



CITY OF KEIZER

**PERSONNEL POLICY
MANUAL**

Effective: May 1, 2010
(Wireless Phones Policy updated 6/15/15)

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INTRODUCTION

Welcome to the City of Keizer! We are pleased you have made the decision to join our team. Please familiarize yourself with the information provided in this manual as it is a critical component of your success as a City of Keizer employee. Should you have any questions about any of the information, please contact your Supervisor, your Department Director or the Human Resources Department. We are glad you are here!

APPLICATION

- These Personnel Policies apply to all City employees as well as City Councilors conducting City-approved business regarding Travel Policy or asked to provide a reference in their capacity as City Councilor (Employee Resignations and Terminations Policy). References to “us,” “we,” and “our” refer to the City as represented through the members of the management team acting in the course and scope of their positions.
- In the event of a conflict between these policies and any valid collective bargaining agreement, City ordinance, state, or federal law, the terms and conditions of the labor contract, ordinance, or law will take precedence.
- There may be more strict department-specific guidelines (such as call in procedures and scheduling timeline requirements) that apply to employees in those departments due to the nature of the work in those departments. In such cases, the Department Director will ensure each employee is aware of such guidelines through the provision of operating procedures, updates, staff meetings or other such communication tools.
- In addition to the policies in this manual, due to the unique demands and considerations faced by those who are employed in law enforcement positions, the Keizer Police Department maintains a comprehensive Keizer Police Department Policy and Procedure Manual. That manual describes the City's expectations for Keizer Police Department staff in greater detail. All employees who work in our police department are required to conform their behavior to the standards and policies contained in that manual as well.
- In the event of the amendment of any ordinance or law or the passage of a new ordinance or law, the City will apply these policies in a manner that conforms with applicable changes, pending necessary revisions to this Manual.
- Except as may be approved in writing by the City Manager, no employee or representative of the City has the authority to enter into an employment agreement for any specific term or to bind the City to any term or condition of employment not provided for in these policies or the Keizer Police Department's Policy and Procedure Manual.
- These policies supersede all personnel policies, manuals and resolutions published prior to the effective date of this manual. Nothing contained in this material should be construed to create contractual rights.

EMPLOYEE AND MANAGEMENT RESPONSIBILITIES

These policies have been established to assure consistent application of employment standards according to federal, state and local laws and general best practices.

- It is the responsibility of each employee to become familiar with and to abide by these policies at all times.
- It is the responsibility of each Department Director and Supervisor to be familiar with and administer these policies in a consistent and impartial manner.
- It is the responsibility of each Department Director and Supervisor to ensure employees are provided with information on any department-specific guidelines that may be stricter than those listed in this manual.
- It is the responsibility of the Human Resources Department to provide guidance, assistance, support and interpretive aid to each Department and to individual employees, as needed.
- Further, it is the responsibility of the Human Resources Department and the City of Keizer Leadership Team to monitor these policies to promote citywide consistency and fairness.

In addition, employees are reminded that all members of the City's Management Team maintain an "open-door" policy. We encourage employees to contact any Management Team member at any time if they have any policy or work-related questions or concerns.

AMENDMENTS

The City reserves the rights to modify, revoke, suspend, terminate, or change any or all policies, in whole or in part, at any time, with or without notice. The City Manager may vary or modify the strict application of the provisions of these policies and procedures in any case in which the City Manager determines that strict application would result in practical difficulties or unnecessary hardships. Any such variance shall not establish a precedent.

GENERAL POLICIES AND WORKING CONDITIONS

It is your responsibility to use common sense, sound judgment, and to conscientiously discharge your work duties, while abiding by the City's policies and management directives in the performance of your job. This means all employees are expected to become familiar with and keep informed of changes in our safety rules, operational policies, etc. In the event you have questions about your position, your employment status, your job requirements, the policies that apply to your position or any other matter, please discuss your questions with your Supervisor, Department Director or the Human Resource Director.

COOPERATION AND TEAMWORK

We believe that teamwork is the foundation of a successful employment relationship. We expect employees to be cooperative, polite and positive in relations with co-workers, management, clients, other City staff, and the public. We consider cooperation and teamwork to be independent job requirements for all employees and we expect all our employees to comply with this policy. In order to do so, all employees must comprehend how their role interrelates with the role of others in carrying out their functions and be cooperative in accomplishing City goals. If you have questions regarding your role in relation to teamwork and cooperation, please discuss this with your Supervisor during your initial orientation period.

ATTENDANCE AND TARDINESS

Part of being a good employee is to be dependable. Your punctuality and regular attendance are essential for efficient operations and customer service. If you know in advance that you are going to be unavoidably late or absent on a particular day, you must obtain approval from your supervisor in advance so that substitute arrangements can be made to cover your work. If you must be unexpectedly late or absent on any day that you are scheduled to work, regardless of what the reason may be, you are expected to call your supervisor as soon as possible, but no later than one hour before your regular starting time. If you cannot reach your supervisor directly at work, you must leave a message on your supervisor's office voicemail. This will be enforced unless the City determines that extenuating circumstances existed. Individual Department Directors may institute more strict reporting guidelines and, if so, will provide those guidelines to employees in their department.

If you can't report for work, please let us know in advance. Notice of the absence or tardiness is the personal responsibility of each employee. Do not rely on others to communicate for you.

If you fail to report to work or call in (no-call/no-show) for three (3) consecutively scheduled work shifts, we will assume that you have voluntarily resigned your position and your employment will be terminated, unless we determine special circumstances existed to excuse the lack of notice.

DRESS CODE AND PERSONAL APPEARANCE

Public relations are an integral part of each City employee's job. As a result, all employees are required to arrive to work neatly groomed and wearing clothing that is clean and appropriate for their position as a public service employee and in relation to their particular work assignment. Your supervisor will advise you of any specific dress code requirements for your position. In the event a concern arises, the City will make the final determination regarding what is appropriate dress for our workplace. Employees arriving for work with an appearance that significantly disregards our standards may be asked to return home for immediate correction. If you have any questions regarding the specific standards for your job, please contact your supervisor.

PERFORMANCE EVALUATION

The Performance Evaluation Program is intended to promote a common understanding of individual work objectives and standards of acceptable performance. The performance evaluation will be based on established factors and developmental objectives will be set to improve performance and reward meritorious performance.

Employees shall receive continual feedback during the probationary period and a written performance evaluation upon successfully completing the probationary period. Thereafter, each employee shall receive a written performance evaluation annually corresponding with a performance year of July 1 through June 30. Employees may be evaluated more frequently at the discretion of the supervisor.

Department Directors shall approve all employee performance evaluations and submit to the Human Resources Director upon successful completion of an employee's probationary period and annually thereafter as described above. Merit increases will not be processed until supporting performance evaluations are received. Performance evaluations may be submitted as often as deemed necessary by the Department Director to provide information to an employee regarding performance as long as one is completed during the annual period.

PERSONNEL FILES AND RECORDS

All official personnel records will be maintained in the Human Resources Department. Personnel records will contain information on each City employee to meet state and federal legal requirements and to assure efficient personnel administration. Medical records are retained in a confidential file that is physically separate from the official employee personnel file as prescribed by the Americans with Disabilities Act of 1990 and the Health Insurance Portability and Accountability Act (HIPAA). No information that, in the City's judgment, reflects critically upon an employee shall be placed in the employee's personnel record without the employee's knowledge.

Changes: An employee is responsible for ensuring that personal information (legal name, address, telephone number, person to call in case of emergency, etc.) are up-to-date. Changes must be reported to the Human Resources Department within 30 days. Department Directors may institute earlier notification timelines for some items to address operational needs and, if so, will provide those timelines to employees in their department.

Review of Files: Employees may review their files in the Human Resources Department during regular City office hours. Supervisors will have access to the employee personnel files of their subordinates. Personnel records will leave the Human Resources Department only under the procedures established by the Human Resources Department.

Removal: An employee may request removal by the City Manager of documentation of oral warnings and reprimands after 24 months, unless otherwise noted. Consideration shall be given based on compliance with minimum retention periods required by law, the employee's performance and the continued relevance of the documentation, as recommended to the City Manager by the employee's Department Director and approved by the City Manager. Warnings and reprimands that are removed from an employee's personnel file will not be used against an employee for the purpose of progressive discipline, but may be used by the City in civil, administrative and arbitration proceedings for the purpose of establishing consistency of disciplinary action; lack of discrimination and compliance with legal obligations.

ETHICAL STANDARDS

Because caring for and tendering the public trust is of critical importance, managers and employees are bound by a code of ethics that guides their actions on a daily basis known as the City of Keizer Professional Code of Ethics. These ethical standards are listed below.

Note: Items 11 and 12 apply to managers only.

City of Keizer Professional Code of Ethics

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that Professional General Management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that you may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the staff.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in election of the members of the governing body.
8. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

9. Resist any encroachment on professional responsibilities, believing you should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
10. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern your decisions, pertaining to appointments, pay adjustments, promotions, and discipline.
12. Make it a duty to continually improve your professional ability and to develop the competence of employees in the use of management techniques.

Gifts & Gratuities

City employees are to treat their office as a public trust. As one safeguard for that trust, employees must conform to the ethical standards described in the Oregon Government Ethics law (ORS Chapter 244) and conduct themselves in a manner that is consistent with the City's Professional Code of Ethics (as listed above).

Keeping the following principles in mind will help employees avoid an ethics problem:

- Employees are not permitted to receive a personal financial gain or avoid financial detriment that would not otherwise be available but for their position as a public employee.
- Employees are expected to recognize the possibility of a potential or actual conflict of interest and disclose the conflict, in writing, to their supervisor and the Department Director.
- Employees are expected to conduct themselves in a manner to avoid the appearance of impropriety. Conduct that could appear dishonest to a reasonable observer will undermine the public trust even if the conduct is not illegal.
- Employees are expected to report conduct that may be unethical to their supervisor, Department Director or Human Resources.

POLITICAL ACTIVITY

Political activity is as defined in **ORS 260.432** which states that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours." In addition, the City of Keizer does not allow such activity using City equipment, on City property or in City uniform at any time (working hours or personal time). This section does not restrict the right of a public employee to express personal political views as referenced below.

Personal Political Views

City employees may express personal political views, such as during a personal conversation with a colleague, even while on the job during working hours as long as it does not interfere with the job. City employees may campaign for or against political parties, ballot measures, signatures, or candidates while on their own time outside of working hours except as noted in the City of Keizer Professional Code of Ethics (Item #7). City employees may not use city resources for any type of political activity, including but not limited to, interoffice mail, telephone, FAX machine, Internet, email or photocopy machines.

Requiring others to Engage in Political Activity

ORS 260.432(1) prohibits any person from requiring, coercing, or commanding a public employee to engage in political activity, even if that activity would occur on the employee's own time off the job. City employees may not be required by an elected official, non-elected public employee or any other person to engage in any political activity, regardless of whether the activity itself would be lawful or unlawful.

Providing Information about Ballot Measures

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

Placing Posters, Notices, or Bumper Stickers

City employees may not hand out, or display on City property or on City vehicles, posters, bumper stickers, announcements of campaign events, or similar campaign materials promoting or opposing a candidate or ballot measure. Display of support or opposition for particular candidates or ballot measures on bumper stickers on personal vehicles parked on City property is not a violation of this policy.

Campaigning, Soliciting Funds/Assistance and Distributing Literature

Campaigning or soliciting campaign funds or assistance is prohibited during working hours or on City property. Distributing campaign literature is prohibited during working hours or on City property. City employees may not use City resources such as interoffice mail, telephone, fax machines, Internet or copy machines in support or opposition to a candidate or ballot measure.

OUTSIDE EMPLOYMENT

Generally, we have no objection to employees holding other jobs or being self-employed as long as:

- You are able to meet performance, attendance, overtime and other requirements of your job at the City; and
- Your off-duty work activities do not, in our view, interfere with or negatively reflect on the interests and reputation of the City.

In order to avoid misunderstandings, you must submit a memo addressing the items above and obtain written approval from your Department Director for any outside employment. This step is not, however, required if you are engaged in incidental income generating activity during off-duty hours, such as engaging in home-based sales or on-line auctions (i.e. selling Avon, Tupper Ware or other products or services; selling items on eBay, etc.). A copy of the memo is then to be forwarded to the Human Resources Department to be maintained in your personnel file. You must also provide notice to your Department Director of any material changes in hours or duties you are required to maintain in outside employment and request and receive written approval for such a change. Please contact the Human Resources Department if you have any questions about whether you are required to submit a memo and obtain written approval.

TRAVEL

Many positions at the City require employee to drive as part of their work. Employees who are covered by Department of Transportation regulations (those with Commercial Driver's Licenses as part of their jobs) are required to comply with all aspects of those regulations. All employees who operate City vehicles or use their own vehicles for City business are required to abide by the following rules:

Driver's License and Insurability

Employee's whose job requires the use of a City vehicle or their own vehicle must maintain a current and valid Oregon driver's license, including a valid Commercial Driver's License if required in your job duties. All such employees are required to immediately report any suspension, revocation or limitation on driving privileges that affect their ability to perform their job duties to the Human Resources Department.

Employees driving their personally owned vehicle for City business must maintain the state required liability insurance minimums. The City does not assume liability for losses or liabilities to an employee as a result of their use of their personal vehicle for City business. Your private insurance will be the primary coverage for liability, property damage or other loss if you drive your own vehicle on City business. Therefore, it is important for you to maintain adequate insurance and drive safely at all times.

Use of City and Personal Vehicles

Only employees who are properly licensed, insured and have been authorized in writing by their supervisor are permitted to drive City vehicles. Likewise, only authorized passengers are allowed to ride in City vehicles and other vehicles while in use for City business.

Authorized passengers are:

1. City employees conducting City business;
2. Officers and agents representing the City;
3. Volunteers acting on behalf of the City;
4. Vendors and contractors working on behalf of the City;
5. Participants in official City business, training, tours and programs;
6. Representatives of other governmental agencies working with the City;
7. Anyone with prior authorization by the Department Director or with specific authorization by the City Manager. As an example, specific authorization would be provided by the City Manager in situations when the City can be of significant service to members of the public by providing transportation (i.e. transporting a mother and child to a nearby garage when their vehicle broke down or providing a ride to a senior citizen during an extremely hot afternoon).

Compliance with the Law, Traffic Violations, and Good Judgment

All employees who drive on behalf of the City are expected to use good judgment and caution in the operation of the vehicle, and they are also expected to be aware of and comply with all applicable traffic laws and regulations at all times. This includes using safety belts for drivers and passengers at all times. The City does not pay for employee traffic or parking violations. If you receive a traffic or parking citation while using any automobile on City business, you are responsible for all fines, court costs, leave from work, etc.

Reporting Accidents and Traffic Citations

If while on City business you are involved in any accident, traffic citation, parking citation or damage, however small, you must immediately report it to your supervisor and City Risk Management. In addition, you may be required to fill out one or more forms in relation to the incident. This applies to all types of accidents and damage, including damage to the property of clients, and others, as well as City property and equipment. Employees are expected to cooperate fully with City accident and damage investigations.

Also, if you are required to drive as part of your job and are involved in an accident or receive a traffic citation which results in a limitation of your driving privileges, you must immediately report your limitations to your supervisor. The City will determine what action is appropriate depending on the circumstances and degree to which your limitations interfere with your ability to perform your job duties.

Out of Town/Overnight Travel

Authorized travel shall be conducted in the most efficient and cost-effective manner resulting in the best value for the City. Management will determine the necessity, available resources, and justification for the need for and the method of travel and related expenses. Prior to incurring any costs and/or traveling on City-approved business, you must obtain approval from your supervisor, utilizing the appropriate travel forms available in the City of Keizer Travel Packet. Upon return, you must also submit all appropriate post travel forms as detailed in the City of Keizer Travel Packet.

Meals and Incidental Expenses

In addition to City employees, this section applied to City Council and other volunteers approved to receive paid meals and incidental expenses.

Meal reimbursements are subject to federal and state laws, including Internal Revenue Code regulations. If you are traveling out-of-town on City-approved business, you may request to receive either a meal and incidental expense per diem based on federally established rates (acronym for per diem is M&IE), or you may request reimbursement based on your actual costs. However, actual costs are limited to the full M&IE allowance and detailed receipts are required.

The maximum per diem rates include a fixed allowance for meals and incidental expenses, the M&IE rate, or fraction thereof, is payable to the traveler without itemization of expenses or receipts. Per Diem is distributed only when overnight travel is required or excessive hours of work are required. Generally, the applicable maximum per diem rate for each calendar date of travel is determined by the location of lodging for the traveler.

An updated list of M&IE rates for travel is available by specific region on the General Services Administration website (www.gsa.gov). In addition, if the destination is not available on the GSA list, GSA maintains a standard rate for the continental United States (CONUS). More information regarding rates and how to determine what applies in each travel situation is available in the City of Keizer Travel Packet.

For each reimbursable meal, the City will use the following percentages in adjusting per diem: 25% of the daily per diem for breakfast, 25% of the daily per diem for lunch, and 50% of the daily per diem for dinner. These percentages are applicable to meals that occur during travel time to and from destination. In addition, adjustments to a per diem will be made if a meal is provided by a conference/meeting or hotel. Continental breakfast is not considered a meal.

The City will use the same percentages in adjusting a per diem based upon the meals provided by conference/meeting or hotel. Total reimbursement is limited to the full day M&IE allowance.

As mentioned, you may request to receive reimbursement for actual cost of meals in accordance with this policy, but reimbursement shall not exceed the per diem as specified on the GSA website. An itemized receipt listing the food items purchased must accompany all reimbursement requests. Meal reimbursements are not available when meals are served as part of a conference or training or otherwise provided. In addition, the City will not reimburse for alcoholic beverages.

Business Meeting Related Meals

For the purpose of this policy, a “Business Meeting” has an agenda, a formal speaker, or is where official business is conducted. Business meals purchased at business meetings must be approved by the City Manager or designee prior to reimbursement. A “Business Meal” generally occurs at professional or organizational meetings or when there is a scheduled speaker at a conference or training and the meal is not already covered in registration.

Examples that do not qualify as a “Business Meal” are when a group of attendees gather to eat lunch and may or may not discuss the training, or when you are “on your own” for your meal during a day-long training or conference.

Gratuities

Gratuities, not exceeding 15 percent (15%) of the cost of the meal, shall be considered part of the actual cost of a meal. Gratuities shall not be separately reimbursed. Detailed receipts identifying the food purchased as well as the gratuity must accompany any request for reimbursement if employee has not requested to receive per diem.

Lodging

Lodging is allowed only for travel on official City-approved business that involves an overnight stay. Lodging will be allowed at the actual cost for single room rate. Lodging must be booked at government or commercial rates for single occupancy rooms (or double occupancy if shared) unless unavailable. If you are accompanied by anyone other than a City employee or volunteer, you will be responsible for the additional costs.

Incidental Expenses

If you do not request per diem, incidental expenses that are necessary and related to travel may be allowable. All such costs will require a receipt detailing the goods and services to be reimbursed. Incidentals are intended to include miscellaneous costs associated with travel such as tips for baggage handling, phone calls to home, etc.

Parking

The City will pay for the cost of parking while you are on City business. Extended time parking at airports, etc. should be avoided where possible. Receipts are required.

Mileage Reimbursement

Employees who incur mileage costs for approved travel on behalf of the City must submit the appropriate travel form from the City of Keizer Travel Packet to their supervisor for review and approval. Reimbursement will be made at the established IRS rate at the time of travel. Reimbursement will be made only for pre-approved travel, and will not include travel to and from work.

Taxi, Shuttles, and Rental Car Expenses

Taxi expenses are considered reimbursable expenses when Shuttle services do not effectively meet the needs of travel. Use of shuttle services available through the airport and/or conference is encouraged when available. Rental cars are not considered a reimbursable expense, unless such cost can be justified by an equitable reduction in the cost of lodging or transportation.

Travel Advances

An employee may request to receive per diem in advance of travel. Travel advances, including per diem advances, are available to you by submitting the appropriate travel forms identified in the City of Keizer Travel Packet at least two weeks prior to your departure. All travel advances must be approved by your supervisor prior to funds being advanced. Per diem advances excluded, all other travel advances will require submittal of itemized receipts of actual expenses. Any unused portion of the travel advance must be returned to the City. Employees receiving per diem advances must submit documentation supporting the dates and times of travel. Any discrepancies will be reconciled upon return and submittal of appropriate forms identified in the City of Keizer Travel Packet.

CITY-ISSUED CREDIT CARDS

Employees are generally encouraged to pay for City related business transactions through regular accounts payable procedures rather than with credit cards. However the City may issue credit cards to selected employees to facilitate City related business transactions. Credit cards are issued at the discretion of the Finance Director. Each credit card is issued in the name of the specific employee and purchases made on the card are that employee's responsibility. Therefore, no individually issued card should be shared or loaned to another employee. The City is contingently liable for all charges made to each city-issued credit card.

In general the following will be considered when determining if an employee will be provided a city-issued credit card:

- Level of responsibility within the City
- Expected frequency and duration of travel
- Likelihood of being in a time-sensitive emergency situation
- Volume and magnitude of expected purchasing transactions

When a credit card is used all documentation required in the regular payable and purchasing process will continue to be required.

Each month when the credit card statements are received by the City, they will be distributed to the respective employee who will be responsible for reviewing the statement, attaching all receipts and obtaining any necessary approvals before the statement is presented back to the Finance Department for payment.

All receipts and approvals must be received by the Finance Department within two weeks from the closing date listed on the monthly statement in order to ensure payment can be processed in a timely manner to avoid late fees. State statutes prohibit a municipality from extending credit to employees. No cardholder may procure goods or services for personal purposes. It is the responsibility of Finance Staff to verify the legitimacy of a debt prior to paying the debt. If documented and approved statements are not received by the Finance Department in a timely manner to avoid late fees, the respective credit card may be cancelled at the discretion of the Finance Director or their designee.

Employees are responsible for monitoring the credit limit on their cards and ensuring sufficient credit is available prior to using the card.

The Cardholder shall attempt to resolve disputes or billing errors directly with vendors and notify the Finance Department if a dispute or billing error has not been satisfactorily resolved. In the event discrepancies or fraudulent transactions are identified on the monthly statement, the finance department should be immediately contacted. It is the responsibility of the Cardholder to work directly with the credit card bank to resolve the discrepancy or fraudulent transaction.

Lost or stolen credit cards must be reported immediately to the Finance Department so that the card can be cancelled and a new card reissued in a timely manner.

Upon termination of employment, the credit card must be returned to the Finance Department who will then destroy the card and cancel the account with the issuing bank.

Recommended Credit Card Uses

- Emergency situations or when time is of the essence
- One time purchases for small dollar items with vendors the City will not likely do business with in the future, such as
 - ✓ Training or conference registrations
 - ✓ Airline tickets
 - ✓ Continuing education or professional certification expenses
 - ✓ Taxi or rental car while on City related travel
 - ✓ Lodging while on City related travel
 - ✓ Internet purchases where other sources are not available

Not Recommended Credit Card Uses

- Purchases from vendors in which the City has negotiated terms or an open credit account
- Meals or travel incidental expenses (now on per diem). If such charges are made on a city credit card, the employee is not entitled to per diem in exchange for refunding the city for the cost of the meal. Employees are prohibited from charging for meals and travel incidentals that exceed the per diem and will be requested to refund the difference to the city. Failure to do so may result in immediate cancellation of the card.
- Items over \$1,000
- Long term equipment rentals
- Recurring payments
- Purchases in which the City needs to have an accurate record of the vendor for tracking purposes
- Professional or contractual services

Prohibited Credit Card Uses

- Alcohol or tobacco products (even if purchased for undercover work)
- Personal items
- Entertainment related items such as tickets to sporting events and in-room movies
- Employee relocation expenses
- Meals or travel incidental expenses that exceed per diem
- Cash advances

Questions or concerns regarding the appropriate usage of city-issued credit cards should be directed to the Finance Department.

RECRUITMENT AND SELECTION

RECRUITMENT AND SELECTION PHILOSOPHY

The City of Keizer complies with all provisions of Equal Employment Opportunity laws as interpreted by the courts. Recruitment, selection and advancement of candidates are based on knowledge, skills and experience as displayed in the recruitment process. This policy establishes the framework, authority and responsibility in recruiting and selecting the most qualified candidates available. This policy applies to all vacant positions at the City of Keizer, except where language conflicts with a collective bargaining agreement.

All recruitment is to be external, open and competitive unless the City Manager determines that an open external recruitment is not practicable. The Human Resources Director, with the support of Department Directors, is responsible to ensure that all appropriate recruiting and selection policies and processes have been followed.

RECRUITMENT PROCESS

When a personnel vacancy occurs, the City Manager or Department Director advises Human Resources of anticipated staffing needs. If the staffing needs support development of a recruitment process, the following steps are taken:

- Recruitments are advertised internally and externally as appropriate to the position and method of recruitment in publications and through online job banks, and will include proper notification of Equal Employment Opportunity and Veterans' Preference.
- City employees are encouraged to apply for positions for which they feel qualified. Promotions and transfers from within the City are made when appropriate and possible. Employees interested in applying for vacant positions, and/or transferring, must notify their supervisor, and apply through the applicable recruitment process.
- All applications are collected by the Human Resources Department for screening to ensure candidates meet the minimum qualifications.
- Employment interviews are conducted for all recruitments in a panel format.
- Prior to a final offer of employment, reference checks are completed.
- Employment offers are contingent upon successfully passing a drug screening and may require an acceptable driving record, physical and/or psychological evaluation, credit history check, criminal history check and background investigation, depending on the position being filled.
- Except as governed by collective bargaining agreement, employment offers are then negotiated by the Human Resources Director in partnership with the appropriate Department Director and approved by the City Manager.

PROMOTIONAL AND TRANSFER OPPORTUNITIES

As mentioned, in order to obtain the best qualified candidate for every position, our policy is that all recruitment is to be external, open and competitive (with limited exceptions) to all interested and qualified candidates. Internal recruitment will not be considered unless there are at least three (3) qualified candidates and the City Manager has determined it is not practicable to open the recruitment to external candidates. If an internal recruitment is approved by the City Manager, our policy is to promote the individual we determine is the best qualified for the position.

The City believes it is important to provide opportunities for our employees to grow within our City. For this reason we encourage our employees to apply for promotional or transfer consideration for any open position for which they are interested and qualified by following the instructions and complying with the deadlines on the recruitment posting. In addition to recruiting to fill job openings competitively, all employees should understand that the City may assign employees job duties or transfer employees to different positions or work assignments as the City determines appropriate to the efficient operation of the City, subject to applicable collective bargaining agreement obligations.

Except as otherwise required under a collective bargaining agreement, employees who are promoted will serve a six (6) month probationary period in their new position. This probationary period is intended to give the employee an opportunity to determine whether the new position meets his/her expectations. Likewise, it is intended to give the City an opportunity to evaluate the employee's performance and overall suitability for the job. During this promotional probationary period, the promoted employee may be returned to his/her previous position at the discretion of either the employee or the City if the employee is not successful in the new position for reasons other than misconduct or delinquency.

SEASONAL AND TEMPORARY POSITIONS

Seasonal positions are generally utilized for recurring partial year workloads and are staffed full-time. These positions are most often utilized in the Public Works Department and the Police Department. As such, they are often used during summer months and duration varies but they last no longer than 6 months. In some cases, temporary positions may be established and filled to address non-recurring workload or until funding or operational capacity allows for establishment of a regular full-time position. Advance written approval is required from the City Manager. Temporary positions last no longer than 6 months. These positions may be utilized in any department as needed.

Open and competitive recruitment procedures are recommended but not required to fill seasonal or temporary positions. Those performing in a seasonal or temporary capacity do not receive benefits other than those required by law and their positions can be terminated at any time. It is important to note that the City of Keizer qualifies regular full-time and part-time employees for exemption from social security tax through provision of specific retirement benefits. However, seasonal and temporary employees are not exempt from social security tax. As such, the City makes 12.4% social security tax contributions each pay period on all seasonal and temporary employee's wages through payroll deductions of 6.2% paid by the employee and 6.2% paid by the City.

EMPLOYMENT OF RELATIVES / NEPOTISM

The City welcomes the employment of immediate relatives while providing fair and equitable hiring practices in all cases, and with the overall goal of hiring the best qualified candidate for the job. However, the City also recognizes that the employment of relatives in the same area of the City has the potential to cause serious conflicts and problems with favoritism and employee morale. Therefore, immediate relatives will not be allowed to hold a position of direct supervision, appointment or grievance adjustment authority over the other. This applies to promotions, demotions, transfers, reinstatements and new appointments.

If an individual applies for a position that would conflict with this policy, the individual's application will be declined. If an employee is mistakenly hired into a situation in violation of this policy, the City will take action to rectify the circumstances. In the event that two employees become immediate family members and that relationship results in one of the family members having direct supervisory, grievance adjustment or appointing authority over the other, the Department Director, Human Resources Director and the City Manager will jointly attempt to find an alternative work assignment for one of the two employees or other means to eliminate the conflict. If no alternative assignment or remedy is available within ninety (90) days, it will be necessary for one of the two employees to resign.

For the purpose of this policy, immediate relatives include spouse, children, siblings, siblings-in-law, parents, parents-in-law, nieces/nephews, aunts/uncles, step parents/children. It also includes domestic partners (those who have submitted an Affidavit of Domestic Partnership), their children, siblings, parents, nieces/nephews, aunts/uncles, step parents/children. In the case of employment of more distant relatives and other personal relationships that raise conflict of interest issues, the City will use discretion in its decision-making.

EMPLOYEES AS VOLUNTEERS

Pursuant to the Fair Labor Standards Act (FLSA), employees of the City may perform volunteer work for the City only if the work is at the employee's initiative, performed outside their regular work hours, without contemplation of payment, and performing tasks outside of their regular job functions.

REEMPLOYMENT

Upon approval of the City Manager, an employee who resigned in good standing with the City may be rehired. The rehired employee will serve a probationary period consistent with what is required for a new employee filling the same position, unless otherwise provided as per a collective bargaining agreement.

Employees who resigned without adequate notice or who were dismissed for performance related reasons or failure to meet the City's standards or expectations will not be considered for reemployment.

CAREER DEVELOPMENT

City of Keizer encourages training to support more effective and efficient performance in employees' current positions and to prepare them for promotional opportunities. Employees may be approved for attendance and participation in a position-specific training, conference, workshop, or educational assistance. The purpose of this policy is to set forth in a standardized way City funds may be disbursed for employees seeking training.

In the event required training occurs outside the normal work schedule, the Department Director or City Manager will make the determination of the type of compensation being paid by the City or a schedule adjustment being made within the same workweek. Employees required to attend training outside of their normal work schedule will be paid for the training hours in accordance with state and federal laws.

IN-HOUSE TRAINING

The Human Resources Department will assist Department Directors and the City Manager with in-house training programs which may be conducted during regular working hours at the discretion of the Department Director or City Manager.

OFF-SITE TRAINING AND CONFERENCES

The Department Director, City Manager or designee may approve an employee to attend non-required conferences, seminars, or other functions of a similar nature that are intended to improve or enhance the employee's skill or professional ability. The cost and time spent for approved off-site training may be paid by the City, at the discretion of the Department Director or designee, based on available budget and relevance to the position. Refer to the Travel Policy for related travel expenses.

EDUCATIONAL ASSISTANCE

Contingent upon the availability of funds that have been budgeted for this purpose, employees may, at the approval of the Department Director, be reimbursed for half the per-unit cost of tuition up to the hourly tuition cost for an undergraduate degree course at any state college or university. If the educational resource is not a state facility, the employee may be reimbursed for half the per-unit cost of tuition up to the hourly tuition cost for an undergraduate degree course at Western Oregon University. The City will also reimburse half the cost of books that are required for the course. Tuition reimbursements shall be taxed in compliance with current Internal Revenue Code requirements.

Applications for educational assistance will be considered only from regular employees who have completed a minimum of six (6) months of continuous employment. The Department Director approves the request of employees in his/her department, and the City Manager approves the request of Department Directors.

In order to receive educational assistance:

1. The employee must apply for and receive approval of the course, tuition, and/or book reimbursement to the Department Director/City Manager prior to the registration for such course. Application must be in the form of a business plan clarifying the business need, cost and anticipated benefit to the City. Approval will be based on relevance to the employee's position, benefit to the City, and training budget availability. Approval must be obtained for each individual class;
2. The employee and approving Department Director and City Manager must sign an agreement specifying the expectations regarding performance, length of continued employment with the City beyond the education and reimbursement requirements if continued employment obligations are not met;
3. The employee must submit evidence of satisfactory completion of the course with a passing grade of C or better, or the required passing grade, whichever is applicable;
4. An employee that receives monies for tuition and/or books from any other source, must apply those funds first, including scholarship and/or grant monies. The City's reimbursement shall be limited to half the balance of the total cost of tuition and/or books for the approved course.

Courses which are only offered during regular working hours require Department Director approval and may be approved provided the employee has available and uses accrued paid leave, or reasonable arrangements are made to make up the time off by working an alternative schedule within the same workweek.

If the Department Director or City Manager determines the coursework or degree is a requirement of the position, the City will reimburse the full cost of tuition and required books for an undergraduate degree course at any state college or university. If the educational resource is not a state facility, the employee may be reimbursed for the per-unit cost of tuition up to the hourly tuition cost for an undergraduate degree course at Western Oregon University.

EQUAL EMPLOYMENT OPPORTUNITY

POLICY STATEMENT

We believe that equal opportunity for employees is central to the growth and success of the City. It is our policy to provide equal opportunities to all qualified persons without regard to race, religion, color, sex, sexual orientation, national origin, mental or physical disability, age, veteran's status or any other protected status or activity in accordance with applicable law. We strive to make employment decisions based on our evaluation of an individual's qualifications, ability and contribution to the success of the City.

We also believe that all employees have a right to work in an environment where the dignity of each individual is respected. We prohibit harassment of employees, regardless of working relationships and supervisory status. Specifically forbidden is harassment related to an individual's race, religion, color, sex, national origin, marital status, citizenship status, age, physical or mental disability or other legally protected basis. For these purposes the term "harassment" includes unwelcome verbal, graphic, or physical conduct of such a nature ***which has the purpose or effect of creating an offensive work environment or reasonably interfering with an employee's work performance.***

SEXUAL AND GENDER-BASED HARASSMENT

The nature of which may include the following on or off-duty conduct:

- Unwanted sexual advances, propositions or requests for dates
- Offensive sexual innuendoes or sexually suggestive comments
- Unwelcome visual conduct, such as leering or making sexual gestures
- Displaying sexually suggestive objects, pictures, cartoons or posters
- Making offensive verbal comments about an individual's body or life style
- Using sexually degrading words to describe an individual
- Unwelcome touching, impeding or blocking movements
- Telling jokes of sexual nature
- Making offensive comments about a person's gender or sexual orientation
- Talking about your sex life
- Using City computers, fax machines or other communication systems to access, send, store or receive material of a sexual nature
- Swearing or profane language
- Making derogatory comments about gays or lesbians
- Spreading rumors or discussing a co-worker's sex life
- Engaging in any other verbal, graphic or physical conduct of a sexual or gender-based nature that creates an offensive work environment or interferes with another employee's work performance.

RACIAL, ETHNIC, COLOR, AGE, RELIGIOUS, DISABILITY-RELATED OR OTHER HARASSMENT

The nature of which may include the following on or off-duty conduct:

- Making racial slurs or ethnic comments
- Telling racial or ethnic jokes
- Making derogatory comments about a person's physical or mental limitations
- Mimicking someone with physical or mental limitations
- Pushing your religious beliefs on others
- Making derogatory age-based comments
- Making derogatory comments about veterans or members of the military
- Displaying racist symbols
- Using City communication systems to send, receive, store or access racially or ethnically offensive material
- Displaying cartoons, printed material or other objects which are racially or ethnically offensive
- Criticizing or making fun of another person's religious beliefs
- Engaging in any other verbal, graphic or physical conduct of a racial, ethnic, religious, age, disability or other prohibited nature that creates an offensive work environment or interferes with another employee's work.

All employees should assume that any conduct of this nature will offend another employee and should refrain from engaging in such conduct. Harassment of employees by citizens, vendors, suppliers and other non-employees that creates an offensive work environment or interferes with your ability to perform your job is also a violation of this policy. Likewise, harassment of our customers, vendors, or suppliers by our employees is also strictly prohibited.

In addition, no one should suggest or threaten that an employee's cooperation, tolerance or objections to conduct of this nature will have any effect on that employee's employment. The City strictly prohibits supervisors or managers from conditioning employment or making employment decisions based on an employee tolerance of or resistance to harassment. This type of conduct is considered a serious violation of City policy.

ACCOUNTABILITY

All supervisory personnel and City officials have the responsibility to practice the principles of this policy as follows:

- Recruit, hire, train and promote for all jobs without regard to race, color, national origin, sex, religion, age, marital status, sexual orientation, physical or mental disability, family relationship, association with protected class, leave covered by federal and state Family and Medical Leave Acts, or any other basis prohibited by statute, except for bona fide occupational qualifications.
- Ensure that promotion decisions are in accord with the principles of equal employment opportunity by imposing only valid requirements for promotional opportunities,
- Ensure that relations among staff members are void of any verbal abuse, intimidation, or harassment against any employee or applicant for employment and void of any retaliation for the exercise of protected rights.

REPORTING POLICY

If you feel that you are being harassed by another employee, including a supervisor or manager, you should immediately notify your supervisor, the Human Resources Director or your Department Director. You are welcome to report the conduct you feel is offensive to any of these individuals. There is no chain of command. This type of conduct should be reported whenever it creates an offensive work environment or interferes with your work, even when the offensive conduct occurs off-the-job.

Likewise, if you experience harassment by a non-employee, such as a vendor, citizen or supplier, which creates an offensive work environment or interferes with your work or you become aware of any other employee experiencing such harassment, you should immediately report it to your supervisor, the Human Resources Director or your Department Director.

All complaints of harassment will be investigated as promptly as possible and corrective action will be taken as warranted. Complaints of harassment which are reported to management will be treated with as much confidentiality as we determine is practical, while permitting us to investigate and correct the problem. Resolution of the issue, including related disciplinary action, may not be readily visible to employees to maintain appropriate confidentiality. However, the complainant will be advised when the matter has been addressed and provided any additional information, as deemed appropriate by the City, including direction on reporting any perceived retaliation. Any inquiries regarding status of complaints should be directed to the Human Resources Director or Department Director. Our goal will be to restore a pleasant and respectful work environment as soon as possible.

Our ability to resolve these kinds of problems is dependent on your cooperation in reporting incidents which create an offensive or hostile work environment for you. Your notification of the problem is essential to us. We also appreciate your cooperation in reporting any conduct that you feel constitutes harassment of another employee. We cannot help resolve a harassment problem unless we know about it. Therefore, it is your responsibility to bring all conduct that violates this policy to the attention of any of the individuals listed above in enough detail that we can recognize the problem and take whatever steps are necessary to restore a comfortable working environment for you.

If we find that an employee has violated our policy, appropriate disciplinary action up to and including discharge will be taken. In addition, other corrective action, such as individualized training and other steps, may be taken as we determine appropriate.

RETALIATION

It is also important for you to remember that the City respects the rights of its employees to raise harassment and discrimination concerns and to participate in investigations. We do not allow supervisors, managers, employees or others to retaliate against employees who report harassment or discrimination, cooperate with investigations, testify in harassment proceedings or assist in enforcement of our harassment policy.

“Retaliation” is broadly construed and means any adverse action against an employee for opposing harassment or discrimination. It may include any on-duty or off-duty conduct, whether related to employment or not, that could discourage an employee from making a complaint of discrimination or harassment or testifying, assisting or participating in an investigation proceeding or hearing. It could also include conduct such as “cold shoulder” treatment, changing job duties, failing to cooperate, or treating an employee rudely, because someone has engaged in these types of activities.

Employees should bring complaints of retaliation to the attention of their Department Director or the Human Resources Director. If we find that an employee has violated our policy, appropriate disciplinary action up to and including discharge will be taken. In addition, other corrective action, such as individualized training and other steps, may be taken as we determine appropriate.

DISABILITY ACCOMMODATION

The City abides by the Americans with Disabilities Act and state disability discrimination laws. This means that we prohibit discrimination against disabled applicants and employees, and will comply with reasonable accommodation obligations. We cannot respond to workplace obstacles if we don't know they exist. Consequently, if you believe that workplace modifications or other assistance is necessary to accommodate your disability, it is your responsibility to contact the Human Resources Director to discuss it. Not every physical or mental limitation qualifies as a disability.

Accommodations are generally made to enable a disabled employee to perform his/her job duties or as a temporary step to assist an employee who has a pending workers' compensation claim to return to productive employment. Please contact the Human Resources Department for more information on the potential for light or modified duties based on your position, the duration of such duties and the organization's business needs.

If you advise us of a condition that you believe requires accommodation, we will analyze your medical condition to determine whether it constitutes a disability. If it does, we will discuss your condition with you and/or your medical provider to determine what, if any, accommodations can be made to enable you to perform your job duties in a safe and satisfactory manner.

All employees are expected to cooperate with our request for medical confirmation of the condition they believe constitutes a disability and our requests for medical confirmation of the current, precise limitations on their ability to perform their job duties, consistent with applicable law.

If an employee is still unable to perform their essential job duties after any required reasonable accommodation has been made, we will explore opportunities to place the employees in other available positions that are, with or without reasonable accommodation, suited to their skills and abilities. If, for any reason, an accommodation is made that you feel is not effective, you should notify your supervisor or the Human Resources Director.

EMPLOYMENT CLASSIFICATIONS

All employees are classified as probationary, regular full-time, regular part-time, seasonal or temporary, as explained below. Employee classifications are used to determine compensation, benefit eligibility and other employment conditions. Please refer to these definitions as you read the City's policies. If you have any questions about your position or classification, please contact your supervisor or the Human Resources Department.

PROBATIONARY EMPLOYEES

Except as otherwise required under a collective bargaining agreement, the probationary period for new employees who are hired for ongoing employment is six (6) months from the last date of hire with the exception of Public Works supervisory positions and Police Sergeants who serve a probationary period of twelve (12) months. In the event an employee is absent for any reason for more than 10 work days during the probationary period, the City reserves the right to extend probation. For information on the promotional probationary period, see Promotional Opportunities in the General Policies and Working Conditions section of this manual.

The probationary period is an integral part of the examination of new employees and provides the City with the opportunity to observe the employee's work and to train and aid the employee in adjustment to his/her new position. During this period, you will have an opportunity to evaluate whether the work for which you were hired, the people with whom you work, and the general atmosphere and conditions at the City meet your expectations. Likewise, the City will evaluate your performance no less than halfway through and again immediately prior to the end of the probationary period. The probationary period may be extended by the City if we determine that additional time is needed to evaluate your performance. The attitude and aptitude you show in your work habits during the probationary period, in particular, your demonstration of required and/or desirable skills, attendance, punctuality, ability to learn, and ability to get along with people will be primary factors used in determining whether you will be assigned to regular employment status.

Completion of the probationary period is not intended to provide an employee with any particular job rights or guarantees. Newly hired employees may either resign or be dismissed during the probationary period. Neither the employee nor the City is required to give prior notification, or show cause of the reason for dismissal during probation. You should also understand that the City has no obligation to retain you as an employee for the entire probationary period if, in our determination, your performance or other business considerations warrant termination of your employment.

During the probationary period, you are not eligible for benefits except as specifically provided in this Manual and as required by law. The City's Equal Employment Opportunity Policy applies to probationary employees. Newly hired probationary employees accrue vacation, sick and personal leave, but are not eligible to take vacation leave until completion of 6 months of continuous employment. In addition, during the probationary period, the City's Progressive Discipline Policy does not apply.

Employees who return to the City's employment after resignation or other separation from employment will be required to complete a new probationary period and will accrue benefits as a new hire. This requirement will not, however, apply to employees who are recalled to work following layoff. For more information, refer to the layoff section of this manual.

REGULAR EMPLOYEES

Regular Full-Time: A regular full-time employee is one who has been hired for on-going employment, has successfully completed the probationary period, and who is regularly and consistently scheduled to work 40 or more hours per week on behalf of the City. Regular full-time employees are eligible for all benefits outlined in this Manual provided they meet the specific eligibility criteria for that benefit.

Regular Part-time: A regular part-time employee is one who has been hired for on-going employment, has successfully completed the probationary period, and who is regularly and consistently scheduled to work either 20 or 30 hours per week on behalf of the City. Regular part-time employees are eligible for a pro-rated amount (e.g. 20 hours = ½ accrual, 30 hours = ¾ accrual) of specified employment benefits listed for Regular Full-Time employees provided they meet the specific eligibility criteria for each specified benefit except where specifically prescribed otherwise in this Manual and/or as required by law. A part-time employee's eligibility for benefits is based on the hours the part-time employee is regularly scheduled to work, not fluctuations in hours that may occur from time to time, e.g. as part-time employees cover for full-time employees who are absent, etc.

Please note that a temporary assignment of a regular part-time employee to additional hours of work such as for special projects and/or during busy periods does not change an employee's status for benefit eligibility purposes. You will be notified in writing if your employee classification changes.

Non-Exempt Employees: The Fair Labor Standards Act (FLSA) requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. These employees are known as non-exempt employees. They are generally paid an hourly rate and receive overtime when appropriate and approved by their supervisor. The City of Keizer provides overtime based on hours worked in excess of the employee's regularly scheduled shift under specific circumstances. See "Overtime" in the Classification Section of this manual for additional information.

Exempt Employees: The FLSA also provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. These employees are known as exempt employees. As such, they generally work a "professional" work week and are paid a salary with no overtime.

If you have any questions regarding whether you are an exempt or non-exempt employee and how that impacts your work schedule and pay, please be sure to contact your supervisor, Department Director or Human Resources.

SEASONAL AND TEMPORARY EMPLOYEES

As referenced in the Recruitment and Selection policy, those employees whose service is intended to be of limited duration to complete a specific job or for a specific project are considered seasonal or temporary employees. Seasonal positions are generally utilized for recurring partial year workloads, are staffed full-time and last less than 6 months. These positions are most often utilized in the Public Works and Police Departments. In some cases, temporary positions may be established and filled to address non-recurring workload or until funding or operational capacity allows for establishment of a regular full-time position. Advance written approval is required from the City Manager. Temporary positions last no longer than six months. These positions may be utilized in any department as needed.

Employees in such positions are not eligible for any employment benefits except as required by law and their positions can be terminated at any time. Seasonal and temporary employees who are later hired for regular employment will be required to complete a probationary period of employment; accruals and waiting periods for benefit eligibility begin at the date of hire for regular employment.

In the event a seasonal or temporary employee is hired to work on an ongoing basis for the City, he/she will be required to complete the probationary period. Time spent in seasonal or temporary employment status will not count toward completion of the probationary period.

The City of Keizer qualifies regular full-time and part-time employees for exemption from social security tax through provision of specific retirement benefits. However, seasonal and temporary employees are not exempt from social security tax. As such, the City makes 12.4% social security tax contributions each pay period on all seasonal and temporary employee's wages through payroll deductions of 6.2% paid by the employee and 6.2% paid by the City.

Please note that a temporary extension of a special project, season, or temporary assignment does not usually change an employee's seasonal or temporary status for benefit eligibility purposes. You will be notified in writing if your employee classification or benefit eligibility changes.

WORKING OUT OF CLASSIFICATION

Any employee designated by the City as acting in a higher classification capacity than the employee's regular classification shall receive five percent (5%) Out-of-Class pay for any assignment lasting longer than ten (10) working days, or Out-of-Class pay consistent with the applicable collective bargaining agreement. Out-of-class pay shall be effective on the date the assignment begins.

CLASSIFICATION REVIEW AND RECLASSIFICATION

The "Class Title" is the official title of each position allocated to the class for the purpose of personnel actions. It is used on payroll, budget estimates and official records and reports relating to the position. A different "Working Title" may be used when determined to be helpful in identifying the role of the employee to customers, etc. if authorized by the Department Director. However, working titles will have no bearing on the official designated classification of any position.

If an employee is to be assigned a new ongoing duty or set of duties, the supervisor will review the classification specifications to determine if the duties are appropriate for that employee's classification. After such review, if there continues to be a question about the appropriateness of the duty, the supervisor will request a determination by the Human Resources Department prior to the assignment of the duty to the employee. The Human Resources Director allocates positions to the appropriate classification and may make revisions in the Classification System including the reclassification of existing positions, addition of new classes, combination and/or revision of existing classes, and deletion of obsolete classes, with review and approval of the City Manager.

CHANGES IN CLASSIFICATION

All changes in employee classifications, e.g. changes from part-time to full-time status, changes from seasonal or temporary to probationary status, etc., must be verified in writing to avoid misunderstandings and assure proper application of benefit eligibility rules.

COMPENSATION

It is the City's policy to pay wages and salaries which are fair and take into account our geographic location, comparable rates being paid for similar work in the community and other similarly sized communities as well as the City's budgetary constraints and fiscal responsibilities. In accordance with our Compensation policy, the City has established position classifications and related pay and salary ranges for most employment positions. If you have questions about the salary range for your position, contact the Human Resources Department.

This policy applies to all non-bargaining positions in the City of Keizer. The compensation of all employees covered by collective bargaining will be governed by the terms of the applicable collective bargaining agreement.

WAGE CHANGES AND PAY INCREASES

End of Probation: A new employee may receive an increase upon successful completion of their probationary period and a successful performance evaluation. If the performance evaluation rating indicates that the employee's performance meets or exceeds expectations, an increase in base pay may be recommended by the Department Director and authorized by the City Manager.

Annual Merit Increases: Annual wage increases with the City are not automatic. Rather, all wage increases and other wage changes are made at the discretion of the City. In addition to other business and budgetary considerations, evaluation of your strengths and weaknesses related to your quality of work, quantity of work, job knowledge, initiative, attendance, interpersonal skills/cooperation, communication, professionalism, customer service and contributions to the City will be primary factors addressed through ongoing performance evaluation. In addition, determination of potential annual increase for employees who recently received a successful completion of probation increase (within the prior three months) will be determined by the Department Director in consultation with the City Management Team. Annual merit increases continue contingent on satisfactory job performance until reaching the maximum pay for your classification.

Managed Cost of Living (COLA) Based Annual Increases: The City recognizes that fluctuations in the state's economy will affect the market value of wages and salaries. The salary matrix is amended each calendar year in July to reflect these fluctuations by incorporating any increases necessary into the matrix as determined by the CPI-W (Consumer Price Index-W) for the prior year (January-December). Notwithstanding the CPI change, increases will be subject to a minimum increase of one percent (1.0%) and a maximum increase of three percent (3.0%). Such increases are subject to available funding and budget approval and may be revised by City Council Resolution.

Salary Surveys: Also subject to available funding and budget approval, salary surveys for all classifications will be performed on a schedule of no less than every four years. Procedures for such surveys are detailed in the Human Resource Operations Manual. Questions should be directed to Human Resources.

Promotional Increases: Upon promotion, an employee is eligible for a pay adjustment to the first step of the new range. If the employee's pay already exceeds this step, the employee will be placed at the next step of the new range which results in at least a three percent increase (3.0%) in compensation, not including overtime.

This increase may be delayed or deferred at the Department Director's discretion pending the employee's demonstration of their ability to satisfactorily handle the responsibilities of the new position. This period is limited to ninety (90) days.

Reclassification Upward: Occasionally, wage increases are provided through reclassification of a position into a higher range on the salary matrix based on a salary survey performed by the Human Resources Director and approved by the City Manager.

Discretionary Merit Increase: Such increases are available as approved by the City Manager for performance above and beyond high performing employees as delivered over an extended period. Such increases require written request to the City Manager from the appropriate Department Director identifying the specific performance that exceeds expectations and the fiscal impact of granting the increase.

Lateral Transfer: It is possible to change positions without a change in pay, as is the case when an employee is appointed to or transferred to a position in the same or different classification with the same pay range; the pay rate remains the same.

Reclassification Downward: It is also possible a wage decrease may occur through reclassification of a position into a lower range on the salary matrix based on a salary survey as described above. In addition, a demotion or voluntary transfer to a lower classification may result in a pay decrease. In any of these situations, the City may choose to freeze an employee's pay until that pay is aligned with the wage rate applicable to the lower classification.

INCENTIVE PAY

Upon request from a Department Director, the City Manager or designee may approve one of the following forms of incentives for a non-bargaining employee, unless otherwise compensated in their regular job description and salary schedule.

- A. Language: Any City employee is eligible to receive a second language differential of five percent (5%) for Spanish and two and one-half percent (2.5%) for sign language if the City Manager determines that an additional employee with the second language is of benefit to the City and he or she has or is required to acquire this skill. Employee must be fluent in the language as determined by the City Manager, based upon a standard and testing program administered by local area colleges and/or City-approved translators.
- B. Temporary Lead Worker: Upon request by the Department Director and approval by the City Manager, a Temporary Lead Worker incentive of two and one-half percent (2.5%) of an employee's monthly base wage may be provided if an employee is requested to perform the duties of a Lead Worker as part of their job duties for a temporary time period, generally no longer than 6 months.

Note: All incentives are subject to availability of funds and approval of supplemental budget if needed.

OVERTIME PAY

The City classifies employees as exempt or non-exempt for overtime pay purposes. Employees classified as exempt are paid a salary that covers all of their hours worked, and are not entitled to additional pay for overtime. Employees classified as non-exempt will be provided compensatory time at a rate of 1.5 times hours worked or paid overtime at a rate of 1.5 times their hourly wage for hours worked in excess of their regularly scheduled shift.

The City of Keizer strives to limit overtime in order to contain costs and will utilize flex schedules whenever possible. When the City determines that operating requirements or other needs cannot be met during regular working hours and that flex schedules are not sufficient to address the need, employees may be required to work overtime. When possible, advance notice of the need for overtime will be provided. Although employees are expected to perform overtime when required, all overtime must be authorized by your supervisor before it is worked, unless emergency circumstances prevent prior approval.

Employees will be paid for all overtime worked to the extent required by law and as defined in this policy. However working overtime without authorization will be addressed as a disciplinary matter which may result in action up to and including termination of employment. Likewise, failure to work scheduled overtime may result in disciplinary action up to and including termination.

COMPENSATORY PAY

See Overtime Pay section.

CALL BACK PAY

If you are called back to work for job related reasons, you will receive pay for a minimum of two (2) hours designated as "hours worked" even if a lesser amount of time is worked. If you work beyond the two-hour minimum time, you will be paid for the actual time worked. Compensation will be at straight time rate unless/until you qualify for overtime as stated above. If qualified for overtime, you will be provided compensatory time at a rate of 1.5 times hours worked or paid overtime at a rate of 1.5 times hourly wage.

HOLIDAY PAY

Non-exempt regular status employees required to work on a City observed holiday will be paid at the rate of time and one-half their regular hourly rate for all hours actually worked on a holiday in addition to holiday leave with pay for employees eligible as per the Holiday Leave policy. This does not apply to employees whose work schedules are other than the conventional Monday through Friday workweek (such as Patrol Sergeants or Sergeants working 10 hour shifts). See Floating Holiday Leave in Section 13 – Holiday, Vacation, Other Paid Leave Benefits.

A non-exempt regular status employee working without approval will be subject to disciplinary action. Holidays occurring during an employee's vacation or sick leave will be charged as a holiday.

MOTOR DUTY PAY

The City shall provide \$2.00 per hour above the employee's normal pay step when assigned to the traffic team as a motorcycle Sergeant to compensate for the hazards of working from a motorcycle and the off-duty care of the police motorcycle, e.g., daily maintenance, etc.

ON-CALL DUTY PAY

On-Call Duty requires an employee to respond to after-hour calls for situations demanding the assigned employee's immediate attention during a consecutive 7-day period. Employees who are scheduled for On-Call Duty shall be compensated as follows:

Public Works Supervisor (MUWIII) - \$200 for each 7-day period.

Detective Sergeant - One (1) day or eight (8) hours of compensatory time off for each 7-day period.

CLOTHING ALLOWANCE

The City shall provide an annual work-appropriate clothing allowance at the beginning of each fiscal year (July 1) to the following classifications:

Facility Maintenance Worker - \$400 per year

Public Works Supervisor (MUWIII) - \$400 per year

Detective Sergeant - \$500 per year

CRU Sergeant - \$200 per year

These allowances shall be payable to the employee upon appointment and annually on July 1st of each subsequent year. Clothing allowances are subject to federal and state laws, including Internal Revenue Code regulations which means they are considered "taxable income" to the employee. The City reserves the right to prorate the allowances provided to employees during their first and last year of assignment.

DEADLY FORCE LEGAL REPRESENTATION

In support of the Marion County Deadly Force Protocol and the Public Safety Officer Bill of Rights (HB 2713) recommending legal representation to protect the involved officer's rights during initial investigation of the use of deadly force, the City will provide legal representation to Sergeants, Lieutenants, Captains and the Chief of Police. This coverage is provided only to sworn officers in the classifications listed above who may, in the course of their duties, have the possibility of being involved in the Use of Deadly Force. The coverage provided by the City is only for civil and criminal actions taken against the officer because of their personal performance of active law enforcement duties, i.e., when they are acting in their capacity as a Peace Officer or a Public Safety Employee. Coverage does not extend to administrative actions that may be filed against the officer.

PAYDAYS AND PAYCHECKS

The City typically pays its employees on a bi-weekly basis. The pay period ends on Friday at noon, and employees are paid the following Thursday. The City reserves the right to deviate from this schedule due to extenuating circumstances. If a regularly scheduled payday falls on a holiday, paychecks will be issued on the last work day before the holiday.

If you would like your paycheck directly deposited to your bank account, please see the Finance Department. If you want your paycheck released to your spouse or another person, you must first personally provide written authorization for such release to the Finance Department. The City does not provide payroll advances.

PAYROLL DEDUCTIONS

Deductions from your paycheck fall into two categories: Legally required deductions and voluntary deductions. Legally required deductions, such as federal and state taxes, etc., are automatically deducted each payday to comply with both federal and state laws. Social Security is not deducted from a regular employee's paycheck as the City of Keizer does not participate in the Social Security program. Seasonal and temporary employees are not exempt from social security tax. As such, the City makes 12.4% social security tax contributions each pay period on all seasonal and temporary employee's wages through payroll deductions of 6.2% paid by the employee and 6.2% paid by the City. Further information regarding required deductions can be obtained from the Finance Department.

Other items you wish to have deducted from your paycheck, such as dues, retirement contributions and insurance contributions, etc., will be deducted only upon written authorization from you. These are voluntary deductions and can only be made with the employee's written consent. Further information regarding voluntary deductions can be obtained from the Human Resources Department or the Finance Department.

HOURS AND WORK SCHEDULES

WORK SCHEDULES

The City's official office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. However, your schedule may vary based on your position and organizational needs. Your supervisor will inform you of the hours you are required to work. You are expected to report for work in sufficient time to begin working at the scheduled starting time. You are also expected to continue working during your regular work schedule, except meal and rest breaks, unless otherwise approved by your supervisor. This policy applies to all non-bargaining positions in the City of Keizer. The hours and work schedules of all employees covered by collective bargaining will be governed by the terms of the applicable collective bargaining agreement.

FLEXIBLE SCHEDULING

Employees who wish to work an ongoing schedule other than the standard for their position may make a request for an alternative flexible schedule. No such request is required for one-time adjustments such as flexing, with the supervisor's approval, on a single day. For example, if your supervisor approves you coming in one hour early in order to leave an hour early to get to an evening event on time. All requests for an ongoing flexible schedule must be made in writing to your supervisor and must include the following elements:

1. A regular proposed work schedule of at least one (1) month in duration,
2. A statement of how the citizens of Keizer and the City's needs would be met with the proposed flexible schedule for your position.

Requests for alternative flexible schedules will be granted at the discretion of the City, based on evaluation of whether operational needs can be met or enhanced, whether the public and clients served by the Organization will receive the same or higher level of service, and whether the request will result in overtime for the requesting employee or other employees. Requests that we determine may result in a hardship or reduced services to the public, your co-workers or office productivity will be denied. All requests for an alternative flexible schedule must be approved in writing by your Department Director and the City Manager. A copy of the approved schedule change is to be provided to the Human Resources Department.

The City may cancel or change any alternative flexible schedule at any time as we determine appropriate to the effective management of the City. In addition, there are some areas of the organization for which flexible scheduling is not an option. Such is the case for most positions in the Police Department. Your Department Director will inform you whether such an option is available to you based on your position and the operational needs of the City.

TELECOMMUTING

From time-to-time, the City's interests may be served through temporary telecommuting arrangements. This policy and the related requirements come into effect if and when the employee is requesting a change in the primary job location that exceeds one month duration. Employees who wish to telecommute must submit a request to their Department Director.

All requests for telecommuting must be made in writing and must include the following information:

1. Proposed starting and ending dates and a telecommuting work schedule; and,
2. A statement of how your position duties will be fulfilled and how the citizens of Keizer and the City's needs would be satisfied and/or improved during the period you have requested to telecommute.

Requests to telecommute will be granted or discontinued at the sole discretion of the City based upon our evaluation of whether operational needs can be met or enhanced, whether the proposed telecommuting will result in a hardship or disruption to workplace operations, whether the public will receive the same or higher level of service and whether the request will result in overtime for the requesting employee or other employees. Requests that we determine may result in a hardship or reduced services to the public, your co-workers or office productivity or other unacceptable costs or risks to the City will be denied.

Implementation of a telecommuting request as described above requires the following:

1. Approval in writing by the appropriate Department Director as well as the City Manager; and,
2. A written schedule as agreed to by the Department Director and/or City Manager to ensure expectations regarding communication and deliverables are clear; and,
3. A written evaluation of progress on deliverables and any needed adjustments to the schedule by the Department Director and/or City Manager at 90 days and any successive 90 day period; and,
4. A written plan to address data security, as needed, based on the work being performed and the equipment anticipated to be used by the employee. Such assessments shall be reviewed by the City's IT staff to ensure adequate controls exist; and,
5. A copy of the approved request, including the schedule and security plan provided to the Human Resources Department.

The City may rescind approval for telecommuting at any time as we determine appropriate to the effective management of the City. In addition, there are some areas of the organization for which telecommuting is not an option. Such is the case for most positions where direct customer contact is the primary function of the position. Your Department Director will inform you whether such an option is available to you based on your position and the operational needs of the City.

MEAL AND REST BREAKS

Non-exempt employees working six (6) or more hours are required to take an uninterrupted meal period of at least 30 minutes approximately mid-way through the workday. The length of time designated for employee meal periods will vary from department to department and position to position. Employees will be assigned meal periods of either 30 minutes or one hour. All meal periods are unpaid.

During this time, you are to be completely relieved from duties and should not work. In the event that you are not relieved of all duties during your meal break, notify your supervisor immediately, and your lunch break will be rescheduled or extended to ensure that you have a minimum uninterrupted meal period of at least 30 minutes.

In addition to the meal break, the City provides all non-exempt employees with a 15 minute paid rest break period for every four hours worked. Rest breaks should be taken as nearly as possible to the middle of each four hours of worked and must also be uninterrupted. Rest breaks cannot be accumulated or added to meal period or used to leave work early.

It is important to note that emergencies or operational needs of the City may require adjusting the time of your break or lunch period. Your supervisor will work with you in such situations to ensure you are given notice when possible and that you are provided your meal or break as soon as practicable given the situation being addressed. This should be an occasional rather than a regular event.

LACTATION BREAKS

The City supports employees wishing to express breast milk for their infant child (18 months or younger) by providing a rest period of up to 30 minutes for each four-hour work period or major portion of a four-hour work period. However, any such time exceeding regularly scheduled paid breaks will be considered unpaid. Such breaks, if feasible, shall be taken at the same time as the employee's regularly scheduled rest or meal periods.

Employees desiring to take a lactation break shall notify their supervisor or designee prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations. The employee and supervisor may agree on regular times that do not require notification each time but leave the option for adjustment as needed due to business operation. Once a lactation break has begun, the break is not to be interrupted except in emergency or urgent circumstances.

The Quiet Room has been designed specifically for the purposes of accommodating such breaks with a door lock, sink and cold storage. Employees using the room for this purpose are to be sure to signify the room is in use. All other employees should avoid interrupting the employee during an authorized break, except to announce an emergency or other urgent circumstance. Employees may store expressed milk in the authorized refrigerated area in the Quiet Room, ensuring it is clearly labeled as such or may utilize her own cooler for the purpose of storing expressed milk. No expressed milk is to be stored beyond the employee's shift. Authorized lactation breaks for employees in the field may be taken at the nearest appropriate private area.

CHANGES IN HOURS AND WORK SCHEDULES

Although the City is interested in providing our employees with a stable work schedule, our ability to do so depends on our assessment of operational needs, funding and other factors. Nothing in this Personnel Policy Manual is intended to be a guarantee of employment for a specified number of hours per week or day. We reserve the right to change the schedule and/or hours of all or any part of our work force to provide for efficient and uninterrupted service. We also want you to understand that if management believes it is necessary, due to lack of work or funding or other very significant business reasons, employees may have their hours reduced or may be laid off.

OVERTIME

For employees who are covered by a collective bargaining agreement, please refer to the applicable section of your agreement for information regarding overtime pay. For all other employees the City's overtime practices are as follows: All employees are classified as exempt or non-exempt for overtime purposes. Exempt employees are paid a salary that covers all of their hours worked and are not entitled to additional pay for overtime. Non-exempt employees, including all hourly employees and non-exempt salaried employees, are provided compensatory time at a rate of 1.5 times hours worked or provided paid overtime at time and one-half (1½) their regular hourly rate for hours worked in excess of their regularly scheduled or modified shift.

The City of Keizer strives to limit overtime in order to contain costs and will utilize flex or split schedules whenever possible. When the City determines that operating requirements or other needs cannot be met during regular working hours and that flex schedules are not sufficient to address the need, employees may be required to work overtime. When possible, advance notice of the need for overtime will be provided.

All overtime must be authorized by your supervisor before it is worked, unless the City determines that emergency circumstances existed warranting the unauthorized overtime. If overtime is worked without authorization, it will be paid. However, employees who work unauthorized overtime may be subject to disciplinary action up to and including discharge.

Also, employees are expected to perform any overtime work required by the City as a condition of employment. If the assignment of overtime work presents a hardship for you, discuss your concern with your supervisor. We will consider particular employee needs and desires to the extent we feel it is practical and fair to your co-workers. If you have any questions about the regularly scheduled or modified shift for your position or your obligations under this policy, please contact your supervisor or the Human Resources Department.

COMPENSATORY TIME

See Overtime and Compensatory Leave sections.

TIME SHEETS

We want to be sure our employees are paid for all the work they perform. Accurate recording of all your hours worked is required by the wage and hour laws. To ensure compliance with these laws and provide you with proper compensation for the work you perform, we *must* have an accurate and complete record of time worked.

With the exception of exempt salaried employees, all employees are required to accurately report their time worked through the use of a time sheet. As part of your new employee orientation, you will be informed of the method by which you will be required to report your time worked, as well as the time deadlines for submitting any time sheets. Whatever the method of timekeeping in your department or section, you are expected to follow the established procedures in keeping an accurate record of all your hours worked.

While you may choose to log your time in pencil to allow for corrections during the work week, when your timesheet is turned in, it is to be completed in permanent ink (not pencil). In addition, any changes or corrections notated on your time sheet must be initialed by both you and your supervisor.

COMPUTERS, TELECOMMUNICATION DEVICES AND OTHER ELECTRONIC EQUIPMENT

All employees who have access to these communication systems must understand that the systems and the information transmitted by, received from or stored in these systems is the property of the City and is subject to Public Record Requests. These include, but are not limited to, computers, network equipment, electronic mail, instant messaging, voice mail, all documents, calendar entries, appointments, and notes which reside in any City filing system, including personal files or information.

The City Manager, or designee, may authorize the inspection of the contents of all equipment, files, calendars, web history, electronic or voice mail of their employees for any reason, regardless of where or how they are created, viewed, transmitted or stored. No employee should assume that communications transmitted or stored anywhere in our system are confidential. Personal advertising or soliciting is not permitted on City computer systems. Employees are to limit the amount of personal information stored on City computer systems to ensure no impairment of capacity and must understand that all information stored on City computer systems is subject to public records disclosure. In addition, employees should, under no circumstances, download or store copyrighted material not owned by the employee. If you are unsure of the copyright designation of an item, please consult with your supervisor or the Network Administrator.

The use of a computer or electronic and telephonic communication systems to engage in any communications that are in violation of any City policy or state or federal law, including but not limited to the transmission of defamatory, obscene, offensive or harassing messages, is strictly prohibited. We consider misuse of our computer, electronic, telephonic and e-mail systems to be a serious matter. Failure to follow this policy may be grounds for disciplinary action, up to and including immediate termination of employment. If you have any questions regarding this policy, please contact the Human Resources Director.

Additionally, employees who use social networking websites or media, whether on or off-duty, are expected to use good judgment and avoid postings that could be damaging to the City's interests or reputation or offensive to others who may see your posts. In particular, employees are reminded that messages and images of a sexual, racial, ethnic, religious or other nature prohibited under the City's Equal Employment Opportunity policy that are shared with other City employees who are "friends" on those networking websites can be viewed as offensive by those employees. Employees have the right to report such offensive postings under the City's harassment policy.

MONITORING AND PUBLIC RECORDS DISCLOSURE

To ensure that the use of our electronic communication systems is consistent with City's policies and business interests, we reserve the right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, including e-mail messages, as we deem appropriate. ***Employees using the City's electronic communication systems should have no expectation of privacy in connection with the use of this equipment or with transmission, use or storage of information in the equipment, regardless of where that information is stored. This includes stored e-mail or voice mail messages.***

In addition to monitoring by the City, employees are reminded that information transmitted or stored on City computers is not only subject to monitoring by the City, but may also be subject to disclosure under the public records laws. If you want to keep information private, do not transmit it or store it anywhere in the City's computer system.

If, within the course and scope of your duties, it is necessary for you to view sites that would otherwise be considered inappropriate, you are required to notify the Network Administrator that you have done so. Such notice should include reference to the types of sites and length of access for the purposes of a job-related function. Examples of positions which may include the need to visit such sites are police detectives and human resource staff.

NETWORK ACCESS

City employees and authorized individuals will be assigned a user account for the duration of their employment with the City. After your initial account is established, all requests to add, modify, or delete network accounts must be made through your supervisor. Each user account must be password protected, following procedures established by the Network Administrator. Employees will be given passwords to access various systems, including network, email, websites, etc. Employees are not to disclose their password to anyone. Passwords should be changed routinely, as per timelines established by the Network Administrator, to ensure security of the system. If at any time you believe your password was stolen or is no longer confidential, immediately contact your supervisor and the Network Administrator.

CITY COMPUTER EQUIPMENT

The use of our electronic communications systems are primarily for legitimate business activities only and personal use should not interfere with the performance of job duties. Consequently, employee use of our computers for personal business should be limited to short, occasional use and should be conducted before or after work or during meal and break periods.

Employees are not permitted to perform any upgrades, modification, or repairs to any computer, workstation or other equipment assigned to them or anyone else, except those specifically approved by the Network Administrator. You must contact your supervisor to request upgrades or additional equipment. Also, due to the risk of computer virus infection, no employee is allowed to download any external files to any machine or disk without approval from the Network Administrator.

In addition, our systems cannot be used to convey or receive messages or graphics that contain offensive material of a sexual, gender-based, racial, ethnic, religious or other nature prohibited by our Policy against Harassment or to access inappropriate websites. You should assume that messages and graphics of this nature may be forwarded and could offend anyone, even if you believe that direct recipient of the email will not be offended. The transmittal of offensive messages or graphics of a sexual, gender-based, racial, ethnic, religious or other nature prohibited by our Policy against Harassment will result in discipline, as determined appropriate by the City.

SOFTWARE LICENSED TO THE CITY

When a computer or workstation is assigned to an employee for business purposes, that computer or workstation may contain software licensed to the City. Employees should contact the Network Administrator to request any changes to the standard software, including upgrades, additions, or deletions. The City reserves the right to audit or remove at any time any software on any computer or workstation assigned to an employee. Employees should not perform any action on any software licensed to City that is in violation of a software license agreement. Similarly, employees should not perform any action in the use of any computer or work station that is in violation of a copyright law. To avoid violations, employees are prohibited from removing or making copies of our computer software under any circumstances.

SOFTWARE NOT LICENSED TO CITY

Employees should not install, load or use without prior approval from City, any software and/or programs that are not licensed to City. This includes copies licensed personally to the employee, “shareware”, “freeware”, or product demonstration copies (“demos”). In addition, internet resources for which there is a fee must not be accessed without prior approval. Approval from the City requires authorization from the Network Administrator and Department Director.

CITY TELEPHONES (LANDLINES)

Although the City recognizes that there are occasionally times when personal phone calls must be made or messages received during business hours, we appreciate your cooperation in keeping incoming and outgoing personal calls to a minimum. All employees are responsible for notifying their family and friends of this policy. Except in cases of emergency, personal phone calls should be made during your breaks and/or meal periods. No long distance calls that result in any cost to the City are permitted. Instead, personal long-distance calls are to be made using a toll-free number, a calling card, reversed charges or your personal cell phone. If an emergency situation arises and personal long distance calls are billed to the employee’s extension, the employee shall reimburse the City for such use.

WIRELESS PHONES *(Updated 6/15/15)*

This policy applies to all City employees who use cell phones for City business. Departments may have procedures that are more limiting than stated in this policy, but department procedures must, at minimum, comply with this policy. References to cellular phones may include cell phones, smart phones or wireless Personal Digital Assistants (PDAs) that have a wireless phone feature.

City Issued/Supplied Wireless Phones: Business Use/Personal Use

Employees with a business need for a wireless phone may be assigned a City issued phone upon approval by their Department Director. Wireless phone use on phones supplied by the City is restricted to City business. Personal wireless calls (outgoing or incoming) will only be allowed in limited and infrequent (maximum 2-3 times per month) for instances of family emergencies and only if these calls cannot be made from a landline phone in a reasonable period of time. These calls should be of short duration. **NO OTHER PERSONAL USE IS ALLOWED, EVEN IF REIMBURSED.**

The above emergency calls do not need to be reimbursed if no direct additional cost is charged to the City. Employees are responsible for taking reasonable precautions to prevent unauthorized use and theft of wireless equipment.

Monthly Pre-tax Allowance

The City may choose to provide an allowance to support the cost of personal wireless phone use as a part of official city business. The Department Director or City Manager may designate employees who will receive a specified amount of additional taxable income per month for the specific purpose of obtaining a personal wireless phone plan. The amount provided will be reviewed and adjusted as needed on a biannual basis and approved by the City Manager.

One-time Pre-tax Acquisition/Activation Allowance

The City may also choose to provide a one-time allowance up to \$200 to offset the acquisition cost of a wireless phone and activation fees. The amount of the allowance will be based on actual receipts. The value of the allowance for the phone will also be processed as additional taxable income to the employee.

In the event the phone is lost, stolen or damaged while in the performance of one's duties, the City, at the discretion of the Department Director and City Manager, may provide an additional allowance for an equivalent replacement phone up to a maximum of \$300, based upon actual receipts.

CITY FAXES, COPIERS AND OTHER OFFICE EQUIPMENT

The purpose of office equipment is to support the business operations of the City. Employees may use any City office equipment that is available to the general public. City business will always have priority access to the equipment. Employees will reimburse the City for any costs incurred according to the fee scheduled approved by City Council Resolution.

STANDARDS OF CONDUCT

We believe the City of Keizer is a great place to work and strive to do all we can as an organization to ensure that each and every employee has the opportunity to come to work each day feeling good about the services they will provide and to leave work each day confident they have given their best and are appreciated for doing so. We also believe that most employees prefer to work in an environment in which serious or repeated violations of the City's standards are not permitted.

With this in mind, we have established the following standards directed at specific areas of conduct, behavior and productivity. This list is not an exhaustive list of all directives, standards, expectations or situations that create cause for disciplinary action or termination. Additionally, not all directives or expectations are in written form. A supervisor's order is an example of a verbal directive.

Employees are required at all times to exercise ordinary common sense in situations not governed by specific directives and behave in a professional manner acceptable to the organization. The goal is to promote a harmonious work relationship with other employees, a positive public image, and to ensure our mission, goals and objectives are achieved. Employees are responsible for contacting a supervisor for clarification on standards they do not understand. It will not be an acceptable defense to claim ignorance of a standard if the employee has made no reasonable effort to seek an explanation.

When we determine a regular employee has committed an infraction, the employee will generally receive a verbal or a written warning prior to higher levels of discipline. However, each situation will be evaluated according to the circumstances involved, and the type of discipline administered will be based upon our determination of the seriousness of the offense or combination of offenses. Probationary and temporary/seasonal employees are considered "at will" employees and will not generally be given a warning prior to termination. It is important to note that some infractions may cause the employee to be subject to immediate suspension or discharge.

Note: Members of the Keizer Police Department are to refer to the Keizer Police Department Policy Manual, Section 341.2: TWENTYONE UNIFORM STANDARDS OF CONDUCT.

STANDARDS OF CONDUCT

Standards and potential infractions include, but are not limited to, the following:

1. Be on time and ready to work.

Potential infractions include, but are not limited to: Unsatisfactory attendance including unauthorized or excessive absenteeism, tardiness, failure to notify supervisor of intended absence or tardiness or failure to comply with other reporting policies;

2. Strive for quality in all work products.

Potential infractions include, but are not limited to: Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity;

3. Respect coworkers.

Potential infractions include, but are not limited to: Interfering with or impeding any employee's work or City operations by excessive talking or gossiping, or creating other distractions and/or undermining the City with malicious gossip, rumors or similar conduct;

4. Perform a full day's work.

Potential infractions include, but are not limited to: Performing other than City work during work hours, deliberately delaying or limiting work tasks, or inciting others to delay or limit work tasks;

5. Work safely.

Potential infractions include, but are not limited to: Failure to follow safe working practices, provoking or instigating arguments, dissension or fights during working hours or on City premises or engaging in horseplay which results in injury or property damage, any unauthorized, careless act of destroying or damaging City property, tools or equipment, or the property of others on City premises, (Note: When we determine an employee has committed a serious safety violation, that employee is subject to immediate discharge);

6. Report accidents.

Potential infractions include, but are not limited to: Failure to promptly report an accident or injury or cooperate in accident or injury investigations;

7. Be ethical.

Potential infractions include, but are not limited to: Using City property for personal benefit or gain, violation of ethical practices as defined by our policies (such as unapproved outside employment) and/or the State of Oregon Government Standards and Practices (including receipt of Gifts and Gratuities as well as Political Activities);

8. Represent the City positively at all times.

Potential infractions include, but are not limited to: Engaging in off-duty conduct which negatively affects the City's reputation or interests, but is not, in our view, serious enough to justify discharge;

9. Be professional and comply with policies prohibiting discrimination, harassment and violence.

Potential infractions include, but are not limited to: Discriminatory behavior or harassment, threatening, intimidating, coercing or assaulting another employee, supervisor, member of the public, or business associate, violation of the City's Workplace Violence Policy, engaging in discriminatory behavior or harassment which we consider to be serious enough to justify immediate discharge;

10. Provide great customer service.

Potential infractions include, but are not limited to: Being rude or otherwise uncooperative in dealing with co-workers, managers, customers or business associates; failing to come to the aid of another member when a legitimate need is made known or is apparent;

11. Follow directions.

Potential infractions include, but are not limited to: Insubordination, including failure to follow any verbal or written job instructions issued by a person in the position of authority as determined by the City;

12. Be honest.

Potential infractions include, but are not limited to: Dishonesty of any type in both word and deed including, but not limited to: lying to a customer, misreporting facts or any other type of misrepresentation as well as altering or falsifying any City documents such as: time sheets, absence and sickness reports, expense reports, employment applications, or misrepresenting hours worked, including failure to record all hours worked, writing on another employee's time sheet, or allowing another employee to write on your time sheet without permission from management;

13. Follow policies & rules.

Potential infractions include, but are not limited to: Violating any City or Departmental policy or practice that is presently in effect or subsequently issued or any other conduct that is, in the view of the City, serious enough to justify discipline, discharge or suspension.

We believe these standards are clear and require little explanation. However, if you have any questions concerning the application or intent of these standards, please consult your supervisor or the Human Resources Department. Obviously, standards cannot be listed to cover every situation.

The Standards of Conduct list is intended to give you examples of some of the types of conduct that will lead the City to exercise its disciplinary options. Conduct not specifically mentioned will be disciplined according to the City's determination of the seriousness of the conduct in relation to the types of items listed above and the discipline applied in similar situations.

COMPLAINT PROCEDURE

Generally, a satisfactory solution to a workplace problem can be worked out provided the City knows about the problem. A satisfactory solution to the employee's problem may not result if the employee merely discusses it with their fellow employees, friends or family. We can only deal effectively with problems or complaints of which we are made aware. Therefore, to provide an effective and acceptable means for employees to bring workplace concerns and complaints to the City's attention, we have established a complaint procedure.

Employees who are covered by a collective bargaining agreement should refer to the grievance procedure in the applicable agreement for the steps that must be followed to resolve disputes related to interpretation and application of that agreement. This procedure does not substitute for the grievance procedures contained in collective bargaining agreements. It may, however, be used to resolve disputes that do not involve interpretation or application of such agreements.

Except as noted below, this procedure can be used for any type of concern or complaint, including concern or complaint regarding how discipline has been determined or applied in a specific situation. If you have any questions regarding what procedure you should follow to address a concern or resolve a particular dispute, contact the Human Resources Director.

STEP 1 –SUPERVISOR

You should discuss your concern or complaint informally with your supervisor as soon as possible after the event prompting that concern or complaint. The discussion should include your input regarding how you would like to see the matter resolved. Your supervisor will attempt to resolve the matter as soon as possible. If, because of the nature of a concern, you do not wish to discuss it with your Supervisor, you may consult with or seek advice from the Department Director, Human Resources Director or City Manager.

STEP 2 – DEPARTMENT DIRECTOR

In the event your concern or complaint is not addressed to your satisfaction by your supervisor, you can file a written statement detailing your concern and what you are seeking with your Department Director. Although we encourage you to do so as soon as possible, your statement should be filed no later than 10 working days of your Supervisor's response. Your Department Director will review the matter and determine whether additional information or meetings will be necessary. The Department Director's response will generally be issued within 10 working days of the date your statement is received.

STEP 3 – CITY MANAGER

In the event you are not satisfied with the Department Director's response, you may appeal to the City Manager. Appeals to the City Manager must be in writing and filed within 5 days of the Department Director's response. You must also attach all of the responses you received in Steps 1 through 2 of this procedure.

After reviewing all the information available, the City Manager will issue a final written decision within approximately 10 working days. The decision of the City Manager is final.

PLEASE NOTE

This complaint procedure does not apply to complaints involving discrimination/harassment or complaints involving retaliation for raising concerns related to unlawful discrimination or harassment.

See the Harassment Policy under the Equal Employment Opportunity section of this Manual.

PROGRESSIVE DISCIPLINE

It is the policy of the City to provide employees the opportunity to correct identified conduct whether performance or behavior, which may interfere with the accomplishment of the goals and objectives of the workplace; however, this manner of addressing conduct is at the discretion of the City Manager and does not apply to conduct the City determines is sufficiently serious to justify termination without progressive discipline. As part of the corrective action, there shall be specific notification to the employee that identifies the conduct, whether performance or behavior, that is of concern. This policy applies to all employees, except where language conflicts with a collective bargaining agreement.

Conduct of City employees may affect the ability of the City to serve its citizens and the taxpayers' impression of City government. Employee safety, productivity and morale are also dependent upon employee conduct. Corrective action is necessary when employee conduct is unsatisfactory and other actions to improve employee conduct have failed. The principles of progressive discipline apply to all regular full-time and part-time employees.

GENERAL GUIDELINES

Corrective action includes steps taken, short of termination of employment, that are designed to identify performance or behavior issues that are not acceptable. Discipline may be initiated for many reasons, including, but not limited to, violations of the Standards of Conduct listed in the previous section of this manual. The severity of the action generally depends on the nature of the offense and the employee's work record, and may range from verbal warning to dismissal.

STEPS OF PROGRESSIVE DISCIPLINE

Depending upon the facts and circumstances involved in each situation, management may choose to begin corrective action at any step up to and including dismissal. As previously mentioned, an employee's overall record, length of service and other mitigating factors may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City reserves the right to start at any level and to skip levels when the City determines it is warranted.

A. Verbal Warning

To correct identified conduct, whether performance or behavior, employees will generally be verbally warned once before receiving a written warning. Record of a verbal warning will not become part of the personnel file.

B. Written Warning

In the event of repeated identified conduct, whether performance or behavior, or a single serious violation of a City policy or rule that the City deems sufficient to justify a written warning, a written warning may be issued. A written warning does not need to be preceded by a verbal warning.

The employee will be required to sign and date acknowledging receipt of the written warning. A copy of the written warning will be placed in their personnel file. An employee may submit a written response, which will be placed in the personnel file along with the written warning.

C. Temporary Reduction in Pay in Lieu of Suspension

In addition to a written warning, the Department Director, with approval of the City Manager, may also temporarily reduce an employee's pay in an amount and duration as deemed appropriate.

D. Suspension without Pay

Prior to suspending an employee without pay, the Department Director must obtain approval of the City Manager. An employee who is suspended without pay must be given notice of the reasons for the action, the duration of the suspension, and the date and time the employee is expected to report back to work. A copy of this notice will be made part of the employee's personnel file.

E. Demotion

Demotion is the removal of an employee from their present position to a lower paying position or salary step. Prior to demoting an employee, the Department Director must obtain approval of the City Manager. A written statement of the reasons for such action shall be furnished to the employee, and a copy will be made a part of their personnel file. The employee will be required to sign the statement acknowledging receipt of a copy, and may file a written response to the statement provided by the Department Director.

F. Removal from Premium Pay Assignment

Prior to removing an employee from a Premium Pay Assignment, the Department Director must obtain approval of the City Manager. A written statement of the reasons for such action shall be furnished to the employee, and a copy will be made a part of their personnel file. The employee will be required to sign the statement acknowledging they received a copy of it, and may file a written response to the statement provided by the Department Director.

G. Dismissal

Dismissal may result if the employee violates City policy, commits serious misconduct or fails to improve the level of performance after corrective action has been taken. The City Manager must approve all dismissals.

If a Department Director determines there is cause to consider the dismissal of an employee, the Department Director shall notify the employee of the reason(s) that dismissal is being considered. The employee shall be provided with the facts upon which the actions are based. The Department Director shall afford the employee an informal opportunity to respond to the charges orally or in writing.

If you are not covered by a collective bargaining agreement and you feel you have been unfairly disciplined or discharged, we encourage you to utilize the "Grievance and Complaint Procedure" listed in this manual. Employees covered by collective bargaining are to refer to the grievance procedures in their applicable collective bargaining agreement.

EMPLOYEE RESIGNATIONS AND TERMINATIONS

RESIGNATIONS

Voluntary Resignation & Retirement: We hope that every employee's association with the City of Keizer will be pleasant and long-lasting. However, if an employee does resign or retire from the City, we request the courtesy of at least 15 days advanced written notice of your intent to resign. For employees in the position of Department Director, we ask that you provide at least 30 days advanced written notice of intent to resign or retire. Notice of resignation or retirement should be submitted to your immediate Supervisor, your Department Director or the Human Resources Director. Police Department employees are to submit resignation or retirement notice to the Chief of Police.

Unexcused Absence: You will be considered to have voluntarily resigned if you are absent for three(3) or more consecutive working days without notice to your Supervisor, your Department Director or the Human Resources Director.

Unexcused Leave: You will be considered to have voluntarily resigned if you fail to return from a leave of absence as arranged with the City, unless it is determined mitigating circumstances exist.

LAYOFFS

It is our goal to provide stable employment to our employees by operating the City effectively and efficiently. However, changes in our funding or operations may affect our employment needs. In the event we decide that it is necessary to eliminate or consolidate jobs or otherwise curtail operations, layoffs may be necessary.

For employees who are covered by a collective bargaining agreement, refer to the applicable section of that agreement. For non-represented employees, the determination of who shall be laid off will be made as follows: employees in the classification(s) affected by the layoff will be selected for layoff based on the City's evaluation of their overall work performance, as well as their skills and ability to perform the work remaining and the needs of the City. In the event we feel the performance, skills, abilities and versatility of the employees in the classifications we are considering for layoff are relatively equal for the remaining positions and the needs of the City, preference will be given to the employees with the longest length of service with the City. The City Manager will identify the factors to be considered in determining the performance, skills, abilities and versatility of employees for the purposes of application of this policy.

At least two weeks before the effective date of layoff for reasons other than discipline, the City Manager will give written notice of the termination to the employee, explaining the reason and providing a written evaluation of the employee's performance. Non-represented employees who are notified of layoff have recall rights to the position they occupied at the time of the layoff for up to twelve (12) months from date of layoff but no right to bump other employees out of positions. In the event an employee is recalled to work during this twelve (12) month period, he/she will be credited with the length of service at the time of the layoff for benefit eligibility purposes. Recall notices will be sent by certified mail to the last known address. It is the employee's responsibility to update their address with the City during this time and to respond to the notice within the timeframe provided (generally no more than 7 days from the date of the mailing or 5 days from the date of the receipt, whichever occurs later).

INVOLUNTARY TERMINATIONS

Employment with City of Keizer is considered “at will” during an employee’s initial probationary period. For all employees who are not covered by a collective bargaining agreement, the initial probationary period is generally 180 days (six months), except as otherwise referenced in policy. For represented employees, please refer to the applicable collective bargaining agreement. During an employee’s initial probationary period, the City of Keizer retains the right to terminate an employee with or without notice and with or without cause, except as prohibited by law.

Also, employees in certain high level positions are subject to termination “at will” under the City Charter (City Manager and City Attorney) for the duration of their employment. All such employees are also subject to the terms set forth in individual employment agreements. The terms of those agreements, including the “at will” employment clause, supersede any conflicting provisions of the City’s Personnel Policies.

For all other employees, the City retains the right to terminate employment for any cause that we determine sufficient after completion of initial probation. However, before an employee who has completed his/her probationary period is terminated for conduct we consider to be an “infraction” of the City’s standards, the City will follow the principles of progressive discipline. The City will notify the employee of area(s) of needed improvement and give the employee an opportunity to correct the behavior in question prior to termination. As previously stated, discipline may include verbal warning, written warning, suspension without pay, demotion or other steps the City feels are appropriate given the circumstances. Additionally, employees who have completed their probationary period, as well as probationary employees who are facing possible termination for reasons that involve immoral or indecent conduct, will be given “due process” rights prior to termination, consistent with applicable law.

Dismissal may result if the employee violates City policy, commits serious misconduct or fails to improve the level of performance or behavior the City considers acceptable after corrective action has been taken. City Manager approval is mandatory prior to dismissal. Employees may be placed on “suspension without pay” pending such approval. In addition, a pre-dismissal conference will be held in accordance with the Progressive Discipline Policy.

EXIT INTERVIEWS

Whenever possible, employees who leave the City’s employment will be given the opportunity to provide information regarding their perceptions of employment before their last day of work. Exit interviews will be conducted by the Human Resources Director using standardized forms.

REFERENCES

Non-law enforcement employees who leave our employment will be given the option of authorizing the City to release information regarding their work performance, attendance (excluding FMLA/OFLA and other protected leaves), interpersonal relations, etc. on forms available through the Human Resources Office. If departing employees do not sign these forms, reference check information will generally be limited to their length of employment, position and pay rate. The City does, however, reserve the right to share information with a prospective employer that, in its view, makes the employee unsuitable for the position sought.

All reference requests must be directed to the Human Resources Director for response. The Human Resources Director will determine what information is appropriate for disclosure. No employee may provide a reference, verbal or written, without the prior knowledge and approval of the Human Resources Director.

Law enforcement employees who leave the City's employment will be subject to background and reference checks as determined appropriate by the Keizer Police Department.

FINAL PAYCHECKS

If you are discharged by the City or are laid off with no expectation of recall, your final paycheck will be available by the end of the next business day following your termination or layoff. If you are laid off with the expectation that you will be returning to work within a short period (not to exceed 35 days) your final paycheck will be issued on the next payday. Your final paycheck will include all wages due and owing to you through your final day of employment as well as payment for earned and unused vacation benefits and compensatory time.

If you resign and provide at least 48 hours notice to the City, your final paycheck will be available on your last day of work or on the next business day if your last day falls on a Saturday, Sunday or holiday. If you resign and fail to provide at least 48 hours notice to the City, your final paycheck will be available within five days of your termination or on the next payday, whichever comes first.

HOLIDAY, VACATION AND OTHER PAID LEAVE BENEFITS

HOLIDAY LEAVE

The City of Keizer provides paid holiday leave as a part of its comprehensive benefits package. It is the policy of the City of Keizer to compensate employees for authorized holidays as scheduled and approved by the City Manager. This policy applies to all non-bargaining positions in the City of Keizer with the exception of those employees referenced below. The holiday leave of all employees covered by collective bargaining will be governed by the terms of the applicable collective bargaining agreement.

Exception: Holiday Leave does not apply to employees whose work schedules are other than the conventional Monday through Friday workweek (such as Patrol Sergeants or Sergeants working 10 hour shifts). See Floating Holiday Leave.

Eligibility

All regular and probationary full-time and part-time employees are entitled to holiday leave with pay based on the number of hours they are regularly scheduled to work.

Holidays Observed

The following holidays are City-paid holidays:

- New Year's Day
- Martin Luther King Jr. Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day

Holiday on Weekends: Whenever a holiday falls on a Sunday, the following Monday shall be recognized as a holiday. If such holiday falls on a Saturday, the preceding Friday shall be recognized as a holiday.

Holiday during Vacation or Sick Leave: An authorized holiday that occurs during vacation or sick leave shall be charged as holiday and not be charged against vacation or sick leave.

Holiday on Scheduled Day Off: When an authorized holiday falls on an employee's regularly scheduled day off, the holiday may be subsequently rescheduled, if possible, to another day within the same pay period, or the employee may be compensated in direct wages at the Supervisor's discretion.

COMPENSATORY LEAVE

You are encouraged to take accumulated compensatory time on a timely basis. An employee who requests use of accumulated compensatory time will be permitted to use such time within a reasonable period after making the request provided, in the City's determination, the granting of compensatory time would not unduly disrupt the operations of the department or the City. Employees who wish to take compensatory time off should request the time off at least one day in advance.

Requests for use of compensatory time should be made to your supervisor and must generally be taken in increments of at least $\frac{1}{4}$ hour. Department Directors may require different increments (such as $\frac{1}{2}$ hour) and/or a different length of time for advance notice to address operational needs and, if so, will provide information on this topic to employees.

For employees covered by the collective bargaining agreement with KPA, the payment and use of compensatory time is governed by the terms of that agreement. For all other employees, compensatory time accumulation shall not exceed sixty (60) hours with no time limit on when the hours must be used. Under extenuating circumstances, a supervisor may approve an accumulation over 60 hours with the written approval of the Department Director. Compensatory time off requests that would cause an undue disruption to operations will be denied. Consequently, employees are encouraged to provide as much advance notice as possible when requesting the use of compensatory time. All accrued compensatory time will be paid out upon separation from employment according to State and Federal requirements.

PAID PERSONAL LEAVE

Full-time employees shall receive 16 hours of paid Personal Leave each fiscal year. Part-time employees are eligible for a pro-rated amount (e.g. 20 hours = $\frac{1}{2}$ accrual, 30 hours = $\frac{3}{4}$ accrual) of Personal Leave. New employees accrue Personal Leave prorated based on their start date during the first fiscal year. For example: The fiscal year runs from July 1 through June 30. If the new full-time employee begins on January 2nd, they will receive 8 hours of paid Personal Leave. This policy applies to all full and part-time employees with the exception of those employees referenced below.

Personal Leave will be granted on July 1st of each fiscal year and must be requested, approved and utilized by June 30th of the same fiscal year. Personal Leave may be taken any time during the calendar year with advance approval of the employee's supervisor based on City needs. You should provide your Supervisor with sufficient advance notice in writing of your intention to take Personal Leave. Generally, personal leave days may be taken in one-hour increments. Personal leave may not be carried over to the following fiscal year or credited to another type of leave. Paid Personal Leave is provided to allow time off during employment and as such, is not compensable and is not paid at separation.

Any hours remaining in an employee's Personal Leave accrual bank will not be transferred to a Floating Holiday accrual bank when an employee is reassigned from a position receiving Personal Leave to a position receiving Floating Holidays (Police Department, non-bargaining). Therefore, employees are encouraged to take such leave prior to reassignment, if possible.

Exception: Holiday Leave does not apply to employees whose work schedules are other than the conventional Monday through Friday workweek (such as Patrol Sergeants or Sergeants working 10 hour shifts). See Floating Holiday Leave.

FLOATING HOLIDAY LEAVE

In lieu of authorized holidays and personal leave days, employees whose work schedules are outside the conventional Monday through Friday workweek (such as Patrol Sergeants and Sergeants who work a 10 hour shift) are entitled to take twelve (12) paid floating holidays off each fiscal year. Floating holiday leave shall accrue bi-weekly as follows:

- Employees assigned to a twelve (12) hour shift accrue 5.54 hours floating holiday time.
- Employees assigned to a ten (10) hour shift accrue 4.62 hours floating holiday time.
- Employees assigned to an eight (8) hour shift accrue 3.70 hours floating holiday time.

Floating holiday time off may be scheduled and approved up to ninety (90) days in advance on a first come, first serve basis within each department. Holiday accrual shall not exceed twenty-four (24) hours.

Employees assigned to Floating Holidays will schedule holidays in good faith based on days available with their Supervisor's approval, which are to be withheld only to meet operational and staffing needs. Holiday time off not taken in accordance with this policy will be lost unless not taken or canceled by the department for operational reasons, in which case it will be paid.

VACATION LEAVE

To provide employees the opportunity for rest, recreation and personal activities, the City of Keizer provides paid vacation leave as a part of its comprehensive benefits package. The City believes that both employees and the City benefit when employees take personal time away from work to relax. As a result, the City has established a maximum vacation leave accrual amount. Employees who reach their maximum vacation benefit accumulation do not earn any additional vacation benefits until their vacation accumulation is dropped below the maximum. Therefore, all employees are encouraged to schedule time off each year.

This policy applies to all non-bargaining positions in the City of Keizer. The vacation leave of all employees covered by collective bargaining will be governed by the terms of the applicable collective bargaining agreement.

Eligibility

All regular full-time and part-time employees accrue vacation leave from the date of hire but may not request or use vacation leave until they have successfully completed their probationary period. Temporary and seasonal employees are not eligible and do not accrue vacation leave.

Accrual

Vacation leave accrual is earned by regular employees based on length of continuous service with the City and the number of hours they are regularly scheduled to work. Vacation leave accrues bi-weekly as follows for regular full-time employees:

- 4.62 hours commencing with the first month through the 48th month (1-4 years);
- 5.54 hours commencing with the 49th month through 108th month (5-9 years);
- 6.15 hours commencing with the 109th month through the 168th month (10-14 years);
- 7.70 hours after the 168th month (15 years and up).

Part-time employees are eligible for a pro-rated amount (e.g. 20 hours = ½ accrual, 30 hours = ¾ accrual) of Vacation leave accrual listed for Full-Time employees.

No vacation time will accrue during a period while you are on an unpaid leave of absence that exceeds thirty (30) days in duration, or are receiving workers' compensation benefits.

The maximum number of hours of vacation you may accrue is 400 hours.

Scheduling Vacation

Except when a Department Director or City Manager determines that use of vacation leave is inappropriate, employees are strongly recommended to use at least forty (40) consecutive hours of vacation leave at least once each calendar year. An extended break is important for health and wellness and it is the goal of the City that each employee has the opportunity for such a break each year.

Vacations may be taken any time during the calendar year with advance approval of the employee's supervisor based on City needs. You should provide your Supervisor with sufficient advance notice in writing of your intention to take vacation. Vacations may be taken in increments of hourly, daily, or weekly. Department Directors may institute requirements regarding consecutive hours of vacation leave to address operational needs and, if so, will provide those requirements to employees.

At the City Manager's discretion, based on unusual extenuating circumstances and availability of budgeted funds, the City Manager may allow an employee to cash out vacation pay.

Effect of Holiday: When an authorized legal holiday occurs during the vacation period, that day will be observed as a holiday and will not be deducted from your earned vacation leave.

Effect of Separation: If you are discharged, resign or the employment relationship is otherwise terminated, your final paycheck will include payment for all earned and unused vacation benefits through your last full day of employment with the City.

EXCEPTIONAL PERFORMANCE RECOGNITION LEAVE WITH PAY

The City Manager may grant exceptional performance recognition leave with pay to reward an employee for extraordinary performance as described below. The leave may be awarded to any employee whose achievement or demonstrated performance has been deemed by the City Manager an outstanding contribution to City goals and objectives.

This leave is not an entitlement, is not to be automatically awarded each fiscal year, and is to be judiciously awarded at the City Manager's discretion.

Department Directors who wish to recommend an employee for Exceptional Performance Recognition Leave with Pay must submit a memo outlining their recommendation to the City Manager. The memo should include a description of the employee's exceptional performance and explains how the performance is above and beyond the employee's general position responsibilities. Department Directors shall maintain records that include the reason the leave was awarded, and the amount of leave granted and taken.

This leave is:

- Compensable only in the form of leave; and
- Not to exceed 40 hours in a fiscal year; and
- Not cumulative from fiscal year to fiscal year.

The Department Director shall use their discretion in determining whether notification of leave awarded is a public event or a one-on-one acknowledgement. The Department Director and the employee granted leave shall mutually agree upon when the leave may be taken.

For more information on these leave of absence policies, contact the Human Resources Director. In all circumstances, the City's policy will be interpreted and applied in accordance with applicable state and federal regulations.

SICK LEAVE

ELIGIBILITY AND ACCRUAL

This policy applies to all non-bargaining positions in the City of Keizer. The sick leave of all employees covered by collective bargaining will be governed by the terms of the applicable collective bargaining agreement.

All probationary and regular full-time employees, as well as probationary and regular part-time employees are eligible to earn paid sick leave benefits. Seasonal and temporary employees are not eligible to earn or receive any paid sick leave benefits.

Sick leave accrues and is available for use from the date of hire. Full-time employees accrue sick leave at the rate of eight (8) hours for each calendar month of service, or 3.7 hours bi-weekly. Part-time employees are eligible for a pro-rated amount (e.g. 20 hours = ½ accrual, 30 hours = ¾ accrual) of sick leave benefits listed for Full-Time employees. Employees shall be entitled to unlimited sick leave accrual. Unused sick leave will be continually carried forward to the next year.

If an employee runs out of sick leave, any additional sick time missed is automatically deducted from the employee's other available accrued leave. If the leave is for a qualified FMLA or OFLA purpose, all leaves of absence used shall be counted against the employee's family leave entitlement. If no leave is available, the employee may take leave without pay. During a leave of absence without pay of more than 30 consecutive calendar days, sick leave does not accrue except as required by state or federal law.

USE OF PAID SICK LEAVE

Paid sick leave can be used **only** for the following reasons:

1. For bona fide off-the-job employee injuries or illnesses which prevent you from reporting to work;
2. To attend your own medical or dental appointments or when necessary to transport or accompany a member of your immediate family to a medical or dental appointment, subject to the conditions set forth below. (Please note that in order to avoid disruption to our operations, City expects employees to schedule such appointments during their off-duty hours whenever possible);
3. When your presence is actually needed to care for a sick child or an immediate family member with a serious health condition in accordance with applicable law (Please note that employees will be required to use any accrued and unused sick leave benefits during periods of family medical leave before unpaid time off will be granted.); and
4. To make up the difference between workers' compensation time loss benefits and your regular straight-time wage rate.

For the purposes of this section, the definition of immediate family includes:

- Members of the employee's immediate household;
- The employee's spouse, parents, or children as defined in the federal Family and Medical Leave Act (FMLA);
- The employee's parents-in-law, grandparents, grandchildren and domestic partner, as defined in OFLA;
- The employee's domestic partner as designated in an Affidavit of Domestic Partnership on file with Human Resources; and
- The children and parents of such domestic partner, defined as if the domestic partner was the employee's spouse.

REPORTING SICK LEAVE

If you must be absent for any reason listed above, you must report your need to be absent directly to your supervisor as early as possible before the beginning of your shift but at least one (1) hour prior to start time, unless you are unable to report due to incapacitation.

In case of a continuing illness or injury, you must keep your immediate supervisor advised of your ability to report to work on a daily basis. However, daily notice will not be required in situations where you have submitted written verification from your doctor or health care professional of your need to be absent from work for a definite period or as otherwise approved by your supervisor.

Department reporting procedures may be more restrictive than described in this section. If so, please follow procedures as established by your Department Director. If you have any questions regarding appropriate reporting procedures, please contact your supervisor immediately.

VERIFICATION

The City may require an employee to submit written certification from a physician or other acceptable verification of eligibility to receive sick leave benefit or determination of risk with return to work, under any of the following conditions:

1. Whenever the employee's absence exceeds three (3) consecutive workdays;
2. Whenever the City has reason to believe the employee's presence or return to work would present a health hazard to either the employee, coworkers in their vicinity or the public.
3. Whenever the City can articulate reasonable cause to believe that a misuse or abuse of sick leave has occurred, including questionable usage, questionable patterns of usage or calling in sick on a previously denied day off, provided the employee has been previously notified by a Supervisor, Department Director or Human Resources representative that, due to such concerns, future verification will be required. Employees notified of such reasonable cause may be required to furnish a doctor's certificate for each use of sick leave for a period not to exceed six (6) months following the notice.

In the event verification is required, it must be provided to the Human Resources Director and it must be submitted within fifteen (15) days of the date of the request. All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Personal and confidential medical information of all employees is protected by the Health Insurance Portability and Accountability Act (HIPAA). All employees are encouraged to refrain from discussing or sharing protected health information with their co-workers. All information referring to employee health or other medical information must be maintained exclusively by Human Resources in a confidential medical file. Departments shall not require, receive or retain any employee's personal health information.

Supervisors or their designee may question employees only to the degree necessary for the approval of leave or for the operation of their function. Supervisors may not require an individual to provide specific health information. Supervisors shall refer any specific health information inquiries directly to the Human Resources Director. Supervisors shall guard against speaking in any manner that can be overheard by others when discussing employee health information. Use of email to anyone which may identify any individual's health condition is prohibited. Workers' Compensation issues are exempt from the HIPAA regulations.

All complaints regarding the handling and/or use of personal health information (PHI) should be directed to the Human Resources Director.

ABUSE OF SICK LEAVE

Sick leave is intended to provide compensation to employees who are unable to work for one of the reasons permitted under this section of the Personnel Policy Manual. Employees are permitted to use sick leave only for those reasons.

It is the responsibility of all employees to become familiar with the reasons for which sick leave can be used. Giving false information to obtain sick leave benefits or acceptance of sick leave benefits for reasons other than those listed above will be considered misuse of sick leave and will be grounds for disciplinary action, up to and including discharge.

In addition, all employees are expected to cooperate with efforts by the City to ensure compliance with this policy. The obligation to cooperate includes, but is not limited to, the obligation to respond to requests for information regarding the reasons for absences and requests for medical verification. Failure to cooperate with efforts to ensure compliance will also be considered grounds for disciplinary action, up to and including discharge.

DONATION OF SICK AND VACATION LEAVE

An employee may donate up to forty (40) hours of sick or vacation leave per calendar year to a donated leave bank administered by the City as long as they maintain at least 40 hours in both their sick and vacation leave banks on an ongoing basis.

To be eligible to receive donated leave, an employee must:

- have a serious illness or medical condition or be caring for a family member with a serious illness or medical condition that requires a prolonged absence from work;
- have exhausted all sick leave, compensatory time, vacation and holiday time;
- not be eligible for disability benefits under PERS or the City's long term disability benefits prior to receipt of any donated sick leave; and
- anticipate to be absent from work at least two weeks beyond exhaustion of all leave banks.

Employees do not accrue sick leave, vacation pay or other benefits during the time they are on donated leave. Donated time cannot be used to extend the employment of an employee who will not be returning to work.

Applications for donated leave must be made to Human Resources, in writing, and must describe the serious illness or medical condition necessitating the leave. Human Resources will determine whether the illness or medication condition satisfies eligibility requirements. It is important to note that donated sick and vacation leave are provided only in emergency and serious circumstances and are not to be considered a back-up general sick leave bank. If you have questions about whether your situation would qualify, please contact Human Resources to discuss your situation.

All applications for donated leave must be approved by the City in advance. Donated sick leave will be based on a 2 hours for 1 hour (2:1) exchange, without regard to differences in the pay rate between the employee donating and the employee receiving the donation and will be paid out at the receiving employee's normal rate of pay. In other words, for every 2 hours a coworker donates, one hour will be provided to the eligible employee. Donated vacation leave will be based on an hour for hour (1:1) exchange, without regard to differences in the pay rate between the employee donating and the employee receiving the donation and will be paid out at the receiving employee's normal rate of pay.

SICK LEAVE WITHOUT PAY

Upon written application, a leave of absence without pay for non-job related medical reasons may be granted by the City Manager for the remaining period of disability after earned sick leave and other accrued leaves have been exhausted. At the end of one year, an extension must be requested in writing and approved by the City Manager, who may require that the employee submit a certificate from the attending physician. In the event of a failure or refusal to supply the certificate or if the certificate does not clearly show sufficient disability to preclude the employee from the performance of duties, the leave of absence without pay will be canceled and his/her employment will be terminated.

EFFECT OF SEPARATION

No payment for accrued sick leave will be paid upon separation.

Upon retirement, fifty percent (50%) of unused sick leave accrual shall be credited toward a retirement benefit or paid out. For the purposes of this policy, 'retirement' means 'retired for service or disability' under the employee's applicable retirement plan. See the Retirement Policy for further details.

Upon the death of an employee, fifty percent (50%) of their unused sick leave accrual shall be paid to their beneficiary listed on the employee's life insurance policy carried by the City.

OTHER LEAVES OF ABSENCE

When employees are hired, it is expected that they will work continuously as needed. We do, however, recognize that uncontrollable conditions do arise, which require employees to take temporary leaves of absence from employment.

During a period of leave of absence, no wages or benefits are accrued or paid, unless specifically stated in this Personnel Policy Manual or required by law. Except as prohibited by law, employees will be required to use any accrued and unused paid leave benefits (e.g. vacation, personal leave and/or sick leave, as appropriate to the circumstance) before any unpaid time off is granted. Employees who wish to continue their health insurance benefit during the period of a leave of absence are referred to the Health Insurance Benefits section of this Personnel Policy Manual for an explanation of how long the City will continue to pay its portion of the insurance contribution. For more information, including when employee premium payment is due during leave, contact Human Resources.

All leaves of absence must be requested by the employee in writing and approved by the Department Director in order to allow us to make arrangements for proper staffing during your absence. Employees who do not notify the City and/or fail to obtain approval for leaves of absence will be considered absent without authorization.

REQUESTING PERSONAL LEAVE OF ABSENCE

Regular employees may request and be granted a personal leave of absence of up to 90 days upon showing good cause and provided the City determines the leave can be scheduled without adversely affecting the operation of the organization. Personal leave may be granted for short periods as well as extended absences.

Requests for personal leaves of absence must be made in writing as far in advance as possible and must specify a starting and ending date as well as the reason for the requested leave. A request for a leave of absence for up to thirty (30) consecutive calendar days must be approved by the Department Director. A request in excess of thirty (30) consecutive calendar days must be approved by the Department Director and City Manager.

The City will determine when sufficient cause exists at its discretion. A leave of absence will not be granted to work another job or seek employment or career opportunities elsewhere. Use of leave for a purpose other than that requested may be cause for disciplinary action up to and including termination.

Employees returning from a personal leave of absence are not guaranteed reemployment, unless such agreement is in writing and approved by the Department Director. Reemployment will generally be subject to the availability of a position that the City determines is suited to an employee's skills, qualifications and experience. Failure on the part of the employee to promptly report back to work at the expiration of the leave or authorized extension will be regarded as a voluntary resignation.

BEREAVEMENT LEAVE

Following a death in the employee's immediate family, the employee is entitled to a maximum of three (3) days bereavement leave with pay, plus two (2) additional days available chargeable to any accrued leave. Any additional time off must be approved by the Department Director and will require the employee to use accrued leave. For purposes of this section, the immediate family includes: mother, father, son, daughter, sibling, husband, wife, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents and grandchildren. It also includes persons who qualify as domestic partners under applicable law, as well as the mother, father, son, daughter, siblings, grandparents and grandchildren of such domestic partners.

MILITARY LEAVE

Employees who serve in the U.S. Armed Forces, National Guard or Reserves are granted an unpaid leave of absence for the period of their military service and training and will also be provided reinstatement in accordance with applicable law. In addition, employees who have completed six continuous months of service with the City and who are required to participate in annual active duty training as a member of the National Guard, National Guard Reserve or any reserve component of the Armed Forces or of the United States Public Health Service will be provided with a paid leave of absence for the number of days the employee would normally be scheduled to work within a 15 calendar day period, in accordance with applicable law. If you have any questions regarding military leave, contact the Human Resources Director.

JURY DUTY AND WITNESS LEAVE

The City recognizes the duty of individuals to serve as jurors and subpoenaed witnesses in matters not related to the City. Any employee notified of selection to serve as a member of a jury or subpoenaed as a witness in court before a judge, legislative committee, administrative proceeding or other official board or body with authority to conduct a hearing or inquiry should notify their supervisor as soon as possible after receiving notice. Supervisors may request an employee to attempt to reschedule jury duty, if possible, if time off is inconvenient for the City.

All employees called to serve as jurors or subpoenaed as a witness will, upon proper verification, be granted a leave of absence for the period of required service. Upon proper verification, probationary and regular status employees will receive their regular rate of pay for the hours they would have been scheduled to work during the jury or witness service. Seasonal and temporary employees are not eligible for paid jury duty leave.

An employee called for jury duty or to serve as a witness will be required to return to work if they are excused from witness or jury duty during their regular workday. Employees eligible for paid jury duty leave must turn over to the Finance Department the amount of any jury or witness service fees (excluding all reimbursed expenses, e.g. mileage).

FAMILY MEDICAL LEAVE, PARENTAL OR PREGNANCY LEAVE (FMLA)

The City is covered by the Federal Family Medical Leave Act (FMLA) as well as the Oregon Family Leave Act (OFLA). Please note that an employee may be entitled to more than one type of leave for the same absence. If so, the leaves will run concurrently unless specifically prohibited by law. It is important to note that neither FMLA nor OFLA leave is paid leave. In simplest terms, they are federal and state acts that protect the employee's right to take leave and have a job when they return. Employees must utilize accrued leave while they are out on either FMLA or OFLA leave. The information and definitions below are listed as required by federal and state law. As the laws are quite complicated, for additional information and assistance with these leave of absence policies as well as clarification of how they may apply to your individual situation, please contact the Human Resources Department.

Eligibility and Amount of Federal FMLA Leave

To be eligible for FMLA benefits, you must have worked for the City for a total of at least 12 months and have worked at least 1,250 hours over the previous 12 months. You must also work at a location where the City employs 50 or more employees within 75 miles. An eligible employee is entitled to a total of 12 workweeks of unpaid leave during a 12 month period measured forward from the first date you use any FMLA leave, for one or more of the following reasons:

1. For the birth or placement of a child for adoption or foster care;
2. To care for an immediate family member (spouse, child or parent), with a serious health condition. *(Note: OFLA covers family members in addition to those covered under FMLA. See the Oregon Family Leave Section below for more information.)*
3. To care for a covered service member with a serious injury or illness, if the employee is the spouse, son, daughter, parent or next-of-kin of the service member. *(Note: an eligible employee is entitled to a total of 26 workweeks of leave for this purpose during a single 12-month period, measured forward from the first date the employee uses covered service member leave as required by law);*
4. To take medical leave when the employee is unable to work because of a serious health condition; or
5. Because of qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty under a federal call (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation, as outlined below and required by law. To be eligible for qualifying exigency leave, an employee's family member must serve in the Regular Armed Forces, Army National Guard, Army Reserve, Navy Reserve, Marine Corp Reserve, Air National Guard, Air Force Reserve, Coast Guard Reserve, or be a retiree of the Regular Armed Forces or Reserves.

Note: Important additional information regarding covered service members is listed at the end of this section of policy.

Definition of Serious Health Condition under FMLA

"Serious health condition" under the federal law means an illness, injury, impairment, or physical or mental condition that involves:

- a. Hospital Care: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- b. Absence Plus Treatment: A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - Treatment two or more times by a healthcare provider, by a nurse or physician's assistant under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider; or
 - Treatment by a healthcare provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - In order to qualify, the first, in person treatment must take place within seven (7) days of the first day of incapacity. Also, except under extenuating circumstances, the second treatment must occur within thirty (30) days of the first day of incapacity.
- c. Pregnancy: Any period of incapacity due to pregnancy, or for prenatal care.
- d. Chronic Conditions Requiring Treatments: A chronic condition which:
 - Requires periodic visits (including at least two per year) for treatment by a healthcare provider, or by a nurse or physician's assistant under direct supervision of a healthcare provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- e. Permanent/Long-term Conditions Requiring Supervision: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, severe stroke, or terminal stages of disease.
- f. Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

"Incapacity" means the inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

"Treatment" includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical, eye or dental examinations.

A regimen of "continuing treatment" includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

Wages and Benefits During FMLA

A family leave is without payment of wages. You will, however, be required to use accrued paid leave during FMLA leave (e.g. sick and vacation leave) in accordance with City policy and applicable law. Employees who are absent due to on-the-job serious health conditions are eligible for workers' compensation benefits. The City will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. In some instances, the City may recover premiums they paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

Reinstatement from FMLA

In order to have reinstatement rights when you are returning from family leave you must request reinstatement promptly upon the expiration of leave. If you make a timely request for reinstatement and comply with other requirements under the federal regulations, you will be reinstated to your former position in accordance with applicable law. If you cannot be reinstated to your former position because that position no longer exists, you will be reinstated to an available, equivalent position in accordance with applicable law. The use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave that was not used during leave.

Notice, Communication & Certification Requirements

When you use FMLA leave, you will be required to provide the following:

- Thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, you must provide notice as soon as practicable. You must also generally comply with the City's normal attendance call-in procedures;
- Employees needing FMLA leave must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform the job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also notify the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- Medical certification of the need for leave due to a serious health condition affecting the employee or an immediate family member;
- Medical certification of the need for leave due to the serious injury or illness of a spouse, son, daughter, parent, or next of kin who is a covered service-member;
- Certification of the need for qualifying exigency leaves;
- Second or third medical opinions (at the City's expense) and periodic re-certifications as the City determines necessary;
- Weekly reports during FMLA leave regarding your status and intent to return to work; and
- Fitness for duty certification upon return to work.

All employees who are either fully or partially released to return to work must report to the City immediately upon receipt of the release. When leave is needed to care for an immediate family member or the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the City's operation.

When an employee gives notice of the need for an FMLA qualifying leave, the City will notify you whether you are eligible under FMLA and will give you additional, specific information on your rights and responsibilities. If you are not eligible, you will be given a reason for why you have been determined to be ineligible.

Important Information Specific to Covered Service Members

In the event that an employee uses both covered service member and one or more other types of FMLA leave during the same leave year, the employee will be granted a maximum combined total of 26 workweeks of leave. However, no more than 12 workweeks can be used for any purpose other than covered service member leave, and additional restrictions apply to qualified exigency leave as outlined below. Also, spouses employed by the City are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement. Likewise, spouses employed by the City, taking leave for a covered service-member are jointly entitled to a combined total of 26 weeks of leave during the single 12 month period in accordance with applicable law.

Under some circumstances, employees may take leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule. If leave is for a birth or placement for adoption or foster care, use of intermittent leave is subject to the City's approval. However, FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or covered service member, because the employee is seriously ill and unable to work, or due to qualifying exigencies.

A "Covered Service-Member" is a member of the Armed Forces, including the National guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Next-of-Kin: An employee's Next-of-Kin for military caregiver leave, includes the nearest blood relative other than the covered service member's spouse, parent, son, or daughter in the following priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins. The covered service member may also designate, in writing, another blood relative as their "Next-of-Kin" for FMLA purposes. That designation shall control the determination.

Qualifying Exigency: Under the FMLA, Qualifying Exigencies include:

1. Short-Notice Deployment: Up to seven (7) calendar days of leave may be taken to address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty for a contingency operation seven or fewer calendar days prior to the date of deployment. This leave may be used beginning on the date the military member is notified of the deployment.
2. Military Events and Related Activities: Attendance at any official ceremony or program sponsored by the military and related to the active duty of the covered military member, or attendance at family support or other assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty of the covered military member.

3. Childcare and School Activities: To arrange for alternative childcare, to provide childcare on an urgent, immediate need basis (not regular, ongoing care), to enroll or transfer to a new school or day care facility, or to attend meetings with staff of a school or day care. In all cases, the need must be caused by the active duty or call to active duty status of a covered military member and covered family member.
4. Financial and Legal Arrangements: To make or update financial or legal arrangements to address the covered military members' absence (such as preparing financial and healthcare powers of attorney, updating wills, etc.); to act as the covered military member's representative before a federal, state or local agency for obtaining, arranging or appealing military service benefits (while on active duty, or within 90 days following termination of active duty only); and attending counseling (provided by someone other than a healthcare provider for yourself) for the covered military member, of their covered child, if that counseling is needed due to the active duty or call to active duty status.
5. Rest and Recuperation: Up to five (5) days of leave may be taken (per instance of rest and recuperation leave) to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment.
6. Post-Deployment Activities: To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered service member's active duty status; or to address issues arising from the death of a covered service member (such as recovering the body, making funeral arrangements, etc).
7. Other activities as agreed to by the City.

Employees who believe their FMLA rights have been violated are encouraged to contact the City Manager to discuss their concerns. In addition, you may contact the US Department of Labor or bring a private action. Also, employees should note that the FMLA does not affect any Federal or State law or collective bargaining agreement which provides greater family or medical leave rights. FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For more information on these leave of absence policies, contact the Human Resources Director. In all circumstances, the City's policy will be interpreted and applied in accordance with applicable state and federal regulations.

OREGON FAMILY LEAVE

If you are an employee who has been employed at least one hundred eighty (180) days immediately preceding the date your family leave would begin and you have worked an average of twenty-five (25) hours per week during that time, you are eligible for Oregon family leave of up to twelve (12) weeks in a twelve month period measured forward from the date the employee first uses any OFLA leave in accordance with applicable law. (Employees are not required to work the 25-hour minimum average in order to qualify to use family leave for parental leave).

Like federal law, OFLA provides eligible employees with family leave for their own serious health conditions, a family member's serious health conditions and to bond with a newborn, newly adopted, newly placed minor or adult disabled child, etc. In addition, OFLA provides eligible employees with family leave to care for grandparents, grandchildren, parents-in-law, step-children, same-sex domestic partners and their parents or children.

OFLA also allows eligible employees to take family leave to care for the non-serious illnesses of their children and to take extra family leave during pregnancy/childbirth, as well as to spend time with a spouse who is a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States, and has been notified of an impending call or order to active duty or who has been deployed.

Benefits available under OFLA and FMLA are similar and you may be eligible for leave under one or both of these laws for the same absence. If both laws apply, the leaves will run concurrently except in cases of workers compensation absences. However, OFLA leave does not run concurrently with workers' compensation leave.

More detailed information about eligibility and benefits available under OFLA is available from the Human Resources Department.

OTHER MEDICAL LEAVES

Occasionally, employees are required to be absent from work for extended periods of time due to serious on or off-the-job injuries or illnesses that are not covered by FMLA or OFLA. In such circumstances, employees should contact the Human Resources Director regarding a medical leave of absence. Employees who are absent from work due to work-related illnesses and injuries are eligible to receive workers' compensation benefits.

Employees on a medical leave of absence are required to report to their supervisor on their status, progress and anticipated date of return to work at least once a week, unless they have received written approval to be absent until a specific date. Reporting to a co-worker or another person will not be sufficient to comply with this reporting requirement unless specifically directed by the Department Director. The reemployment of persons returning from medical leave is subject to the availability of suitable work. The City will, however, comply with applicable laws.

All employees who are released to return to work from a medical leave for extended off-the-job injuries or illnesses must request return to work immediately after receipt of a full or light duty release from your doctor.

DOMESTIC VIOLENCE LEAVE AND ACCOMODATION

If you have worked for the City for at least 180 days; have worked an average of 25 or more hours per week during the past 180 days and you are the victim of domestic violence, sexual assault or stalking or the parent of a minor child or dependent who is the victim of domestic violence, sexual assault or stalking, you are eligible for reasonable unpaid leaves of absence for the following purposes:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or his/her minor child or dependant (including preparing for and participating in protective order proceedings or other criminal or civil proceedings) related to domestic violence, sexual assault or stalking of the employee or his/her minor child or dependent;
- To seek medical treatment or recover from injuries caused by domestic violence or sexual assault or stalking of the employee or his/her minor child or dependent;
- To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to domestic violence, sexual assault or stalking;
- To obtain services from a prosecutor provided or non-profit victim services provider for the employee or his/her minor child or dependent; or
- To relocate or take steps to secure an existing home to ensure the health and safety of the employee or his/her minor child or dependent.

Requesting Leave

Eligible employees should contact the Human Resources Director to request a leave. Verification of the need for leave will be required, and employees will be required to use any accrued paid leave benefits before unpaid time off will be granted. Requests for domestic violence leave and all supporting documentation will be treated confidentially.

Requesting Other Accommodations

The City will also make reasonable accommodations for victims of domestic violence, sexual assault or stalking as required by law. Employees who need workplace accommodations should promptly contact the Human Resources Director to discuss reasonable alternatives and options. Verification of the need for accommodation will be required. Requests and all supporting documentation will be treated confidentially.

WORKERS' COMPENSATION

All employees are covered for on-the-job injuries and occupational illnesses under the state workers' compensation law. When an employee must take time off due to occupational illness or on-the-job injury, they will receive workers compensation in accordance with state law. In addition, for the first one hundred and eighty (180) days following official designation of such illnesses or injuries or an aggravation of an original illness or injury, the City will supplement the employee's workers' compensation time loss benefits up to the employee's regular salary after taxes. After one hundred and eighty (180) days following an occupational illness or on-the-job or injury or aggravation, the employee is required to use available sick leave to make up the difference between workers' compensation time loss payments and his/her regular salary after taxes, until such time as the employee is eligible to receive disability benefits under PERS or the City's long term disability insurance policy.

In the event the employee's sick leave bank is exhausted, his/her accrued compensatory time, vacation time or holiday pay will be used to make up the difference between the employee's workers compensation benefits and the employee's regular salary after taxes until such time as the employee is eligible to receive disability benefits under PERS or the City's long term disability plan. Employees may designate the order in which they want to use other paid leave accruals. In the event an employee fails to make such a designation in advance of issuance of his/her first paycheck following the commencement of the absence, the City will use his/her compensatory time first, followed by holiday banks, then accrued vacation. Employees may be allowed to use other paid leave accruals, as described above, before depleting sick leave with the City's approval.

Employees will continue to accrue sick leave and vacation leave while they are off work due to an on-the-job injury or occupational illness, as long as they are receiving time loss benefits. In the event time loss benefits end, the employee will continue to accrue sick leave and vacation leave benefits until his/her sick leave and other paid leave banks have been depleted and for 30 consecutive calendar days immediately following depletion of paid leave.

All employees who are released to return to work from on-the-job injuries or illnesses must request return to work as soon as possible but no later than seven (7) days after receipt of notice by certified mail from our workers' compensation insurer that you have been released to return to work by your doctor. This applies to limited and full duty releases. Employees who must take time off from work due to on-the-job injuries and occupational illnesses are entitled to reinstatement for up to three (3) years, consistent with applicable law.

EARLY RETURN TO WORK

The City wants to assist employees who have sustained compensable on-the-job injuries or occupational illness to return to work as soon as possible. Although the City does not have any bona fide "light duty" classification or position, temporary light duty or modified work during the period of medical recovery may be provided to injured employees who are unable to perform their regular job duties. This option will be administered to best serve the City's business needs and may not be available for all job classifications or during certain periods when workload demands do not allow flexibility for conversion of full-time work to light duty or modified status. If light duty or modified work is provided, a written release signed by the attending physician must be on file before work may begin. Once an employee becomes medically stationary, they are no longer eligible to participate in light-duty assignments. The City will, however, comply with its obligations under state and federal disability statutes.

ADMINISTRATIVE LEAVE

An employee may be placed on paid or unpaid Administrative Leave at the City's discretion. Administrative Leaves are not disciplinary in nature and may be used as the City determines appropriate, such as during the course of internal investigations (e.g. after officer involved shootings, investigations of possible misconduct, etc.). Details regarding the reason for leave, duration and employee requirements during leave will be provided in writing at the time the employee is placed on administrative leave.

HEALTH INSURANCE BENEFITS

The City provides generous health insurance benefits for its eligible employees and their dependent family members. While we hope to be able to continue to provide generous benefit packages in the future, the City reserves the right to change or discontinue any benefit plan at any time as we determine appropriate for the management of City operations. The scope of insurance benefits is determined annually by the City's Management Team.

ELIGIBILITY

Medical and dental insurance benefits are provided to regular full-time and regular part-time employees. Seasonal and temporary employees are not eligible to participate in our medical and dental insurance plans. Coverage for regular full-time employees includes dependent family members. Part-time employees will be responsible for paying the premiums for dependent coverage if they choose such coverage.

Regular part-time employees who are temporarily reclassified to regular full-time for a period of 30 days or more will be eligible for full-time benefits during the reclassification period, effective the first of the month following the appointment.

Coverage for eligible employees begins on the first day of the month following the date of hire. Eligible employees must submit an enrollment form to the Human Resources Department in order to have coverage. It is your responsibility to submit the fully completed enrollment form on a timely basis. Failure to do so may result in delays or denial of coverage by our insurance carriers, so be sure to submit your enrollment forms promptly. It is also your responsibility to notify the Human Resources Department of any changes in your family or employment situation (major life event such as birth, death, change in dependent status, etc.) that require a change in coverage. You will then be provided with the appropriate forms and information to make such changes.

CONTRIBUTIONS TO PREMIUMS

The City pays a portion of the monthly premium as authorized by the City Council. Employees are responsible for paying the remainder, if any. Eligible employees who wish to participate in the City's medical and dental insurance plans and/or to provide coverage for their dependent family members will be requested to authorize deductions from their paychecks for their portion of the premium.

CHANGES IN COVERAGE AND BENEFITS

Employees should note that it may become necessary to discontinue provision of health insurance benefits entirely or to change the City's premium contribution levels, insurance carriers or plans at any time. You will be notified prior to any such change. All disputes regarding coverage and scope of benefits, etc. must be directed to the respective provider of the benefit.

TERMINATION OF COVERAGE

Covered employees continue to be eligible for the City's contribution to premiums while they are being compensated by the City and continue to work as an eligible employee. Coverage through City paid contributions will end on the last day of the month in which an employee resigns, is terminated, laid off or otherwise stops working as an eligible employee. The City will, however, continue to pay its portion of the premium for employees who are on paid leave as well as for employees on Family Medical Leave as required by law.

The City will offer continuing health care coverage on a self-pay basis to employees and/or their dependents following separation of service, retirement, death, divorce or separation in compliance with the requirements of COBRA (Consolidated Omnibus Budget Reconciliation Act) and Oregon Revised Statutes.

Additional information describing the City's current plans is available from the Human Resources Department.

LIFE & ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE

The City will pay the full premium to provide \$60,000 life and AD&D insurance protection to full-time and part-time employees. Employees shall be eligible for this coverage the first day of the calendar month after hire. Additional aspects of eligibility for coverage and benefits are governed by the terms of the City's life insurance policy.

LONG TERM DISABILITY INSURANCE

The City will pay the full premium to provide salary protection for long-term disability as a result of illness or injury to full-time and part-time employees. Employees shall be eligible for long-term disability coverage ninety (90) calendar days from the date of injury of disability. Eligibility for coverage and benefits is governed by the terms of the City's long-term disability insurance policy.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City provides a free, confidential voluntary employee assistance program which can assist you and your family members with any personal problems, large or small. For example, you can receive assistance with concerns such as:

- Marital conflict
- Stress management
- Interpersonal
- Family relationships
- Conflict at work
- Financial/legal/consumer concerns
- Depression or Anxiety
- Referrals to community services

Up to five (5) sessions per year are available per incident, per employee and each of their dependents, for problem identification, assessment, the establishment of outcome goals, recommendation, priorities and actions needed to reach goals. Contact Human Resources for additional information. You may also pick up a brochure in the Human Resources Lobby or access information on the City's Intranet site.

WORKPLACE SAFETY AND HEALTH

Nothing is of greater concern to the City than the safety of its employees and the general public. Employees are expected to use common sense and good judgment in work habits, follow safe work practices and bring any unsafe condition to the attention of a supervisor, a Department Director, a Safety Committee member or Human Resources if it cannot be completely corrected independently. For the employee's protection, job-related injuries or illnesses must be reported immediately in accordance with this policy.

CITY/SUPERVISOR RESPONSIBILITIES

Consideration of safety issues is an ongoing endeavor. Each accident is cause for review. The need for periodic training will be considered and arranged when appropriate in the judgment of the City Manager or any Department Director.

The City will ensure workers are properly instructed and supervised in the safe operation of any machinery, tools, equipment, process, or practice which they are authorized to use or apply. This should not be construed to require a supervisor during every part of an operation or to prohibit workers from working alone.

The City will take all reasonable means to educate and direct employees to:

- Work and act in a safe and healthful manner;
- Conduct their work in compliance with all applicable safety and health rules;
- Use all means and methods, including but not limited to, ladders, scaffolds, guardrails, machine guards, safety belts and lifelines, that are necessary to safely accomplish all work where employees are exposed to a hazard; and
- Not remove, displace, damage, destroy or carry off any safety device, guard, notice or warning provided for use in any employment or place of employment while such use is required by applicable safety and health rules.

Supervisors shall inform the employees regarding the known health hazards to which they are exposed, the measures which have been taken for the prevention and control of such hazards, the proper methods for utilizing such control measures and for maintaining them in good working order.

EMPLOYEE RESPONSIBILITIES

Employees are to conduct their work in compliance with the safety rules in this policy. All accidents and injuries are to be reported immediately to the supervisor or Human Resources.

In addition, employees should immediately report, in writing, any unsafe or hazardous condition directly to a supervisor, a Department Director, a Safety Committee member or Human Resources if it cannot be completely corrected independently. Every effort shall be made to remedy safety problems as soon as possible.

Employee Safety Guidelines

The following Safety Guidelines shall be adhered to:

- Utilize safety equipment provided.
- Wear protective vests required by uniformed personnel and those working special or hazardous operations.
- Comply with any drug and alcohol policy applicable to you under the terms of the City Personnel Policy Manual or a collective bargaining agreement.
- Operate only equipment for which training or orientation has been received.
- Warn co-workers of unsafe conditions or practices. Accept with appreciation the warning of a co-worker as an expression of concern for your own well being.
- Refrain from horseplay at all times.
- Be aware of actual and potential hazards within the area of service.

If you observe an employee working in a manner which might cause immediate injury to themselves or others, it is your responsibility to warn them of the danger. Before leaving a job, employees are to correct or arrange to give warning of any condition which might result in injury to others unfamiliar with existing conditions.

Managing Unsafe Conditions

It is the responsibility of every employee to identify conditions which could pose a hazard to employees or to the general public. After identifying the problem, employees at the scene are expected to:

- Eliminate the hazard and obtain whatever assistance is necessary;
- Control the hazard by enclosure or guard;
- Employ avoidance procedures; and
- Use personal protective equipment as appropriate.

It is the duty of all employees to make full use of safeguards provided for their protection. It is each employee's responsibility to abide by and perform their duties according to the requirements below.

Employees Shall Not...

- Operate a machine unless guard or method of guarding is in good condition, working order, in place, and operative.
- Attempt to repair the machine or moving parts while operational. Employees shall properly lock-out or tag-out all energy sources including electric, hydraulic, pneumatic and kinetic. The same worker shall pretest locked out equipment to insure a zero energy state.
- Remove guards or render methods of guarding inoperative except for the purpose of adjustment, oiling, repair, or the setting up a new job. Employees shall report to their supervisor any guard or method of guarding that is not properly adjusted or not accomplishing its intended function.
- Use their hands or any portion of their bodies to reach between moving parts or to remove jams, hang ups, etc. (Use hook, stick, tong, jig or other accessory.)
- Work under objects being supported that could accidentally fall (such as loads supported by jacks, the raised body of a dump truck, etc.) until such objects are properly blocked or shored.

- Use defective tools or equipment. No tool or piece of equipment should be used for any purpose for which it is not suited, and none should be abused by straining beyond its safe working load.
- Remove, deface, or destroy any warning, danger sign, or barricade, or interfere with any other form of accident prevention device or practice provided which they are using, or which is being used by any other worker.
- Work underneath or over others exposed to a hazard thereby without first notifying them and seeing that proper safeguards or precautions have been taken.
- Work in unprotected, exposed, hazardous areas under floor openings.
- Carry or move long or unwieldy articles without adequate means of guarding or guiding.

REPORTING INJURIES

Work related injuries and illnesses **must** be reported to your supervisor as soon as possible. This is essential. Even though a work related injury might appear to be of little consequence, it is important that it be reported in sufficient detail to establish a claim should complications follow. In the case of an on-the-job injury, a Supervisor/Employee Incident Report must be completed and submitted to the Human Resources Department within 24 hours of the injury/illness. If medical treatment is sought, a Form 801 (Worker's & Employer's Report of Occupational Injury or Disease/Illness) must also be completed and returned to the City within four (4) days of the event.

REPORTING ACCIDENTS

All employees are required to immediately report to the appropriate supervisor or Human Resources any work-related accident involving other persons or their property, or injuries to the public. These accidents should be reported in sufficient detail to allow us to respond. Accidents involving City owned vehicles or personal vehicles being operated during City business shall also be reported immediately to the appropriate supervisor or Human Resources as well as City Risk Management. Such accidents will be investigated. Accidents involving City owned equipment or City property when personal injury or property damages result must be reported immediately to the appropriate supervisor, who will determine if an investigation is warranted. Employees are required to cooperate fully with all accident investigations.

REPORTING UNSAFE WORKING CONDITIONS

The City believes that all employees are responsible to help ensure a safe workplace by alerting us to potentially unsafe conditions. We encourage our employees to work with us to maintain safety by alerting us to potentially unsafe conditions. If you see an unsafe or dangerous working condition that you can easily correct (such as a cord lying across a walkway), you should fix the problem immediately.

All employees are expected to promptly report any unsafe working condition or other safety concerns to their supervisor, a member of the Safety Committee or the Human Resources Department.

RETALIATION

It is important for all employees to understand that the City expects its employees to report all workplace accidents, injuries and unsafe working conditions and to participate in investigations. We do not allow supervisors, managers or other employees to retaliate against employees who comply with our safety reporting policies. Employees should bring complaints of retaliation to their supervisor, Department Director, Human Resources Department, or City Manager. These types of complaints will be promptly investigated and violators will be subject to appropriate disciplinary action, up to and including termination of employment.

USE OF TOBACCO PRODUCTS

In keeping with the City's intent to provide a safe and healthful environment, smoking is prohibited inside any of our buildings, vehicles or on our equipment, except for undercover police vehicles. This policy applies equally to all employees, citizens and visitors. As such, it is the responsibility of all employees to ensure that no person smokes inside City facilities, City vehicles or on City equipment. Smokers must restrict smoking to areas beyond 10 feet of building entrances, exits, windows and air intake vents. Use of smokeless tobacco is discouraged in City buildings, vehicles or on equipment. Smoking and use of smokeless tobacco is discouraged at any time employees may be in the view of the public. Employees who smoke or use smokeless tobacco consistent with this policy are expected to keep areas clean by disposing of cigarettes, matches and any other residual by-products in appropriate receptacles.

FIRST AID KITS

The City maintains fully stocked First Aid Kits at our various work locations and in vehicles. Appropriate signs are posted indicating the location of the First Aid Kit. The supplies contained in the First Aid Kits are intended for the treatment of an injury at work. The City may provide limited additional supplies such as pain relievers and antacids but they are to be accessed when/if employees run out of their own personal supplies, not as an ongoing resource. As a result, you are required to notify the contact person indicated on the First Aid Kit sign if you use the last of an item so the supplies can be promptly replaced.

BLOOD BORNE PATHOGENS

Some City employees and volunteers perform services, which may require them to come into contact with bodily fluids such as blood or other potentially infectious materials. The City has developed a detailed exposure control plan that outlines the safeguards and procedures that all employees are expected to follow related to blood borne pathogens. Our Blood Borne Pathogens Exposure Control Plan can be found [on the intranet](#) in the Workplace Safety section or by contacting the Human Resources Department. In addition, the City conducts periodic training, at least annually on blood borne pathogens and exposure control for those at most risk for exposure (specific employees in the Police Department and Public Works).

CONTAGIOUS DISEASES

Employees are prohibited from reporting to work or returning to duty with a health condition which presents a direct threat to themselves or others. This prohibition includes knowingly reporting to work with a contagious disease (that is, knowingly reporting to work during a period that the employee knows he/she is contagious).

WORKPLACE VIOLENCE POLICY

As part of our commitment to safety, the City is committed to providing a work environment that is free of violence. Any acts or threatened acts of violence between coworkers, or between members of the public and City employees, will not be tolerated regardless of where those acts or threatened acts occur, on or off duty. Employees engaging in violence or threatened violence will be subject to disciplinary action, up to and including immediate termination of employment, and may be subject to other civil suits or criminal liability. The types of conduct listed below are strictly prohibited.

Prohibited Conduct

1. Provoking, participating in or encouraging fights or other physical altercations.
2. Threatening the safety or well being of another employee, volunteer, client or member of the public, whether directly or indirectly.
3. Vandalizing City property or the property of members of the public, business associates, vendors, volunteers, or other employees.
4. Screaming, cursing or engaging in outbursts of temper, particularly when directed at another employee, volunteer, member of the public or business associate.
5. Intimidating or coercing another employee, volunteer, member of the public or business associate.
6. Advocating or encouraging acts of violence toward others.
7. Being in possession of explosives or devices designed to detonate explosives on City Property, including parking lots or in City vehicles.
8. Being in possession of guns and weapons on City property, including parking lots or in City vehicles unless approved in writing by the City Manager, Chief of Police or Human Resource Director. This prohibition does not apply to authorized possession of guns and weapons by law enforcement personnel, nor does it apply to the lawful possession of concealed weapons in an employee's locked vehicle parked in a City parking lot.
9. Distributing "hate" literature or engaging in other communications that advocate violence.
10. Engaging in bullying-type conduct. Bullying conduct generally includes repeated verbal and/or non-verbal conduct that is malicious, vindictive, cruel, or deliberately hurtful, etc. It also has the effect or purpose of threatening, embarrassing, humiliating, intimidating, insulting, offending or sabotaging / undermining another employee; and/or interfering with an employee's performance. Bullying does not include legitimate workplace disciplinary or other corrective action by your supervisor or other members of City management.
11. Engaging in any other conduct we consider menacing, threatening or violent, whether directly or indirectly.

Guidelines

1. If you are in immediate fear for your safety or the safety of another person, call 911, and notify your supervisor or another member of management, if possible.
2. You should always take bomb threats or other threats of harm to persons or property very seriously and not ignore them.
3. If threats are received on voice mail, the message should not be deleted until the police have had an opportunity to record the message.
4. You may request that members of the public who yell or threaten you, your coworkers, etc. to immediately leave the premises.

Reporting Procedures

Employees should immediately report incidents that involve violations of this policy to their supervisor, Department Director, Human Resources or the City Manager. Incidents will be investigated. Violators will be subject to discipline as we determine appropriate, up to and including discharge. Retaliation against those who report incidents, or provide information in connection with an investigation, will not be tolerated. Employees who engage in retaliation will be subject to immediate discharge.

SAFETY COMMITTEE

The City of Keizer is committed to providing a safe work environment for our employees. As a result, we have established a centralized Safety Committee which includes representatives from subcommittees in the Police Department and Public Works Department, to ensure adequate coverage of the unique safety and health concerns for each of our locations. Our Safety Committee works with management to prevent accidents and injuries, and is responsible for making recommendations on improving safety and health in the work place. In particular, the Committee has been charged with the responsibility to identify problems and obstacles to loss prevention; identify hazards and suggest corrective actions; and help identify employee safety training needs and develop accident investigation procedures.

Employee Involvement and Safety Committee Organization

Employee involvement is an integral part of our Safety Committee. Our committee consists of at least four employee members who are active participants of our committee. Employee members of the Safety Committee may be elected by their coworkers, may volunteer or may be appointed by their supervisor or Department Director, and are paid for the time they spend in Safety Committee meetings and performing safety committee functions. If you would like to participate in our Safety Committee, please contact Human Resources. In addition, we encourage all employees to provide input and safety suggestions to our Safety Committee at any time. Management also participates in our Safety Committee, which has two management members who have been appointed by the City Manager.

In order to ensure the continuity of membership and projects, each member of our Safety Committee serves a term of at least one year (provided they remain employed), generally beginning in January of each year.

Safety Committee Functions

The primary functions of the Safety Committee are as follows:

- To maintain and promote the interest of both management and employees in occupational safety and health matters;
- To provide an opportunity for open discussion of problems that result or could result in injury or illness;
- To assist management in evaluation of recommendations for and improvement of safety in the workplace;
- To improve the cooperative spirit between all employees to provide workplace safety;
- To establish procedures for investigating safety-related incidents including injury accidents, work-related illnesses and deaths for the purpose of recommending corrective action to prevent similar accidents from reoccurring. For more information on our Safety Committee's specific procedures, contact the Safety Committee Chair or Human Resources.
- To study injury and disease statistics and trends so that reports may be made to management on unsafe and unhealthy conditions and/or practices together with recommended corrective action;
- To evaluate employee training practices and recommend procedures to ensure that all employees are trained to perform their work in a safe manner.

Employee members of our Safety Committee are provided with training in hazard identification and accident and incident investigations. In order to carry out our goals, the subcommittees meet monthly and the central Safety Committee meets quarterly to review safety and health issues and make recommendations for corrective action to improve safety. The Safety Committee also conducts workplace inspections to identify and recommend corrections to safety and health hazards, and evaluates all accident and incident investigations and makes recommendations for ways to prevent similar events from occurring in the future.

The City expects all employees, including management, to be proactive about safety in the workplace. Employees who violate our safety standards or fail to appropriately respond to health and safety hazards in the workplace will be subject to disciplinary action. In addition, the safety committee periodically reviews our management accountability system for safety and may make recommendations for improvements to incentivize safety for all employees.

Meeting Records and Suggestions

The City makes and maintains written records of each Safety Committee meeting. These records include all evaluations and recommendations of the Safety Committee. Each Safety Committee member is provided with a copy of the records. The Safety Committee records are also available for review by any employee by contacting the Safety Committee Chair or the Human Resources Department.

Employees who have suggestions for improving workplace safety should write out their suggestion(s) and submit them to any member of the Safety Committee or provide them to the Human Resources Department for transmittal to the Safety Committee.

INCLEMENT WEATHER

All departments and offices of the City will be open for regularly scheduled business during all weather conditions, unless closed by the City Manager or designee within federal and state statutes. In the event weather conditions disrupt work schedules, the following conditions apply:

1. Employees are expected to report to work during their regularly scheduled shift.
2. An employee who decides they cannot report for work, reports to work late, or leaves early due to weather conditions, shall use vacation time, compensatory time, personal leave or leave without pay for time lost. Sick leave may not be used for lost time under these circumstances.
3. In the event the City Manager or, in the absence of the City Manager, the person designated to act on his/her behalf, advises employees that the Department where they work is closed to staff, as well as the public, and specifically directs the employees not to report to their duty stations before the opening hours of operation or during the hours of operation, and when it is no fault of the employee(s), the City shall pay for any portion of their regular shift not worked. The employee must report to their supervisor each day until the City reopens.
4. In the event the City offices are closed during the work day and employees are sent home with pay, those employees are considered to be on-call and available to perform work at home, and must be available to report back to their duty station within one hour, unless it would be unsafe for them to do so.

EMERGENCY SITUATION PROCEDURES

During emergency situations while on City premises, follow the guidelines in the Internal Emergency Operations Plan. During emergency situations while away from work, employees may be called back to work even if the employee has completed his or her shift. Employees will be required to report back to their duty stations and carry out such duties as assigned by a designated City of Keizer supervisor. When an incident of catastrophic dimension occurs, the City realizes that employees have a duty first to secure their families prior to reporting back to the City.

For more additional information or answers to questions about any Workplace Safety and Health topic or training opportunities, please see the Human Resources Department.

ALCOHOL AND DRUG FREE WORKPLACE (non-DOT)

This policy applies to all positions in the City of Keizer with the exception of members of the Keizer Police Association, who are governed by the terms of the applicable collective bargaining agreement.

The purpose of this policy is to promote a safe and productive working environment and prevent accidents, injuries and property damage that may result from inappropriate drug and/or alcohol use. As used in this policy, "drugs" includes all controlled substances regulated under the federal Controlled Substances Act, and medication containing controlled substances, including "designer drugs" not approved for use by the U.S. Food and Drug Administration.

Note: Employees who are subject to U.S. Department of Transportation (DOT) regulations are also subject to this non-DOT Drug and Alcohol Policy.

PROHIBITED CONDUCT

Any employee of the City who engages in any of the following conduct will be in violation of City policy, and will be subject to discipline up to and including termination of employment:

- Working, reporting to work, or returning to work following breaks or meal periods with any amount of drugs or alcohol in your system, and/or testing positive under this policy. "Testing positive" means a confirmed test result of any detectable level of alcohol or drugs.
- Consuming, manufacturing, buying, selling, distributing or possessing drugs or alcohol on City premises, or while off the premises doing City work or operating a motor vehicle on behalf of the City except as necessary in the performance of an official special assignment. Sworn Police Officers (not in the collective bargaining unit) are the only City employees not already covered by Collective Bargaining Agreement requirements who may have such an assignment. This rule applies regardless of whether you are on paid time. "City premises" includes all property rented, leased, owned or controlled by the City, including parking lots and adjacent areas. It also includes City equipment and vehicles on or off our property.

As very limited exceptions, lawful possession of alcohol for off-duty consumption (such as storage in a personal vehicle for an after work event) and consuming alcohol as permitted at a City-approved social gathering (such as city sponsored hospitality suites and wine-tasting events as part of a city event) will not be considered a violation of this policy. Employees must nonetheless continue to comply with all other aspects of this policy, including all other prohibited conduct rules.

- Failing to fully cooperate with any aspect of the City's enforcement of this policy, including but not limited to refusing to promptly submit to required testing; giving false, diluted or altered urine samples or aiding another person in doing so; and failure to comply with rehabilitation conditions imposed by the City or rehabilitation counselors.
- Failure to promptly report all drug and alcohol related convictions, arrests and plea bargaining arrangements promptly to the Department Director. This obligation to disclose applies to all convictions, arrests or plea bargains that occur after the effective date of this policy.
- The consumption of alcohol or other intoxicants is prohibited by on-duty personnel except as necessary in the performance of an official special assignment as referenced above. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

In addition to the above, employees are required to comply with all federal and state statutes and regulations regarding the use of alcohol and drugs. For example, marijuana is a Schedule I drug under the federal Controlled Substances Act, which means that it has no acceptable medical use under federal law. Therefore, any on-duty or off-duty use of marijuana which is inconsistent with the “prohibited conduct” listed above (including reporting to work with any detectable amount in the system) will be considered a violation of this policy, even if an employee has a prescription for the use of marijuana under the Oregon Medical Marijuana Act.

Employees who are using marijuana in compliance with a medical marijuana card will not automatically be subject to termination of employment. Instead, such employees are required to disclose any use that would constitute “prohibited conduct.” If the City determines that the employee using medical marijuana is disabled under applicable disability discrimination statutes, the employee will be asked to enter into an interactive discussion with Human Resources or other designated representatives to determine whether there are available options that would allow the employee to continue to be employed without violating City standards.

MANDATORY TESTING OF EMPLOYEES

The following represents the categories of testing utilized by the City of Keizer.

1. Pre-Employment Testing: The final candidate who receives a job offer for any City of Keizer position, including full-time, part-time, temporary and seasonal status, will have the job offer conditioned on satisfactorily passing a drug test. Individuals with a verified positive test result will have the job offer rescinded. Also, current employees transferring from a non-safety sensitive function to a safety sensitive function will be required to submit to and pass a drug and alcohol test with a verified negative result.
2. Random Testing: The City reserves the right to require employees in safety-sensitive job positions to submit to suspicionless urine testing for drugs without advance notice. The City will use a random selection process so that all employees within the pool have an equal chance to be selected for testing. Employees whose names are randomly drawn will be required to immediately submit to such testing as instructed, and without any delay or detour.
3. Reasonable Suspicion Testing: An employee will be required to immediately submit to a breathalyzer or blood testing for alcohol whenever the City reasonably suspects that the employee has reported to work or returned to duty with alcohol in his/her system. Likewise, an employee will be required to immediately submit to urine testing for drugs whenever the City reasonably suspects that the employee has drugs in their system, or has used drugs before reporting to work or returning from breaks. “Reasonable suspicion” shall be based on specific identifiable criteria, which may include observed behavior, witness statements, or employee admissions. Employees who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to the collection site. A management employee will provide transportation, and will arrange for the employee to be taken home after testing.
4. Return to Duty and Follow-up Testing: Individual employees who undergo evaluation and rehabilitation treatment as outlined in the “Rehabilitation and Return to Work” section of this policy will be required to submit to return-to-duty and individualized follow-up testing for a minimum of 12 months following their return to duty or as outlined by a Substance Abuse Professional. The terms of the testing will be as outlined in the Last Chance Agreement for each employee.
5. Department of Transportation (DOT) Testing: Employees who are subject to DOT testing regulations will be subject to testing for drugs and alcohol in accordance to those regulations and the City’s DOT testing policy. This applies to those City of Keizer employees required to carry a Commercial Drivers’ License (CDL), including those in police officer and public works positions, where driving is an integral part of the job.

SEARCHES

All City property including, but not limited to desks, equipment, City vehicles, lockers, etc. will remain the property of the City and will be subject to search if there is reasonable suspicion that the desk, vehicle, item, etc. being searched contains drugs or alcohol. In addition, the City property is subject to general access by coworkers, supervisors and managers. *This policy is not intended to restrict such access and employees do not have any expectation of privacy in any City property including but not limited to desks, City vehicles, lockers, etc.*

An employee who does not cooperate, or who attempts to obstruct any action under this policy will be subject to discipline for insubordination. All illegal drugs or drug paraphernalia found in or on City property will be released to a law enforcement organization.

SAFEGUARDS

The City recognizes the sensitivity of enforcement of this policy. We will use qualified supervisory personnel and make arrangements with a certified laboratory to administer this policy. As stated above, the detectable presence of any drug or alcohol in the system will constitute a "positive" test result.

All positive test results will be confirmed using the GCMS testing method, or another confirmatory testing method approved by law. Test results and other information concerning drug and alcohol investigations will be treated confidentially and released only when there is a legitimate business need to know, or as required by law.

PRESCRIBED MEDICATION

An employee who uses a prescription or over-the-counter medication is responsible for consulting with his or her doctor to determine whether there are any side effects that could affect the employee's ability to safely and competently perform the job duties. If there are any such side effects, the employee must notify his or her supervisor of the side effects prior to reporting for work with the prescription or over-the-counter medication in his or her system. The employee need not disclose the medical condition for which the medication is being taken. Medical verification of the ability to safely perform job duties may be required before the employee is allowed to continue his/her work assignment.

As stated above, the use of Marijuana under Oregon's Medical Marijuana Act is unlawful under federal law, and is considered to be a violation of this policy. Employees who fall under this category should contact Human Resources to discuss available options.

Although the lawful use of prescription or over-the-counter medications is not grounds for disciplinary action by itself, failure to follow the reporting procedure discussed above will subject an employee to disciplinary action. Employees may also be disciplined for using medication that is unlawfully obtained, or use that is inconsistent with the prescription or label.

REHABILITATION AND RETURN TO WORK

Employees who believe they may have a substance abuse problem are encouraged to discuss the problem with Human Resources. Although the City will generally support treatment efforts for employees with substance abuse problems who voluntarily seek assistance, it is up to each employee to pursue treatment before the substance abuse results in unsatisfactory performance or attendance, safety violations, or testing positive under this policy.

When an employee voluntarily reports a current substance abuse problem and seeks assistance, that employee may be placed on a leave of absence to allow for evaluation by a qualified Substance Abuse Professional and/or rehabilitation treatment. The employee may qualify for family leave for this purpose. The employee will not be permitted to work until such time as a qualified medical professional verifies that the employee is fit for duty. The employee will also be required to comply with any additional requirements imposed on the employee or the City by law. The time an employee is off work for evaluation and/or treatment is unpaid, unless the employee has accrued paid leave. If accrued paid leave is available, it must be used.

An employee who tests positive or otherwise violates this policy for the first time may, at the City's discretion, be allowed to enter into a Last Chance Agreement in lieu of discharge. The City's decision will be based on all of the surrounding circumstances, including the nature of the violation, the employee's length of service, and overall disciplinary record. A Last Chance Agreement will provide, among other things, the condition that the employee is subject to unannounced suspicionless testing for a period of time after returning to work, as recommended by a substance abuse counselor or required by the City.

The City provides a voluntary employee assistance program (EAP) which can be utilized to assist employees who wish to seek help for alcohol and drug problems. It is also likely the employee's insurance coverage provides some level of treatment for drug and alcohol abuse. Employees may contact Human Resources, their insurance provider or the EAP for additional information. Employees experiencing drug or alcohol problems are encouraged to seek referral for assistance and/or rehabilitation through the EAP or their insurance provider. It is the responsibility of the each employee to seek assistance before alcohol or drug problems lead to performance problems.

COMPLIANCE

Employees must, as a condition of employment, abide by this policy and report any conviction under a criminal drug status for violations occurring on or off City premises. A report of a conviction must be made as soon as possible, but in no case more than five days after the conviction.

DRUG & ALCOHOL TESTING POLICY REQUIRED BY DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS

This policy applies to all positions in the City of Keizer required to have a Commercial Driver's License (CDL) or operates a commercial motor vehicle as described below with the exception of members of the Keizer Police Association, who are governed by the terms of the applicable collective bargaining agreement.

Each of us reacts differently to drugs and alcohol, but one thing is clear -- these substances affect our judgment and our ability to perform. The danger of abusing these substances becomes especially clear when you add a motor vehicle.

The purpose of this policy is to educate employees regarding the prohibitions and consequences regarding the use of alcohol and controlled substances, and to provide notice of the testing requirements for employees covered by this policy. Employees are required to abide by the terms of this policy and to cooperate with its administration as a condition of employment. If you are an employee covered by these requirements, you must familiarize yourself with the provisions of this policy. If you have questions regarding your rights and obligations under this policy, you should contact your Department Director or Human Resources.

Note: Employees who are subject to U.S. Department of Transportation (DOT) regulations are also subject to this non-DOT Drug and Alcohol Policy.

APPLICABLE LAW

The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of employees performing "safety-sensitive functions" in the aviation, motor carrier, railroad and mass transit industries. The Department of Transportation's regulations governing drug and alcohol testing (49 CFR Part 40 and 382) can be found at www.fmcsa.dot.gov.

EMPLOYEES COVERED

- A. This policy applies to any employee of the City of Keizer who is required to have a Commercial Driver's License (CDL) or operates a commercial motor vehicle. "Commercial motor vehicle" means a motor vehicle used to transport passengers or property if the vehicle:
1. Has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 2. Has a gross vehicle weight rating of 26,001 or more pounds; or
 3. Is designed to transport 16 or more passengers, including the driver; or
 4. Is of any size and is used in the transportation of materials that are considered "hazardous" under the Hazardous Materials Transportation Act.

- B. The tasks that an employee actually performs will determine whether they are covered by this policy. This includes employees such as supervisors and mechanics who operate a commercial motor vehicle for the City on an occasional or emergency basis. If you have any question whether you are covered by this policy, you should contact your supervisor or Human Resources.
- C. The prohibitions under this policy apply whenever an employee is performing a “safety sensitive function.” Safety sensitive functions are not limited to the actual operation of a commercial motor vehicle. They specifically include:
1. All time waiting to be dispatched, unless you have been relieved from duty;
 2. All time spent inspecting servicing, or conditioning any commercial motor vehicle at any time;
 3. All time spent at the driving controls of a commercial motor vehicle;
 4. All time spent in or upon any commercial motor vehicle, except time spent resting in a sleeper berth;
 5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending the vehicle being loaded or unloaded, or giving or receiving receipts for shipments loaded or unloaded; and
 6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

PROHIBITED CONDUCT

The following conduct is prohibited and will result in discipline, up to and including termination:

A. Alcohol Concentration

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

B. On-Duty Use of Alcohol

No employee shall use alcohol while performing safety-sensitive functions.

C. Pre-Duty Use of Alcohol

No employee shall perform safety-sensitive functions within four hours after using alcohol.

D. Use of Alcohol Following an Accident

No employee who is required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

E. Refusal to Submit to a Required Alcohol or Controlled Substances Test

No employee shall refuse to submit to a post-accident alcohol or controlled substances test required below.

F. Controlled Substances Use

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. "Controlled substance" under this policy means Marijuana, Cocaine, Amphetamines (including Methamphetamine), Opiates (including Codeine, Heroin, and Morphine), and Phencyclidine (PCP).

Important: Employees covered by this policy must report the use of prescription or over-the-counter medication prior to performing any work, as stated in the City of Keizer's general Drug & Alcohol Policy.

G. Controlled Substances Testing

No employee shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

MANDATORY TESTING

A. Pre-Employment Testing

Applicants for employment in positions involving safety sensitive functions will be required to undergo and pass a test for controlled substances as a condition of being hired. Employees transferring to positions involving safety sensitive functions will also be required to undergo and pass a test for controlled substances prior to the transfer.

B. Post-Accident Testing

As soon as possible following an occurrence involving a commercial motor vehicle operating on a public road, the City shall test for:

1. Alcohol for each of its surviving drivers:

- Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

2. Controlled substances for each of its surviving drivers:

- Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical

treatment away from the scene of the accident; or

- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The following chart illustrates when a post-accident test is required to be conducted under this section:

Type of accident involved	Was citation issued to the CMV driver?	Post - accident test must be performed
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

C. Random Testing

Every employee covered by this policy shall be required to submit to random alcohol and controlled substance testing as stated below:

1. The minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of positions covered by this policy for the year. The minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of positions covered by this policy for the year.
2. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.
3. Each employee selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.
4. Each employee selected for testing shall be tested during the selection period.

D. Reasonable Suspicion Testing

1. An employee shall be required to submit to:
 - an alcohol test when the employer has reasonable suspicion to believe that the driver has violated any of the prohibitions above concerning alcohol, and
 - a controlled substances test when the employer has reasonable suspicion to believe that the driver has violated any of the prohibitions above concerning controlled substances.
2. The employer's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulatable observations concerning the appearance, behavior, speech or body odors of the driver. The observations with respect to controlled substances may include indications of the chronic and withdrawal effects.
3. The required observations for reasonable suspicion testing shall be made by a supervisor or company official who is trained in accordance with DOT regulations.

4. With respect to alcohol testing, the observations required for reasonable suspicion must be made during, just preceding, or just after the period of the workday that the employee is required to be in compliance with this part. The person who makes the determination that reasonable suspicion exists shall not conduct the alcohol test of the driver.

E. Return-to-Duty Testing

The requirements for return-to-duty testing must be performed in accordance with the Consequences of Testing section below.

F. Follow-Up Testing

The requirements for follow-up testing must be performed in accordance with the Consequences of Testing section below.

SECURITY AND INTEGRITY PROCEDURES

A. Controlled Substances Testing

1. Collection

During the collection process, a urine specimen collector will:

- Verify your identity using a current valid photo ID, such as a driver's license, passport, employer-issued pictured ID, etc.
- Create a secure collection site by:
 - Restricting access to the site to only those being tested.
 - Securing all water sources and placing blue dye in any standing water.
 - Removing or securing all cleaning products/fluids at the collection site.
- Afford you privacy to provide a urine specimen.
 - Exceptions include attempted adulteration or substitution of a specimen or any situation where general questions of validity arise, like an unusual temperature.
- Ask you to remove any unnecessary garments and empty your pockets (you may retain your wallet).
- Instruct you to wash and dry your hands.
- Select or have you select a sealed collection kit and open it in your presence.
- Request you to provide a specimen (a minimum of 45 ml) of your urine into a collection container.
- Check the temperature and color of the urine.
- In your presence, pour the urine into two separate bottles (A or primary and B or split), seal them with tamper-evident tape, and then ask you to sign the seals after they have been placed on the bottles.
- Ask you to provide your name, date of birth, and daytime and evening phone numbers on the Medical Review Officer Copy (Copy #2) of the Federal Drug Testing Custody and Control Form (CCF).
 - This is so the Medical Review Officer (MRO) can contact you directly if there are any questions about your test.

- Complete necessary documentation on the Laboratory Copy of the CCF to demonstrate the chain of custody (i.e. handling) of the specimen.
- Give you the Employee Copy of the CCF, and may suggest you list any prescription and over-the-counter medications you may be taking on the back of your copy of the CCF (this may serve as a reminder for you in the event the MRO calls you to discuss your test results).
- Package and ship both sealed bottles and completed CCF to a U.S. Health and Human Services (HHS) certified testing laboratory as quickly as possible.

If you are unable to provide 45 ml of urine on the first attempt, the time will be noted, and you will be:

- Required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from your company.
- Leaving the testing area without authorization may be considered a refusal to test
- Urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours.
- Asked to provide a new specimen (into a new collection container).
- If you do not provide a sufficient specimen within three hours, you must obtain a medical evaluation within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

2. Testing

At the laboratory, the staff will:

- Determine if a flaw exists. If it does, the specimen is rejected for testing.
- Open only the A bottle and conduct a screening test. Specimens that screen positive will be analyzed again using a completely different testing methodology to confirm the initial result.
 - If the specimen tests negative in either test, the result will be reported as a negative.
 - Only if the specimen tests positive under both methods will the specimen be reported to the Medical Review Officer as a positive test.
- Report the findings of the analysis of the A bottle to the Medical Review Officer (MRO),
- Store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.

3. Review by Medical Review Officer (MRO)

Upon receipt of the test result from the laboratory, the MRO will:

- Review paperwork for accuracy.
- Report a negative result to the Designated Employer Representative (DER).
- If the result is positive, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.

- If the result is an adulterated or substituted test, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.
- Report a non-negative test result to the DER if:
 - You refused to discuss the results with the MRO;
 - You did not provide the MRO with acceptable medical documentation to explain the non-negative test result.
- Inform you that you have 72 hours from the time of the verified result to request to have your B "split" bottle sent to another certified lab for analysis for the same substance or condition that was found in the A "primary" bottle.

B. Alcohol Testing

The City performs alcohol testing in a manner to ensure the validity of the testing as well as to provide confidentiality of the employee's testing information.

1. At the start of the test, a Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), using only a DOT approved device, will:
 - Establish a private testing area to prevent unauthorized people from hearing or seeing your test result.
 - Require you to sign the Alcohol Testing Form (ATF).
 - Perform a screening test and show you the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide you a copy and provide your employer a copy.
2. If the screening test result is 0.02 or greater, you will be required to take a confirmation test, which can only be administered by a BAT using an Evidential Breath Testing (EBT) device. The BAT will:
 - Wait at least 15-minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, you are not allowed to eat, drink, smoke, belch, put anything in your mouth or leave the testing area.
 - Perform an "air blank" (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it.
 - Perform a confirmation test using a new mouthpiece.
 - Display the test result to you on the EBT and on the printout from the EBT.
 - Document the confirmation test result on the ATF, provide you a copy and provide your employer a copy.
 - Report any result of 0.02 or greater immediately to your employer.

If after several attempts you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

REFUSAL TO SUBMIT TO TESTING

A. Refusing to take a Controlled Substances Test

As an employee, “refusing” to take a controlled substances test includes the following:

1. Failing to appear for a test within a reasonable time after being directed to do so by the City;
2. Failing to remain at the testing site until the testing process is complete;
3. Failing to provide a urine specimen for any drug test required by this part or DOT agency regulations;
4. Failing to permit the observation or monitoring of providing a specimen, where observation or monitoring is appropriate under DOT regulations;
5. Failing to provide a sufficient amount of urine when directed, unless it is determined by a physician through a medical evaluation that there was an adequate medical explanation for the failure;
6. Failing or declining to take an additional drug test the employer or collector has directed you to take;
7. Failing to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO), as part of the verification process;
8. Failing to cooperate with any part of the testing process, such as refusing to empty pockets when so directed by the collector, or behaving in a confrontational way that disrupts the collection process; or
9. A determination by the MRO that you have a verified adulterated or substituted test result.

B. Refusing to Take an Alcohol Test

As an employee, “refusing” to take an alcohol test includes:

1. Failing to appear for any test within a reasonable time after being directed to do so by the City;
2. Failing to remain at the testing site until the testing process is complete;
3. Failing to provide an adequate amount of saliva or breath for any alcohol test required by DOT agency regulations;
4. Failing to provide a sufficient breath specimen, unless a physician determines through a medical evaluation that there was an adequate medical explanation for the failure;
5. Failing to undergo a medical examination referred to in paragraph B(4) above;
6. Failing to sign a required certification; or
7. Failing to cooperate with any part of the testing process.

C. Consequences of Refusing to Take a Test

As an employee, if you refuse to take an alcohol or controlled substances test, you incur the consequences specified under DOT agency regulations for a violation of those regulations, as discussed below.

CONSEQUENCES OF VIOLATIONS

The following sections describe the consequences mandated under the DOT regulations for alcohol and controlled substance use by employees.

Important: More serious consequences up to and including termination of employment, may result under the City's non-DOT Drug & Alcohol Policy.

A. Alcohol Concentration of .02 but less than .04

If an employee's test results show an alcohol concentration of at least .02 but less than .04, and there is no other evidence that the employee has engaged in prohibited conduct under this policy or federal regulations, the test results alone are not considered to be a "violation" of the DOT regulations. However, the employee must be removed from performing safety sensitive functions for at least 24 hours.

B. Violation of DOT Regulations

Violation of the DOT regulations in any manner (including positive test results for controlled substances, test results of .04 or higher for alcohol concentration, use or possession of controlled substances or alcohol while performing safety sensitive functions, or refusal to test) will result in the following:

1. You will be removed immediately from performing safety sensitive functions.
2. You will not be permitted to return to safety sensitive functions until you have:
 - undergone an evaluation by a Substance Abuse Professional (SAP);
 - successfully completed any education, counseling or treatment recommended by the SAP; and,
 - undergone a return to duty test showing a negative test result for drugs and a breath test of less than .02 concentration of alcohol.
3. You will be required to undergo unannounced testing for drugs and/or alcohol at least 6 times during the first 12 months after returning to work, and additional follow-up testing for up to 60 months after that, if recommended by the SAP.

RESOURCES FOR EMPLOYEES

Employees who believe they may have an alcohol or substance abuse problem should refer to the Rehabilitation and Return to Work section of the City's general Drug & Alcohol Policy. Additionally, you can contact SAMHSA (the Substance Abuse & Mental Health Services Administration) at www.findtreatment.samhsa.gov for treatment programs and other assistance.

If you are an employee who has concerns about drug or alcohol abuse by a co-worker who is performing safety sensitive functions, you should contact Human Resources immediately. The City will attempt to keep this information as confidential as possible while still carrying out its responsibilities to the affected employee, the City's workforce, and the general public.

RETIREMENT

The City of Keizer values its talented and dedicated employees and provides retirement benefits in the following forms:

RETIREMENT PLAN

The City of Keizer participates in the Oregon Public Employees' Retirement System (PERS) and Oregon Public Service Retirement Plan (OPSRP) for all full-time and part-time employees who have satisfied the initial waiting period of six months and 600 hours and have become members of PERS. Employees who are active members of PERS when they join the City of Keizer serve no waiting period.

Once you become a member of PERS, the City pays the PERS employee contribution of 6% of your pre-tax annual salary as well as an actuarially determined amount to PERS on your behalf to fund the pension portion of the retirement program. These payments are made to PERS on a bi-weekly basis. A detailed description of the applicable retirement plans along with rules and benefits is contained on the Oregon Public Employees' Retirement System website at www.oregon.gov/PERS/. Participation in the different plans is dependent upon when the employee begins employment with a public employer who participates in PERS or OPSRP. PERS and OPSRP may be amended from time to time by the State Legislature.

Non-PERS Employees: A small number of current employees are not members of PERS and the information above does not apply to them. They are approved to remain with the prior non-PERS provider (ICMA) at their request as per the City's July 1, 2009 PERS Coverage Agreement. Due to this fact, all references to ICMA as a retirement provider in this manual are applicable only to the small number of employees referenced above. The City's prior commitment to provide City-funded contributions on behalf of these employees to the City's ICMA Retirement Plan of the 12% (for Department Directors and supervisors) and 11% (for all other 401(a) eligible employees) of their compensation remains in place until they separate with the City.

For the purposes of this policy, 'retirement' shall mean 'retired for service or disability' under the employee's applicable retirement plan. Employees are considered eligible for retirement based on the applicable retirement plan parameters and IRS Regulations.

DEFERRED COMPENSATION WITH CITY MATCH

We offer a voluntary deferred compensation plan to all employees effective the date of hire. Employee contributions are tax deferred and paid through payroll deductions. The amount of the City's matching contribution is determined by City Council Resolution and future matching can be changed by the City Council, consistent with the plan document and any applicable collective bargaining agreements. At the time of the adoption of this policy, the City will match the employee's contribution up to six (6%) percent of the employee's gross salary.

RETIREE HEALTH INSURANCE COVERAGE ELIGIBILITY

The City provides continued eligibility for health insurance coverage, at the retiree's expense, at the level the retiree had at the time of retirement (employee only, employee/family, etc.) under the plan the retiree had at the time of retirement, to the extent it is available, or another plan that is offered to current employees in the retiree's former job classification. Retirees must elect this coverage within 60 days after the effective date of retirement and must certify that they are receiving retirement benefits to qualify for coverage. Retirees remain eligible for retiree health insurance coverage until they become eligible for federal Medicare coverage. Please contact Human Resources for additional details and the related ORS (243.303) governing provision of this benefit.

PAYMENT OF UNUSED SICK LEAVE

The City provides payment of a portion of unused sick leave, as provided under the City's Sick Leave Policy, upon retirement. Subject to provisions of Oregon law, fifty (50%) of unused sick leave shall be credited toward a retirement benefit of an employee's choice or paid out.

For PERS Tier One and Tier Two employees: the City will participate in the sick leave conversion program. In the event the sick leave conversion is not used, fifty (50%) of unused sick leave shall be credited toward a retirement benefit of an employee's choice or paid out. It is the retiring employee's responsibility to provide documentation to the Finance Department that the 50% sick leave conversion was not used toward PERS retirement calculation. No payout will be made until documentation has been provided.

SOCIAL SECURITY

The City of Keizer qualifies regular full-time and part-time employees for exemption from social security tax through provision of the following:

- Immediately 100% vested City-funded contributions to our ICMA deferred compensation plan equal to 7.5% of the employee's compensation for the City for the first 6 months of employment, and;
- After the employee's six-month waiting period to join PERS or the City's ICMA Retirement Plan, either active PERS membership (if the employee was employed in a PERS eligible position and satisfied the 600 hours requirement) or City-funded contributions to the City's ICMA Retirement Plan of 12% (for Department Directors and supervisors) and 11% (for all other 401(a) eligible employees) of the employee's compensation (if a permanent employee and not employed in a PERS eligible position).

New hires that are PERS/OPSRP eligible and are PERS/OPSRP members at time of hire are not eligible for the 7.5% deferred compensation plan referenced above as they are immediately eligible for PERS contributions. Seasonal and temporary employees are not exempt from social security tax. As such, the City makes 12.4% social security tax contributions each pay period on all seasonal and temporary employee's wages through payroll deductions of 6.2% paid by the employee and 6.2% paid by the City.



City of Keizer Human Resources Department

Personnel Policy Manual Acknowledgement and Receipt

Directions: Please read, sign and return this form along with the attached Table of Contents to Human Resources. This acknowledgement will be placed in your Personnel File. Please keep a copy for your records.

I have received a copy of the City of Keizer Personnel Policy Manual, and understand I am to become familiar with the contents of this document which includes revised and new policies applicable to all City of Keizer employees effective May 1, 2010.

I agree to read this policy manual and follow it during my employment with the City. I further agree that I have had an opportunity to have the contents of this manual clarified through my Supervisor, Department Director, City Manager or Human Resources Director.

I further understand that this manual and the individual policies within the manual may be revised at any time. All revisions must be made in writing and approved by the City Council before they will be considered effective. I also understand that the policies within the manual do not constitute or present an employment agreement or a guarantee of continued employment.

Employee Signature

Date

Employee Name (Printed)

Administrative Note: *Employee version of this manual will include an additional copy of the Table of Contents to ensure confirmation of topics included in version of manual for which they are acknowledging receipt.*