no significant changes to the duties and no change to the pay range, the move is considered to be an administrative change only.

The incumbent employee, whether on initial probation, promotional probation, or regular status, will have corresponding status in the new classification. The employee's pay and anniversary/evaluation dates will remain the same.

4.5 Abolishment of Classifications

The HR Director may identify classifications that have become obsolete over time due to abolishment of programs, reorganizations, reclassifications or long-term inactivity. If the HR Director determines there is no need to retain such a classification, they shall be abolished, the classification specifications shall be removed from active list, pay grade charts will be updated to remove the classification and the specs shall be stored in graveyard files. The HR Director will notify the union of the decision to abolish for those classifications represented by a union.

5 CONDITIONS OF EMPLOYMENT

5.1 The Workweek

The City's business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Some departments, divisions, units, or sections have work days and hours which vary according to the department operating schedules. In order to provide the best service to the public, Department Directors may establish operating schedules for departments which vary from the normal work schedule of Monday through Friday, 8:00 a.m. to 5:00 p.m.

The normal work week shall be 40 hours. A "workweek" is defined as any combination of four (4) or five (5) workdays assigned to an employee for work within a period of seven (7) consecutive days, commencing 0001 Sunday and ending midnight of the following Saturday. Employees are not entitled to three (3) consecutive days off but may be on a work schedule that provides three (3) consecutive days off. The City maintains the right to alter an employee's work day or work week and to require an employee to work overtime and on a weekend or holiday.

Represented employees should consult the applicable collective bargaining agreement regarding work schedules and/or shifts.

5.1.1 Attendance and Punctuality

Employees are expected to be at their work location or work station at the beginning of the shift, leaving for and returning from breaks and lunch on time, and continuing to work until the end of the shift. Employees shall comply with departmental notification procedures if unable to report for work on time or if an extraordinary circumstance occurs which will cause them to be absent. Excessive absenteeism, leaving the workplace during scheduled work hours without authorization or habitual tardiness shall be cause for disciplinary action. Failure to follow attendance and punctuality expectations could result in disciplinary action up to and including termination.

5.1.2 Absence without Notification

No employee may be absent from duty without advance notification to the supervisor or department director. If the employee is unable to give advance notice, then the employee must contact the supervisor at least 30 minutes prior to the scheduled starting time.

An absence of three or more consecutive work days, without proper notification, may result in the Human Resources Director declaring the position abandoned and a due process for discharge will be initiated.

5.1.3 Absence without Leave

An employee who does not have sufficient leave time accrued and is not covered by protected leave, may request in writing a leave of absence without pay from their Department Director. The Department Director may approve a leave of absence without pay of up to 10 business days. A leave of absence without pay will not be granted until an employee has exhausted all other forms of appropriate leave. A

leave of absence without pay over 10 business days requires the approval of the City Administrator and must be requested in writing with documentation that justifies the request.

5.1.4 Flexible Schedules

Departments may establish employee work schedules which vary from the normal work schedule. All flexible work schedules must have prior approval of the Department Director. All flextime must occur in the same workweek for FLSA covered employees due to the payment for overtime requirements. Flexible schedules must conform to applicable state laws and collective bargaining agreements.

5.2 Timekeeping

All hourly employees (non-exempt employees who are identified as being eligible to receive overtime) shall keep accurate records of actual time worked, including recording when lunch and rest breaks are taken. This timekeeping obligation will enable the City to maintain an accurate record of employees' attendance and ensure compliance with federal and state laws.

Management review and approval of employee time entries is required to ensure that time submissions are accurate and employees receive pay in accordance with City pay policy and practices and the FLSA.

Hourly employees should not begin work prior to the start of their shift nor work past the end of their shift, or perform work at home without prior authorization by their supervisor.

5.3 Breaks

Rest and meal breaks are scheduled by each employee's supervisor to ensure that the employee's position and duties will be covered during periods of rest. Rest and meal breaks will be provided to non-exempt hourly employees as required by federal and state laws.

5.3.1 Meal Breaks

Hourly employees working six or more hours in a day will receive an unpaid meal period of 30 minutes to one hour. The meal break may be scheduled within the normal work hours to meet the needs of the employee and working unit, but may not be used to shorten the workday except on an occasional basis and with prior approval of the supervisor. A meal break is not counted as hours worked.

5.3.2 Rest Breaks

Hourly employees must take a paid 15-minute rest break approximately midway through each four consecutive hours of work. Hourly employees must take these rest periods and may not "save" their rest periods in order to take a longer meal period or to arrive late or leave before the end of their regularly scheduled work day. Hourly employees are entitled to an additional 15-minute rest period for every substantial portion of four hours they work beyond their regular schedule.

5.3.3 Rest Period to Express Milk

Reasonable rest breaks shall be provided to those employees (hourly or exempt) who have a child 18 months or younger for the purpose of expressing milk per state law. The City shall provide an employee a reasonable rest period to express milk each time the employee has a need to express milk.

An employee who intends to express milk during work hours shall provide their supervisor with reasonable oral or written notice of their intention to allow the supervisor sufficient time to make the necessary preparations and ensure that an appropriate accommodation of space is available as required by law. Failure to give notice is not grounds for discipline.

Certain types of work may make it an undue hardship on City operations to allow an employee to express milk during work hours. If a manager or supervisor believes there is an undue hardship that would preclude such rest periods, they should consult with the Human Resources Department. The City may allow an employee to temporarily change job duties if the employee's regular job duties do not allow the employee to take the rest periods they need to express milk.

5.3.4 Attendance at Training and Meetings

City required attendance at work-related training sessions and other meetings, whether before, during, or after the employee's regular work schedule, is work time. Generally, voluntary attendance at training sessions and other meetings is not work time.

5.4 Compensation

5.4.1 Payroll

Employees shall be paid in bi-weekly payment installments. In the event a regularly scheduled pay date falls on a holiday, the last preceding workday shall be the regular pay day. Notwithstanding the above, for Thanksgiving, the pay day will be the Friday after Thanksgiving for electronic deposits and the Monday after Thanksgiving for paychecks and copies of electronic deposits.

5.4.1.1 Direct Deposit

Direct deposit into a single bank account at a financial institution of the employee's selection shall be the default payroll payment method for all new employees. Employees may elect a paper check or pay card option by completing a written change submission with payroll. In the event an emergency impacts the City's ability to undertake check processing, printed payroll checks may be delayed for an undetermined period.

The City does not provide advance payments of salary or loans from salary to be earned.

5.4.1.2 Time Records

The submission of the time record each pay period verifies that the times and dates are true and accurate to the best of employee's knowledge. Employees should never allow someone else to make entries on their time sheets record. Willfully falsifying a time card will be grounds for discipline, up to and including termination.

The regular deadline for payroll time record submission, review and approval is 2:00 p.m. on Tuesdays following the last day of the pay periods. In exceptional circumstances, when the regular deadline cannot be met, time submission, review and approval activities shall be executed by the Human Resources Department in coordination with the department director(s) or designated temporary approver(s). Adjustment to the time submission, review, and approval processes timeline may be

required as the result of announced process scheduling changes, including those noted in the annual payroll calendar. Employees shall be notified in advance if this should occur.

5.4.1.3 Payroll Errors

The City complies with applicable Oregon and federal wage and hour laws. In the event an employee believes that the City has made any improper deductions, has failed to pay for all hours worked or for overtime, or has failed to properly calculate wages in any way, the employee must immediately report the error to the City.

If a time record needs an update or needs clarification after the submission of the time record, the employee or the supervisor must communicate with the Human Resources staff for the update to occur. All corrections must be made, reviewed, and notes entered into the system by the supervisor and the employee must be informed in writing. If the employee makes the correction, the time record should be approved again.

If a payroll error is discovered after the paycheck is processed, the following procedures shall be followed.

a) Underpayments: Payroll computation errors shall be corrected pursuant to state law.

b) Overpayments: In the event that an employee receives wages or benefits from the City to which the employee is not entitled, regardless of whether the employee knew or should have known of the over payment, the City shall notify the employee in writing of the overpayment. Such notice will include information supporting that an overpayment exists and the amount of wages and/or benefits to be repaid. For purposes of recovering overpayments by payroll deduction, the following shall apply:

The City shall limit the overpayment calculation to a maximum period of three (3) years before the notification. The employee and the City shall meet and attempt to reach mutual agreement on a repayment schedule. If there is no agreement reached, the City may pursue any legal procedures and processes necessary, including a remedy through small claims court, to recoup an overpayment made to an employee at any time.

5.4.2 Wage and Salary

The City's classification plan as its been established is intended to comply with Oregon's Pay Equity Act (ORS 659A) wherein, employees that perform work of a comparable character are compensated at the same level except where a difference in compensation is based on a bona fide factor that is related to the position and is permitted under the law.

Every three years, the Human Resources Director shall be responsible for completing an equal-pay analysis of the City's pay practices and implement any necessary modifications to the classification plan that would make reasonable and substantial progress towards eliminating any identified wage differentials prohibited by the Pay Equity Act. Compensation for each classification includes a minimum and maximum rate and such intermediate rates or steps as are considered necessary and equitable.

The rate of pay may be set at an hourly calculation or monthly depending upon the conditions of employment.

Each employee shall be paid an amount equal to one of the steps within the salary range for the classification in which the individual is employed. Pay rates are established and published for each step in the pay grade.

Generally, an employee will be appointed at the entry rate or step for the classification. Initial appointment at higher than step one of the pay range assigned to the classification requires approval from the Human Resources Director who will make the determination by taking into account the internal pay equity considerations in line with Oregon Pay Equity Law.

5.4.2.1 Wage Increases and Adjustments

Human Resources will periodically review pay ranges to determine if the pay rates and other compensation are comparable to other similarly situated public employers and internal equity considerations. Factors such as internal equity, turnover, recruitment and applicant flows, and the City's ability to pay may also be considered. The Human Resources Director will, where appropriate, make recommendations for selective salary adjustments for unrepresented classifications to the City Administrator. Selective salary adjustments approved by the City Administrator for unrepresented staff will typically be completed and submitted as part of the annual budget process.

The Human Resources Director will review the duties of each new position to determine the appropriate classification and pay range. Wages and pay ranges for represented positions are subject to the applicable collective bargaining agreements.

A pay grade adjustment is a change in the rates of pay assigned to a particular classification. Pay grade adjustments normally are made at the start of the fiscal year. Adjustments are to be distinguished from merit salary increases and are not intended to give recognition to length or quality of service, but are to be based upon negotiated or prevailing rates of pay for the various classifications. When an employee's pay grade is adjusted to a higher range, the employee will be placed at the closest step in the new pay grade that will generate an increase in pay. If the pay grade adjustment results in a lower range, the employee's salary may be frozen until the new pay grade reaches the employee's present salary.

Pay grade adjustments will not change an employee's annual review date or anniversary for future merit increases.

5.4.2.2 Merit Increases

Department Directors shall recommend to the Human Resources Director merit increases only for those employees whose performance has met appropriate standards of work performance. Merit increases are not automatic. Merit increases will be to the next step of the pay grade for the classification. A two-step increase requires approval of the Human Resources Director and the request submitted by the department director must be accompanied by a performance evaluation that justifies the two-step increase.

A new employee or promoted employee shall be eligible for a merit increase on the beginning of the pay period following satisfactory completion of their probationary period. Employees are eligible for subsequent merit increases upon satisfactory completion of each 12 months of service per Article 3.3.6. Merit increases are not permitted above the top step in the pay range. An employee whose probationary period is extended will not be eligible for a merit increase until the probationary period is satisfactorily completed. A merit increase will not be withheld beyond an extended probationary period or more than twelve (12) months following an annual performance review. If employee performance is so deficient as to not merit a salary increase, action will be taken to place the employee on a work improvement plan or discipline, demote, reassign, or terminate the employee for performance reasons.

Seasonal employees are not eligible for merit increases.

5.4.2.3 Pay for Working Out of Class (WOC) Assignment

An employee is working out of class when a department director assigns an employee some of the duties of a higher classification. The typical duration of a working-out-of class assignment will be between one (1) and eighty (80) hours. Working out of class is temporary and not intended to be permanent.

The assigned employee need not possess the minimum qualifications for the position of the higher classification but must hold all the necessary certifications or licenses required for the assigned duties. In order to receive WOC pay for the hours worked in the higher classification, the employee must assume and satisfactorily perform the assigned duties of the higher classification.

Employees will not be designated as WOC for covering breaks, lunches, routine meetings, performing on-the-job training, or other such short duration assignments.

Any employee formally designated by a Department Director as working in a higher classification shall be compensated at their regular rate of pay plus five percent (5%) for the hours worked performing the higher duties, but in no event in excess of the top step of the higher salary range. Such designation must be pre-approved by the Department Director in writing in advance and recorded on the employee's time sheet.

5.4.2.4 Acting-In-Capacity (AIC) Assignment

Acting-in-capacity (AIC) occurs when a regular employee is temporarily assigned the responsibilities of a higher classification on a full time continuous basis for two (2) weeks or longer. In order to receive AIC pay, the employee must be assigned the full range of duties and have full authority and responsibilities of the higher position the employee is filling. The employee assigned to AIC must also possess the minimum qualifications for the position and any specific certifications or licenses required for the assigned position.

The Department Director must submit a Personnel Action Form to the Human Resources Department prior to assigning the employee to work in a higher classification requiring a wage differential payment, including the expected duration of the AIC assignment. The designation of acting-in-capacity as a department director requires the approval of the City Administrator.

AIC assignments are typically limited to performing the duties of a vacant position or when a specialized project or assignment arises. Vacant positions may arise due the incumbent’s absence from work for

reasons of protected leave, an approved leave of absence with or without pay, or other absence that exceeds two weeks. AIC assignments are temporary and are not intended to be permanent or default promotions. The employee shall be compensated at their regular rate of pay plus five percent (5%), but in no event less than step one, nor in excess of the top step of the higher salary range.

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5.4.2.5 Bilingual Pay

The City may designate positions in the City where having a bilingual speaker of either the Spanish or Russian language in addition to English would be an operational advantage to the City. Upon designating these positions, the City may certify employees within these positions that meet/pass language competency testing for the subject position. The City will require proficiency testing before certification can occur, at the City's expense, and employees will be on paid time for such testing. The City requires a working proficiency level for oral and writing skills, which is set at intermediate high level for the current oral testing, and advanced low level for the current written testing.

Employees certified to receive bilingual pay must be assigned work on a regular and continuing basis that requires a second language to effectively meet the service demand of the City's customers. Designation of positions eligible to receive bilingual pay is the responsibility of the Department Director.

- Employees certified to be orally proficient in the Spanish or Russian language shall receive a three and one-half (3.5) percent premium to their normal base pay.
- Employees certified to be proficient both orally and in writing in the Spanish or Russian language shall receive a five (5) percent premium to their normal base pay.

Recertification for employees eligible to receive bilingual pay will occur every 2 years.

In such a case as the need for bilingual services cease to exist, revocation of bilingual pay shall be made in writing by the City Administrator; stating the reason(s) for the revocation. Additionally, if the employee is transferred, demoted, or promoted to another position in which the bilingual skill has not been designated or identified as a business necessity, the premium will also cease.

The City reserves the right to contract out bilingual services as it deems necessary. The City also reserves the right to expand the bilingual program to include certifications for languages other than Spanish and Russian as the operational needs of the City change over time.

5.4.3 Overtime

The City complies with overtime provisions of the Federal Fair Labor Standards Act (FLSA) and applicable state laws. The City reserves the right to assign employees to work overtime or hours other than those normally scheduled whenever necessary.

For the work-life balance of its employees, the City strives for reducing the necessity for overtime work. The requirement of frequent and considerable overtime other than emergency overtime, which is not anticipated and which is created by conditions beyond the department's control, shall be considered evidence of understaffing and may be subject to review for proper staffing levels.

5.4.3.1 Overtime Eligibility

All employees who are classified as non-exempt and overtime eligible by the FLSA standards shall be eligible for overtime compensation. Classifications in the City are reviewed for overtime eligibility status, which is indicated on the class specifications. Employees will be informed as to whether they are exempt or non-exempt at the time of hire or when a change in classification occurs.

Unless otherwise provided by a collective bargaining agreement, part-time and seasonal employees are eligible for overtime pay, but only for time worked in excess of 40 hours in a work week.

All overtime, except in cases of emergency, must be authorized by the employee's supervisor prior to the employee working overtime. Unauthorized overtime hours worked will be paid. However, such unauthorized work may subject the employee to disciplinary action.

5.4.3.2 Overtime Rate

Overtime eligible employees shall be paid at the rate of one and one-half times for hours worked in excess of 40 hours in a work week. Overtime shall be rounded to the nearest quarter hour.

Paid absences during the workweek shall not be considered as time worked for the purpose of computing weekly overtime.

6 BENEFITS

The City provides a benefits program to eligible employees and their qualified dependents. Employees are encouraged to review the Employee Benefits Summary Plan Descriptions and other related benefit materials available online or by request through the Human Resources Department.

Except where noted, all benefits in these Rules apply to all unrepresented regular and contract employees or all other employees as required by federal or state law. Benefits of represented employees are covered in their respective collective bargaining agreements.

6.1 Healthcare Benefits

The City provides health insurance benefit options, including medical, prescription, dental, and vision coverage as well as options for participation in an HSA (Health Savings Account, HRA (Health Reimbursement Account), and/or FSA (Flexible Spending Account) for employees and their eligible dependents. The City's healthcare benefits plans are compliant with the Affordable Care Act. The group healthcare insurance policy and the summary plan description issued to employees sets out the terms and conditions of the health insurance plan(s) offered by City. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the City, employees will be advised and provided with copies of relevant plan documents.

6.1.1 Eligibility

All full-time employees are eligible to enroll in, and receive health insurance. Full-time regular employees regularly scheduled to work 20 or more hours per week are eligible to receive City contributions up to the percentage of the budgeted full-time equivalency of the position held. Part-time and seasonal employees are not eligible to participate in the City's health insurance program, unless enrollment is required by federal or state law, or otherwise allowed under a collective bargaining agreement.

Coverage is effective the first day of the month following employment. If an employee's start date is the first day of the month, then the employee is eligible for coverage on that month.

6.1.2 Enrollment

Enrollment in the City's health insurance program is limited to the following periods:

1. Within 60 days of the initial benefits orientation with the Human Resources Department;
2. During the City designated annual open enrollment period, for coverage effective January 1st of the following year; or
3. Within 60 calendar days of a qualifying event.

All employees regularly scheduled to work 20 or more hours per week are required to enroll and participate in the health insurance program unless the employee can prove they have attained medical insurance coverage via an alternative means. In which case, employees may opt out of the Plan and receive a $50.00/month incentive from the City. In order for the City to offer the opt out, the following must apply:

The employee and dependents shall be enrolled in another employer's group health plan (e.g. a spouse's employer group plan) that provides minimum essential health coverage as required by the Affordable Care Act, and the employee shall provide documentation of such enrollment upon each annual opt-out election and upon City request.

The City will randomly audit employees who opt out of the City medical insurance program. Any employee who has opted out of the program and does not have and/or maintain group coverage will be required to pay back any incentive pay they have received for the entire contract period regardless of when their coverage ceased.

6.1.3 Premiums

The City shall pay such portion of the monthly premium for eligible unrepresented employees as authorized by the City Council. The employee shall be responsible for paying the remainder of the premiums. If an employee contribution is required, no City contribution shall be made without the employee contribution being made.

6.1.4 COBRA

The City complies with all state and federal laws on early retiree benefits and COBRA. Health plan participants no longer eligible for coverage as an active member, may be eligible to purchase coverage under the City's health insurance program for a limited time in accordance with federal and state laws.

6.2 Long-Term Disability (LTD) Insurance

The City provides LTD insurance to all unrepresented regular and contract employees. Seasonal and part-time employees are not eligible for long term disability insurance. The City will pay the monthly premiums for eligible employees as authorized by City Council. Coverage is effective the first day of the month following employment.

6.3 Life and Accidental Death and Dismemberment (AD&D) Insurance

The City provides all unrepresented regular and contract employees with term life insurance and accidental death and dismemberment (AD&D) insurance. Seasonal and part-time employees are not eligible for life and AD&D insurance. The City will pay the monthly premiums for eligible employees as authorized by City Council.

6.4 Deferred Compensation Plan

The City provides a deferred compensation plan whereby unrepresented regular and contract employees have the option for voluntary pre-tax contributions through payroll deduction to the City sponsored Deferred Compensation Plan. Contributions are limited to amounts specified by the Internal Revenue Service (IRS).

For unrepresented regular and contract employees, the City shall provide a plan contribution match in an amount not to exceed 5% of Employee's base rate of pay. In the event of a financial downturn, the City Administrator may reduce the amount or value of the contribution match by giving subject employees at least 30-days' notice.

6.5 Oregon Public Employees Retirement System (PERS)

The City of Woodburn participates in the Oregon Public Employees Retirement System (PERS) and Oregon Public Service Retirement Plan (OPSRP). Except for full-time employees and those covered by a collective bargaining agreement or individual employment contract, the employee contributes six percent (6%) of his or her gross monthly salary on a pretax basis to Oregon PERS. Subject to the provision of Oregon law, the City will participate in the sick leave conversion program.

All employees who are members of Oregon PERS at the time of employment will begin making contributions into the program immediately. Full-time employees who are not members of Oregon PERS are required to participate in the program upon completion of six (6) months of employment. Employees who are not members of Oregon PERS and work less than full-time may be required to participate in this program if eligibility requirements are met as provided for within State law and/or Oregon PERS administrative rules.

6.6 Voluntary Benefits

The City offers a variety of optional insurance programs such as additional life insurance, flexible spending accounts, pet insurance, etc. Employees who participate in optional insurance programs do so through payroll withholdings at their own expense. An employee on leave without pay status must make their own arrangements with the Human Resources Department to continue insurance benefits at their own expense, subject to the contract terms and conditions between the City and the insurance carriers.

6.7 Employee Benefits during Leaves of Absence

1. Paid Leave: Benefits coverage will continue during all paid leaves of absence. Participation and coverage will continue as if the employee continued working.
2. Protected Leave: Coverage will continue during authorized protected leave (see Section 7.6) whether paid or unpaid. Participation and coverage will continue as if the employee continued working.
3. Authorized Leave without Pay: Participation and coverage will continue through the month in which authorized leave without pay begins (see Section 7.5). Employees may elect to continue coverage at their own expense through COBRA.

6.8 Employee Assistance Program (EAP)

The City maintains an Employee Assistance Program (EAP). EAP provides for confidential counseling sessions for eligible unrepresented regular and contract employees and their families, subject to the limitations of the EAP plan. Employees may access EAP services voluntarily without referral. Management may also make a mandatory EAP referral for an employee to address that employee's unacceptable workplace behavior or job performance issue.

6.9 Worker's Compensation

The City provides workers' compensation insurance as required by state law. Compensation for time lost is not payable for the first three (3) calendar days the worker is off work unless the employee is hospitalized as an inpatient or is off for fourteen (14) or more consecutive calendar days as a result of the injury or disease.

Sworn Police Department employees who sustain an injury or illness compensable under Oregon's Worker's Compensation laws, and are eligible to receive time loss payments from the City's Workers' Compensation carrier, will be paid by the City for the difference between their regular gross wages and injury time loss payments for up to one thousand forty (1,040) hours per claim, unless state or federal law provides otherwise. These payments made by the City will be counted as injury leave on payroll records. The sworn employee shall continue to accrue paid leave and health insurance during this period. PERS will be paid on injury leave as allowed by PERS. Employees will be allowed to use injury leave to attend health care provider appointments related to a worker's compensation claim. After injury leave is exhausted, employees shall use available leave for the differential between the employees' time loss payments and their regular gross wages.

To cover the differential between their regular gross wages and time-loss benefits for which the employee is eligible to receive from the City's Workers' Compensation carrier, all other employees can use sick leave , as appropriate, so as to equal his or her regular net pay.. All leave accruals will be pro-rated based on leave hours used.

Employees who have a compensable on the job injury and who are temporarily unable to perform the duties of their regular position may be assigned to a temporary transitional duty position. Transitional duty assignments are temporary work assignments, in which the physical requirements do not exceed the limitations placed on the employee by the health care provider. During the period of transitional duty, the employee will receive pay for all hours worked and benefits as though the employee continued in their normal assignment, less any premium payments of which the employee is no longer eligible because of duties they are not performing while on transitional duty. Transitional duty program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability.

Pursuant to ORS 659A.043 & 659A.046, employees have re-employment rights after a compensable on the job injury. Employees who have had a compensable injury must provide the Human Resources Director written notice that they wish to be considered for re-employment within two work days of the date they are released to return to work. The notification must be accompanied by a certificate from the attending physician who describes the types of work which the worker is able to perform and any physical limitations which may preclude the worker from some types of work. The City does not guarantee that the work available and suitable for the injured worker to perform will be at the same skill or salary level as the work formerly performed.

If an employee is returned to work within three years from the date the employee filed the workers' compensation claim giving rise to those rights, the employee shall be treated as a laid off employee for the purposes of determining the continuous service date. Reemployment rights only apply to compensable claims filed while the claimant was employed by the City.

6.10 Clothing Allowances/Expenses

The City may provide work clothes, uniforms, or protective safety devices to employees in jobs that require such items and are necessary to effectively perform work duties. All City issued clothing or devices shall remain the property of the City and must be returned to the City before replacement clothing or devices are issued or when the employee leaves employment with the City.

Work clothes, uniforms, or protective safety devices for City positions will be identified and maintained by departments/divisions as required due to the nature of the job and state or federal safety requirements.

The cost of maintaining, cleaning, and laundering protective clothing or uniforms may be paid by the City or the employee. Uniform items which become damaged to an extent not readily and inexpensively repaired by the employee shall be repaired or replaced by the City.

It is the responsibility of the employee who is issued uniforms or clothing to return all items at the time of termination. Failure to return issued clothing may preclude consideration for future re-employment with the City. The employee may be required to reimburse the City for any lost items.

The value of City provided protective clothing or uniforms (including cash advances for uniforms) may be considered a taxable fringe benefit per IRS rules.

7 TIME OFF AND LEAVES OF ABSENCE

7.1 Holiday Leave

All full-time employees are eligible to receive paid holiday leave. Limited term/temporary, part-time or project employees are not eligible for holiday accrual. Holidays and holiday leave/banks for represented employees are established in the appropriate collective bargaining agreements.

An employee is entitled to holiday pay if the employee is in pay status for the entire scheduled workday preceding and following the holiday. Any employee who is on leave but is in paid status the day before and the day following the holiday will receive holiday pay.

7.1.1 City Observed Holidays

The City of Woodburn shall observe the following holidays:

Holidays	Date Observed
New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Friday After Thanksgiving Day	4th Friday in November
Christmas Eve	December 24 - last 4 hours of shift
Christmas Day	December 25

Whenever the holiday falls on a Saturday, the preceding Friday will be given off; if the holiday falls on a Sunday, the following Monday will be given off. For instance, if Christmas Day falls on a Monday, Christmas Eve will be observed on the preceding Friday.

If a holiday occurs during an employee's vacation or sick leave, the time shall be charged as holiday leave.

7.1.2 Floating Holiday

In addition to the scheduled holidays identified above, full-time employees who have completed six (6) months of continuous full-time service will accrue one floating holiday with pay per fiscal year. Floating holidays may be used by an employee, with the prior approval of their supervisor, on any work shift requested by the employee. Operational needs shall be the determining factor in the supervisor's approval or denial of such leave requests. Floating holidays cannot be carried over from one fiscal year to the next and are lost automatically if not used by June 30th of each fiscal year.

An employee, who terminates after completion of initial 6 months service to the City, shall be entitled to payment for an accrued floating holiday.

7.1.3 Holiday Compensation and Accrual

Eligible employees working forty (40) hours per week or more shall receive one day's pay for each of the holidays listed above which falls within their work week and on which they perform no work. Eligible employees working less than forty (40) hours per week will earn holiday leave on a prorated basis.

Unrepresented employees who work on a holiday and are eligible for overtime compensation shall receive 1½ time compensation for any time worked on a recognized holiday. If a holiday falls on an employee's regularly scheduled day off, the employee shall be granted a holiday with pay, to be taken at the option of the employee, subject to the operating requirements of the department. Additional holiday compensation is not paid for time worked on floating holidays.

For exempt employees, working on a holiday is strongly discouraged and not permissible except in unusual circumstances where the employee's presence at work is critical. Unrepresented employees must have Department Director approval prior to working a recognized holiday. In the event an exempt employee must work on a holiday, the employee shall be granted a holiday with pay, to be taken at the option of the employee, subject to the operating requirements of the department.

In lieu of an established holiday schedule, unrepresented Police Sergeant employees will accrue 8.67 hours of holiday leave for each full month of service. Sworn Police Department supervisory employees working under a 4/12 schedule will accrue thirteen 13 hours of holiday leave for each full month of service. Maximum accumulation of earned but unused holiday credit shall not exceed the employee's total annual accrual rate for the calendar year. Police Sergeant employees shall be

compensated in cash for all holiday time that is in excess of their allotted maximum annual accrual at the conclusion of a three (3) month period ending quarterly. The City may also initiate a mandatory holiday leave of sufficient duration to reduce the unused holiday credits to below the maximum allowable accumulation. All holiday hours accrued in a calendar year and not taken as leave will be paid to the employee at separation of employment.

7.1.4 Religious Observances

A department will attempt to accommodate an employee's request to be away from work for religious observances. Such time off shall be charged to paid leave other than sick leave. If no paid leave is available, time shall be charged as authorized leave without pay. The City will attempt to make a reasonable accommodation unless it results in undue hardship on the department's operational needs or resources.

7.1.5 Veterans Entitlement to Veterans' Day Off

Eligible veterans who are otherwise scheduled to work on Veterans Day may request the day off. Such requests must be made at least 21 calendar days prior to the holiday and must include documents showing the veteran is eligible. Eligible veterans are those who served on active duty in the Armed Services for at least 6 months and who received a discharge under honorable circumstances. Service in the reserves or National Guard does not qualify unless the veteran was deployed or served on active duty for at least 6 months. The eligible veteran's supervisor must respond to the request at least 14 days prior to Veterans Day and include whether the request is being granted and whether the day off will be paid or unpaid. The request cannot be denied except upon a showing of significant disruption or undue hardship. If denied, the veteran is entitled to another day off within the year. Pay status for the day off shall be governed by these rules and applicable collective bargaining agreements.

7.2 Vacation Leave

The City of Woodburn provides paid vacation for all eligible employees for the purposes of rest and relaxation from the job. All full-time regular employees are eligible to receive vacation. Limited term/temporary, part-time, seasonal, or project employees are not eligible for vacation accrual. Vacation leaves and maximum accruals for represented employees are established in the appropriate collective bargaining agreements.

7.2.1 Vacation Accrual

Employees begin accruing vacation on their first day of employment but are not eligible to take vacation until completion of six months of employment. Full-time employees working less than forty 40 hours per week will earn vacation on a prorated basis. Vacation leave does not accrue during leaves without pay unless that leave is protected leave.

Accruals rates are:

Years of Service	Accrual Per Pay Period (hours)	Annual Accrual (day)	Maximum Accrual (days)
0 – 60 months (0 – 5 years)	3.08	10	20
61 – 120 months (6 – 10 years)	4.62	15	30
121 – 180 months (11 – 15 years)	5.54	18	36
181 – 240 months (16 – 20 years)	6.15	20	40
241 – 288 months (21 – 24 years)	7.08	23	43
289+ months (25+ years)	7.69	25	45

7.2.2 Maximum Accrual

Under normal conditions, all employees are expected to take their vacation in the calendar year following the year in which credits were earned. Vacation credits may be accumulated up to the maximum days set in the table above. Any balance of vacation hours in excess of the maximum accumulation shall be forfeited.

Employees who are unable to use vacation due to unusual or catastrophic circumstances, the City's operational needs, or due to a medical or worker's compensation leave where sick leave use is required first, may be allowed an exception to this rule, provided all other options are exhausted and a request is made to the employee's Department Director and the Human Resources Director.

7.2.3 Scheduling of Vacations

Employees are encouraged to take vacation leave as means to recharge physically and mentally, reduce stress, prevent burnout, and promote work-life balance. Vacation leave requests must be approved in advance with consideration given to the employee and the operational needs of the City.

Vacation requests that exceed 120 hours of continuous leave and are not authorized protected leave require Department Director approval.

7.2.4 Effect of Leave without Pay

Except for protected leave, employees having cumulative leave without pay during a pay period shall accrue vacation leave prorated based on the unpaid hours to the regularly scheduled hours.

7.2.5 Transfer of Vacation Leave

When an employee is transferred to or appointed to another department, vacation credit shall be assumed by the new department.

7.2.6 Donation of Vacation Leave

Employees may voluntarily donate vacation leave in accordance with the City's Catastrophic Leave Policy and Procedures.

7.2.7 Vacation Pay upon Separation

An employee, who separates from employment with the City after completion of initial 6 months service, shall be entitled to payment for all accrued vacation leave in their leave bank.

Employees who have not completed six months of their initial employment with the City will not be entitled to accrued leave payouts, unless vacation leave was offered as part of the initial appointment to the City. If vacation leave was included as part of the initial appointment, the employee will be entitled to vacation leave payout of their remaining front loaded vacation balance.

The last day an employee works shall be the employee's date of separation. Employees shall not be allowed to extend their separation dates by utilizing accrued leaves. In case of death, compensation for accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.

7.3 Sick Leave

The City recognizes that employees will need days off from work from time to time to address their or their family's medical needs.

For the purpose of this article, employee's family shall be defined as the employee's parent, spouse, sibling, child, mother-in-law, father-in-law, grandparents or any person residing in the employee's immediate household.

7.3.1 Accrual Rate

Fulltime employees working forty 40 hours per week shall accrue sick leave at the accrual rate of eight (8) hours for each full month of employment (3.692 hours per pay period). Fulltime employees working less than forty (40) hours per week will accrue sick leave on a prorated basis. Additional sick leave credit shall not accrue as a result of an employee's overtime. Unless otherwise covered by a collective bargaining agreement, seasonal, temporary, and part-time employees will accrue one (1) hour of sick leave for every 30 hours of time worked and must work 90 days before becoming eligible to use accrued sick leave. Additionally, seasonal, temporary, and part-time employees may only accrue up to a maximum of eighty (80) hours of sick leave. Sick leave does not accrue during leaves without pay unless that leave is protected leave.

Unless provided for otherwise by a collective bargaining agreement, employees may use accrued sick leave as accrued. .

If an employee separates from employment with the City, but is rehired within 180 days, their previously accrued sick leave will be reinstated. If there is a break of employment of more than 180 days, all previously accrued sick leave will be zeroed out and the rehired employee will start accruing sick leave again as per the current policy.

7.3.2 Use of Sick Leave

Employees are entitled to use sick time for the following purposes:

- For an employee's or family member's mental or physical illness, injury or health condition or need for medical diagnosis of these conditions or need for preventive medical care.
- To care for an infant or newly adopted child under 18, or for a newly placed foster child under 18, or for a child over 18 if the child is incapable of self-care because of mental or physical disability.
- To care for a family member with a serious health condition.
- To recover from or seek treatment for a serious health condition that renders the employee unable to perform at least one of the essential functions of the employee's job.
- To care for a child of the employee who is suffering from a non-serious illness, injury or condition.
- To deal with the death of a family member by attending the funeral or alternatively, making arrangements necessitated by the death of a family member, or grieving the death of a family member.
- To seek medical treatment, legal or law enforcement assistance, remedies to ensure health and safety, or to obtain other services related to domestic violence, sexual assault, harassment or stalking incidents for the employee or employee's minor child or dependent.
- For certain public health emergencies including closure by a public official of the employee's place of business, school or place of care of the employee's child, or a determination by a public health authority or health care provider that the presence of the employee or a family member presents a health risk to others.

Sick leave and vacation/compensatory time are not interchangeable. Employees cannot use vacation time for sick leave or use sick leave for vacation time. In addition to protected leave, under extenuating circumstances a department director may grant approval for an exception that allows for vacation/compensatory/holiday leave to be used when an employee's accrued sick leave has been exhausted.

7.3.3 Sick Leave Notification

If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before taking leave, using the department's call-in/notification procedures per Section 5.1.2. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the City. Employees must notify the City of any change in the expected duration of sick leave as soon as is practicable.

Employees must contact their supervisors daily while on sick leave, unless an extended period of sick leave has been prearranged with the supervisor or when the employee is off work for a continuous period of protected leave. Employees shall inform their supervisors of any change in the duration of sick leave as soon as practicable. Depending on the reason for sick leave use, employees may need to bring a note from their health care practitioner releasing the employee back to duty with or without restrictions.

7.3.4 Use of Sick Leave During Vacation

If the employee has a need to use sick leave while on vacation, the employee must notify their supervisor as soon as possible of the injury or illness and request the use of sick leave. A certification of injury or illness may be required.

7.3.5 Sick Leave Abuse

Supervisors have the principal responsibility for the proper and consistent application of the sick leave policy. Abuse of sick leave in any form can have serious impacts on the morale and effectiveness of all employees.

If the City suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, or use that demonstrates a trend, the City may require documentation from a healthcare provider. Sick leave abuse is subject to discipline, up to and including termination.

7.3.6 Certification of Illness

A department director or the Human Resources Director may require certification of the health care practitioner to substantiate that an illness or injury prevents or did prevent the employee from working. At the City's discretion, the City may direct that an employee be examined by a physician or practitioner of the City's choice and at the City's expense to determine if the employee is able to fully perform the duties of their position.

7.3.7 Sick Leave Upon Separation

Employees will not be compensated for accrued sick leave at time of separation. Accrued sick leave hours will be reported to PERS as part of the sick leave conversion program for eligible employees in accordance with PERS rules and procedures.

7.4 Other Leaves With Pay

Full-time regular employees shall be granted a leave of absence with pay for the following:

7.4.1 Bereavement Leave

The City provides 40 hours of City-paid bereavement leave, to be used within six (6) months, per qualifying occurrence, in the event of the death of an immediate family member of the employee. This leave shall be separate from sick leave and shall not accumulate from year to year. Additional unpaid bereavement leave may be available to qualifying employees under the

Oregon Family Medical Leave Act (OFLA). Employees may use accrued leave while using bereavement leave that is not City-paid. City-paid bereavement leave runs concurrently with OFLA.

7.4.2 Jury Duty

When an employee is called for jury duty or subpoenaed to appear in court as a witness, he or she will be paid the difference between his or her regular salary and the amount of jury pay. However, if he or she transfers all compensation, less mileage and meal allowances, received from the court to the City, he or she shall receive his or her regular compensation for the time covered by the absence. Time not worked because of such service will not affect vacation or sick leave accrual. The foregoing shall not apply if the employee is a party in interest to the proceeding or is serving as a witness against the City or on behalf of any Union. In such instance, leave of absence without pay will be provided per the below section 7.4.3.

7.4.3 Court Appearance

Employees shall be granted time off for appearance in response to a subpoena before a court, legislative committee, or judicial or quasi-judicial body on a matter not related to their official duties. Employees will not be eligible for City-paid leave if they are subpoenaed for a non-work related dispute in which the employee is the plaintiff or defendant, or if it involves a dispute between the City and the employee(s). Employees will use accrued leave, if available.

Attendance in court in connection with an employee's official assigned duties, including the time required going to the court and returning to the regular work site, is considered time worked and will be paid as regular wages.

7.4.4 Compassionate Leave

In the event that a City employee dies, other City employees may be granted, at the discretion of the Department Director or designee, a mutually agreeable amount of accrued leave time for the purpose of attending the service.

7.4.5 Management/Executive Leave

Certain exempt management/executive employees under individual employment contracts, will accrue executive/management leave at a rate based on a scale set by the City under pay equity. Accrual limits or maximums for executive leave are also set in the same manner. No executive/management leave will be allowed to accrue beyond maximum accrual limits, nor shall designated employees be entitled to any executive/management leave that would otherwise have accrued during any period where the maximum accrual limits has been reached, and is not reduced through use.

All accrued executive/management leave is payable to employees upon termination or resignation.

7.5 Leaves Without Pay

In instances where there will not be an undue hardship by the temporary absence of an employee, a department director may grant a leave of absence without pay not to exceed ten (10) business days. Leaves of absence without pay for periods in excess of ten (10) business days must be approved by the City Administrator. Requests for such leave must be in writing and must establish reasonable justification for approval of the request. Such leave will not be approved for an employee who is accepting employment outside the City service.

Any leave without pay in excess of thirty (30) consecutive days shall result in the seniority date for the employee being adjusted for the period of time on leave, unless leave was a protected leave. Health and other insurance benefits shall be maintained during a leave of absence without pay due to a protected leave only. If the leave of absence is during unprotected leave, the employee can maintain health benefits through the City as provided for under the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

7.6 Protected Leaves

The City complies with all federal and state laws concerning leaves of absence. The City provides protected leave in conformance with the Federal Family Medical Leave Act (FMLA), Oregon Family Medical Leave Act (OFLA), Oregon Crime Victims Law, Oregon Victims of Certain Crimes Leave Act (OVCCLA), and Oregon Military Family Leave Act (OMFLA). Please see the City's Protected Leave Use Policy and Procedures for further details about policies and procedures for electing use of protected leave.

7.7 Catastrophic Leave

Employees are eligible to participate in the Catastrophic Leave Program as a recipient or donor in accordance with the Catastrophic Leave Policy and Procedures.

7.8 Government Leave

The City will provide leaves for military, Peace Corps, United States public health service and other public services as required by state and federal law.

7.8.1 Military Leave

Employees on military leave may not be penalized in any way for their absence, including but not limited to, vacation accrual rates, incentives based on regular attendance or other benefits they may otherwise be entitled to receive, provided such employee shall have been in the employ of the City for a period of 6 months prior to leave.

Any employee called to active duty must notify their supervisor either orally or in writing of the need for military leave. An employee shall be entitled to military leave without pay for service with the U.S. Armed Forces. Leave shall be approved for a maximum of five (5) years unless extension is required in accordance with ORS 408.290 and Federal Law. Such employee shall provide verbal or written notice of military service to the City.

Any employee who has not completed their probationary period prior to the time the military leave commences shall upon returning to such position, be required to serve the remainder of the probationary period.

Prior to commencing military leave, an employee may elect to be paid for accrued vacation leave and compensatory time. Accrued leave does not have to be exhausted before leave without pay is granted for military service.

Vacation and sick leave will not accrue during any period of leave without pay due to military leave. However, vacation and sick leave accrual rates and service credit shall be treated as though the employee had been continuously employed. Sick leave that has accrued up to the time military leave commences shall be preserved.

After military training or service, the employee shall report back to work or request reemployment depending on the duration of the training or service according to law.

Employees on unpaid military leave 31 days or more shall have the right but are not required to elect and purchase continuation of medical, dental and vision benefits for themselves if they are already enrolled in City medical/vision and/or dental coverage under federal healthcare continuation (COBRA) for up to 24 months. Upon reemployment, the City will reinstate the employee's coverage without imposing any exclusion or waiting periods that would not have been imposed had the coverage not been terminated.

7.8.2 National Guard or Other Military Reservists

All employees of the City who are members of the Oregon National Guard or any reserve component of the armed forces of the United States are entitled to a paid leave of absence from duties for a period not exceeding 15 calendar days (11 work days) in any federal fiscal year (October 1st through September 30th) for training, provided the employee is employed at least six months prior to the leave. Employees are not required to take their leave in one block of time but may use the paid leave allowed under this rule over the course of the federal fiscal year. The actual number of paid work hours allowed is dependent on the employee's standard work schedule, but must be consistent with the intent of this article. This provision does not apply to weekend duty, providing the employee's regular days off are on the weekend.

The provisions of this section shall also apply when the guard or a reserve unit is in the federal service or called to active duty on extended tour; however the total number of paid days for both training and active duty shall not exceed the total amount allowed above in any federal fiscal year.

Absences incurred for additional training, weekend drills, and attendance at service schools may be charged to accrued paid time off such as vacation or compensatory time, or taken as leave without pay at the employee's discretion.

7.8.3 Alternative Duty Leave

Any full-time employee who serves as a volunteer in the Peace Corps shall be deemed absent on leave without pay during the period of service up to a maximum of two years. Upon returning, the employee shall have the right to be reinstated to the position held before the leave was granted. Failure of the employee to return to work within 90 days of the termination of the service shall be cause for dismissal.

7.9 Emergency Situations

In an emergency situation, every attempt will be made to maintain City services at a normal level. If the situation is serious enough that operation of these services must be modified to respond to the crisis, employees will be informed as quickly as possible by telephone and/or the news media. Employees will be compensated for hours actually worked during any emergency period. City employees who, in the department director's judgment, are unable to safely come to work will be granted time off using their vacation and or floating holiday benefits. This time off option applies to all employees of the City except Police officers and other key public safety services who are to maintain work schedules as directed by their departments. Employees desiring to leave work early to ensure their safe arrival home must contact their supervisors for permission to do so. Use of the above leave benefits may be granted.

7.10 Inclement Weather

The City Administrator may use their discretion in deciding whether City offices will remain open during periods of severe inclement weather and may vary these policies on Inclement Weather on a case by case basis.

Employees must advise their supervisor of their late arrival to work or absence from work due to inclement weather as soon as possible. The City's policy is that employees will only be paid for hours worked. Employees who are authorized by their supervisor to report to work late, to leave early, or to remain at home for the workday because of extremely hazardous weather conditions shall use accrued leave to cover non-working hours. Sick leave may not be used for lost time due to inclement weather conditions.

If the City finds it necessary to close City Hall and/or other City facilities while employees are at work, employees will not automatically be released from work. On a case by case basis, employees may be reassigned to other duties such as assistance in the City's emergency operations center. Department Directors will determine whether an employee is to be temporarily reassigned duties or whether they may be released from work early. If they are released from work early or if City Hall and/or other City facilities are closed, employees will be allowed to take accrued leave other than sick leave.

Where inclement weather makes it unsafe for an employee to report to their official City work site, or where their City work site has been closed due to hazardous weather conditions, an employee may also have the option to engage in Ad Hoc Remote Work pursuant to the City's Remote Work Policy and Procedure.

8 TRAINING AND DEVELOPMENT

The City of Woodburn recognizes that continuous learning and development of its employees are important contributions toward the productivity and professionalism of the City's work force. Development and management of the City's workforce to sustain and improve performance enhances the delivery of services to the public and sustains employee job satisfaction.

The Human Resources Department offers training opportunities that support the growth and development of all City employees. Human Resources staff also assist departments in meeting their training needs. Training activities may include on-the-job training, department-specific training, one-on-one coaching, group facilitation, mentoring, computer-based learning, and conferences.

8.1 Mandatory Training

The City may mandate training for new and existing staff as deemed necessary and appropriate. Staff will be notified in advance of mandated training.

The Human Resources Director may designate completion of or attendance at training programs for city employees, managers, and supervisors as mandatory for one or more of the following reasons: to ensure understanding of and compliance with law; citywide and department policies; to support citywide initiatives or mandates as adopted by City Council; to reduce potential risk and liability to the City; and/or to define and communicate expectations and ensure ethical, professional, and appropriate behavior and conduct on the part of City employees in their official capacity.

Other training activities will be scheduled in response to needs identified by employees and their Supervisors on the City's performance evaluation report or needs identified by City management.

8.2 New Employee Onboarding

The City provides an onboarding program to familiarize new employees with City-wide policies and procedures. Onboarding is mandatory for all new employees. Employees must complete the assigned training within the deadlines given. All new employees must complete and sign off on City policies received as part of their onboarding training schedule. The departments will provide employees with an orientation to the department and the new position they were hired into.

8.3 Training Costs

Costs for any registration, lodging, meals, and travel will be paid by the City as appropriate for approved training activities (see Section 8.6). Employees assigned to mandatory training activities will be paid at their regular rate or overtime rate while attending any training, whichever is appropriate. Employees must obtain Department Director approval before registering for or incurring any expenses related to training.

Employees will receive no compensation for time spent outside regular work hours participating in voluntary training activities or in activities for which they receive tuition reimbursement.

When travel is required as part of approved training activities, the City will follow Oregon Bureau of Labor and Industry (BOLI) wage and hour rules for compensating employees for said travel time. For special one-day assignments where an employee travels over thirty (30) miles away from the City, the time the employee spends traveling will be compensated. When travel occurs as part of an overnight trip, all the time an employee spends traveling during normal work hours will be compensated–even on weekends. The City will not compensate for overnight travel time that falls outside of the employee's regular work hours, except when the employee is required to drive.

8.4 Professional Associations

The City encourages employee membership and participation in technical and professional associations and activities on a local and national level. Within the constraints of approved budgets, Department Directors may approve leave, professional dues reimbursement and/or reimbursement for attendance at professional meetings, seminars and similar work-related activities.

8.5 Tuition Reimbursement

The City may reimburse a full-time regular or contract employee for the amount of tuition for approved courses conducted outside the employee's regular working hours provided the employee has made application for approval to the City Administrator at least ten days prior to the registration for such course. The tuition reimbursement policy will be limited by budgetary resources within the department.

Course work eligible for reimbursement must be completed at a college or university holding statewide accreditation. Attendance at job related courses which are only offered during regular working hours may be approved by the Department Director and the City Administrator subject to the operating requirements of the department. If the course is approved, leave of absence without pay or vacation leave may be used by the employee.

Reimbursement will not include the cost of travel, books, materials, or other ancillary costs. Reimbursement will be limited to a maximum of six (6) units per semester. Reimbursement will be provided upon showing of a successful completion of course work, i.e. a copy of report card or transcript and a receipt, cancelled check, or other proof that registration has been paid by the employee.

Employee will be reimbursed 50% of tuition cost when course work is completed with an A or B grade. Tuition will be reimbursed at 40% for course work completed with a C grade. There will be no reimbursement for courses completed with a D or for failed courses. Tuition reimbursement is subject to all IRS rules.

8.6 Employee Incurred Expenses and Reimbursement

Travel for official purposes while at a temporary workstation is reimbursable and includes transportation between places of official business, temporary lodging, restaurants, and similar establishments, as required for the subsistence, comfort, or health of personnel.

Telecommunication instead of travel should be considered when possible. For travel paid for by the City, all travelers must receive authorization in advance for any travel-related expenses. Travel reimbursements should be submitted for approval on a timely basis. In general, travel advances are not permitted.

Food, lodging and/or travel expenses shall be primarily paid by the City with a City-issued credit card or in accordance with the approved meal-only per diem schedule to an employee whose attendance at a job related conference, organizational meeting or training seminar has been authorized. The employee must turn in the Conference/Training/Travel Information form at least one week in advance to HR department. HR Department will review the training program to determine correct calculation of travel expenses, per diem and work hours. Per Diem is the daily amount allowed for meals and incidental expenses (M&IE). Incidental expenses include all gratuities; therefore, employees are not separately reimbursed for gratuities or tips of any kind including, but not limited to, those for meals, transportation, or hotel staff. Any per diem payment to individuals on travel status is based on the specific area or locality rates published by the U.S. General Services Administration (GSA) for domestic travel in the continental U.S. If the employee travels to more than one location in one day, the per diem rates for each day are the rates for the location in which the traveler will spend the night. Travelers are eligible for 75% of the established per diem rate for the destination for the first and last overnight travel days regardless of the time of day of their departure and return.

The City shall not provide any reimbursements for lodging, travel, and meal expenses incurred within the Woodburn-Metro area, which could result in, or be considered to be a taxable fringe benefit to the employee under the Internal Revenue Code.

In compliance with the City's ethics rules, all travelers should exercise good judgement, regard for economy, and recognition of proper use of public monies while traveling or incurring expenses in connection with City business. Travel authorization and expenditure records are public records and may be accessible to the media and citizen inquiry. Travelers who fail to provide a proper accounting of their travel-related expenses may be denied future travel for work.

Travelers are prohibited from personal use of any travel incentives earned from travel arrangements purchased by the City or reimbursed by the City. Travel incentives include, but are not limited to, frequent flyer miles for air travel, "bonus" miles, "points" acquired through hotel/lodging, rental car, or other company-based loyalty programs, and compensation for the inconvenience of being "bumped" off a flight that is overbooked (such as a coupon for future travel). Lodging or meal vouchers received because of a delay in travel and used at that time are not included in this prohibition.

8.6.1 Meals

When traveling on official business, meals may be paid by City-issued credit card, and receipts must be submitted upon return to work. The department director may also pre-authorize a per diem meal allowance. The per diem meal allowance is a fixed amount of reimbursement for meals on subject travel days. It is not reimbursement for the actual costs incurred. Receipts are not required for meals if claiming per diem. Occasionally, employees may also be reimbursed for their actual costs where in rare circumstance personal expenses must be used to pay for a meal. All requests for reimbursement must be accompanied by supporting documentation and receipts.

Reimbursement of personal expenses shall not be authorized for payment at any time. Any purchase of alcohol shall not be reimbursed. A credit/debit card payment slip does not constitute a receipt. A receipt should include the vendor, amount, date and itemized description of the item or items purchased.

Meals included as part of the registration fee(s) for a conference, seminar, etc., must be subtracted from the employee's daily meal per diem. Use the following percentages to determine the appropriate amount to deduct:

- Breakfast equals 25% of the allowed daily meal per diem
- Lunch equals 25% of the allowed daily meal per diem
- Dinner equals 50% of the allowed daily meal per diem

Complimentary meals provided by a hotel/motel do not affect the per diem meal allowance. No adjustment is required.

8.6.2 Lodging

Lodging expenses shall be primarily paid in-advance by the City with a City-issued credit card. Occasionally, employees may also be reimbursed for their actual costs where in the rare circumstance personal expenses must be used to pay for lodging. Reimbursement for lodging expenses shall be up to the specific daily maximum allowable lodging rate in effect at the time of travel for the specific area or locality (see annual published rates by the U.S. General Services Administration (GSA) for domestic travel in the continental U.S). Lodging taxes are not included in the continental U.S. per diem rates. Therefore, lodging taxes paid by the employee are reimbursable as a miscellaneous travel expense.

Employees may "double up" in a room in order to save the City money or for efficiency.

8.6.3 Transportation

The travel should be by the most expeditious means of transportation practicable and commensurate with the nature and purpose of the employee's duties, and factors such as total distance traveled, number of points visited, and number of travelers. All air travel shall be coach class regardless of funding source. Air travel may be purchased through a conference-designated travel agent, or by using a City-issued credit card to purchase a ticket via the internet based on a comparison of airfare alternatives. Baggage and luggage fees associated with air travel are a reimbursable expense.

Vehicle rental fees are reimbursable. Drivers must have a valid current driver's license for the class of vehicle driven. Distances between points traveled will be shown on standard highway mileage guides, such as the Department of Transportation's official mileage table, MapQuest or other mapping software.

8.6.4 Private Vehicle Mileage

If a privately-owned vehicle is determined to be the most cost-effective form of transportation, or an individual requires a medical accommodation that has been documented and cannot be met with a rental vehicle, use of a personal vehicle will be an allowable transportation expense for overnight and out-of-town travel. The City will reimburse the employee at the Internal Revenue Service Standard Mileage Rates for business use for the lesser of the distance between the employee's home and the travel destination, or the distance between the employee's normal reporting location and the travel destination, however the City will not reimburse for an amount greater than the cost of available roundtrip airfare to the destination, without written justification. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City.

9 RULES OF CONDUCT

An appointment to a position with the City of Woodburn carries with it certain rights and responsibilities under the law. In order to render the best possible service to the public and to reflect credit on the City, high standards of conduct are essential. All employees are required to conduct themselves, while representing the City, in a manner that is in the public interest as opposed to individual interests. To this end employees are to conduct themselves in a manner that will exemplify such characteristics as honesty, integrity, constraint, impartiality, and dedication to the public interest. The continued employment of every employee shall be conditioned on acceptable behavior and satisfactory performance of duties.

Employees are expected to treat all individuals with respect and dignity and to maintain an environment free from discrimination, harassment or retaliation (please see the City's Nondiscrimination Policy and Procedures). All employees and volunteers are responsible for immediately notifying Human Resources or the appropriate department management if they observe or become aware of a situation involving discrimination, harassment or retaliation.

9.1 Attendance and Punctuality

All employees are expected to report for work on every scheduled workday at their scheduled starting time. Employees shall further comply with the workweek standards and conditions outlined under Sections 5.1. – 5.3. Department Directors are responsible to ensure that standards of attendance and punctuality are maintained within their departments.

9.2 Personal Appearance

A neat and professional appearance is a requirement of the City of Woodburn. General cleanliness and personal hygiene are important in all work environments. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. Different styles will be necessary depending on the degree of customer contact, the nature of the work, work location, and safety issues. Clothing that displays offensive slogans is prohibited.

9.3 Fragrance

Some employees may be sensitive to perfumes and chemicals, with health consequences triggered by exposure to scented products. Consequently, employees are asked to refrain from the use of personal scented products in the workplace where the sole purpose is to produce a scent, such as perfume, after shave, and cologne, and to avoid the use of strongly scented personal hygiene products such as laundry soap, dryer sheets, hand lotion, powder, hair spray, and deodorant. All City managers and supervisors are expected to enforce this rule. An employee who is experiencing health consequences due to another employee's use of scented products should report the problem to their supervisor to ensure appropriate action is taken.

9.4 Ethics

The City believes in treating people with respect and adhering to ethical and fair business practices. Employees are expected to avoid situations that may compromise their reputation or their integrity, or that might cause their personal interests to conflict with the interests of the City or the citizens. As public employees, all employees are subject to the State of Oregon's ethics laws. City employees are to treat their office as a public trust. As one safeguard for that trust, employees must conform to and conduct themselves in a manner that is consistent with the ethical standards described in the state code of ethics. More information on these laws is available at the Oregon Government Ethics Commission website: http://www.oregon.gov/OGEC.

9.4.1 Gifts

State Ethics law prohibits any public official, a term that includes all City employees, from using or attempting to use their official position or office to obtain a financial gain or to avoid a financial detriment that would not otherwise be available, but for the public official's holding of the official position. Specifically, Employees shall not accept any special favors, gifts, or gratuities, except where permitted under the Oregon ethics laws for gift allowances (ORS 244.025).

9.4.2 Conflicts of Interest

Employees are expected to recognize the possibility of a potential or actual conflict of interest they may have and disclose the conflict, in writing, to their Department Director. The Department Director shall acknowledge the potential or actual conflict in writing and determine whether such conflict can be resolved if appropriate. A copy of the disclosure and subsequent acknowledgement shall be placed in the employee's personnel file. A conflict exists if a decision or recommendation could affect the finances of the public official or the finances of a relative. Conflicts could be actual or potential.

9.4.3 Use of Public Property

Employees shall not request, use, or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided under municipal policy for the use of the employee in the conduct of official duties.

9.4.4 Duty to Report Improper or Unlawful Actions

All City employees are expected to report observed unlawful or improper actions such as waste, fraud, abuse, and corruption by a city official. For purposes of this rule, the term "city official" means any elected official, employee, appointee of a board or commission or citizen volunteer authorized to act on behalf of the City.

Employees who wish to report potential improper or unlawful conduct should first talk to their supervisor. If the employee is not comfortable speaking with the supervisor, or is not satisfied with the supervisor's response, they are encouraged to speak with their Department Director first, then the Human Resources Director. Supervisors and managers are required to inform the Human Resources Director about reports of improper or unlawful conduct they receive from employees.

All information received in connection with this rule is treated as highly sensitive. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation, however, absolute confidentiality cannot be guaranteed.

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

9.4.5 Whistleblower Protection and Policy against Retaliation

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

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

The City will not retaliate against employees who make reports or disclosures of information when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful, even if the underlying complaint or report is not substantiated.

In addition, the City prohibits retaliation against employees because they participate in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of their own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline, up to and including termination of employment.

9.5 Open Door Policy

Honest communication between managers and employees should be a common business practice. Managers and supervisors are responsible for creating a work environment where employee input is

welcomed, and where issues are surfaced early and shared without the fear of retaliation (when the employee provides the input in good faith).

9.6 Outside Employment

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

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

Employees may not accept outside employment that involves:

- The use of City time (including the employee's work time), facilities, equipment and supplies, or the prestige or influence of the employee's position with the City. An employee may not engage in private business interests or other employment activities on the City's time or using the City's property;
- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works;
- Receipt of money or other consideration for performance of duties that the employee is required to perform for the City; or
- That may otherwise present a conflict of interest with the employee's employed position at the City.

The City requires employees to report outside employment to their Department Directors on an annual basis, or sooner if any changes in outside employment occurs. In the event that outside employment involves actions which may be directly or indirectly subject to the control, inspection, review or audit by the City, it is the employee's responsibility to report the details of the employment to their Department Director. Any outside employment that may border on violating the above stated principles or may give the appearance of impropriety must also be reported.

9.7 Volunteerism

The City encourages employees to become involved in their communities. When such volunteer activities occur during regular working hours, employees must receive approval from their supervisor to participate. Employees generally will not be paid for volunteer activities that occur during regular working hours, although, with Department Director's approval, they may use vacation leave or a flexible schedule. If an employee's volunteer activities entail responsibilities that include financial transactions or financial decisions involving funds received directly or indirectly from the City, the employee must inform their Department Director in writing of the potential conflict. The Department Director shall determine if an actual conflict exists and if so, document how the conflict was addressed. The Department Director shall also provide that documentation to the Human Resources Director.

9.8 Confidential Information

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with City policies, practices and procedures, and as authorized by state or federal laws or

regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain, may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action.

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

9.9 Political Activity

Employees may engage in political during working hours only as permitted by applicable law. In order to assure fairness and impartiality in the administration of City programs and to maintain public confidence in the integrity of City service, the following activities are prohibited:

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

City employees may prepare and provide neutral and objective information about the expected effect of ballot measures. However, the courts strictly interpret this restriction. Courts look at not only the words used, but also the context, timing, emphasis, and what is left out. Even if a City produced pamphlet does not urge a yes or no vote, it may be unlawful. Any information prepared concerning the anticipated effect of a measure on the ballot should be submitted to the City Attorney's Office for review before distribution.

Violations of this policy shall be subject to disciplinary action.

9.10 Costs and Environmental Consciousness

Every City employee as a citizen and tax payer should practice every economy possible in the discharge of their duties.

- Lights, electric heaters, motors etc. should be turned off when not in use
- City vehicles should not be idled
- City equipment should be well cared for and maintained

- Conservation should be practiced in the use of all City supplies

The City recognizes that the workplace can become the trend setter in encouraging change in lifestyle habits that will serve to improve the livability and sustainability of our community. As such, employees are strongly encouraged to consider the environmental impact of their actions and their purchasing consumption habits at work. The City and its employees must work to identify and correct areas where consumption can be reduced, where paper use can be eliminated and other environmentally unfriendly practices stopped. Furthermore, City employees are encouraged to live as close as possible to their work site and to utilize alternative forms of transportation as often as possible to commute to work.

9.11 Workplace Violence

The City recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner by the City.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City, or that threaten the safety, security or financial interests of the City. Employees should make such reports directly to their Department Directors or the Human Resources Director.

The City also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others.

Employees are also prohibited from bringing a "dangerous or deadly weapon" to work or on City property, including parking lots on City property. "Dangerous or deadly weapon" includes, but is not limited to, firearms, metal knuckles, straight razors, explosive devices or materials, weapons of the type commonly known as nunchakus, blackjacks, saps, or sap gloves, and any type of knife other than an ordinary kitchen knife or pocketknife with a blade not longer than three and one-half inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.

This rule applies to all employees regardless of whether an employee possesses a concealed weapon permit. This rule does not apply to law enforcement officers acting within the scope of their duty, or to any government employee authorized or required by their employment or office to carry or use firearms or other potentially dangerous or deadly equipment.

9.12 Smoking and Tobacco

All City facilities are "smoke and tobacco free" areas. An employee's use of tobacco during work hours at City facilities is prohibited. Tobacco use is defined for the purposes of this section as the use of tobacco products, including but not limited to cigarettes, cigars, pipes, vape pens, e-cigarettes, and smokeless tobacco, including use of chewing tobacco during work hours. City facilities shall include, but not be limited to offices, hallways, restrooms, lunch/break rooms, elevators, meeting rooms, City vehicles, City parks and community work areas. This prohibition shall apply to all employees, clients and visitors.

Tobacco use may be permitted during rest and meal breaks only in outdoor areas specifically identified as tobacco use areas.

The City of Woodburn will provide assistance to employees who desire to cease smoking to the most reasonable extent possible under its group medical insurance plan and City sponsored wellness and health programs which may address this issue. City employees share in the responsibility for adhering to this rule and for bringing it to the attention of persons visiting City buildings and facilities.

9.13 Solicitation on City Property

Active solicitation by City employees of other City employees or of the public on City premises during work hours for charitable, political, or commercial purposes is prohibited.

City employees who wish to actively solicit donations for charitable purposes must do so while off-duty and in areas identified as employee break rooms. Passive solicitation for charitable purposes by City employees such as collection boxes and event posters may be offered in other work site locations subject to written approval by the Department Director. Any active management of said solicitation method such as collecting or counting donations must be conducted while off-duty.

Employees may use areas designated by the City Administrator, such as bulletin boards in break rooms, to post notices of items for sale or otherwise of interest to other employees. It is the obligation of employees wishing to utilize this privilege to do so during off-duty hours and in a manner which does not interfere with their work.

9.14 No Right to Privacy or Confidentiality

Desks, work areas, file cabinets, voicemail systems and computer systems are generally considered within the employer's control. Employees are strongly discouraged from storing personal items in their desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by the City; these areas are not private.

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

9.15 Vehicle Use

Certain employees may be assigned City vehicles because of the nature of their jobs. Other employees may use a City vehicle from time to time on City business. In either case, the employee is required to be qualified and possess the appropriate class of license for the type of vehicle used. The employee shall immediately report any limitation on their ability to safely operate the vehicle or any change in their driver's license to the employee's Department Director or the Human Resources Director. Failure to report a change in licensing status prior to operating a City vehicle may result in disciplinary action, up to and including termination.

City vehicles are to be used only in the performance of official City business, however staff whose work assignment is primarily in the field may utilize their assigned City vehicle during meal and rest periods for personal business as approved by the employee's supervisor.

When operating City vehicles on City business or for personal use pursuant to the restrictions described above, employees shall obey all traffic laws and department policies pertaining to vehicle use and shall give due consideration to the safety and welfare of the general public at all times. Furthermore, employees are expected be courteous to other drivers and pedestrians when operating a City vehicle and must drive defensively.

Employees who operate City vehicles are responsible for the safe operation, care, condition, and security of the vehicle. Employees may be held responsible for any damage to vehicles when the damage is a result of employee negligence. Employees must report any damages to City vehicles or accidents involving City vehicles immediately to their supervisor and submit the required written reports. Employees must also report any maintenance concerns immediately or as soon as is practical to their supervisor.

The following additional guidelines for the use of a City owned vehicle shall apply:

- Any out-of-pocket expenses, such as fuel, emergency repairs, parking or tolls shall be reimbursed upon presentation of receipts.
- No reimbursement will be made for parking fines or any other charge levied for violation of a motor vehicle law.
- Employees will be subject to tax liability as per Internal Revenue Service rules for any personal use of a City owned vehicle.
- Family members or other non-City employees shall not be transported in City vehicles except as specifically authorized by the Department Director or consistent with department policy or in cases in which the City vehicle is permanently assigned to the employee as a provision of an employment contract.
- Temporary employees, contractors or volunteers are prohibited from driving a City vehicle without verification of appropriate motor vehicle license and the specific authorization of the Department Director.

10 DISCIPLINE

10.1 Nature of Discipline

The principal objective of discipline is to address misconduct and improve performance and efficiency. The City will utilize progressive discipline when appropriate. Specific types of disciplinary action may include, but are not limited to: verbal or oral warning, written reprimand, temporary or permanent reduction in pay, suspension, demotion, and discharge. Verbal or oral warnings shall not be considered formal disciplinary action nor be placed in the employee's personnel file, except where required by law. Any record of a verbal or oral warning may be maintained at the supervisory level.

Progressive discipline does not preclude the City from eliminating or foregoing steps, when appropriate, due to the nature, severity, or accumulation of misconduct. The specific disciplinary actions taken and the order in which disciplinary actions are taken depend on the nature and severity of the performance deficiency or behavior, the employee's work history, position held, and prior disciplinary actions. Serious violations, as determined by the City, may be dealt with by any of the above measures on the first offense or subsequent offense(s). Violations of different rules may be considered as repeated violations of the same rule for purposes of progressive discipline.

10.2 Causes for Disciplinary Action

Any action by an employee which tends to affect the employee's ability to perform assigned duties, which threatens the safe and productive conduct of City operations, or which endangers City personnel or property is improper conduct. Improper conduct includes, but is not limited to:

A. Use of intoxicants or being intoxicated while on duty, on call or on standby.
B. Improper use of one's position as an employee for personal advantage or gain.
C. Insubordination.
D. Conviction of a felony or misdemeanor that is related to the position held by the employee.
E. Offensive or discourteous treatment, conduct, or language directed toward the public, other City employees, or City officials, including conduct or language that is threatening, intimidating, coercing, or interfering with fellow employees.
F. Inefficiency, incompetence, indolence, or inattention to duty.
G. Improper or unauthorized use, theft, destruction, or abuse of City vehicles or property.
H. Claim of sick leave under false pretenses, abuse or misuse of sick leave.
I. Conviction of or pleading guilty to a crime which in the City's judgment would render the person unfit to perform the essential job functions of a particular position.
J. Absence from duty without leave, failure to report after leave of absence has expired or after such leave of absence has been disapproved, revoked, or canceled by Department Director or City Administrator.
K. Unlawful discrimination, harassment, workplace violence, or actions and/or language which creates a hostile work environment as defined by law or City policy.
L. Willful violation of any of the provisions of these Rules, or any policies, procedures, rules or regulations which may be prescribed by the City Administrator, Department Director, Human Resources Director, or supervisory staff.

M. Willful violation of any state or federal law, administrative rule, ordinance, or regulation while carrying out work duties or City functions.
N. Solicitation or acceptance by an employee of any reward, gift, or other form of monetary or non-monetary remuneration other than provided by the City as compensation for the performance of duties.
O. Violation of provisions of Rules of Conduct Failure to adhere to assigned working hours and scheduled workdays, excessive absenteeism or tardiness, and theft of City time.
P. Failure of required drug and/or alcohol test.
Q. Violation of the City's or a Department's health and safety standards and practices; including removing, altering, or failing to use required safety equipment, using equipment in a dangerous/improper manner, using equipment without proper training, or engaging in dangerous driving.
R. Workplace dishonesty; the willful giving of false information or withholding information with the intent to deceive; intentional falsification, omission, or misrepresentation of official statements or documents; lying, deception, or engaging in fraudulent behavior.
S. Carrying or possessing firearms, explosives or dangerous weapons on City property including City parking lots. The prohibition on the possession of legally permitted firearms does not apply to authorized personnel or to off-duty sworn personnel with a valid concealed weapons permit.
T. Unauthorized disclosure of proprietary, confidential, or sensitive City information.
U. Gambling for items of value during work hours or on City premises, including participating in internal pools or wagers.
V. Failure to promptly report observations of unlawful or improper actions by another City employee to one's immediate supervisor, or if necessary based on the circumstances to the Department Director, City Administrator, or Human Resources Director.

10.3 Administrative Leave

Employees may be placed on administrative leave, with pay, if the Department Director believes they should be relieved of their duties or removed from the workplace pending a job-related investigation. Administrative leave, while not considered discipline, is commonly used during a discipline-related investigation involving serious and/or egregious misconduct, prior to discipline being administered.

10.4 Criminal Charges/Indictment

A Department Director may place an employee on leave without pay if the employee has been charged with a felony by grand jury indictment or other formal filing by a prosecutor. The foregoing applies only to felonies that are related to an employee's position or that may affect an employee's effectiveness in performing the duties of their position, as determined by the Department Director.

An employee placed on leave without pay has the right to a prompt hearing with the Department Director. At least seven (7) days prior to the hearing, the Department Director will provide written notice of this policy, an explanation of the circumstances and the basis for placing the employee on leave without pay. The employee must submit a request in writing to the Department Director within seven (7) calendar days of the date of the Department Director's notice. If a hearing is requested by the

employee, the City will set the date of the hearing within fourteen (14) calendar days of the request, unless the employee requests a later hearing date. In no case will the hearing date be more than thirty (30) calendar days after the employee's request.

The purpose of the hearing is to allow the employee or the employee's representative to show that there are no reasonable grounds to believe that the charges are true, to otherwise refute the charges, or to challenge the appropriateness of the leave decision. The employee or the employee's representative may submit written responsive materials in lieu of attending an in-person hearing.

Following such a hearing, the City shall issue a written decision as to whether the leave without pay will continue. The decision will be issued within twenty (20) calendar days of the hearing, unless additional time is required for reasons articulated by the City in writing, and in any event within forty (40) calendar days of the hearing. If the determination is made by the Department Director following the hearing that the leave without pay will not continue, the employee shall be paid any salary and reinstated to any benefits lost during the time after being placed on leave and before the determination by the Department Director.

If the employee is found not guilty or charges against the employee are dismissed, the employee will be paid any salary and/or reinstated to any benefits and accrued leave lost during the leave time. Nothing prevents the City from disciplining an employee or exercising management rights under any applicable collective bargaining agreements to discipline an employee in accordance with the applicable agreement.

Criminal trial leave without pay may continue only during the pendency of criminal charges, during sentencing proceedings, and for fifty-five (55) days after the entry of judgment (the time allowed for granting a motion for new trial under state law).

11 GRIEVANCE

11.1 Applicability

Employees represented by a bargaining unit shall follow the grievance procedures outlined in their applicable collective bargaining agreement. The City Attorney, Municipal Judge, and employees who are probationary, seasonal, temporary, part-time or are identified as at will employees in their employment contract, serve at the pleasure of the Appointing Authority and are therefore exempt from the application of this provision.

A grievance will be defined as a dispute raised by a regular full-time employee regarding the meaning, interpretation, or application of a specific section of these HR Rules to an employee in a particular circumstance or regarding the application of disciplinary action against an employee pursuant to Section 10.

11.2 Notification

The employee shall discuss the grievance with his or her most immediate supervisor within seven (7) calendar days of the occurrence of the grievance. The supervisor shall have seven (7) calendar days to provide an oral response to the grievance. An employee who believes a grievance exists which has not been resolved by informal means must reduce the grievance to writing. The written grievance must contain:

1. A clear and complete account of the action or inactions by the City (a supervisor or some other authority in the City) which adversely affected or affects the employee.

2. The specific provision(s) of these Rules believed to have been violated or misapplied to the employee.

3. The date of the circumstances giving rise to the grievance and the date of the employee's first knowledge of those circumstances if later.

4. The remedy sought by the employee to resolve the grievance.

11.3 Grievance Steps

Step 1. If the grievance remains unresolved after the informal discussion, the employee, within twenty-one (21) calendar days of receipt of the supervisor’s oral response shall submit the grievance in written form to the supervisor. The supervisor shall respond to the employee in writing within ten (10) calendar days.

Step 2. If the grievance remains unresolved, it shall be submitted in writing within seven (7) calendar days of completion of Step 1 to the Department Director. The Department Director will meet with the employee’s immediate supervisor and the aggrieved party and shall respond to the grievance in writing within ten (10) calendar days.

Step 3. If the grievance remains unresolved, it shall be submitted in writing within seven (7) calendar days of the completion of Step 2 to the City Administrator who shall meet with the aggrieved party and the Department Director and shall respond to the grievance in writing within ten (10) calendar days. The

City Administrator has the power to resolve the grievance, including by amending, modifying or reducing any disciplinary action. The decision of the City Administrator shall be final and binding upon all parties.

11.4 Time Limits

Any or all time limits specified in this grievance procedure may be waived by mutual consent of the parties. Failure to submit the grievance in accordance with these time limits without such waiver shall constitute abandonment of the grievance. Failure by the City to submit a reply within the specified time will constitute a rejection of the grievance at that Step. A grievance may also be terminated at any time upon receipt of a signed statement from the employee that the matter has been resolved.

SUPPLEMENTAL CITY POLICIES

The City maintains a number of administrative and HR-related policies and procedures that are reviewed and administered independently from these HR Rules, but which still bear a significant impact on employment matters and the overall operation of the City. These policies include:

- The ADA Accessibility Policy & Procedures
- The Catastrophic Leave Policy & Procedures
- COVID-19 Infection Control Plan
- COVID-19 Notification Policy
- The Criminal Justice Information Protection Policy
- Cybersecurity Policy
- The Drug and Alcohol Policy & Procedures
- FTA Drug & Alcohol Policy
- Heat Illness Prevention Plan
- Information Technology Policy & Procedures
- Internship Program
- Nondiscrimination Policy & Procedures
- Protected Leave Use Policy & Procedures
- Reasonable Accommodations in Employment Policy & Procedures
- Records Management Policy and Procedures
- Security Camera Policy
- Sick Policy for Part-Time, Seasonal, and Temporary Staff
- Social Media Policy
- Title VI Program
- Use of City Information Technology Policy and Procedures
- Use of Social Media Policy and Procedures
- Wildfire Smoke Protection Plan