RESOLUTION NO. 1004

A RESOLUTION ADOPTING THE CITY OF STAYTON EMPLOYEE HANDBOOK AND REPEALING RESOLUTIONS RELATED TO THE CURRENT PERSONNEL MANUAL

WHEREAS, the City of Stayton Employee Handbook is intended to increase understanding, eliminate the need for personal decisions on matters of City-wide policies, protect the City against litigation pertaining to employment law, and help to assure uniformity throughout the organization;

WHEREAS, from time to time it is necessary to amend these policies and procedures to stay current with existing employment law and best practices; and

WHEREAS, the City desires to update its personnel policies related to recent legal updates and best practices.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. Resolution No. 499, Resolution No. 527, Resolution No. 534, Resolution No. 576, Resolution No. 616, Resolution No. 785, Resolution No. 879, Resolution No. 895, and Resolution No. 939 are hereby repealed.

SECTION 2. The City of Stayton Employee Handbook (Exhibit A) is hereby adopted.

This Resolution shall become effective upon its adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 18TH DAY OF MAY, 2020.

CITY OF STAYTON

Signed: 5/20, 2020 By: _____
Mayor Henry A. Porter, Mayor

Signed: 5/20, 2020 ATTEST: _____
Keith D. Campbell, City Manager

CITY OF STAYTON
Employee Handbook

Effective May 18, 2020 per Resolution No. 1004

Welcome!

Welcome to your position with the City of Stayton! We are located 14 miles southeast of Salem, on Highway 22. Stayton was established in 1872 and incorporated in 1891. It is south of Sublimity and east of Aumsville. Located on the North Santiam River, Stayton is a regional agricultural and light manufacturing center. The population was 7,870 in 2019. Stayton is governed by a Mayor and 5-member, at-large, City Council. The City operates under a Council/Manager form of government.

The City of Stayton is a community that strives to work as a team, collaborate with partners, and support a strong interest and commitment to volunteerism.

As a member of the City team, you are joining a group of talented and dedicated individuals. Your work, and that of your fellow employees, is critical to the continued delivery of great service and sustaining the unique qualities that make Stayton a wonderful place to live, work, and play. Regardless of the position you hold or the Department you work for, your efforts matter. As a City employee it is expected that you will strive to achieve excellence, be willing to always do your very best, act ethically, and continually look for ways to improve. Our actions should be driven by the philosophy of always doing what is best for our community. I look forward to working with you and hope that you will find your career with the City both enjoyable and rewarding.

If I can be of any assistance to you, or if you have suggestions for improvement, feel free to call me or stop by my office.

Keith D. Campbell
City Manager

Settling In
We want you to be comfortable saying "I don't know." At times, we all may run across situations where the right choice is unclear or there is conflicting information. If you are ever not sure about something, always ask before acting. Your supervisor is likely the best person to speak to because they know your department and your situation. You may also contact Human Resources to seek guidance regarding any policy in this handbook or to report your concerns.

We're proud of our relaxed environment and committed long-time employees, but we have to say it here at least once, violating any policy in this handbook can lead to disciplinary action, up to and including possible separation of employment.

Collective Bargaining Agreement
In the event of a conflict between these policies and any valid collective bargaining agreement, authorized employment agreement, City code, or state or federal law, the terms and conditions of the collective bargaining agreement, employment agreement, ordinance, or law will apply. In all other cases, the policies in this Handbook will apply.

About This Handbook
This Handbook is designed to provide you with general information about working for the City of Stayton; you should keep this handbook handy as an ongoing reference. If you need to know something that isn't covered here, or if you have questions about anything you are about to read, just ask. Reach out to your supervisor or to Human Resources. Unless we note otherwise in a particular section, these policies are meant to apply to all employees, volunteers, and elected officials of the City.

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I. EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICIES

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

All employees are encouraged to discuss these EEO Policies with the Human Resources (HR) representative at any time if they have questions relating to the issues of harassment, discrimination or bullying.

A. No-Discrimination Policy

City of Stayton provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status, or any other status protected by applicable federal, Oregon, or local law. This EEO policy applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

B. No-Harassment Policy

City of Stayton prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace. Specifically, City of Stayton prohibits harassment or discrimination related to an individual's race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status, or any other protected status or activity recognized under Oregon, federal or local law.

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

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

<u>Sexual Harassment</u>

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

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

Other Forms of Prohibited Harassment

City of Stayton policy also prohibits harassment against an individual based on the individual's race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law.

Such harassment may include verbal, written or physical conduct that denigrates or shows hostility towards an individual because of any protected status, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Stayton property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

Bullying

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

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

Internal Complaints and Investigations

Any employee who experiences or observes any conduct that they believe constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents, should immediately report the matter to the HR. If the employee is unable to reach the HR Representative, he or she should report the matter to the City Manager. The City of Stayton encourages all employees who experience or observe workplace harassment to document the event(s), associated date(s), and potential witnesses related to the incident. In addition, employees are encouraged to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop.

All complaints and reports will be promptly reviewed and may be investigated. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge. The HR Representative shall create a file containing records of all complaints, interviews, and materials related to each alleged incident of workplace harassment. Human Resources shall maintain such records in accordance with the Oregon Public Records Law under ORS 192.311 to 192.478.

Complaints will be kept confidential to the extent possible, consistent with the City of Stayton's need to investigate the complaint and address the situation and public records law. However, a victim of workplace harassment may voluntarily disclose information regarding an incident of workplace harassment that involves him or her. If conduct in violation of this policy is found to have occurred, the City of Stayton will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment. Following receipt of a complaint, management will follow-up every three (3) months for a year to ensure that harassment has stopped and that no retaliation has occurred. However, employees are not required to wait for the management follow-up described above to share information related to the incident. An employee may waive or discontinue the management follow-up process by informing the City of Stayton of his or her intent to do so in writing.

External Complaint Procedures

The City of Stayton encourages employees to submit complaints within the organization, but understands that employees may prefer to address prohibited conduct through external processes. The following paragraphs provide employees with information about options available to file external complaints.

- Oregon Bureau of Labor and Industries (BOLI) complaint resolution process under ORS 659A.820 to 659A.865. An employee must file a complaint under ORS 659A.820 with BOLI within five (5) years of the alleged harassment. If BOLI concludes that a violation occurred, potential administrative remedies include enforceable settlement agreements, cease and desist orders, and imposition of civil penalties on the party responsible for the violation. More information is available on BOLI's webpage at: https://www.oregon.gov/BOLI/pages/index.aspx

- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275. An employee must a file civil action under ORS 659A.885 alleging a violation of ORS 659A.030, 659A.082, 659A.112, or SB 479 Section 4 within five (5) years of the alleged violation. Potential judicial remedies for a successful action under ORS 659A.885 include injunctive relief, equitable relief as the court deems appropriate, compensatory or punitive damages, and imposition of civil penalties on the party responsible for the violation.

Additional Employee Support—Equal Employment Opportunity

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The organization provides the following for additional assistance:

- Employee Assistance Program (EAP) (See section IV. Employee Benefits, section F "Employee Assistance Program."

Protection against Retaliation

The City of Stayton prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

This policy is not intended to protect an employee from the consequences of his or her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Stayton 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.

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

C. Disability Accommodation Policy

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

Accommodations

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

Requesting an Accommodation

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

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

D. Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report reasonable concerns about the City of Stayton's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Stayton 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 of Stayton;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the City of Stayton;
- A substantial and specific danger to public health and safety resulting from actions of the City of Stayton; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Employee Reporting Options

In addition to the City of Stayton's Open-Door Policy (see section G), employees who wish to report improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the HR representative. Supervisors are required to

inform the HR representative about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation and public records law.

If the City of Stayton were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

II. Employment Status

This Section does not apply to volunteers or elected officials unless specifically stated within the subsection.

A. Introductory Period of Employment

All new employees, including current employees who are promoted within the City of Stayton, are hired into an introductory training period that generally lasts no less than 180 days for part-time employees and 360 days for full-time employees. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your supervisor. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Stayton meets your expectations of an employer.

At or before the end of the introductory period, a decision about your employment status will be made. The City of Stayton will decide whether to: (1) Extend your introductory period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment after providing you with notice of the performance concerns and an opportunity to comment on the concerns.

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

B. Employee Classification

City of Stayton classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in City of Stayton's benefit programs.
2. Regular Part-time: Employment requiring less than 30 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for benefits except those mandated by applicable law, or expressly provided within this policy.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

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

C. The Workweek

Our workweek is from Monday from 12:00 a.m. to Sunday at 11:59 p.m. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. The hours of employment for each employee will be fixed by the department heads with regard to convenience of the public.

D. Meal Periods and Rest Breaks

Each workday, non-exempt employees who work more than six hours in one work period are provided with two rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, you must not be absent from your work station beyond the allotted rest period time.

All employees who work more than six hours in one work period are provided with one meal period of one hour in length each workday. You will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

E. Rest Breaks for Expression of Breast Milk

The City of Stayton will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, the employee may take her break during a non-scheduled rest break or meal period.

The City of Stayton will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City of Stayton is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

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

The City of Stayton will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk.

<u>Notice</u>

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

Storage

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

F. Overtime

There will be busy seasons when operating requirements or other needs cannot be met during regular working hours. This means employees may be required to work overtime. All overtime work must be preapproved by your supervisor in advance.

Overtime and compensatory time off for all non-FLSA exempt employees are covered by the following guidelines:

- No employee will work in excess of the following limits unless approval is granted by the employee's supervisor:
  - Eight (8) hours in one day; or
  - Ten (10) hours in one day if the employee is working on a regularly scheduled ten-hour shift; or
  - Forty (40) hours in one week; or
  - One-hundred seventy-one (171) hours in a 28-day period (police officers only).
- When budgeted funds are available for approved overtime, the City of Stayton will pay an employee at one and one-half times his/her regular hourly rate of pay. For employees working a regular ten (10) hour work day, overtime will be calculated based on hours worked in excess of ten (10) hours in any one day.
- If budgeted funds are not available for the payment of overtime and it is consistent with the needs of the City of Stayton, such overtime may, at the Department Head's discretion, be granted in "compensatory paid time off" at the rate of one and one-half times the overtime hours worked.
- Overtime and compensatory time off will be computed and rounded up to the nearest one quarter hour.
- Compensatory time accumulation will not ordinarily exceed forty (40) hours. All compensatory time accumulated over forty (40) hours will be converted to overtime pay the following payday unless a written exception to accumulate more than forty hours is granted by the department head.
- An employee may request compensatory time off by filing a written request to their supervisor.
- The supervisor may grant the request or may direct that the compensatory time off be taken at an agreed upon time.
- At any time, the City of Stayton may elect to provide an employee with a cash payment for any or all accumulated compensatory time off.

- At the time of an employee's resignation or termination, the City of Stayton will pay the employee for all accumulated overtime and compensatory time off.

Employees who work overtime without authorization may be subject to discipline. Overtime pay is based on actual hours worked. Time off on sick, vacation, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Certain administrative, professional, and executive personnel are exempt from the overtime provisions of the Fair Labor Standards Act. If you have any questions regarding your status, discuss this with your supervisor.

G. Timekeeping Requirements

Accurately recording time worked is the responsibility of every non-exempt employee. It is our intent to pay each employee, exempt or non-exempt, the proper and appropriate pay.

We encourage every employee to immediately report any pay or benefit inaccuracies to your supervisor or Human Resources. We will not tolerate retaliation against those who report pay or benefit inaccuracies in good-faith.

Non-exempt Employees

Non-exempt (typically hourly) employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. You should also record the beginning and ending time of any split shift or departure from work for personal reasons.

Exempt Employees

In general, salaries of exempt (typically salary) employees are not subject to reduction because of the number of hours worked in a day. However, exempt employees must record any absences from work over 4 hours and may be required to use vacation, compensation, or sick leave for such absences. An exempt employee will usually receive his or her full salary (including any vacation or other accrued leave taken during that week) for any week in which they perform any work. There are certain exceptions to this rule. If you have a concern of an improper deduction, please contact your supervisor immediately.

H. Travel/Expenses Reimbursements

This subsection applies to volunteers and elected officials, as well as employees.

All employees of the City of Stayton are expected to use good judgment regarding the expenditure of the funds for travel expenses. Only through good stewardship can the costs of travel on City business be minimized.

The procedures for documenting the expenses involved with employee travel on City of Stayton related business activities are designed to provide accountability in two areas:

- Pre-approval of all travel requests to ensure that the travel is appropriate to the needs of the City of Stayton and that budgeted funds are available for the specific travel request.
- A complete accounting of the actual expenses for the travel to ensure that the expenses being reported for reimbursement are appropriate and to provide documentation of the expenditure of City of Stayton funds.

When an employee anticipates submitting a request for travel reimbursement, the employee will obtain prior approval for the trip and the mode of travel from their supervisor.

Travel on official business outside the City of Stayton by a single individual should be by City-owned vehicle or, if preapproved, private vehicle. If the employee is authorized to use a private vehicle, mileage will be reimbursed at the applicable IRS rate at the time of travel.

City of Stayton vehicles will be used for authorized City uses and will not be used for private gain or benefit. City of Stayton vehicles will not be used by family members of employees. Reimbursement for expenses on official trips will only be for expenses incurred during the performance of official duty as a City employee for the City's benefit. Meals and lodging expenses may be reimbursed up to the IRS reimbursement rates for meals and lodging in compliance with the Local Government employers' taxable fringe benefit guide. Receipts are required for meal reimbursement. The City of Stayton will not reimburse employees for the cost of any alcoholic beverage.

When the employee knows that expenses for an upcoming trip will exceed the IRS limits, the employee will request, and the department head may approve, the additional expenses. Within one week after the travel has been completed, the employee must turn in receipts for lodging and any other expenses which were paid on an actual basis.

I. Payroll Policies

All employees are paid monthly on the last day of the month unless the payday falls on a Saturday or Sunday, in which case employees are paid on the previous Friday.

Our workweek is from Monday from 12:00 a.m. to Sunday at 11:59 p.m. Each paycheck will include earnings for all work performed through the end of the previous payroll period. The pay period will begin on the 26th of the month and end on the 25th of the following month.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, you will receive pay on the last day of work before the regularly scheduled payday.

The City of Stayton will issue your paycheck each pay period. The City highly encourages employees to take advantage of being paid electronically via direct deposit. Having direct deposit means your money will be in your bank account on payday (times may vary depending upon banking systems). If you choose not to have direct deposit, a paper check will be issued.

J. Reporting Changes to an Employee's Personal Data

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

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;

- Other information having a bearing on your employment; and
- Tax withholding.

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

K. Performance Reviews and Step Increases

All City of Stayton employees will receive yearly performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and discipline/termination. Any employee who fails to satisfactorily perform the duties of his/her position may be subject to corrective counseling or disciplinary action (including termination).

The City of Stayton's goal is to provide an employee with his/her first formal performance evaluation at the conclusion of the employee's introductory period. After the initial evaluation, the City of Stayton will provide a formal performance review on an annual basis.

Reviews will generally include the following:

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

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

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

Upon the City's determination that an employee has successfully completed his/her probationary period, the employee may be granted an annual step increase on their first anniversary date (measured as one full year of service following date of hire).

Permanent employees, except those who have reached the top salary step for their classification, may be granted an annual step increase on subsequent anniversary dates (measured at each subsequent full year of service following employee's hire date or date of subsequent promotion, i.e., a promotion will result in a new anniversary date). Generally, employees must receive a performance rating of at least satisfactory, as reflected in a performance appraisal completed by the employee's supervisor, in order to be eligible for consideration of an annual step increase.

Employees who have reached the top salary step for their classification shall continue to be subject to annual performance appraisals as a measure of the employee's ongoing performance and as an opportunity to refresh the employee's and supervisor's mutual understanding of the supervisor's performance expectations. Upon a satisfactory evaluation, an employee at the top salary step for their classification may be eligible for an annual percentage bonus.

An employee not meeting expectations following their annual review will not be eligible for the bonus.

All salary step increases are discretionary, are subject to availability of funds, and must be recommended by the employee's supervisor and/or Department Head and approved by the City Manager. Annual evaluations shall be done on a timely basis. When an evaluation is not accomplished by an employee's anniversary date, any step increase granted to the employee shall be retroactive to the employee's anniversary date. Whenever possible, an employee shall be made aware of performance deficiencies upon which a merit increase may be denied and, whenever possible, given an opportunity to correct the deficiency prior to the annual review.

Each employee shall be paid at the regular rate of pay for their job grade for all work done, except as follows:

1. Any employee working out of class at a higher grade job than the employee's regular rating shall be paid a premium of 10% of their regular rate of pay**,** beginning with the first day of their working out of class.

III. Time Off and Leaves of Absence

This Section does not apply to elected officials or volunteers.

A. Attendance and Punctuality

In the rare instances when you cannot avoid being late to work or are unable to work as scheduled, you must notify your supervisor as soon as possible in advance of the anticipated tardiness or absence. Your supervisor must also be contacted on each additional day of absence.

If you are absent for more than three consecutive days due to illness or injury, the City may require you to provide a physician's statement for the absence and its beginning and expected ending dates (however particular details about your health or condition are not required). Such verification may be requested for other paid and unpaid leaves that are used for illnesses and injury and may be required as a condition to receiving paid leave benefits.

B. Vacation

It is the policy of the City of Stayton to provide each full-time regular employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his or her employment anniversary date. For regular, full-time employees not subject to a collective bargaining agreement, vacation accrues monthly as follows:

0 through completion of 3 years	Eighty (80) hours annually
3 years plus 1 day through completion of 5 years	Ninety-Six (96) hours annually
5 years plus 1 day through completion of 10 years	One-hundred twenty (120) hours annually
10 years plus 1 day through completion of 15 years	One-hundred sixty (160) hours annually
15 plus one day or more years	Two hundred (200) hours annually

- Years of service shall be full years of continuous service with the City of Stayton as of the original date of hire of the employee, provided there has been no break in service since the original date of hire.
- Regular part-time employees shall be entitled to that fractional part of the vacation that the total number of hours of employment bears to the total number of full-time employment hours.
- Employees may not use earned vacation leave until after they have served the three (3) months, unless preapproved by your supervisor.
- Temporary employees are not entitled to any vacation benefit.

Vacation leave is granted to give employees an opportunity to take time off from their job responsibilities and refresh themselves. The City of Stayton believes it is important for employees to use vacation leave on a regular basis.

All employees are encouraged to take a minimum of forty (40) hours of vacation leave annually.

Employees with access to cash and/or the authority to transfer or expend funds must take a minimum of five (5) consecutive work days off annually.

If an employee does not use up all accumulated vacation leave by the first day of January of any calendar year, the employee may carry over vacation leave up to the maximum number of hours listed:

Upon completion of 0 to 5 years of service	120 hours
Upon completion of 5 years plus one day to 10 years of service	160 hours
Upon completion of 10 years plus one day to 15 years of service	200 hours
Upon beginning of 15 years plus one day or more of service	240 hours

In the event an employee anticipates their earned vacation will exceed the maximum hours allowed for carry over to the next year, the employee may file a written request with their supervisor prior to the first day of January, that the City of Stayton convert forty-hour blocks of vacation time into pay or to allow for up to forty (40) additional hours of vacation to be carried over for up to one (1) additional year. Approval or denial of the request is at the discretion of the City of Stayton. The conversion of earned vacation to pay or the carryover of forty (40) hours of vacation for up to one (1) additional year may be approved only by the City Manager and only if the following conditions exist:

- The supervisor has recommended approval of the request so that work priorities can be accomplished;
- The City of Stayton will benefit more from the employee's continued work than by them taking earned vacation time or a clearly justifiable cause;
- The employee has taken a minimum of forty (40) hours of vacation during the preceding twelve months.

All vacations must be scheduled and approved by the supervisor in advance with due consideration being given to the desires of the employees and to the work requirements facing the department. Vacation schedules may be amended to allow the department to meet emergency situations.

Employees will not accrue vacation time while on any leave of absence, unless required by law.

C. Sick Leave

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

Employees with questions about this policy may contact the HR representative. Please also refer to the Oregon Sick Leave Law poster that is posted in the breakroom(s) and is incorporated here by reference.

Eligibility and Accrual of Paid Sick Leave

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

Employees begin to accrue paid sick leave on the first day of employment and. Sick leave accrues monthly on the first day of the month.

Paid sick leave shall accrue for full-time employees at the rate eight (8) hours per month, with an accrual cap of 600 hours. Employees working less than 30 hours a week will accrue four (4) hours per month with an accrual cap of 300 hours. Paid sick leave shall be taken in hourly increments.

Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

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

Use of Sick Leave

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

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
    - "Family member" means the eligible employee's grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee's biological, adoptive or foster parent or child.
2. For any purpose allowed under the Oregon Family Leave Act.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence. However, if the employee's paid sick leave accruals are expended, a supervisor may approve the use of vacation time for such purposes.

Employee Notice of Need for Sick Leave

Foreseeable Sick Leave: If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before the leave using the City of Stayton's call-in/notification procedures. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of City of Stayton. Employees must notify their supervisor of any change in the expected duration of sick leave as soon as is practicable.

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and comply generally with City of Stayton's call-in procedures. Generally, an employee should notify their immediate supervisor of unforeseeable sick leave at least 30 minutes prior to the beginning of his/her shift, unless physically unable to do so, at which time notice should be given as soon as possible. Notification can be made via phone, voicemail, text, or email.

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

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

Sick Leave Documentation

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

Sick Leave Abuse

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

D. Holidays and Floating Holidays

City of Stayton recognizes eleven (11) holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pro-rata pay for each designated holiday in the proportion that their normally scheduled number of hours relates to 40 hours per week. The holidays celebrated are:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- Presidents Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)

- Veterans Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving Day (fourth Friday in November)
- Christmas Eve Day – ½ day (December 24)
- Christmas Day (December 25)

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

Any hourly, non-exempt employee required to work on a holiday shall be paid at one and one-half (1.5) times the employee's regular rate of pay.

The holiday benefit shall be based upon an eight (8) hour holiday/work day for full-time employees regardless of the hours of the regular work schedule. Regular part-time employees will be paid pro-rata holiday pay only for holidays that fall on the employee's regularly-scheduled work days. They will not receive holiday pay for holidays that do not fall on one of their regularly-scheduled work days. Temporary employees are not eligible for holiday pay.

An employee will receive no holiday pay if the employee scheduled work on a holiday and failed to report for work.

E. Family Medical Leave

FMLA/OFLA Policy

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). The City complies with both FMLA and OFLA, which are subject to change. City will provide the FMLA/OFLA protections and benefits as they may be amended from time to time. Generally, eligible employees are entitled to 12 weeks of unpaid leave of absence for the reasons identified below. Federal and state law prohibit retaliation against an employee because the employee asked about, requested or used Family and Medical Leave. In all cases, applicable Oregon and federal laws, rules govern the employee's and the City of Stayton's rights and obligations regarding family leave.

Employees seeking further information should contact the HR representative. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in the breakroom(s).

- Definitions
  - *Child/Son or Daughter*: For purposes of OFLA, "child" includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the "child" can be any age; for all other types of leave under OFLA, the "child" must be under the age of 18 or over 18 if incapable of self-care.

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

- *Eligible Employee*:

  OFLA – To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

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

  FMLA — Employees are eligible for FMLA leave if they have worked for the City for at least one year (which may be based on separate stints of employment) and for at least 1,250 hours during the 12 months preceding the date leave is to begin.

  Leave under Oregon and federal law will run concurrently when permitted. Sick leave will also run concurrently with any approved FMLA or OFLA leave.

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

- *Family Member*: For purposes of **FMLA**, "family member" is defined as a spouse, parent or a "son" or "daughter" (defined above). For purposes of **OFLA**, "family member" includes the definitions found under FMLA and also includes adult children (for "serious health condition" leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

- *Serious Health Condition*: "Serious health condition" is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

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

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

- Reasons for Taking Leave

  Subject to federal and state law, and these policies, Family Medical Leave may be taken under any of the following circumstances:

- Call to Active Duty Leave: Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain "qualifying exigencies." "Qualifying exigencies" may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is generally entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment. Check with HR if this type of leave may apply to you.
- Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
- Family Member's Serious Health Condition Leave: To care for a family member with a serious health condition.
- Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
- Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
- Service Member Family Leave: Subject to federal law and Oregon law, eligible employees may take up to 26 weeks of leave to care for a "covered service member" during a single 12-month period. A "covered service member" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a "covered service member." This type of leave is available under FMLA only.
- Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.
- Bereavement Leave: This type of leave is addressed under OFLA; see the Bereavement Leave Policy (Section G) for more information.

- Length of Leave

  Subject to federal and state law, in any One-Year Calculation Period, eligible employees may take:

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

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

- One-Year Calculation Period

  The "12-month period" during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by using a 12-month "rolling" year dating from the day the employee first uses his or her protected leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during that employee's "rolling" year.

- Intermittent Leave

  Subject to federal and state law, in some limited circumstances, intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Service Member Family Leave. Additionally, Call to Active Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without their express consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of City of Stayton's operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both City of Stayton and the employee. Intermittent leave for Parental Leave is not available.

- Employee Responsibilities — Notice

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

must give verbal or written notice to the City of Stayton within 24 hours of commencement of the leave, or as soon as practicable.

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

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

If circumstances change during the leave and the leave period differs from the original request, the employee must notify their, as soon as possible.

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

- Certification

  Generally speaking, employees must provide sufficient information for the City of Stayton to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Service Member Family Leave. Specific health details are not required.

  Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Additionally:

  - Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request. If the certification does not provide adequate information, the employee will be required to submit another certification. Further, the City may ask employee to submit a record certification with a physician of the City's choice.
  - Employees requesting sick child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.

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

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

- Medical Certification for Leave

  If Family Medical Leave is for the employee's own serious health condition, the City may require the employee to furnish, prior to returning to work, a medical certification (or a more detailed fitness-for-duty certification for physically strenuous positions) from their health care provider stating that the employee is able to resume work.

- Substitution of Paid Leave for Unpaid Leave

  Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. The order in which the accrued paid leave shall be deducted is as follows: sick, compensatory, vacation, donated sick.

- Holiday Pay While on Leave

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

- On-the-Job Injury or Illness

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

  OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury, for which the employee receives Worker's Compensation benefits; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

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

- Benefits While on Leave

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

- Job Protection

  Employees returning to work from Family Medical Leave will generally be reinstated to their former position. If the position has been eliminated or significantly altered, the

employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

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

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

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

F. Personal Leave

We recognize that there will be times when an employee needs extended time off due to personal matters. All employees in good standing who have completed at least one (1) year of service are eligible to request an unpaid personal leave as described in this policy. The City may grant or deny this request at its discretion.

As soon as you become aware of the need for a personal leave of absence, you should request a leave from your supervisor. Requests for personal leave and extensions of granted leaves must be in writing and must be approved in writing by the employee's supervisor and the City Manager.

Personal leave may be granted for a period of up to 90 calendar days every one year. With a supervisor's approval, you may take any available sick leave or vacation as part of the approved period of leave. Your supervisor may require you to use any accumulated paid leave (sick, comp time, vacation) prior to granting such approval.

Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions and limitations of the applicable plans, health insurance benefits will be provided by the City of Stayton until the end of the month in which the approved personal leave goes into unpaid status. At that time, you will become responsible for the full costs of these benefits if you wish coverage to continue. When you return from personal leave, benefits will again be provided by the City of Stayton according to the applicable plans.

Benefit accruals, such as vacation, sick or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return you to the same position, if it is available, or to a similar available position for which you are qualified. However, we cannot guarantee reinstatement in all cases.

G. Bereavement Leave

Employees who have worked for the City of Stayton for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of unpaid bereavement leave per death of a Family

Member (defined below). Employees who have worked for the City of Stayton for 90-180 days may use up to 40 hours of accrued sick leave for bereavement purposes, and who have experienced the death of a Family Member (defined below). Employees who have worked for the City of Stayton for fewer than 90 days may not be eligible for leave; see the HR representative for more information.

Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The two weeks of bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee's available leave time under OFLA. For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse.

Employees who wish to take bereavement leave must inform the City of Stayton as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, oral notice must be provided within 24 hours of beginning leave. Documented proof of the need for the bereavement leave may be required by your supervisor within three days of returning to work. Employees are required to use any available sick leave during the period of bereavement leave; vacation time will be used if the employee has no available sick leave.

H. Jury and Witness Duty

The City of Stayton will grant employees time off for mandatory jury duty and may grant time off if they are subpoenaed as a witness. The employee will provide a copy of the summons to their supervisor at least two (2) weeks prior to the required appearance to verify the need for such leave. When an employee is called for jury duty or serving as a witness, they will be granted a reasonable time-off duty to serve as a juror or witness without loss of pay, earned vacation, or sick leave. Employees serving as jurors or as a witness will transfer any payment received for the performance of this duty, except mileage, to the City of Stayton.

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

Except for employee absences covered under City of Stayton's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation or compensation time to cover their absence from work. If the employee does not have any available vacation time, the employee may request personal leave pursuant to this policy handbook. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

I. Religious Observances Leave and Accommodation Policy

The City of Stayton respects the religious beliefs and practices of all employees. The City of Stayton will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City of Stayton's business. Employees may use vacation, compensation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an

employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the supervisor.

J. Crime Victim Leave Policy

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

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

Employees who are eligible for crime victim leave must:

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

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

K. Domestic Violence Leave and Accommodation Policy

Subject to state law, all employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his or her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation, compensation or sick leave while on this type of leave.

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

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

If more leave than originally authorized needs to be taken, the employee should give the City of Stayton notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice

as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

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

L. Military Leave

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

M. Leave Donation

The City will allow employees to transfer accumulated sick, vacation, and compensatory time to a coworker with a serious injury or illness who has exhausted all accumulated leave. Leave may also be donated to an employee who is caring for a seriously ill family member and has exhausted all accumulated leave. The receiving employee must be an employee in good standing, have one year of service with the City, and have no documented history of abuse of leave for unscheduled absences. The amount of donated leave an employee can receive will be evaluated on a case by case basis with final approval from the City Manager. An employee called to active military duty who has exhausted all available leave is eligible to receive donated leave.

Leave donations will not be accepted once the receiving employee's leave or employment status has become unpaid.

Hours of leave donated from co-workers will be converted into a dollar amount and then applied to the donee's account at his/her hourly rate.

Any requests for leave donation must be made through Human Resources. All communication regarding leave donations will be made by Human Resources.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

IV. Employee Benefits

This Section does not apply to elected officials or volunteers unless specifically provided for in a subsection.

A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both the City of Stayton's policy and that of its health insurance provider are entitled to the benefit options offered by the City. These benefits are subject to change from time to time. The City of Stayton offers medical insurance for all of its regular, full-time employees. Employees who wish to enroll on the health plan, including eligible dependents, are required to pay a portion of the monthly premium for that coverage on a payroll deduction basis.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the City of Stayton, which is subject to change. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the City of Stayton, employees will be advised and provided with copies of relevant plan documents. Contact the HR representative for more information about healthcare benefits.

B. Retirement

The City of Stayton offers a Defined Benefit Retirement Plan for all full-time employees except sworn Police Officers, which is similar to Oregon PERS but is sponsored by the City of Stayton.

On the first of the month following the completion of six months of employment, full-time employees are eligible to join the plan and will receive a 6% increase in their salary to cover their 6% contribution to the retirement plan. Additionally, it is the City's intention to make additional contributions in amounts determined to be required to fund the benefit formula amounts under the plan.

After five years of employment with the City, an employee becomes vested in the retirement plan. Being vested means, even if you leave employment with the City, as long as you do not withdraw your accumulated contributions from the retirement plan before age 55, you are entitled to receive a monthly benefit at retirement.

Employees who are age 55 or older will automatically become vested in the retirement plan, even if they have not been employed with the City for five years.

The retirement plan is more fully explained in "The Retirement Plan for Employees of City of Stayton, Oregon," available by request from Human Resources.

C. Long-Term Disability (LTD)

The City of Stayton provides a long-term disability (LTD) benefits plan to help regular full-time employees cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure a continuing income for employees who are disabled and unable to work.

This benefit is 100% employer paid and eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between the City of Stayton and the insurance carrier.

Details of the LTD benefits plan including benefit amounts, and limitations and restrictions are described in the summary plan descriptions provided to eligible employees. Contact the HR representative for more information about LTD benefits.

D. Life Insurance

Life insurance offers you and your family important financial protection. The City of Stayton provides a basic life insurance plan for regular full-time employees. This benefit is 100% employer paid and eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the City of Stayton and the insurance carrier.

For details on the basic life insurance plan including benefit amounts provided to eligible employees, contact the HR representative.

E. Flexible Spending Account (FSA)

We provide a Flexible Spending Account (FSA) program that allows regular full-time employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions made to the FSA can be used to pay for certain predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Contact the HR representative to learn more about this program and to enroll for the plan year.

F. Employee Assistance Program (EAP)

Through the Employee Assistance Program (EAP), the City of Stayton provides free confidential access to professional counseling for help in confronting such personal problems as interpersonal conflict, alcohol and other substance abuse, marital and family difficulties, identity theft, financial or legal troubles and emotional distress. The EAP is available to employees covered under the City of Stayton's medical insurance and offers problem assessment, short-term counseling and referral to appropriate community and private services. Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a professional counselor is available to help you when you need it. Information regarding this service can be obtained by contacting the HR representative.

G. Conference, Conventions & Civic Involvement

Decisions concerning attendance at conferences, conventions, or other meetings at City of Stayton expense will be made by the department head, with the approval of the City Manager. Permission may be granted based on the costs to the City of Stayton and the benefits to the City of Stayton from the employee's participation in the conference or the direct relation of the employee's work to the subject matter of the meeting.

The City of Stayton will reimburse an employee for the amount of membership dues incurred by an employee provided that the employee has made application through their supervisor and has received approval from the City of Stayton for payment of the employee's membership dues.

H. Workers' Compensation and Safety on the Job

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

Steps to Take if You are Injured on the Job

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

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

- Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
- Seek medical treatment and follow-up care if required.
- Promptly complete a written Employee's Claim Form (Form 801) and return it to your supervisor or the HR representative.

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

Return to Work

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

Early Return-to-Work Program

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

The Return-to-Work program for job-related injuries consists of a team effort by the City of Stayton, injured employees and their treating physicians, and the City's workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

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

Overlap with Other Laws

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

V. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse, and Testing Policy

This Section does not apply to elected officials.

Prohibited Conduct

The City is a no-tolerance employer and does not allow drug or alcohol use or impairment while on duty, as further described below. The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

- Possession, sale and/or use of drugs on the City of Stayton premises, while in City of Stayton-provided clothes, while on City of Stayton or work-related travel, or while on City of Stayton business or while in a City vehicle (other than employees who possess drugs while they are engaged in law-enforcement work);
- Failure to notify City of Stayton of an arrest or conviction under any criminal drug or alcohol statute within five days of the arrest or conviction;
- Possession and/or consumption of alcoholic beverages or being under the influence of alcohol during work hours, while in City of Stayton-provided clothes or on City of Stayton premises, while operating an City of Stayton vehicle (or while operating a personal vehicle in connection with the performance of City of Stayton business), or while performing job functions; or
- Being under the influence of drugs or alcohol while on duty, on City of Stayton premises, on City of Stayton work time, while in City of Stayton-provided clothes, while on City of Stayton business, or while operating a City of Stayton vehicle (or while operating a personal vehicle in connection with the performance of City of Stayton business). Under the Influence is defined as any detectable level of drugs (in excess of trace amounts which can be attributable only to secondary exposure) in an employee's blood or urine or any noticeable or perceptible impairment of the employee's mental or physical facilities, or any such impairment coupled with a blood-alcohol level of at least 0.02 percent.

As used in this policy, "drug" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law, as well as any over-the-counter medication that may impair the employee's job performance.

Prescription Medication and Medical Marijuana

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify their supervisor of such use immediately before starting or resuming work. The City of Stayton may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.

Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as City of Stayton will

not agree to allow an employee to use medical marijuana as an accommodation. (See “Disability Accommodation Policy,” above.)

Testing

City of Stayton reserves the right to:

- Subject applicants who are given a conditional offer of employment for a safety-sensitive position to a drug and/or alcohol test;
- Test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- Discipline or discharge employees who test positive or otherwise violate this policy; and
- Test employees when they: (1) cause or contribute to workplace-related accidents; (2) injure themselves or another employee requiring offsite medical attention; or (3) when the City of Stayton reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

The phrase “reasonable suspicion” (or any variation) used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used prescription drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- An observed pattern of abnormal or erratic behavior;
- Information provided by a reliable and credible source;
- A work-related accident;
- Direct observation of drug or alcohol use, or paraphernalia;
- Presence of the physical symptoms of drug or alcohol use (*i.e.,* glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- Unexplained significant deterioration in individual job performance, paired with any other of these factors;
- Unexplained or suspicious absenteeism or tardiness;
- Employee admissions regarding drug or alcohol use; and
- Unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing. The letter of notification shall state the particular substance identified by the laboratory tests. The employee

may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

Search of Property

When reasonable suspicion exists to believe an employee possesses alcohol, prescription drugs or a controlled substance on City of Stayton property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances, prescription drugs or alcohol, the City of Stayton may search the employee's possessions located on City of Stayton property, including but not limited to: locker, toolbox, desk, computer, and common areas. Employees have no expectation of privacy in any items they bring on to City of Stayton property, or in property, equipment or supplies provided by the City of Stayton to employee. Keys for any locked cabinets or similar will be provided to the supervisor.

Employee Refusal to Test/Search

An employee who refuses to consent to a test or a reasonable suspicion search may be subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

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

Crimes Involving Drugs and/or Alcohol

Employees shall report:

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

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

Drug and Alcohol Treatment

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

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

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

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

Confidentiality

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

B. Cellular Devices Policy

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

Cell Phones and Cellular Devices in General

Employees are allowed to bring personal cell phones and cellular devices to work with them, but personal use must be kept to a minimum and not interfere with the performance of work. During working hours, employees should refrain from using them except in an emergency, during a meal period or rest break, or for reasons that increase work efficiency (such as calling to secure child care).

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

Reporting Lost or Stolen Cell Phones

If a personal or City-issued cell phone stores email address, phone numbers or other work or private information about other employees, customer, or clients, or sensitive or confidential workplace information and it is lost or stolen, the employee is required to report the loss to a supervisor immediately.

Employee Use of City of Stayton-Provided Cell Phones/Cellular Devices

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

Cell phones or cellular devices assigned to employees are intended to provide for the efficient conduct of business related to the City of Stayton. Personal calls (outgoing and incoming) will be allowed infrequently, for limited duration. Further, employees who receive a cell phone or cellular

device from the City of Stayton must acknowledge and understand that because the cell phone/cellular device is paid for and provided by City of Stayton, or subsidized by City of Stayton, any communications (including text messages) received by or sent from the cell phone/cellular device may be subject to inspection and review if City of Stayton has reasonable grounds to believe that the employee's use of the cell phone violates any City of Stayton policy. The employee has no expectation of privacy regarding such data. The City may require access to an employee's personal cell phone/cellular device in connection with an investigation or review into matters stored on the cell phone.

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

Cell Phones/Cellular Devices and Public Records

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

Cell Phone/Cellular Device Use While Driving

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

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

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

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

Ownership

All information and communications in any format, stored by any means on or received via City of Stayton's electronic equipment, facilities or services is the sole property of the City of Stayton, and is subject to inspection or monitoring at all times.

Use

All of the City of Stayton's electronic equipment, facilities and services are provided and intended to be used primarily for business purposes. You are not allowed personal use of the City of Stayton's systems without a supervisor's approval. Any approved personal use must not interfere with normal business activities, violate any laws, involve solicitation, be associated with any for-profit outside business activity, or potentially embarrass the City.

Inspection and Monitoring

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

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

Unauthorized Access

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

Security

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

Inappropriate Web Sites

City of Stayton's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate City of Stayton's policies on harassment and discrimination unless authorized by the Chief of Police or City Manager or can be shown to be a part of a legitimate work purpose.

D. Social Media

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

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of the City of Stayton or the City of Stayton's legitimate business interests may result in disciplinary action, up to and including termination.

Employees are discouraged from taking pictures while at work unless they are for a legitimate work purpose.

Prohibited Postings

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

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

Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, City of Stayton employees and elected officials, and suppliers or other third parties who do business with the City of Stayton.

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

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

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

Request for Employee Social Media Passwords

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

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

E. Confidential City of Stayton Information

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

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

F. Ethics

This subsection applies to all employees, volunteers, and elected officials of the City. At the City of Stayton, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the City of Stayton or the City of Stayton's citizens.

We at the City of Stayton are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such

as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City of Stayton from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: http://www.oregon.gov/OGEC.

The general rule is that as a City representative, you are a public official under Oregon law. This means you cannot use or attempt to use your position to obtain a financial benefit. A "financial benefit" can be either an opportunity for monetary gain or an opportunity to avoid an expense. Not only are you prohibited from using your position for a financial benefit, but this rule also applies to your family members, members of your household, and businesses with which you are associated. Further, you cannot accept gifts over $50 per year from someone with an administrative or legislative interest in your decisions as a public official. Lastly, you must report any conflicts of interest between your personal interests and your duties to the City to your supervisor. For more details on these issues, consult with HR or go to: http://www.oregon.gov/OGEC.

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

Nepotism

Relatives of current employees or individuals involved in an intimate personal or financial relationship with a current employee are eligible for hire at the City of Stayton subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be placed into positions in which one family member (as defined by Oregon ethics law) or person involved in an intimate personal relationship or financial relationship would fall under the direct line of supervision of the other family member or partner.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor, or Human Resources. The employees and the City of Stayton will jointly make a good faith effort to find an alternative assignment for one of the two employees or reroute the chain of command. Depending on business need, this may include, but is not limited to: restructuring duties, assignment to another position, and assignment to another shift or change in supervision.

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

G. Open-Door Policy

The City of Stayton's Open-Door Policy is based on our belief that open, honest communication between supervisors and employees should be a common business practice. The City of Stayton's directors and supervisors are responsible for creating a work environment where employee input

is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City of Stayton, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the HR representative.

H. Outside Employment

This subsection does not apply to volunteers or elected officials.

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

Employees may not accept outside employment that involves:

- The use of City of Stayton time (including the employee's work time), City of Stayton facilities, equipment and supplies, or the prestige or influence of the employee's position with the City of Stayton. In other words, the employee may not engage in private business interests or other employment activities on the City of Stayton's time or using the City of Stayton's property;
- The performance of an act that may later be subject to control, inspection, review or audit by the City; or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for the City of Stayton.
- Violates Oregon's ethics laws in relation to employee's duties at the City.

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

I. Criminal Arrests and Convictions

This subsection does not apply to elected officials.

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

- All arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty or at a City conference or function, while representing the City in your official capacity, on City of Stayton property, or involving an City of Stayton vehicle (see also "Alcohol/Drug Use, Abuse and Testing" policy above);
- All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money or which reflect poorly upon the City or may cause the public to lose trust in the City or in you as a public official.

- If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

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

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave to cover the absence.

J. Political Activity

This subsection does not apply to elected officials.

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

- 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 of Stayton employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign during their off-duty time.

K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Stayton (see "Holidays" section above), the City of Stayton is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or their designee) will decide whether to and to what extent the City of Stayton will close and will notify the City's management team for the purpose of contacting employees. If no official notice has been received, the employee should refer to the North Santiam School District weather notices for snow and/or ice.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your supervisor. If staff cannot reach the office and are able to serve the City of Stayton from home, you should do so, subject to approval by your supervisor. Safety and a trustworthy approach are your guides.

The following compensation guidelines will apply to employees:

IF…	THEN…
Non-exempt employee arrives late to work.	Absence is charged to comp time, vacation leave, or unpaid time off.
Employee cannot arrive to work.	Absence is charged to comp time, vacation leave, or, at supervisor's discretion, unpaid time off.

Supervisor approves employee's request to leave early.	Remaining hours are charged to comp time, vacation leave, or unpaid time off for non-exempt employees.
Due to adverse weather, national crises, or other emergencies, employee directed to arrive late by supervisor (under the direction of the City Manager or his/her authorized designee).	Employee is paid for late arrival, no charge to leave accrual.
Due to adverse weather, national crises, or other emergencies, employee is sent home early by supervisor (under the direction of the City Administrator or his/her authorized designee).	Employee is paid for remainder of workday, no charge to leave accrual.
City facilities are closed due to adverse weather, national crises, or other emergencies under the direction of the City Manager or his/her authorized designee.	Employee is paid for the entire workday, no charge to leave accrual.

L. Driving While on Business

Employees using a private vehicle to conduct the City of Stayton's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized City of Stayton business should make any necessary arrangements with their insurance carriers.

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

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

M. Workplace Violence

The City of Stayton recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public will be dealt with in a zero-tolerance manner by the City of Stayton.

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 of Stayton, or that threaten the safety, security or financial interests of the City of Stayton. Employees must also report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to their supervisor or Human Resources.

The City of Stayton also may conduct an investigation where the behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

N. Workplace Inspections — No Right to Privacy or Confidentiality

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

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by the* City of Stayton*; 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.

O. Smoke-Free Workplace

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

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

If you wish to smoke tobacco, you must do so outside of City of Stayton's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. City of Stayton has established employee smoking areas that your supervisor can show you.

VI. Discipline

This Section does not apply to elected officials.

A. Workplace Rules and Prohibited Conduct

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

- Falsification of employment or other City of Stayton records; lying regarding a City matter or matter pertaining to your employment.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City of Stayton property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Stayton equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Stayton property.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City of Stayton property.
- Insubordination, including but not limited to repeated failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City of Stayton employee, customer or vender.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Repeated failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls or texting during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Stayton.
- Misrepresentation of City of Stayton policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Stayton. Employees may not use the City of Stayton's name, logo, likeness, facilities, assets or other resources of the City of Stayton for personal gain or private interests.

- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or City of Stayton policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City of Stayton or outside regulatory or legislative bodies.
- Harassment, bullying or discrimination that violates City of Stayton policy.

This statement of prohibited conduct does not alter the City of Stayton's policy of at-will employment. Except for employees subject to a collective bargaining agreement or contract of employment, the City of Stayton remains free to terminate the employment relationship at any time, with or without cause or notice, subject only to these policies.

B. Corrective Action/Discipline Policy

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

In lieu of terminating the employment of an employee, the City of Stayton may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The City of Stayton may also choose to send the employee to training or an education opportunity.

In all cases, the City of Stayton will determine the nature and extent of any discipline based upon the circumstances of each individual case, and any applicable collective bargaining or employment agreement provisions.

B. Retirement or Resignation from Employment

This subsection does not apply to volunteers or elected officials.

If you choose to resign or retire, it is anticipated that you will give the City of Stayton as much notice as possible — preferably a minimum of two weeks. If you do not give a two-week notice of your intent to leave the City of Stayton, you will not be eligible for re-employment at a later date and the City may, at its discretion deduct up to 80 hours from your accrued vacation leave account.

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

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

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

C. References

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

Acknowledgement of Receipt of Employee Handbook

I acknowledge that I have received and will read a copy of City of Stayton's 2020 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the HR representative's office.

I understand that City of Stayton has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment. I acknowledge that the Employee Handbook is not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment, and may be changed at any time.

I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to Human Resources, the City Manager, or any trusted director or supervisor. I understand that I may bring complaints about these issues to my shop steward or trusted union representative, but that City of Stayton may not be able to address the issue unless notice is provided to City of Stayton by you or the shop steward/union representative.

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

I have read this acknowledgement carefully before signing.

_____ _____

Employee Signature Date

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