

- C. The City of Fairview does not provide insurance coverage for personal vehicles of City employees while parked in City parking lots. The City cannot guarantee the safety of personal vehicles nor assume responsibility for damage to personal property caused by the actions of others.

5.7 Found Property

If any employee or agent of the City, while acting within the course and scope of his/her duties, comes into contact with any property which is believed to be lost property, the following procedures should be followed:

- A. The property should be turned into the employee's supervisor or the supervisor of the facility with a description of the time, place, and circumstances under which the property was found. Notwithstanding any other provisions of this Section, any property over \$100 is subject to the Oregon Finder's Law (ORS 98.005 through 98.025).
- B. A reasonable effort shall be made to return the property to the rightful owner.
- C. The property shall be kept for a minimum of 30 days pending reclamation by the rightful owner.
 - 1. If after 30 days the property has not been claimed, it may be disposed of or transferred to public use.
 - 2. City employees may not keep found property for personal use.

5.8 Traumatic Incidents

- A. The City of Fairview recognizes that employees may face a variety of challenging problems at work. Sometimes serious incidents or events occur that are extremely difficult to handle. These incidents can result in physical and emotional problems that interfere at work, at home, with co-workers, family, and friends.
- B. When serious incidents occur at work, the City of Fairview wants employees to resolve the incident effectively so that they can return to healthy, productive life and work. Experience shows that people who experience traumatic events can return to productive work and non-work activities faster when immediate, forthright, professional assistance is available.
- C. The City of Fairview will provide confidential, professional assistance through the Employee Assistance Program (EAP) to help employees resolve traumatic events.

5.9 Sustainability

- A. The City is committed to environmental awareness through recycling and waste prevention and energy conservation in its business practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.
- B. Each employee is expected to make a commitment to recycle and be a part of reducing demand the City's activities place on limited resources.
- C. The City requires all employees to attempt to reduce and, when possible, eliminate the use of disposable products. Source reduction decreases the consumption of valuable resources through such workplace practices as communication through computer networks with e-mail; two-sided photocopying; turning off lights and office equipment when not in use; or, bringing permanent cups and dishware for use at the office.

5.10 Inclement Weather

Community members of Fairview expect the City to offer continued public service and emergency services during periods of inclement weather. Therefore, the City will make every effort to remain open for business on all regular business days even during periods of inclement weather. Employees are expected to report to work unless directed not to do so by the City Administrator or his/her designee. If an individual employee feels they are unable to report safely, he/she should notify his/her supervisor in accordance with department policy. Employees designated as essential employees are expected to report to work in all weather conditions. Employees absent due to inclement weather will be compensated as follows:

- A. If an employee is unable to get to work safely due to inclement weather, the employee must use accrued vacation or compensatory time or leave without pay for the hours missed.
- B. Supervisors may permit employees to make up short periods of absence due to inclement weather within the work week, provided productive work is available and the work time does not result in overtime or other additional compensation.
- C. If the City Administrator or his/her designee closes City Hall due to inclement weather, non-essential employees who are released from work or not required to report to work will receive compensation for the hours as regular work hours.

5.11 Memberships

In order to create closer partnerships and networks with the community, it may be advantageous for certain City employees to attend meetings and functions of selected civic, social and non-profit organizations and in some cases, become members of those groups. A request to attend meetings and functions or to become a member of one of these organizations and obtain reimbursement for expenses should have a clear connection and/or alignment with City services and Council goals and a clear connection to the employee's job. All requests must be approved by the City Administrator or a department director. Occasionally, membership or attendance may be a requirement of a job or assignment.

Chapter Six - COMPENSATION

6.1 Types of Employment

- A. Regular Employees - Regular employees are those who are filling an ongoing, authorized position for a minimum of twenty (20) hours per week.
1. Regular Full-Time Employees: Regular full-time employees are regular employees who work 40 hours per week, twelve (12) months per year.
 2. Regular Part-time Employees: Regular part-time employees are regular employees who work at least twenty (20) hours, but less than forty (40) hours, per week for twelve (12) months per year.
- B. Temporary Employees

Temporary employees fill positions for which there is no expectation of on-going permanent funding or for which there is no expectation of continued employment, or routinely work less than twenty (20) hours per week or one thousand forty (1,040) hours per calendar year. Temporary employment is usually tied to the accomplishment of a specific function(s) which occurs within a specified time period (e.g., seasonal employment, special projects, temporary fill-in for regular employees) or within specified limits (e.g., work-study/senior employment, on-call employment).

6.2 Position Classification

- A. All regular positions are evaluated and assigned to classifications. Classification specifications are written for each classification and include a general description of the job duties and corresponding knowledge, skills, and abilities required by each job classification. Classification specifications should be reviewed annually as part of the performance evaluation process to ensure they are accurate and up-to-date. Employees should be familiar with their classification description.
- B. Position Reclassification
1. Positions that require similar levels of responsibility, knowledge, skill, and ability are placed in the same job classification. If the duties of an employee's position change significantly, his/her supervisor may initiate a reclassification request to see if the current classification is still appropriate. The request must be approved by the department director, and is then submitted to City Administration for review. If the request is approved, the employee will be reclassified to a more appropriate classification for the position. If an employee thinks his/her classification is not appropriate, he/she should talk with his/her supervisor.

2. If an employee is reclassified to a classification at a higher salary range, he/she will be placed on the step in the new salary range that provides for an increase of approximately five percent (5%) above his/her current pay rate; but, no lower than the first step of the range and no higher than the top step of the range. A new merit review date will be set based on the date of the reclassification. Employees reclassified to a new classification will not serve a new probationary period.
3. If an employee is reclassified to a classification at a lower salary range, he/she will be placed on the new range at his/her current rate of pay unless it is above the range. If it is above the range, the employee's rate of pay will be red circled as described below.

C. Red Circle

When an employee is reclassified to a lower pay range or has a reduction in pay range due to market data and his/her rate of pay is above the top step of the new range, her/his rate of pay will be frozen or "red circled" until his/her rate of pay is at or below the top step for the new range, or for a period of twelve months, whichever is less. Benefits are not red circled. At the end of the twelve month period, an employee's pay rate that exceeds the top step of the range will be reduced to the top step.

6.3 **Salary Administration**

A. Salary Structure

1. Each classification in the City is assigned a salary range. This range establishes a minimum and maximum pay an employee can earn in a given classification.
2. The City Administrator establishes and reviews the recommended salary ranges based on a number of factors. To ensure that the City can hire and keep qualified employees, the primary consideration is the compensation for similar jobs in comparable agencies in the appropriate recruiting market for the job. Additionally, internal job relationships, total compensation, and the City's financial ability to pay may be considered.
3. The salary range for represented classifications is established through the collective bargaining process.
4. The City Council approves the salary ranges for non-represented classifications based on recommendations from the City Administrator.

B. Merit Increases

Generally, new employees begin at the first step of the salary range. Merit increases are the movement to the next step on the salary range. Eligibility periods for increases are defined in each bargaining contract and in section two of this handbook for non-represented employees. These increases are not automatic but are contingent upon an employee's satisfactory performance of the job.

C. Exceptional Merit Increases

If a supervisor finds the progress or performance of an employee to be outstanding, he/she may recommend the employee receive an exceptional merit increase, within the salary range for the classification. Exceptional merit increases must be approved by the department director and the City Administrator.

6.4 Promotions, Transfers, and Demotions

A. Promotions

A promotion occurs any time an employee moves to a classification with a higher salary range, generally through a selection process. An employee who is promoted will be placed on the step in the new salary range that provides for an increase of approximately five percent (5%) above his/her current pay rate; but no lower than the first step of the range and no higher than the top step of the range. If a merit increase is due at time of promotion, the supervisor may grant an additional step increase. A new merit review date will be set based on the date of promotion. Employees who are promoted start a new probationary period.

B. Transfers

A transfer is the movement of an employee from one position to another position within the same classification or to another classification with the same salary range. An employee who transfers will remain at the same rate of pay.

C. Demotions

A demotion is the movement, either voluntary or involuntary, of an employee to a classification with a lower salary range. An employee who is demoted will be placed on the new range at his/her current rate of pay unless it is above the range. If it is above the range, the employee's rate of pay will be moved to the top step of the new salary range, unless the demotion is the result of a reclassification (see 6.2 C above).

6.5 Hours and Overtime

A. Hours and Shift Times

Regular employees will generally be assigned standard working hours with a designated starting and ending time. All employees are expected to report to the job at the designated time and stay on the job until the end of the shift. Shift times are designated by the supervisor and may be changed as necessary to facilitate the work.

B. Work Week

The work week is a fixed and regularly recurring period of seven (7) consecutive twenty-four hour periods. The work week for most City employees is from 12:01 a.m. Sunday to midnight Saturday. Alternative work weeks may be established for different employees by the City. For all FLSA-covered employees, except Police Officers, the work week established will be the designated work period used for determining overtime requirements. The work period for Police Officers is a 28-day period. The Finance Department will maintain a record for each FLSA-covered employee of the established work period and will provide notification to all employees of their work period.

C. Alternate Work Schedule

The City may establish alternate work schedules for the work week, such as four ten hour days. Employees may also request an alternate work schedule, with hours or work days other than those regularly assigned. Supervisors should approve alternate work schedules only if departmental operations and public service requirements will not be adversely affected by the schedule change. The alternate schedule must include specified times when the employee is on duty and may include an early or late starting and quitting time, a four-day 40-hour work week, or other schedule variation. Flexible work schedules should be periodically reviewed by supervisors and employees. If a supervisor finds that the arrangement is not efficient, he/she may require the employee to return to regular work hours.

When leave time is used, the employee should code the number of hours he or she would normally work that day to the appropriate leave type. Unless specified differently in the applicable bargaining contract, employees on an alternate work schedule will need to change their schedule in a week which includes a holiday or charge any time beyond the holiday time they would receive (eight hours for full-time employees) to personal leave.

D. Breaks and Meal Periods

A rest break of at least fifteen (15) minutes will be provided during each half shift (four hours on an 8-hour shift or five hours on a 10-hour shift), approximately mid-way in the period. The length of breaks for represented employees is defined in bargaining agreements. Breaks may not be added to the meal period. Neither breaks nor meal periods may be taken at the beginning or end of the work period.

Employees are provided either thirty (30) minutes or one (1) hour for a meal period for any shift 6 hours or more in length. If the work period is seven hours or less, the meal period is to be taken between the second and fifth hour worked. If the work period is more than seven hours, the meal period is to be taken between the third and sixth hour worked. Meal periods are unpaid as long as an employee is relieved of all duties. If an employee performs any job duties during the meal period, meal time is paid.

E. Rest Period to Express Milk

1. An employee needing to express milk for her child 18 months of age or younger will be provided a thirty (30) minute unpaid rest period during each four hour work period, to be taken by the employee approximately in the middle of the work period. The employee shall, if feasible, take the rest periods to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee. To the extent that the break period needed to express milk exceeds the employee's paid rest period, it is unpaid, although the supervisor may allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods.
2. Unpaid rest periods used by the employee to express milk will be considered paid work time for the purpose of determining an employee's contribution toward their health insurance premium.
3. The City is not required to provide rest periods to express milk if doing so would impose an undue hardship on City operations.
4. An employee should provide the supervisor notice that she intends to take rest periods to express milk.
5. Private Location to Express Milk: Work units are required to make reasonable efforts to provide a location other than a public restroom or toilet stall close to the employee's work area for the employee to express milk.

F. Overtime

State and federal wage and hour laws govern the payment of overtime to employees who are covered by the Fair Labor Standards Act (FLSA). According to state and federal wage and hour laws, work performed by covered employees in excess of 40 hours per work week constitutes overtime. There are specific provisions under the law for police officers which set a different threshold for the payment of overtime.

1. Covered employees must be compensated for all time worked over 40 hours in a work week at one and a half (1.5 times) their regular rate of pay. In lieu of overtime, regular employees may elect to receive compensatory (comp) time off at the rate of one and a half to one for all hours of overtime worked. A maximum accrual for comp time is specified in bargaining agreements and in section two of this handbook. Accrued compensatory time is compensable upon termination. Temporary employees are not eligible to accrue comp time.
2. City employees who meet the Fair Labor Standards Act (FLSA) or Oregon Revised Statute definitions of executive, administrative, professional or supervisory are called overtime exempt employees. (Referral to exempt employees in this policy means overtime exempt employees). Exempt employees are not required to be compensated in cash or compensatory time off for hours worked in excess of forty (40) hours per week.

Further information on overtime rules and practices can be found in the bargaining unit contracts and in section two of this handbook.

6.6 **Time Keeping**

- A. Accurate recording of time worked and leave used is the responsibility of every employee. Employees must complete a timesheet for each pay period and code the actual hours worked each day in that pay period. FLSA-covered employees are required to record the time they begin and end work also. Employees are required to sign the time sheet and any other records of time, certifying the accuracy of all time recorded. Supervisors must review and countersign employees' timesheets.
- B. If corrections or modifications are made to the time record, both the employee and the supervisor should verify the accuracy of the changes by initialing the time sheet.
- C. The intentional miscoding of time worked and/or approval of miscoded time is a serious violation of City policy and may result in discipline, up to and including dismissal. If employees have any questions regarding appropriate coding, they

should check with their supervisor, payroll, or City Administration prior to submitting their time sheet to ensure they are conforming to City policy, bargaining agreements, and state and federal law.

- D. If an employee is unable to complete their timesheet, the supervisor must do so, sign for the employee, and provide a copy to the employee for review and signature upon his/her return.
- E. It is important that all time sheets are accurate, signed, and submitted to Finance shortly after each payday for the following pay period.

6.7 Paychecks

A. Paychecks While Employed

The City of Fairview operates on a semi-monthly pay-cycle. Paychecks are issued to employees on the 15th and the last day of every month, for a total of 24 paychecks per year. If payday falls on a weekend, employees will be paid on the Friday before. If payday falls on a holiday, pay checks will be issued the last working day before the holiday.

B. Emergency Checks

Employees may request an emergency partial salary payment. The maximum partial payment an employee may receive is fifty percent (50%) of the employee's net monthly earnings. The City Administrator must approve all requests. The payment cannot exceed the amount of pay owed to the employee for hours already worked.

C. Direct Deposit (Electronic Fund Transfer)

1. The City offers the direct deposit of pay to all employees. Pay may be deposited electronically to checking or savings accounts to banks, savings and loans, or credit unions. A voided check or deposit slip along with a direct deposit authorization form must be submitted to Finance prior to initiating direct deposit. Employees must contact Finance immediately when inactivating direct deposit accounts. An employee's paycheck may be delayed if a bank account is closed without at least one weeks notice to Finance.
2. Employees using direct deposit will receive an itemized statement of wage in lieu of a paycheck. The use of direct deposit by employees is encouraged.

D. Payroll Deductions

1. The City makes deductions from an employee's earnings in accordance with state and federal law. The deductions include state and federal income tax, Social Security and Medicare taxes, workers' compensation assessment fees, and benefits deductions defined in bargaining agreements and for non-represented employees.
2. The City also will make authorized, voluntary deductions such as deferred compensation, additional life insurance, or a flexible spending account.
3. Court ordered wage withholdings or garnishments on an employee's wages will be processed in accordance with applicable law.

E. Payroll Errors

1. Employees who notice an error on their paycheck should immediately notify the Finance Director. If Finance, the department, or City administration discovers an error, they will notify all affected employees as soon as practical.
2. It is the policy of the City to correct all errors made that affect pay or benefits. If the error causes an employee to be overpaid, the employee may arrange a repayment plan through payroll deductions.

F. Paycheck at Termination of Employment

According to Oregon Law, in most instances, terminating employees must receive their final paychecks on their last working day as long as the employee has given at least 48 hours notice. If employee gives less than 48 hours notice of intent to resign, the City must issue the final paycheck within five working days or on the next regularly scheduled pay day after the employee quits, whichever event occurs first. Accumulated vacation, holiday, and compensatory time payments are included in the final pay check as appropriate. The maximum vacation that is paid off at termination will be two times the employee's annual accrual rate at the time of termination.

- G. Employees may pick up their final paycheck from Finance. At the employee's request, the final paycheck can be mailed to any address designated by the employee. Direct deposit cannot be used for the final paycheck.

6.8 Travel and Sustenance

A. Authorized Travel Expenses

1. Public Transportation: Expenses for public transportation (taxi, bus, rental car, etc.) are reimbursable if supported by actual receipts. If the employee is using a City vehicle or rental car, necessary parking expenses, toll fees, etc. are reimbursable as supported by actual receipts or documented by the employee in cases where no receipt is available.
2. Lodging: Hotel and motel accommodations should be appropriate to the purpose of the trip. Expenses for lodging must be supported by actual receipts in order to be reimbursed.
3. Meals: Expenses for meals, including tips, will be reimbursed upon presentation of actual receipts for the expenses incurred. If a meal is provided as part of a conference or training fee, employees will not be reimbursed for that meal. Meals will be reimbursed on the following schedule:
 - a. Breakfast – up to \$10
 - b. Lunch – up to \$15
 - c. Dinner – up to \$25
 - d. Incidentals – up to \$5.
4. Communication: Expenses for telephone or other communication methods are reimbursable if they are directly related to City business and are supported by actual receipts.

B. Family and Non-City Employee Expenses

Any expenses for family members or other non-city employees who accompany the employee on a trip are not reimbursable.

C. Private Vehicles

If an employee is authorized to use a private vehicle for transportation, mileage reimbursement will be at the current established I.R.S. mileage rate. When travel by City-owned vehicle or public carrier is practical but an employee elects to use his or her own vehicle for personal reasons, the employee will be reimbursed an amount equal to the fare of the public carrier that would have been deemed by the City Administrator to be most practical to provide the service or the current mileage rate, whichever is less.

and the Individual Account Program (or IAP, which is a defined contribution). OPSRP is administered by the PERS Board.

PERS Tier 1 and Tier 2 employee contributions also go into the Individual Account Program (IAP).

Consult the PERS website for more information on benefits calculations, retirement ages, and other details of the PERS and OPSRP plans.

A. Eligibility for Coverage

Regular employees are enrolled in the OPSRP after six (6) months of employment with the City. New employees who are already PERS members are enrolled in PERS immediately as long as there is no break in service. New employees who are already OPSRP members are enrolled in OPSRP immediately.

Temporary employees are enrolled in OPSRP after six (6) months, if they work in a position that requires at least 600 hours in a calendar year. Temporary employees who are appointed to regular status are enrolled in OPSRP after six (6) months of employment if, while a temporary employee, they worked in a position that required at least 600 hours in a calendar year (regardless of employee status).

7.3 **Employee Assistance Program**

A. Individual Counseling

The City of Fairview provides an Employee Assistance Program (EAP) for all insurance eligible employees and members of their households. The EAP provides confidential personal, family, and other counseling services. EAP services include assessment, short-term counseling, and referral. The City pays the full cost of these services.

The records maintained by the EAP regarding personal counseling services provided to any employee are strictly confidential and may not be obtained by the City, its agents, or representatives unless required to do so by a valid court order. Employee participation in personal counseling services at the EAP is entirely voluntary.

References to the Employee Assistance Program or any treatment received may not be contained in employees' personnel files or used against employees on performance evaluations or in promotion proceedings.

B. Additional Services

The EAP contractor also provides a variety of additional services to the City including training, work group intervention, work group skills training, employee

performance coaching, supervisor coaching, mediation, conflict resolution, and critical incident debriefings after traumatic incidents. These services are not a part of the "Employee Assistant Program" counseling services described above.

C. Coding Time

When a supervisor refers an employee to the EAP for job-related issues, the EAP appointments may be coded to regular work time. In other situations, if the employee is unable to schedule an EAP appointment outside of regular shift hours, sick leave may be used for the appointment.

7.4 **Sick Leave**

A. Overview

1. The City's sick leave policy is a form of insurance provided to reduce the financial burden of non-occupational illness and injury and to ensure the well-being of the employee. Regular and consistent attendance helps us to work effectively as a team, enables us to produce a quality product, and is necessary to provide our customers, the public, with efficient, cost-effective service.
2. All regular employees accrue sick leave each pay period. Employees must get prior approval from their supervisor for doctor appointments during working hours. Whenever possible, appointments should be scheduled outside of work hours.
3. An employee who calls in sick must be available by phone unless they are completely incapacitated. The City expects that when an employee has called in sick, they are not engaging in activities outside their home unless it is necessary for their well being, e.g. filling a prescription or going to the doctor. If it is found that an employee is engaging in activities inconsistent with a physician's direction or activities that a reasonable person would not engage in if they were convalescing, it may lead to disciplinary action, up to and including dismissal.
4. Use of sick leave is not allowed for time off resulting from an injury or illness that is compensable under workers' compensation, except as specified in collective bargaining agreements or section two of this handbook for non-represented employees. Sick leave pay will not be allowed for disabilities resulting from employment other than with the City.

B. Eligibility

Regular employees begin accumulating sick leave hours when they are hired for all time worked and on paid leave.

C. Accrual

1. Sick leave is accrued based on regular hours worked. "Hours worked" includes all regular hours worked (excluding overtime) and paid leave hours. See bargaining unit contracts or section 2 of this handbook for the impact of leave without pay on accruals.
2. Accrual rates, maximum accruals, and other sick leave provisions vary by pay unit. Employees should refer to their bargaining unit contract or section two of this handbook for non-represented employees.
3. An employee cannot take sick leave not yet accrued.
4. Unused sick leave is not compensable upon termination.

D. Illness in the Family

Employees may be eligible to use sick leave for the illness of immediate family members where the employee's presence is required to care for the family member. See bargaining unit contracts, section two of this handbook, and the section below on Family Medical Leave for additional provisions.

E. Procedures for Calling In Sick

Unless otherwise directed by their supervisors, all employees must call their immediate supervisors at or before the start of their normal work shifts. Employees must notify their supervisor, as required, each day they are absent. The only exception is employees who are on extended sick leave and have a doctor's statement of estimated return. Established departmental regulations or bargaining contract language should be followed.

Employees are responsible for notifying their supervisors as soon as possible if they become ill and must leave work prior to the end of their shift.

F. Proof of Illness

Verification of illness by a doctor's certificate may be required by employees' supervisors prior to authorizing sick leave. A doctor's statement, satisfactory to the City's medical consultant, may be requested by supervisors to determine the status of employees' health and/or physical limitations. It may be used to reassign employees to limited-duty in accordance with the doctor's recommendations or to help supervisors with absenteeism control. The City will pay any direct cost to the employee for this exam, unless a collective bargaining agreement requires payment by the employee, as specified under ORS 659.330.

When work is missed because of illness or injury, employees are responsible for seeking appropriate treatment and taking the steps necessary for rapid return to work. This includes the responsibility to be available for special work assignments if employees are unable to return to their regular job.

Abuse of sick leave may result in disciplinary action.

G. Return to Work

If an employee has a physical or mental condition which may impair the employee's ability to perform the regular duties of their job, the employee will be required to provide a release from their attending physician before returning to work along with documentation from the physician of any on-going limitations.

H. Vacation Donation

1. If a regular employee has exhausted his/her sick leave bank and all other paid leave banks due to a catastrophic medical condition or the catastrophic medical condition of a family member, he or she may request the City ask other employees for a vacation donation on his/her behalf. The definition of family members for the purposes of this policy is found in the sick leave provisions in bargaining unit contracts or section 2 of this handbook for non-represented employees.
2. The purpose of the vacation donation policy is to provide a bridge for regular employees until the employee returns to work or qualifies for long-term disability insurance, PERS disability benefits, or another disability benefit, and to provide for the time actually necessary to care for an ill family member or to arrange for the person's long term care. Employees are expected to apply for any disability benefit for which they are eligible. A catastrophic medical condition is defined as a non-occupational illness or injury to the employee or member of his or her family that would otherwise cause the employee to go on leave without pay status for two consecutive calendar weeks. The employee must be unable to work in his/her regular assignment or a modified assignment if made available by the City. Medical certification of the illness may be requested.
3. Employees who donate vacation must have at least 80 hours of accrued leave (sick leave, vacation, holiday, or comp time) after the donated hours are removed. This amount will be pro-rated for part-time employees.
4. Leave donation requests must be reviewed and approved by the employee's department director and then forwarded to Finance for processing. Every effort should be made to protect the confidentiality of medical information throughout the process.

5. Donated hours will be removed from the donating employee's accruals and transferred to the recipient's sick leave balance each pay period that the employee is in a leave without pay status. Only the hours needed to maintain the employee's regular salary will be transferred. Leave beyond that which is needed will not be transferred. When more than one employee donates, the amount of time needed will be divided amongst all employees donating time. The donation, once transferred to the receiving employee, must be made voluntarily and irrevocably, with the understanding the donated leave is lost to the donor forever. The names of all donors will remain confidential.

7.5 Family Medical and Parental Leave

- A. The City provides eligible employees with family, parental, and medical leaves of absence consistent with the Oregon Family Leave Act (OFLA) and the Federal Family and Medical Leave Act of 1993 (FMLA). The employee is granted family medical and parental leave under the law that provides the greatest benefit to the employee in his/her situation.
- B. Employees can take leave for the following reasons:
 1. Birth of a child and to care for such child;
 2. Placement in the employees' home of a child under age 18, for adoption or foster care;
 3. To care for the employee's seriously ill family member;
 4. To care for the employee's child who is suffering from a condition that is not a serious health condition, but requires home care; or
 5. A serious health condition of the employee that makes the employee unable to perform his or her job.
- C. Family Member means:
 1. FMLA: Spouse, son, daughter, and parent. Son or daughter means a biological, adopted, or foster child, stepchild, a legal ward, or a child to whom one acts in place of a parent "in loco parentis", who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability". Parent means a biological parent or an individual who stands or stood "in loco parentis". Parent does not include parents "in law".
 2. OFLA: Spouse, son, daughter, parent, grand-parents, grandchildren, and qualified same sex domestic partner, as defined in Oregon law. "Parent" includes custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same sex domestic partner, or person with whom the employee is or was in a relationship of in loco parentis. It also includes the biological, adopted, or foster child or stepchild of an employee or the child on an employee's same sex domestic partner. For the purposes of OFLA, the employee's child in any of these categories

may be either a minor or an adult at the time serious health condition leave is taken.

D. Serious Health Condition means: An injury, disease, or condition that involves:

1. Any period of incapacity or treatment in connection with inpatient hospital treatment;
2. Any period of incapacity requiring absence from work, school or other regular daily activities, of more than three consecutive, full calendar days, that also involves at least two visits to a health care provider during the period of incapacity, one of which is during the first seven days of incapacity, or a regimen or continuing treatment;
3. Any illness, disease, or condition that in the medical judgment of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care;
4. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity for more than three calendar days; or,
5. Any period of disability due to pregnancy or period of absence for prenatal care.

E. Eligibility

1. FMLA: Employees who have worked the City for twelve (12) months and have worked 1,250 hours in the twelve (12) months preceding the leave.
2. OFLA: Employees who have worked for the City for at least 180 calendar days immediately preceding the date of the leave are entitled to parental leave. Employees who have worked for the City for at least 180 calendar days immediately preceding the date of the leave and average at least 25 hours per week are entitled to family medical leave.

Employees who have been employed by the City for fewer than 180 days are not entitled to this leave but may be eligible for sick leave or leave without pay under bargaining agreements or City policy.

F. Military Family Leave

1. Under OFLA, during a military conflict, an employee who is the spouse or the same-gender domestic partner of a member of the Armed Forces, including a member of the National Guard or Reserves, who has been

deployed or has been notified of an impending call or order to active duty, or an impending leave from deployment, is entitled to a total of 14 days or unpaid leave before deployment or during leave from deployment. The employee may elect to use accrued paid leave for the absence. The employee must provide notice of his/her intention to take leave within five business days of receiving official notice.

2. Under FMLA, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a member of the Armed Forces, including a member of the National Guard or Reserves, who is in treatment or recuperation for a serious illness or injury sustained in the line of duty on active duty is entitled to 26 weeks of leave in a single 12-month period to care for the service member. The eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.
3. Under FMLA, eligible employees are entitled to up to 12 weeks of leave because of any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty in the Armed Forces, or has been notified of an impending call to active duty status, in support of a contingency operation. The qualification for this type of leave is defined in federal regulations.

G. Pay Status

1. Employees may, if eligible, use sick leave, vacation, or holiday accruals or take a leave of absence without pay to care for family members. Employees are required to use all paid leave time prior to going on leave without pay unless an exception is granted.
2. Employees who take leave because of their own serious health condition may use their accrued sick leave and other accrued time.
3. Use of Comp Time: Eligible employees may, but are not required to, use accrued compensatory time during FMLA leave. If compensatory time is used, it will not count against the twelve (12) week entitlement.

H. Length of Leave

Under FMLA and OFLA, employees may use a total of twelve (12) weeks of family leave within the twelve-month leave year. In addition to the basic twelve-week family leave entitlement, under OFLA, employees may qualify for additional family medical leave in the following circumstances:

1. A woman who takes family leave due to a pregnancy-related disability leave may also be entitled to twelve additional weeks of leave in the same leave year for other qualifying family leave purposes.

2. Employees using leave to care for a newborn or newly adopted or placed foster child may also be entitled to an additional twelve weeks of sick child leave to take care of a child with a non-serious health condition.
3. Female employees may be entitled to up to 36 weeks of OFLA leave in one year under the following circumstances: twelve weeks of pregnancy disability leave, twelve weeks of parental leave, and twelve weeks of sick child leave.

I. Parental Leave

Entitlement to parental leave expires at the end of the 12-month period beginning on the child's date of birth or on the date of physical custody of a foster child or newly adopted child.

Employees may request additional leave beyond the twelve (12) weeks provided under the law, subject to City approval.

J. Leave Calculation Year

An employee's use of family/medical/parental leave for both FMLA and OFLA will be tracked using a leave calculation year that is a rolling twelve-month period measured backward from the date an employee uses any family, medical or parental leave. All qualifying uses of family medical leave will be counted against the employee's FMLA and OFLA leave entitlements during the leave calculation year.

K. Concurrent Leave

Leaves that qualify as both FMLA and OFLA run concurrently where the law allows. All approved leaves, whether paid or unpaid, are counted against an employee's annual FMLA and OFLA leave entitlement under this policy and the law.

L. Workers' Compensation

OFLA's definition of "family leave" *excludes* leave taken by an employee who is unable to work because of a "disabling compensable injury" under workers' compensation. Therefore, a leave of absence which qualifies as an accepted disabling workers' compensation claim shall not run concurrently with OFLA leave. However, if an injured worker refuses a bona fide offer of light duty or modified work assignment, the leave will automatically be considered qualifying leave under OFLA.

M. Designating Leave

Under FMLA and OFLA, it is the employer's duty to designate leave, paid or unpaid, as FMLA and OFLA qualifying and give notice of the designation to the employee. The leave will begin on the first day an employee has had time away from work due to an FMLA and/or OFLA qualifying event. When supervisors learn of an employee's FMLA and/or OFLA qualifying event, they should promptly contact the Executive Assistant to the City Administrator who will prepare and send a Family & Medical Leave Notice to the employee designating qualifying leave.

N. Intermittent/Reduced Schedule Leave

Employees entitled to FMLA and OFLA medical leave may take the leave in hourly increments intermittently or on a reduced leave schedule, as long as it is medically necessary. A reduced leave schedule is a reduction in the hours in the employee's normal work week.

When parental leave is taken, the leave must be taken in one uninterrupted period unless a department director approves the employee's request to take leave intermittently or work a reduced schedule.

O. Request Procedure

1. Employees are required to give 30 days notice in advance of family leave, unless the leave is taken for an emergency. In an emergency, employees must give verbal notice within 24 hours of starting a leave. The employee should arrange the leave schedule to minimize disruption in the workplace, if possible.
2. For parental leave, written notice must be provided 30 days in advance of the anticipated date of birth or placement in the employees' home of a child for adoption or foster care, except in cases of premature birth, unexpected adoption, or unexpected foster placement.
3. When two family members both work for the City of Fairview, they may take Family, Medical and Parental Leave at the same time with department director's approval.
4. All requests for FMLA or OFLA leave should be forwarded to City Administration.

P. Medical Certification

The City may require written medical certification from the treating physician of the serious health condition. The employee must furnish this certification within

fifteen (15) calendar days from the date of the written request. Failure to provide the requested certification disqualifies the absence for coverage under FMLA and OFLA. Medical certification forms, which are available in the City Administration office, must be used to obtain the information.

The City has the right to require the employee to obtain a second or third opinion at the City's expense, if necessary, to verify the attending health care provider's certification of a serious health condition. If the required medical certification does not establish the employee's entitlement to family/medical leave, the leave of absence will not be designated as FMLA or OFLA and will not be protected under the leave laws.

Q. Effect on Benefits

1. While on leave, health, life, and long term disability insurance benefits will be maintained under the same conditions as coverage would be provided if the employee had been continuously working during the entire leave period. Any share of health plan premiums that an employee paid prior to going on leave must continue to be paid by the employee during the FLMA leave period.
2. Vacation and sick leave accruals continue during any portion of the leave which is paid leave.

R. Reinstatement

An employee returning from an approved FMLA or OFLA leave will be returned to the position the employee held before the leave began unless the position has been eliminated or the employee would have been displaced had he/she not taken leave, in which case the employee may be returned to an available equivalent position. An employee on FMLA or OFLA leave is subject to layoff or discipline in the same manner as similarly situated employees not on leave. An employee on FMLA or OFLA leave has the same rights that he or she would have if no leave had been taken.

7.6 **Workers' Compensation**

The City provides workers' compensation benefits for all regular and temporary employees in accordance with Oregon state law.

Benefits include, but are not necessarily limited to: medical, temporary disability, permanent disability, and vocational assistance benefits.

7.7 **Modified Duty**

Employees who have suffered a non-work related injury or illness and cannot carry out the full range of their regular job duties due to medical limitations may be accommodated within their department, or elsewhere in the City, if productive work is available that is consistent with the employee's physical abilities. Employees must provide their supervisor with documentation from their treating physician regarding the abilities of the employee and the specific limitations placed on them prior to the City evaluating potential modified duty assignments.

7.8 **Independent Medical Evaluations (IME)**

An employee may be required to complete a medical and/or psychological examination whenever the law permits or at any time that the City determines that there is a risk of incapacitation or injury to the employee, co-workers, or the public as a result of the individual's actions. The purpose of the examination is to determine the employee's physical and/or mental capacity to perform his/her assigned duties.

If an employee is found to be unfit for assigned duties, the City may make reasonable accommodations to provide modified duty assignments. Modified duty may be available when the prognosis for return to full duty or another suitable and available job is predicted within a reasonable time frame by the treating medical provider.

Medical and/or psychological records generated as a result of the IME are confidential and will be handled in accordance with all applicable state and federal laws.

7.9 **Holidays**

A. The City observes the following holidays. City facilities will be closed to the public on these days.

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
Veteran's Day, November 11*
Thanksgiving Day, fourth Thursday in November
Friday following Thanksgiving
Christmas Eve, December 24**
Christmas Day, December 25*

*Observed on preceding Friday if it falls on Saturday, following Monday if it falls on Sunday.

**Observed on the last work day prior to Christmas.

Regular employees are given holidays in accordance with bargaining unit contracts and section two of this handbook for the non-represented employees.

7.10 **Vacation**

- A. Regular employees accrue vacation based on regular hours worked. "Hours worked" includes all regular hours worked (excluding overtime) and paid leave hours.
- B. See bargaining unit contracts or section two of this handbook for provisions on when employees are eligible to use vacation.
- C. Employees should schedule vacations in advance. Generally, a minimum of two weeks notice must be given. All vacation is subject to supervisory approval. Supervisors should consider the departmental work load and seniority before approving vacations.
- D. An employee cannot take vacation not yet accrued.
- E. Employees who terminate will be paid at their current rate of pay for accrued but unused vacation, up to a maximum of two times their current annual vacation accrual rate. Employees who resign or are dismissed during their first six months of employment will not receive payment for any vacation accumulation.
- F. Vacation Pay Off

Employees may request to have up to 40 hours of their accrued vacation time paid. This payment may only occur once each fiscal year.

Employees may be granted additional payoff due to a financial emergency. Employees may only request pay off once in a 12-month period and only if their vacation accrual exceeds 40 hours. The request will be approved only if the department has adequate funds for the payout. The request must be approved by the City Administrator.

7.11 **Jury or Witness Duty**

If an employee is called for jury duty or is subpoenaed as a witness under circumstances beyond their control and where such duties are in the public interest, the employee will be continued at full pay and benefits for the period of required service. This provision is not applicable if the employee or the employee's family or friends are directly involved in a civil or criminal proceeding. Employees must notify their supervisor and obtain further details if they receive notice from the courts.

- A. All monies received as witness fees or pay for jury duty, except for mileage reimbursement, must be signed over to the City, unless such fees were earned on an employee's day off or during authorized leave.
- B. Employees are required to report to work when less than a normal work day is required by jury or witness duties.
- C. Employees should refer to their bargaining unit contract for more information.

7.12 Bereavement Leave

Regular employees are granted leave in the event of a death in the immediate family. Employees should refer to their bargaining unit contract or section two of this handbook for non-represented employees for the definition of immediate family and the length and provisions of the leave.

7.13 Leave of Absence Without Pay (LWOP)

Employees may be granted a leave of absence without pay for up to one year if circumstances require an absence from work for which the employee does not have sufficient leave accrual. The request must be in writing and should be submitted to the City early enough to allow reasonable time for review. Examples of reasons for leave of absences include illness, educational opportunities, parental responsibilities arising from birth or adoption, and family illness. Leave requests of 40 hours or less must be approved by an employee's department director. Leaves over 40 hours must be approved by the City Administrator.

Leaves of absence may not be granted if they have a significant effect or impact the operations of the City. Leave of absence will not be granted if an employee has accepted regular on-going employment with another employer. Leave without pay is normally granted only after the employee has exhausted all appropriate leave.

Leave of absences may affect an employee's benefits. Additionally, employees who are on leave without pay for one month (30 days) or longer will have their seniority, leave accrual rate, and merit date adjusted to reflect the time away, unless the leave is due to military leave, family medical leave, workers' compensation, or other statutorily protected leave. See bargaining unit contracts or section two of this handbook for more information.

7.14 Military and Other Statutorily Provided Leave

A. Military Leave

1. Annual Military Training Leave:

Employees who have worked for the City for six (6) months are entitled to a military leave of absence with pay not to exceed fifteen (15) days in any one training year for annual active duty for training as a member of the National Guard, National Guard Reserve, or any reserve component of the U.S. Armed Forces, or of the U.S. Public Health Service. A training year means the federal fiscal year for any particular unit of the National Guard or reserve component. Such leaves are granted without loss of other leave and without impairment of other rights or benefits, providing the employee receives bona fide orders to training duty for a temporary period and providing they return to their position immediately upon expiration of the period of ordered duty.

2. Active Military Duty:

The following policies apply when employees are called up for military duty. Unless the employee dies, resigns, or is relieved or discharged from duty under other than honorable conditions, the employee will be considered on military leave for a maximum period of five years, as specified in ORS 408.240 and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). While on military leave the City will not provide salary or benefits.

a. Leave Without Pay While on Military Leave:

Leave without pay is allowed in accordance with ORS 408.240 and USERRA for employees who enter military service for extended periods of duty. City policy requires employees going on leave without pay to use all appropriate personal leave before taking leave without pay. However, employees who are called up for military duty may choose either: 1) to have personal leave accruals (vacation, holiday, comp time) paid before going on military duty subject to the department director's approval and the department's ability to pay; 2) to use leave accruals prior to going on leave without pay; or 3) to leave some or all of personal leave accruals unused, so that the personal leave hours will be available when the employee returns to work.

An employee called up for military duty must notify his/her supervisor in writing of his/her choice of leave option prior to leaving for duty. If no choice is made, the leave accruals will remain intact while the employee is on leave.

b. Health Insurance While on Military Leave:

Employees on military leave without pay may elect to continue their health insurance coverage through the City on a self-pay basis for up to 24 months under USERRA.

Employees may also elect to continue their health flexible spending account by prepaying the contributions or by remitting the contributions by the first of each month.

c. Reemployment Rights:

- 1) Upon returning from military leave, an employee is entitled to return to the position held prior to the leave, with no loss of seniority. Employees will not accrue any leave while on a leave of absence. However, upon returning from military leave, employees will be credited their military leave time for the purposes of determining their vacation accrual rate or any other affected benefit. The sick leave balance the employee had at the time he or she began military leave will be reinstated.
- 2) The employee must apply for re-employment within 90 calendar days after discharge from military duty. In the event that the employee is no longer able to perform the duties of the position, the City must provide other employment for which the employee is qualified with seniority, status, and pay as near to the employee's previous position as possible. If the employee was serving a probationary period at the time of taking military leave, the employee must serve the remainder of the probationary period.
- 3) When an employee who is a PERS/OPSRP member returns from active military service and exercises his/her reemployment rights, the City will make retroactive contributions to the member's Individual Account Program (IAP) account in the amount that would have been paid by the City during the member's period of military service, based on the employee's salary at the time the leave began.
- 4) Temporary employees whose end date expires while on military leave do not have reinstatement rights.

B. Additional Types of Public Service Leave

Federal and state laws cover a number of types of leave for individuals providing public service outside their normal employment with the City. These include, but are not limited to, leave time associated with military service, search and rescue response, disaster response, specialized teams working on homeland security, and Peace Corps service.

Some of the leave is mandatory for the employer to provide and some is at the discretion of the employer. The City will comply with all federal and state laws pertaining to such leaves that are applicable to the City upon request by an

employee. An employee requesting a leave of this type should provide his/her supervisor with a memo stating the type, nature, and length of the leave. Supervisors should contact City Administration for assistance in determining the extent of federal or state requirements on the City, prior to approving the leave request.

C. Crime Victim Leave

Eligible employees must be granted reasonable leave of absence if the employee or the employee's minor child or dependent needs time to address domestic violence, sexual assault, or stalking.

1. Eligible employee: Eligible employee means an employee who has worked an average of more than 25 hours per week for a covered employer for at least 180 days immediately before the date the employee takes leave, and is a victim of domestic violence, sexual assault, or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, sexual assault, or stalking, as described in the ORS.
2. Undue hardship: The employer may limit the amount of Crime Victim Leave an eligible employee takes only if the employee's leave creates an undue hardship on the employer's operations. Under ORS, "undue hardship" means a significant difficulty and expense to an employer's business and includes consideration of the size of the employer and the employer's critical need for the employee.
3. Reasons for leave: An eligible employee shall be allowed to take reasonable leave from work for any of the following purposes caused by or related to domestic violence, sexual assault, or stalking of the employee or the employee's minor child or dependent:
 - a. to seek legal or law enforcement assistance or remedies;
 - b. to seek medical treatment for or to recover from injuries;
 - c. to obtain counseling from a licensed mental health professional;
 - d. to obtain services from a victim services provider; and,
 - e. to relocate or take steps to secure an existing home.
4. Notice to the employer: An eligible employee is required to give reasonable advance notice, unless providing advance notice is not feasible.
5. Certification: The employer may require certification of the victimization and that the leave is being taken for one of the covered reasons for leave. The employee is required to provide the certification within a reasonable time after receiving the employer's request. A copy of the following documents constitutes certification:

- a. police report;
 - b. protective order or other evidence from a court or attorney;
 - c. documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services, or relocating.
6. Pay status: Crime Victim Leave is unpaid leave; however, an eligible employee is entitled to use any accrued vacation leave or any other paid leave that can be used in place of vacation leave.
 7. Reasonable Accommodation: The City will provide reasonable safety accommodation to victims of domestic violence, sexual assault, or stalking. The accommodation may include, but is not limited to, transfer, reassignment, modified schedules, change to phone number or work station, implementation of safety procedures, or other adjustments or modifications in response to actual or threatened domestic violence, sexual assault, or stalking.
 8. Confidentiality: Records and information kept by the employer, including the fact that the employee has requested or obtained Crime Victim Leave, are confidential and may not be released without the express permission of the employee, unless otherwise required by law.
 9. Employment status: An employer may not deny Crime Victim Leave to an eligible employee and may not dismiss, demote, suspend, discriminate, or retaliate against an employee with regard to promotion, compensation, or other terms and conditions of employment because the employee took Crime Victim Leave.

Chapter Eight - PERFORMANCE EXPECTATIONS AND EVALUATION

8.1 Probation

Probation is a period of time for newly hired or promoted employees to demonstrate their ability to achieve a satisfactory level of performance and for employees to determine if the new position meets their expectations. Employees' capabilities, work habits, and overall performance will be evaluated to determine their eligibility for regular status with the City or in a classification. Employees on probation are not entitled to the full set of rights and privileges applicable to regular employees. Probationary employees do not generally have the right to grieve dismissals. Length of probationary periods varies by bargaining unit and classification.

Refer to the appropriate bargaining unit contract or section two of this handbook for non-represented employees for information on the length of probationary periods and other information.

8.2 Performance Evaluations

Performance evaluation is an effective means of ensuring that an employee's performance meets the standards of the job and also helps to guide an employee's development. Regular employees should receive a performance evaluation at six months and twelve months of employment in a position. Subsequent evaluation should be done annually thereafter.

8.3 Employee Development and Training

The City encourages professional training, education, and development opportunities for employees with the objective of improving City services. The types of opportunities available are in-house training programs, out-of-organization training, and professional memberships.

A. In-Service Training Programs

The City provides training to meet a variety of organizational needs and goals. These courses are offered at no cost to employees and on paid work time. Supervisory approval is required for attendance.

B. Out-of-Organization Training

The City pays for trainings required to maintain certifications or licenses required for the job. Additionally, employees may be provided the opportunity to attend conferences, seminars, training, workshops, or meetings to enhance their job knowledge and skills or provide them career development opportunities. Attendance must be approved in advance by the department

director. City officials and employees should exercise good judgment, regard for economy, and recognition of proper use of public monies when selecting training, meetings, or conferences in connection with City business.

Training, professional meetings, and conferences will be limited to functions from which the City will derive a benefit through the attendance of a representative and for which budgeted funds are available.

See section 6.8 for information on reimbursable expenses when traveling. Travel time will be compensated in accordance with the Fair Labor Standards Act.

C. Career Development

The City is committed to providing employees support in achieving their career development goals. The City's EAP is a resource to assist employees in identifying their career interests and goals. Employees' supervisors and department director are available to guide employees in achieving their identified career goals. Additionally, other employees are encouraged to provide information or mentoring within their professional field. Career development opportunities that may be available to employees include acting-in-capacity assignments, cross-training, or attending a conference or training. These are generally only available to regular employees who have completed probation.

8.4 Posting of City Positions

- A. It is the practice of the City to generally post all positions externally. This practice has been established in recognition of the fact the City is a public employer and has an obligation to open up opportunities for employment to community members. Exceptions to this policy may be made by the City Administrator when there is a business reason for limiting the posting to internal applicants only, such as during a period of budget reductions.
- B. City employees are encouraged to apply for any position for which they are qualified. City employees will be notified of current position openings.

8.5 Employee Records

Employees need to keep personal information in the City's database up to date such as social security number, address, telephone, emergency contacts, name, citizenship status, etc.

A. Personnel Files

The official, complete personnel files of employees will be maintained in the City Administration office. Departments may also create and maintain employee files which may contain duplicates of items in the personnel file and other information

concerning the employee that would assist the supervisor in monitoring employee performance and in completing the employee's annual evaluation.

Access to personnel files is limited to authorized supervisory and management employees and those support employees responsible for maintaining the files. Personnel file information will not be released to others without the written consent of the employee, unless required by Oregon public records law or a court order. An employee may view his/her personnel file or department employee file in accordance with this policy.

Employees shall receive copies of all information that is placed in their official personnel file. Supervisors should attempt to secure an employee's signature on any documents that reflect critically upon the employee's performance. The employee's signature confirms that the supervisor has discussed it with the employee and has given a copy of the material to the employee. It does not indicate agreement or disagreement. If an employee refuses to sign a document, the supervisor shall write below the employee signature line: "Employee refused to sign" followed by the supervisor's signature. An employee has the right to submit a written response to any information placed in his/her personnel file. The written response will become part of the file.

B. Medical Files

All records containing medical information, including doctor's notes, fitness for duty evaluations, drug screening tests, independent medical evaluations, FMLA notices, and pre-hire employment medical exams are maintained separately in a medical records file maintained in the City Administration office. Copies of medical records may not be kept in department files.

C. Access to Information

Employees have the right to review both their department and official employee file. The files must be reviewed in the presence of a designated staff member. Employees may be required to show picture identification before reviewing their personnel file.

An employee may authorize in writing access to his/her personnel file to his/her designated representative. Personnel files may not be removed from the office in which they are maintained. Upon request, employees may be provided copies of documents in their personnel file. Employees must pay the established public records rate for copies of documents from their personnel file. Certified copies of personnel file documents may be provided only by the City Administrator. Any requests for certified copies of personnel files must be in writing.

8.6 Discipline and Grievances

A. Discipline Authority

The City Administrator has the ultimate authority to hire and fire employees. This authority has been delegated to directors and supervisors, who have the responsibility to recommend the hiring of employees and to investigate most complaints and recommend discipline. Supervisors must administer discipline within the general guidelines described below. To ensure consistent decision-making, all disciplinary actions should be reviewed by the department director and City Administrator prior to being issued.

Directors and supervisors should maintain job performance records to document poor performance when it occurs and written records of investigations and rule infractions even when no disciplinary action is taken. Documentation of all disciplinary action, including oral reprimands, should be sent to City Administration for inclusion in the personnel file.

Nothing in this Section 8.3 confers and contractual or other right, either express or implied, to remain in the City's employ. Your employment may be terminated by the City, or you may resign, with or without reason or notice at any time.

B. General Causes for Disciplinary Action

All policies in this handbook must be followed. Violations of any of the policies in this handbook may lead to disciplinary action up to and including dismissal. The following activities or behaviors, while not all inclusive, are general causes for disciplinary action:

1. Inefficiency, incompetence, or performance of less than required duties.
2. Using intoxicants on the job or reporting for work under the influence of intoxicants.
3. Habitual or excessive absence or tardiness, or abuse of sick leave privileges.
4. Absence from duty without authorization or failure to notify a supervisor when an employee is unable to come to work or to report on time.
5. Conviction of a felony or misdemeanor when the conviction would impair an employee's effectiveness as a City employee.
6. Willful or careless violation of safety rules or policies.

7. Offensive conduct toward the public or fellow employees or other conduct unbecoming to a City employee.
8. Willful violation of the provisions of the City Charter, ordinances, or other City rules or regulations.
9. Insubordination or willful disobedience or failure to follow a lawful supervisory directive.
10. Misuse of City property.
11. Dishonesty.
12. Fraud in securing employment with the City.
13. Failure or refusal to cooperate in an internal investigation or interfering with an internal investigation.

C. Disciplinary Procedure

1. Employees Covered: The following process covers all regular employees who are not subject to a collective bargaining agreement that includes disciplinary procedures. Employees covered by a collective bargaining agreement are subject to the disciplinary procedure set forth in the collective bargaining agreement.
2. Progressive Discipline: Regular employees are normally disciplined in a progressive manner, beginning with an oral reprimand and proceeding to written reprimand, suspension, or dismissal. Alternate forms of discipline may be used when deemed more appropriate. If warranted by circumstances, higher level disciplines, including suspension or dismissal may occur without prior discipline.
3. Confidentiality of Disciplinary Actions: It is the policy of the City to treat all disciplinary actions confidentially. Information related to individual disciplinary actions should be shared only with those people who have a strict business need to know in order to assist in the processing of discipline. Specific information on an employee's discipline should be released only if the City is legally required to do so.
4. Disciplinary Suspensions, Demotions, or Dismissals of Regular Employees: With any suspension without pay, demotion, or dismissal, supervisors generally will complete an investigation of the allegation, give the employee notice of the charges, the rules or policies that were violated, and the

discipline being imposed. The employee may respond in writing and such response will remain in the employee's personnel file.

5. **Discipline for Exempt Employees:** For employees who are exempt from the Fair Labor Standards Act, any reduction of pay for violations of workplace conduct rules, including suspensions or temporary demotions, must be for one or more full work days, unless the reduction is for an infraction of safety rules of major significance. Disciplinary reductions of less than a full work day or for a mix of full and partial days are prohibited.
6. **Review of Disciplinary Actions:** Non-represented employees may grieve a disciplinary action under the City complaint procedure outlined in this handbook. Union employees may grieve under the grievance procedures set forth in their contract.

8.7 **Voluntary and Involuntary Terminations**

A. Voluntary

1. Resignation

Resignations should be submitted in writing to the employee's supervisor and indicate the date of resignation. An absence without approval or notice of leave for three (3) consecutive work days shall be considered a voluntary termination if the City determines that there is not sufficient justification for the lack of notice.

2. Retirement

Employees who plan to retire should contact the PERS office at least six (6) months prior to the retirement date for an estimate of their retirement benefits and for information about retirement procedures.

B. Involuntary

1. **Reductions in Force:** Employees may be subject to layoff due to a reduction in force in the event of circumstances such as organizational changes, lack of funds, or curtailment of work.
2. **Disciplinary Dismissal:** An employee may be terminated involuntarily for disciplinary reasons.
3. **Death:** In the event of the death of a City employee, all wages earned plus accumulated vacation, holiday, and compensatory time accrual will be paid to the surviving spouse, the dependent children, or the estate.

4. At-Will Employee: In addition to the bases set forth above, an at will employee may be terminated by the City with or without reason or notice at any time.

C. Exit Interviews

All City employees who voluntarily leave City employment should be offered the opportunity to give exit feedback. The feedback may be given in written form, in an exit interview, or both. Exit feedback and interviews are always voluntary and will be treated as confidential, unless the employee has agreed otherwise. Information from the exit feedback will be reported anonymously and in summary format to City departments.

Exit interviews will be conducted by the City Administrator or his/her designee. Supervisors are responsible for informing terminating employees about the organization's interest in receiving feedback and encouraging them to contact the City Administrator's office to arrange an interview.

D. Reference Checks on Employees

Unless a signed, written release is provided by the employee, only public information, including job title, salary range, and dates of employment, should be provided to people calling for a reference check on a current or past employee. A written release provided directly to a director or supervisor should be forwarded to City Administration for inclusion in the personnel file.

Chapter Nine - COMPLAINT/GRIEVANCE POLICY AND PROCEDURE

9.1 If an employee has a job-related complaint or problem or a dispute about the interpretation or administration of a City policy or procedure, he/she may use the following complaint procedure to resolve the issue. This procedure may be used by any non-represented employee who is not covered by a collective bargaining agreement for any employment action taken or by represented employees on matters not covered by his/her collective bargaining agreement. A union-represented employee should use the grievance procedure outlined in his/her union contract for any dispute related to the administration or application of the contract.

The City believes it is desirable to resolve problems and issues informally. Before beginning a formal complaint process, an employee should discuss the issue with his/her immediate supervisor within twenty (20) days of the event. If a problem relating to an employment action cannot be resolved informally, complaints should be processed in the following manner:

A. Step 1

If the attempt to resolve the problem informally is unsuccessful, the employee(s) may submit the complaint in writing to his/her immediate supervisor within twenty (20) days of the event, or of when the employee should reasonably have had knowledge of the event. The written notice shall include the facts upon which the complaint is based, the provision of City policy he/she believes has been violated, and the remedy sought. The supervisor shall respond to the complaint in writing as quickly as possible, but no later than ten (10) days after the complaint is submitted.

B. Step 2

If after ten (10) days from receipt of the immediate supervisor's reply, the complaint remains unresolved, the employee may submit written notice along with all pertinent written information including a statement of the complaint and relevant facts, the specific provision(s) of the City policy allegedly violated, and a remedy sought to the department director. The department director should meet with the employee within ten (10) days of the receipt of the written notice to review the facts of the complaint. The department director shall respond to the employee in writing within ten (10) days of the meeting.

C. Step 3

If the department director's decision does not resolve the complaint, it may be submitted, along with all pertinent written information, to the City Administrator within ten (10) calendar days following the Step 2 response. The City Administrator may choose to hear the complaint, may designate another City manager to hear the complaint, or may refer the complaint to an independent

neutral third party if appropriate. The City Administrator or his/her designee should meet with the employee within thirty (30) days of the receipt of the written notice to review the facts of the complaint. The City Administrator or his/her designee shall respond to the employee in writing within ten (10) days of the meeting. The decision of the City Administrator is final.

- 9.2 Any or all time limits specified in the complaint procedure may be waived by mutual consent of the parties. The employee or the City may request the extension of time. Such request will not be arbitrarily denied. Failure to submit the complaint in accordance with these time limits without a waiver will constitute abandonment of the complaint. Failure by the City to submit a reply within the specified time without a waiver will allow the employee to move the complaint to the next step.

IMPORTANT NOTE - If an employee's complaint involves an alleged violation of the City's anti-harassment/anti-discrimination policy, workplace violence policy, or an allegation of supervisory misconduct, the employee should contact their department director or the City Administrator immediately.

Table of Contents

Introduction	2
Chapter One – Definition of Employee Types	2
Chapter Two – Probation	4
Chapter Three – Hours of Work	4
Chapter Four – Salary Administration and Adjustments	7
Chapter Five – Employee Benefits	9
Chapter Six – Employee Leaves	12
Chapter Seven – Layoff & Recall	16

SECTION TWO

INTRODUCTION

This section of the handbook presents policies, rules, and expectations that define the compensation, benefits, hours, and other working conditions of all regular, non-represented employees. Departments of the City may have manuals that further define these policies and rules for the non-represented employees of the department. In addition, department manuals may address policies not included here. All non-represented employees are responsible for reading and following this section, as well as their department manual. If you have any questions about the policies or rules in this section, please ask your supervisor or City Administration for clarification. Benefits questions should be directed to Finance.

The policies, guidelines, and benefits information contained within this section are in effect as of the date this section is issued. The City reserves the right to change any policies, guidelines, rules, or benefits, including those included here, without prior notice to or consultation with employees. Any changes in policies must be in writing and approved by the City Administrator or her/his designee.

Chapter One - DEFINITIONS OF EMPLOYEE TYPES

- 1.1 Non-represented employees are those who are not represented by a labor union or association. There are three employee groups currently at the City that are non-represented: FLSA-exempt employees, confidential non-represented employees, and temporary employees.
- 1.2 Regular employees are those who are filling an authorized position for a minimum of twenty (20) hours per week.
- 1.3 Temporary employees are those who fill positions for which there is no expectation of on-going funding, for which there is no expectation of continued employment, or those that routinely work less than twenty (20) hours per week or one thousand forty (1,040) hours per year.

If an employee is hired to perform non-represented work for a period of more than 12 months and will be working a minimum of (80) hours per month, the employee should be hired into a regular position. If a position is for a specified duration, the hire letter should indicate the anticipated end date of the position.

- 1.4 Full-time employees are regular employees who work at least forty (40) hours per week for twelve (12) months per year.

- 1.5 Part-time employees are regular employees who work at least twenty (20) but less than forty (40) hours per week for twelve (12) months per year.
- 1.6 Confidential non-represented employees are exempted from joining a collective bargaining unit by the State of Oregon's public employee collective bargaining law. Confidential non-represented employees perform work that involves the administration of labor agreements, processing of grievances, and development of bargaining positions or support of senior management employees who develop recommendations or make decisions directly related to management policies in the area of collective bargaining. Confidential non-represented employees are covered by state and federal wage and hour laws and are eligible for overtime.
- 1.7 FLSA-covered employees perform work that is covered under federal and state wage and hour laws. According to state and federal wage and hour laws, work performed by covered employees in excess of 40 hours per work week constitutes overtime. There are specific provisions under the law for police officers which set a different threshold for the payment of overtime. Chapter 3 outlines the provisions of the state and federal law that apply to covered employees.
- 1.8 FLSA-Exempt employees perform duties that meet the requirements of state and federal law to be exempt from wage and hour provisions, including overtime requirements. The duties performed by these employees meet the requirements under wage and hour laws for the "administrative", "executive", "professional", or "computer professional" exemptions. Based on the exemption, the primary duty performed by an FLSA-exempt employee must include one or more of the following elements:
 - A. Predominantly performs office or non-manual work related to management or general business operations.
 - B. Duties involve the exercise of discretion and independent judgment with respect to matters of significance.
 - C. Predominantly performs work that is intellectual and varied in character, as opposed to routine mental, manual, mechanical, or physical work.
 - D. Requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual learning, as distinguished from a general academic education or from apprenticeship or training in the performance of routine mental, manual, or physical processes.
- 1.9 Supervisory employees have the authority to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, evaluate, direct, reward, or discipline employees, or to effectively recommend such action. According to wage and hour laws, a supervisory employee must supervise at least two full time employees, or the equivalent, on a

regular basis in order to be FLSA-exempt from overtime requirements.

Chapter TWO - PROBATION

Probationary periods are part of the evaluation period for determining the qualifications of new or promoted employees. It is also a time for employees to determine if the new position meets their expectations.

- 2.1 A non-represented employee who has not completed twelve (12) months of continuous employment with the City in a regular, budgeted position is a probationary employee, serves at the pleasure of the City, and may be disciplined or discharged for any lawful reason without warning or cause.
- 2.2 The City may extend the probationary period for up to six (6) months if more time is needed to assess the employee's performance; or longer in exceptional circumstances where the employee has been absent or has worked in a different capacity. To extend probation, the City must provide the employee with written notification prior to the end of the probationary period. Such documentation should also be signed by the employee acknowledging the extension. Supervisors must notify their department director and the City Administrator prior to extending a probationary period.
- 2.3 Non-represented employees who promote, or voluntarily demote or transfer to another classification serve a probationary period equal to that required of a new employee. If the City determines that the employee fails to meet the requirements for the new position at any time during his/her probationary period, the employee may be returned to the previously held classification or position, at the City's discretion, provided the employee is still qualified and the position is available. Similarly, employees who do not feel the new position meets their expectations may request to be returned to their previous held position. If the position is unavailable, the employee may be discharged without warning or cause.

Chapter Three - HOURS OF WORK

- 3.1 Regular Working Hours are eight (8) hours per day for five (5) days per week. Alternative work schedules may be established by departments such as ten (10) hours per day for four (4) days per week, as long as the schedule is in compliance with state and federal wage and hour laws.
- 3.2 **Breaks and Meal Periods**

Confidential non-represented and temporary employees must be given breaks and meal periods as follows:

- A. A rest break of at least fifteen (15) minutes for each four hour period of work, or a major portion thereof, which should be taken approximately midway in the work period. Break periods are paid time.
- B. A meal period of at least thirty (30) minutes for any shift of six (6) hours or more in length. For work periods of seven (7) hours or less, the meal period is to be taken between the second (2nd) and fifth (5th) hour. If the work period is more than seven (7) hours, the meal period must be taken between the third (3rd) and sixth (6th) hour worked. This time is unpaid as long as an employee is relieved of all duties. If an employee is required to remain on-duty during the meal period or performs any job duties during this time, the meal period will be paid time.
- C. Breaks may not be added to the meal period. Neither breaks nor meal periods may be taken at the beginning or end of the work period.

3.3 Overtime

Non-represented and temporary employees who are not FLSA-exempt are paid overtime, in accordance with state and federal wage and hour laws, for all work performed in excess of forty (40) hours in a work week, in accordance with the following procedures. Police Sergeants may earn additional overtime as specified in D. below.

- A. Employees required by the City to work overtime receive overtime compensation at one and a half (1.5) times their regular rate of pay for all overtime worked beyond seven (7) minutes. Overtime should be recorded to the nearest quarter of an hour.
- B. Temporary employees will receive overtime as paid compensation. Confidential non-represented employees may elect to receive overtime either as paid compensation or as compensatory time. Confidential non-represented employees may accumulate up to forty (40) hours of compensatory time.
- C. For purposes of overtime, the work week is defined as fixed and regularly recurring period of seven (7) consecutive 24-hour periods, or 168 consecutive hours. The work week for all non-represented employees is normally from 12:01 a.m. Sunday to midnight Saturday. The City may change the work week or establish an alternative work week for specific work sections or individuals, if these changes are designated in writing and intended to be ongoing.
- D. In addition to earning overtime on all work performed in excess of forty (40) hours in a work week, Police Sergeants earn overtime on all work performed beyond their regularly scheduled hours in a day.
- E. All employees must have supervisory approval prior to working paid overtime.

3.5 Call Back Pay

If Police Sergeants are called into duty for operational work or for court after a length of time exceeding 59 minutes from the end of their regularly scheduled shift and the time is not continuous with the beginning of their shift, they will receive a minimum of three hours of overtime.

3.5 Salary

All FLSA-exempt employees are paid on a salary basis and are not required by law to receive overtime for work beyond forty (40) hours in a week. Excluding voluntary deductions elected by the employee, only allowable deductions under state and federal wage and hour laws will be made from FLSA-exempt employee's pay.

- A. Only the following deductions will be made from FLSA-exempt employees' established salary:
 - 1. If leave accruals have been exhausted or not yet earned, deductions will be made for one or more full days of absence for personal reasons, sickness, or disability.
 - 2. Deductions will be made for unpaid leave taken pursuant to the Oregon Family Leave Act (OFLA).
 - 3. Deductions may be made for unpaid disciplinary suspension of one or more full days imposed for violation of workplace conduct rules. Deductions may be made also for discipline that is imposed for violating safety rules of major significance.
 - 4. Deductions will be made to offset payments for jury fees, witness fees, or military pay from salaries.
 - 5. A proportionate part of an employee's full salary will be paid for time actually worked in the first and last weeks of employment.
- B. If an FLSA-exempt employee has a question or concern about his/her salary status or believes that any deduction has been made from his/her pay that is inconsistent with a salaried status, he/she should immediately contact the Finance Director or the City Administrator. Any complaint will be resolved within a reasonable time given the facts and circumstances of the specific situation. If an investigation reveals that an employee was subject to an improper deduction from pay, the City will reimburse the employee and take whatever action is deemed necessary to ensure compliance in the future.

3.6 Administrative Vacation

FLSA-exempt employees are often required to work beyond their normally scheduled hours of work to complete their job duties. The City has established administrative vacation to partially compensate for this extra work. Department directors hired prior to January 1, 2010 are granted two weeks of administrative vacation per fiscal year on July 1. Department Directors hired after January 1, 2010 will be granted one week of administrative leave per fiscal year on July 1. Administrative vacation must be taken by the end of the fiscal year or it will be lost. Administrative vacation is not compensable if an employee terminates employment.

FLSA-exempt employees may, under limited circumstances, be allowed flexible scheduling when required to work beyond their normally scheduled hours. This policy does not attempt to provide full compensation for all hours worked in excess of the forty (40) hours work week.

Chapter Four - SALARY ADMINISTRATION AND ADJUSTMENTS

4.1 Salary Setting

- A. FLSA-exempt Employees – To ensure that the City can hire and keep qualified employees; the City uses a market-based approach, considering compensation for similar jobs in comparable agencies, and evaluates internal job relationships for setting pay. The City Administrator recommends salary ranges to the City Council who has the legal authority to determine compensation for non-represented employees.
- B. Confidential Non-Represented Employees – Confidential non-represented employees' salary is set at the same or a similar range to the comparable class in the bargaining unit if one exists. If there is not a similar classification, compensation will be determined as defined above in A.
- C. Annual Adjustments – Non-represented employees may receive a general adjustment (cost of living increase) annually. The granting of the increase and the amount are recommended by the City Administrator and approved by the City Council through the budget process. The following factors are considered in determining the appropriate adjustment: the All-Cities Consumer Price Index (CPI-U) indicator, the increases given by other jurisdictions within the designated market area, the increases granted to bargaining units, and the available funds in the budget for the increase.
- D. Temporary Employees – Temporary employees are paid by the hour for all hours worked in a specific time period. When temporary employees are doing the full scope of work, supervisors can use the hourly rate on the regular employee salary

schedule. In other circumstances, supervisors should consult with City Administration to determine the appropriate rate of pay.

- E. Merit Increases – New non-represented employees who are hired at step one of the salary range are considered for a merit increase after six (6) months of employment and every twelve (12) months thereafter. New non-represented employees who are hired above step one of the salary range are considered for a merit increase after twelve (12) months of employment and every twelve (12) months thereafter. Merit increases are not automatic and are dependent upon the employees' performance.

4.2 Experience Pay

Regular non-represented employees who were hired prior to July 1, 2008 and who have at least five (5) full years of experience as of November 1 receive experience (longevity) compensation pay according to the following schedule. Payment will occur annually and will be prorated on each pay check beginning with the first paycheck after November 1.

<u>Full Years of Service</u>	<u>Full-Time Employees</u>	<u>Part-time Employees</u>
5 to 9 years	\$600	\$300
10 to 14 years	\$1,200	\$600
15 to 19 years	\$1,800	\$900
20 or more years	\$2,400	\$1,200

4.3 Acting-in-Capacity For Non-Represented Employees

- A. Employees receive acting pay when they assume the duties and responsibilities of a higher classification for a temporary period of time. The employee must perform the full scope of work and meet the minimum qualifications for the assigned classification.
- B. Non-represented employees who are acting in the capacity of a higher classification receive a five percent (5%) increase or are paid at least the first pay step of the acting-in-capacity range, whichever is greater. If the acting-in-

capacity duties are significantly higher than the regularly assigned duties, non-represented employees may receive a larger adjustment, but not exceeding the top step of the acting-in-capacity range. Increases of greater than five percent (5%) must be approved by the City Administrator.

- C. The pay increase is effective after fifteen (15) consecutive workdays of assignment in the higher classification. If the acting assignment is for more than fifteen (15) consecutive workdays, acting pay starts on the first day of the assignment.
- D. Acting-in-capacity assignments must be made in writing by the proper appointing authority.

4.4 **Additional Compensation for Sworn Police Employees**

A. Certification Pay

Effective February 1, 2011, sergeants will be paid additional pay for holding certifications from the Oregon Board of Public Safety Standards and Training (BPSST) as follows, paid on a pro-rated basis each pay period:

- Intermediate Certification - Three percent (3%) of base salary
- Intermediate and Advanced Certification - Four percent (4%) of base salary
- Supervisory Certification - Four and one half percent (4.5%) of base salary

Sergeants who received certification pay before February 1, 2011 will not experience a reduction in the amount of certification pay as a result of percentages set forth above. These sergeants will continue to receive the amount of certification pay that they were receiving as of February 1, 2011, until the formula results in an increase to the amount of their certification pay.

The Police Chief will receive \$220 per month for holding an Executive Certification.

B. On-Call Pay

Sergeants will be paid \$75 per pay period for being on an on-call pay status.

Chapter Five - EMPLOYEE BENEFITS

5.1 Group Health Insurance

The City provides health, dental, and vision insurance for regular employees and their

dependents to cover non-occupational injuries and illnesses. Employees may enroll their registered domestic partners and the domestic partner's eligible dependents.

- A. Eligibility for Coverage – Employees who are in a paid status for at least eighty (80) hours in a month will be eligible for coverage for themselves and their dependents in the following month. Overtime hours worked or hours of leave received as a lump sum (e.g. cashed out) will not count toward the eighty (80) hour requirement for insurance eligibility.
- B. Employee Contribution –Effective January 1, 2009, the City will pick-up the first twelve percent (12%) of any premium increase for the insurance program in any calendar year. Any premium increases in any calendar year above 12% will be shared equally (50/50) between the City and the employee.
- C. Types of Benefits – The City currently provides coverage through Oregon Teamsters Employers Trust G/W Plan with Dental 6, Vision 4, and the Kaiser option.
- D. Health Care Coverage For Employees Over Age 65 – Medicare-eligible employees will continue to be covered under the City-sponsored plan of their choice. In addition, they may also enroll in Medicare to help pay remaining eligible expenses. The City does not pay Medicare premiums.

5.2 **Group Life and Accidental Death and Dismemberment Insurance**

- A. Regular non-represented employees who work at least 35 hours per week are covered by a group life and accidental death and dismemberment (ADD) insurance plan. The cost of the insurance is split between the employee and the City.
- B. Eligibility begins the first of the month following thirty (30) consecutive days of qualifying employment.
- C. The scheduled amount for each benefit is one and a half (1.5) times the employee's current annual base salary rounded to the nearest thousand dollars, up to a maximum of \$75,000. Eligible dependents will receive a \$2,000 benefit.
- D. Employees may purchase additional life insurance coverage for themselves or their dependents through payroll deductions.

5.3 **Long Term Disability (LTD)**

- A. Regular non-represented employees who work at least 35 hours per week are provided with a City paid long-term disability benefit.

- B. Eligibility begins the first of the month following thirty (30) consecutive days of qualifying employment.
- C. Benefits will begin accruing after ninety (90) days of total disability and will be administered in accordance with the plan.
- D. Employees' LTD coverage ceases at the end of the month in which they terminate employment.

5.4 **Workers' Compensation**

- A. The City provides workers' compensation benefits in accordance with state law for all non-represented employees for injuries or illnesses arising out of, and in the course and scope of, employment with the City.
- B. The Oregon's Workers' Compensation system does not always compensate an injured worker for the first three days of time loss and limits the weekly temporary disability benefit when the injured worker is unable to work. Also, it does not compensate an injured worker for time away from work to seek medical treatment. The City of Fairview supplements the Workers' Compensation Temporary Disability benefits of regular non-represented employees to ensure that they receive benefits equal to 100% of their normal take-home pay, using the employees' accrued leave. Employees who have exhausted all accrued leave will not receive this supplemental benefit.
- C. When an employee receives workers' compensation benefits, he/she should turn over the insurance payment to the City and in-turn, the City will pay the employee his/her regular salary. After the first 30 calendar days of absence, deductions from the employee's sick leave and other leave banks, as appropriate, will be made automatically to make up the difference between the workers' compensation payment and the employee's regular salary.
- D. Visits to medical providers during non-work time are not compensated by the City.

5.5 **Deferred Compensation**

Regular non-represented employees are eligible to participate in the deferred compensation program established by the City only a voluntary basis.

5.6 **Retirement**

- A. The City participates in the public employee retirement plans for employees established in ORS Chapter 238 and ORS 238A, and in effect as of the effective date of this policy. The retirement benefits provided will be those defined in ORS

Chapters 238 and 238A and may change at any time if the statutes or administrative rules governing the public employee retirement plans are changed.

- B. The City will make employer contributions to the plans as required by law.
- C. As of the date that an employee becomes a member of the public retirement plans' Individual Account Program (IAP), the City agrees to pay six percent (6%) of each eligible employee's salary, as defined by ORS Chapter 238A, as the employee's contribution to the employee's IAP account. Under applicable retirement law and administrative rule, this money continues to be the employee's money to which he/she is entitled upon retirement or withdrawal from the IAP.

5.7 Cellular Phone Allowance

A cellular phone allowance of \$75 may be provided for a non-represented employee in lieu of a City cellular phone, under the following guidelines:

- A. The supervisor has determined there is a business need for the employee to use a cellular phone for work-related purposes;
- B. The cellular phone allowance is a viable and cost effective option for the City; and,
- C. The employee agrees to the phone allowance and understands he/she is responsible for the purchase of the phone and accessories, all maintenance fees, and the cost of the phone service.

Chapter Six - EMPLOYEE LEAVES

6.1 Sick Leave

Sick leave is a form of insurance given to reduce the financial burden for employees of non-occupational illnesses and injuries.

- A. Regular non-represented employees accrue sick leave at the rate of eight (8) hours per calendar month of service. Regular non-represented part-time employees accrue at a rate of four (4) hours per calendar month of service. Sick leave will accrue each pay period on a pro-rated basis, based on regular hours of work and paid leave.
- B. Sick leave may be used for personal illness and injuries, for family illness, and for qualified family medical and parental leave. Sick leave may also be used for medical, dental, and eye exam office visits, as long as employees obtain approval from their supervisor in advance of the appointment. If possible, employees

should schedule appointments during off-duty hours. If medical appointments must occur during working hours, employees may flex the time within the work week rather than use sick leave with supervisory approval.

- C. Sick leave is not allowed for disabilities resulting from employment other than with the City.
- D. Sick leave is not allowed for injury or illness that is compensable under Workers' Compensation, except as provided for under that provision.
- E. An employee requesting time off due to non-occupational illness or injury or for a medical appointment must charge the time to his/her sick leave accrual. If an employee has no sick leave time accrued, he/she may elect to charge the time to other paid accruals or to be placed on leave without pay.
- F. Illness in the Family - Either concurrent with or in addition to qualified leave time under state law, non-represented employees may use sick leave because of an illness of a family member when the employee's presence is required for the care of the family member. Family member for purposes of this provision is defined as the employee's spouse, children, parent, parent-in-law, legal dependents, or other individuals living within the employee's personal household. Family member also includes domestic partner and the equivalent family relations for employees who are in a registered domestic partner relationship.

6.2 **Holidays**

- A. Regular, non-represented employees, other than Police Sergeants, are paid for each designated City holiday provided they work the last scheduled work day before and the first scheduled work day after the holiday or are on authorized leave with pay for both of these days.
- B. In addition to designated holidays, employees are granted one floating holiday per fiscal year. Employees hired less than six (6) months before the end of the fiscal year will not be entitled to a floating holiday until the following fiscal year. Floating holidays must be used during the fiscal year or they will be lost.
- C. Holiday pay for full-time, regular employees is eight (8) hours. Holiday pay for part-time, regular employees shall be prorated to their regular work schedule. Employees normally scheduled to work on the day of the holiday for more hours than their holiday hours must use paid personal leave (e.g., vacation or comp time) for the additional hours scheduled or, if no paid leave is available, take leave without pay. Employees may flex the time during the work week with supervisory approval.
- D. Holidays which occur during vacation or sick leave are not charged against the

leave.

- E. Non-represented employees covered by federal and state wage and hour laws who are required to work on a holiday will be compensated for all hours worked on the holiday at 1-1/2 times their straight-time rate in addition to holiday pay.
- F. Police Sergeants are granted personal holiday leave at the rate of ninety-six (96) hours per year. A prorated amount of leave will be accrued each pay period, based on regular hours of work and paid leave, up to a maximum accrual of the annual accrual rate.
- G. Upon termination, employees will be paid all accrued leave.

6.3 **Vacation**

- A. Regular non-represented employees accrue vacation based on their length of service with the City. Vacation is accrued each pay period on a pro-rated basis, based on regular hours of work and paid leave.
- B. To be eligible to use or be paid for vacation time, non-represented employees must be employed for six (6) continuous months from date of hire.
- C. The following shows vacation accrual for full-time non-represented employees other than directors:

Years of Service	Yearly Accrual
Less than 3	80 hours
3 but less than 4	88 hours
4 but less than 5	96 hours
5 but less than 7	104 hours
7 but less than 9	120 hours
9 but less than 12	128 hours
12 but less than 14	136 hours
14 but less than 16	144 hours
16 but less than 18	160 hours
18 but less than 22	168 hours
22 but less than 25	176 hours
25 or more years	200 hours

Vacation accrual for part-time non-represented employees is half the amount set forth above on a pro-rated basis, based on regular hours of work and paid leave.

D. Directors accrue vacation at the following rate.

Years of Service	Yearly Accrual
Less than 6 months	80 hours
5 months to 2 years	120 hours
2 but less than 5	128 hours
5 but less than 7	136 hours
7 but less than 9	144 hours
9 but less than 11	160 hours
11 but less than 15	168 hours
15 but less than 18	176 hours
18 or over	200 hours

E. Employees cannot have a negative vacation balance. Employees who do not have enough vacation time accrued, but still need time off, should use accrued compensatory time, holiday time, or take leave without pay.

F. Employees may accumulate vacation up to the maximum accrual limit of twice their current annual vacation accrual rate.

G. Employees' accrued vacation is paid upon termination. Employees who terminate prior to eligibility to use vacation will not receive payment for any vacation accumulation.

H. Employees should schedule vacations in advance, subject to supervisory approval. Supervisors should consider the departmental work load and seniority before approving vacations.

6.4 **Bereavement Leave**

A. In the event of a death of an employee's family member, a regular employee may be granted up to three (3) days leave with pay. Five (5) calendar days may be granted when significant travel is required. Bereavement leave will be pro-rated for part-time employees.

B. For purposes of this leave, family is defined as: spouse, child, step-child, son or daughter-in-law, parent, parent-in-law, sibling, brother or sister-in-law, grandchild, grandparent, or other individuals living within the employee's personal household. Family also includes domestic partner and the equivalent family relations for employees who are in a registered domestic partnership.

C. The City Administrator may grant exceptions to both the limitations on the length and the definition of family based on the situation. Bereavement leave in excess of the above limits will be deducted from sick leave accrual, or in the absence of

accrued sick leave, vacation or other paid leave accruals.

- D. Up to four (4) hours leave may be granted should employees serve as a pallbearer at a funeral for other than a family member as defined above.
- E. Up to four (4) hours leave may be granted to employees to attend the funeral of a co-worker.

6.5 **Leave Without Pay**

- A. Employees may be granted a leave of absence without pay for up to one year if circumstances require an absence from work for which the employee does not have sufficient leave accrual. The request must be in writing and should be submitted to the City early enough to allow reasonable time for review. Examples of reasons for leave of absences include illness, educational opportunities, parental responsibilities arising from birth or adoption, and family illness. Leave requests of 40 hours or less must be approved by an employee's department director. Leaves over 40 hours must be approved by the City Administrator.
- B. Leaves of absence may not be granted if they have a significant effect or impact the operations of the City. Leave of absence will not be granted if an employee has accepted regular on-going employment with another employer. Leave without pay is normally granted only after the employee has exhausted all appropriate leave.
- C. Employees who are on leave of absence, other than those on qualifying family medical leave (FMLA) and who do not work a minimum of eighty (80) paid hours in a month will no longer be eligible for City-paid insurance.
- D. Employees on leave without pay will not accrue sick leave, vacation or holiday leave. Additionally, employees who are on leave without pay for one month (30 days) or longer will have their seniority, leave accrual rate, and merit date adjusted to reflect the time away, unless the leave is due to military leave, family medical leave, workers' compensation, or other statutorily protected leave.

Chapter Seven – LAYOFF & RECALL

7.1 **Reduction in Force**

Employees may be subject to layoff due to a reduction in force in the event of circumstances such as organizational changes, lack of funds, or curtailment of work. The following provisions apply to the layoff of non-represented employees other than those who are at-will employees (e.g., department directors, probationary employees,

and temporary employees).

- A. When eliminating non-represented positions, the determination of which employees will be retained and which will be laid off will be made within classifications within a department. If there is more than one non-represented employee within a classification in a department, the retention and layoff will be determined based on an assessment of the following job-related criteria:
 - 1. knowledge of the program, department, organization, and profession;
 - 2. skills, including any special skills or certifications;
 - 3. relevant background (education and experience);
 - 4. documented performance; and
 - 5. length of service.
- B. Department directors will complete an initial determination of who will be laid off and forward it to the City Administrator for approval.
- C. Except in the event of an emergency, employees will receive a minimum of 30 days notice of layoff.

7.2 Recall

- A. Non-represented employees who have been laid off will be eligible for recall to their former classification for a period of 18 months. If multiple employees are eligible for recall to the same position, recall will be determined based on a review of job qualifications and seniority.
- B. Employees eligible for recall are required to maintain a current address and phone number with City Administration.
- C. The City will send notice of open positions by registered mail to the last known address of eligible employees. The notice will instruct people to notify City Administration of their interest in the position within seven calendar days. If they do not, they will forfeit their recall rights.
- D. All personal leave accrual accounts that are due to employees at the time of lay off (vacation, personal holiday, and comp time) will be paid off with the final pay check. If an employee is recalled within the 18 month period, the sick leave accrual amount at the time of layoff will be restored. Also, the employee will be given credit for the time of layoff as years of service for benefit accrual purposes.