

## RESOLUTION No. 495-20

### A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF DONALD, OREGON APPROVING A REVISED EMPLOYEE HANDBOOK

**WHEREAS**, the City Council of the City of Donald is the policy making board for the City Donald and establishes the policy parameters for employment; and

**WHEREAS**, the existing Employee Handbook was adopted March 12, 2019 with minor updates approved by the Council in 2018 and 2017 to maintain consistency with local, state and federal laws and policies; and

**WHEREAS**, the City Manager has determined that it is desirable and in the public interest to adopt a revised employee handbook to address employment and personnel matters that apply to City employees and to maintain consistency with state and federal laws; and

**WHEREAS**, the City Manager has collaborated with attorneys working for our insurance provider (City-County Insurance Services) and the City Attorney as well as the Mayor and City Council as well as city staff to prepare an updated Employee Handbook; and

#### **NOW, THEREFORE, THE CITY OF DONALD RESOLVES AS FOLLOWS:**

**Section 1.** The revised Employee Handbook is hereby approved and adopted effective immediately, as the general information, policy highlights, and guidelines documents for all employee of the City of Donald, Oregon, a copy of which is attached hereto and by this reference incorporated herein.

**Section 2.** The revised Employee Handbook shall be distributed to all active, current employees and a confirmation of receipt shall be signed by each employee to be filed in their respective employee files.

**Section 3:** The revised Employee Handbook shall be distributed to the Mayor and Councilors.

**Section 4.** Any previous editions of the Employee Handbook are obsolete.

**PASSED and ADOPTED** by the City Council of the City of Donald at their regular meeting on this 10th day of March, 2020 by the vote of 7 ayes and 0 nays.

**DATE:** March 10, 2020



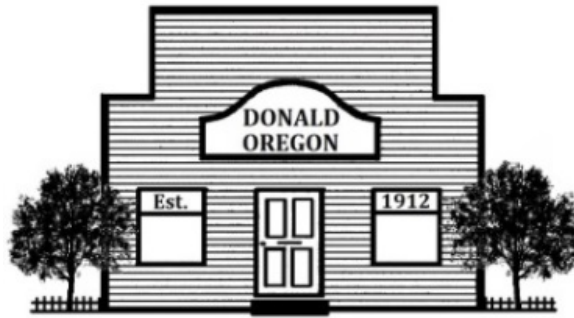
Brad Oxenford, Mayor

**ATTEST** by City Manager this 10<sup>th</sup> day of March, 2020



Heidi Bell, City Manager

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# **Employee Handbook City of Donald**

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Updated: March 2020

**WELCOME** to the City of Donald we're glad to have you on our team. At the City of Donald, we believe that our employees are our most valuable asset. In fact, we attribute our success as a City in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the City of Donald you will become a productive and successful member of Donald's team.

This Employee Handbook describes, in summary form, the personnel policies and procedures that govern the employment relationship between the City of Donald and its employees. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Donald with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City of Donald that are inconsistent with its provisions. You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask the City Manager.

This handbook does not create a contract of employment between the City of Donald and its employees. All employment at the City of Donald is "at will." That means that either you or the City of Donald may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a written contract of employment). No supervisor, manager, or representative of the City of Donald other than the Mayor has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the Mayor and City Manager.

Sincerely,

Heidi Bell, MPA  
City Manager  
City of Donald

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# EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICIES

The following EEO Policies apply to all employees. Members of management, elected officials and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination. All employees are encouraged to discuss these EEO Policies with the City Manager at any time if they have questions relating to the issues of harassment, discrimination or bullying.

## NO-DISCRIMINATION, NO-RETALIATION POLICY

The City of Donald provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

The City of Donald's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

## STATEMENT REGARDING PAY EQUITY

The City of Donald supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which City pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the City Manager. (See Payroll Policy, below)

## NO-HARASSMENT POLICY

The City of Donald prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, the City prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.



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

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

## SEXUAL HARASSMENT

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

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

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

This is not a complete list.

## OTHER FORMS OF PROHIBITED HARASSMENT

The City of Donald's policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Such harassment may include verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

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

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

## COMPLAINT PROCEDURE

Employees, volunteers or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of City Manager or Mayor, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

## INVESTIGATION AND CONFIDENTIALITY

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City's need to investigate the

complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Donald's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the City cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Donald, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

#### PROTECTION AGAINST RETALIATION

The City of Donald prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to City Manager or Mayor or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

*See also* the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

#### OTHER RESOURCES AVAILABLE TO EMPLOYEES

The City of Donald provides an Employee Assistance Program (EAP) through Reliant Behavioral Health to employees and dependents who are enrolled in the City's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 866-750-1327, Access Code is available on the employee notice board in the kitchen at City Hall, or go online to [www.ibhsolutions.com](http://www.ibhsolutions.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information:  
<https://www.osbar.org/public/>.

## OTHER EMPLOYEE RIGHTS

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City of Donald is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City regarding his/her experience and/or employment status, the employee should contact the City Manager. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Donald and employee do reach an agreement, the City will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City or making comments that would lower the City in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Donald and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

## NO-BULLYING POLICY

The City of Donald strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.

3. **Gesture Bullying:** Non-verbal threatening gestures, glances that can convey threatening messages.
4. **Exclusion Bullying:** Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. **Cyber Bullying:** Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who has witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred the City will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

#### DISABILITY ACCOMMODATION POLICY

The City of Donald is committed to complying fully with Oregon's disability accommodation and anti-discrimination laws when those laws are applicable to the City. The City is also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

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

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

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

#### PREGNANCY ACCOMMODATION POLICY

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the City Manager or in the event of the City Manager the contact is the Mayor to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Donald will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City's operations.

Although this policy refers to "employees," the City will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth or a related medical condition.

**Requesting a Pregnancy-Related Accommodation:** Employees who are concerned that their pregnancy, childbirth or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the City Manager or in event it is the City Manager the contact is the Mayor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Donald and employee must monitor the employee's accommodation situation and make adjustments as needed.

**No Discrimination, No Retaliation:** The City of Donald prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City; or (3) needed an accommodation.

Employees who ask about, request or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Donald. Also, no employee will be denied employment

opportunities if the denial is based on the need of the City to make reasonable accommodations under this policy.

**Leave of Absence Options for Pregnant Employees:** Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law. See the Time Off and Leave of Absences policies, or speak with the City Manager

#### REPORTING IMPROPER OR UNLAWFUL CONDUCT – NO RETALIATION

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

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

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

**Employee Reporting Options:** In addition to the City's Open-Door Policy, employees who wish to report improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager. Supervisors and managers are required to inform the City Manager and/or Mayor about reports of improper or unlawful conduct they receive from employees.

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

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

**Additional Protection for Reporting Employees:** Oregon law provides that, in some circumstances, an employee who discloses a good-faith and objectively reasonable belief of the City's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

**Policy Against Retaliation:** The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City policy).

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

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



# EMPLOYMENT STATUS

## INTRODUCTORY PERIOD OF EMPLOYMENT

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

At or before the end of the introductory period, a decision about your employment status will be made. The City of Donald will decide whether to: (1) extend your introductory period; (2) move you to regular, full-time or regular, part-time status; or (3) terminate your employment.

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

## EMPLOYEE CLASSIFICATION

The classifications of employees are as follows:

**Regular Full-Time:** Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in the City of Donald's benefit programs.

**Regular Part-Time:** Employment requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for some benefits except those mandated by applicable law.

**Temporary:** Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by Federal and Oregon law as either “**exempt**” or “**nonexempt**,” which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City rules and procedures.

On occasion, exempt employees will work more than 40 hours in a week. The exempt employee is allowed to take time off matching the hours on a 1 to 1 basis the following week for any hours exceeding 40 hours during the workweek. Authorization is required by the employee’s supervisor or in the case of the City Manager by the Mayor to take the time off work. For exempt employees are not subject to any benefit changes for fluctuation from 40 hours a week.

## THE WORKWEEK

The workweek is a seven-day work period beginning Saturday at 12:00 a.m. through Friday at 11:59 p.m. Typically, City Hall business hours are from Monday through Thursday 8:00 a.m. through 4:00 p.m. and Friday 8:00 a.m. through noon. Typically, Public Works business hours are from Monday through Friday 7:00 a.m. through 3:00 p.m.

## MEAL PERIODS AND REST BREAKS

Nonexempt employees are required to take a paid, uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

The City upholds the required State laws for breaks and meal periods. Nonexempt employees that work a full shift are allowed a 1 hour paid meal period. Employees who work less than a full shift are allowed a 30-minute paid meal period. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his or her supervisor before the end of the shift so that the City may pay the employee for that work.

Meal periods and rest breaks are mandatory and are not optional. An employee’s meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be “skipped” in order to come in late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

The rest and meal break schedule is listed below. Employees with questions about the rest or meal breaks available to them should contact their supervisor or the City Manager.

<b>Length of Work Period</b>	<b>Rest Breaks</b>	<b>Meal Periods</b>
2 hours or less	0	0
2 hrs. & 1 min – 5 hrs. & 59 min	1	0
6 hrs.	1	1
6 hrs. & 1 min – 10 hrs.	2	1
10 hrs. & 1 min. – 13 hrs. & 59 min	3	1

## REST BREAKS FOR EXPRESSION OF BREAST MILK

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest period(s) to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express breast milk.

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

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

The City will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within close proximity to the employee's work area, the City will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

**Notice:** An employee who intends to express milk during work hours must give their supervisor or the City Manager reasonable oral or written notice of her intention to do so

in order to allow the City time to make any preparations necessary for compliance with this rule.

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

### COMPENSATORY "COMP" TIME (OVERTIME)

In lieu of paying one-and-one-half times a nonexempt employee's hourly rate for all hours worked over 40 in any workweek, the City will provide comp time off, accumulated at time and one-half up to a maximum of 40 hours. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of accrual. At the discretion of an employee's manager/supervisor, employees who have accrued less than 40 comp hours may be able to choose whether to receive paid cash or accrue comp time. Any hours not taken in the fiscal year in which they were earned will be paid to the employee with the last payroll check in June of each year. When an employee is separated from employment with the City of Donald, any remaining comp time will be paid to the employee.

**Limitation on Overtime Pay (Comp Time):** Paid hours not actually worked (for example, vacation, holidays, etc.) will not be counted toward the 40 per workweek required to receive comp time.

**Assignment of Overtime Work:** You may be required to work overtime. When overtime work is required by the supervisor/manager on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of their straight-time hours will normally be expected to continue to perform the job on an overtime basis. When overtime work is assigned by the supervisor/manager on a Saturday, Sunday, or holiday, it generally will be assigned in order of seniority to the employees who regularly perform the particular work involved.

When overtime is required by the City of Donald on a Sunday or on a holiday, the City will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or Holiday.

**Supervisor Authorization:** No overtime may be worked nor comp time accrued by non-exempt employees unless specifically authorized in writing by a supervisor or management. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

### STAND-BY DUTY

Public Works employees who are assigned stand-by duty are subject to the City's Drug/Alcohol Use Abuse and Testing policy while on stand-by duty, and such employee(s) shall maintain the capability to respond to an off-hour or holiday emergency within 30

minutes of receiving a call to do so. Consumption of alcoholic beverages by employees is forbidden while on stand-by duty, and the employee shall maintain the capability to respond to an off-hour or holiday emergency within 30 minutes of receiving the call.

Nonexempt Public Works employee will receive a stipend at an amount set by City Council.

If, during stand-by duty, an employee is called to perform services for the City, such employee shall be compensated for such services at the rate of one-and-one-half times his hourly rate of pay.

All call-back hours shall be recorded on the employee's time sheet. After two calls in a 24-hour period, the employee shall notify his/her supervisor.

For each call-back duty performed, the employee shall be paid a minimum of two hours' work. In the event an employee is called out more than three times in a 24-hour period, the employee shall be considered on payroll for all required hours at the applicable hourly rate.

#### TIMEKEEPING REQUIREMENTS

All nonexempt employees must accurately record time worked on a time card for payroll purposes. Employees are required to record their own time at the beginning and end of each work period. Employees also must record their time whenever they leave the building/site for any reason other than City business. Filling out another employee's time card, allowing another employee to fill out your time card, or altering any time card will be grounds for discipline up to and including termination. An employee who fails to record his or her time may be subjected to discipline as well.

Salaried exempt employees also may be required to record their time on either a time card or time sheet. These employees will be instructed separately on this process.

#### EMPLOYEE-INCURRED EXPENSES AND REIMBURSEMENTS

The City of Donald will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. The City will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on City-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement.

Some examples of actual and reasonable business-related expenses that the City will reimburse/pay for are:

- *Conferences or Workshops*: related to job;

- *Meals:* as established by the Internal Revenue Service's General Services Administration (gsa.gov);
- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service's General Services Administration (gsa.gov). Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City.

## PAYROLL POLICY

You will be paid bi-weekly; payday is every other Thursday. The City does not provide advance payments of salary or loans from salary to be earned.

Net pay will be directly deposited into the employee's bank account, unless an employee request otherwise. If an employee requests to pick up his/her check from the City, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to the City to have someone else receive the check.

The City makes all efforts to comply with applicable Oregon and Federal wage and hour laws. In the event you believe that the City has made any improper deductions, has failed to pay you for all hours worked or for overtime, or has failed to properly calculate your wages in any way, you must immediately report the error to the City Manager. The City Manager and/or Accountant will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination because he or she has reported any errors or complaints regarding the City of Donald's pay practices.

## REPORTING CHANGES TO AN EMPLOYEE'S PERSONAL DATA

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

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;

- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholding.

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

## PERFORMANCE REVIEWS

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

The City of Donald's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

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

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed no later than thirty days following the date the performance evaluation was received.

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

# TIME OFF AND LEAVE OF ABSENCES

## ATTENDANCE, PUNCTUALITY AND REPORTING ABSENCES POLICY

Employees are expected to report to work as scheduled, on time and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for unpaid break periods or when required to leave on authorized City of Donald business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via a telephone call no later than one hour before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. No call/no show lasting three days may be considered job abandonment and may result in termination of employment.

## HOLIDAYS AND FLOATING HOLIDAYS

Each year, the City recognizes the holidays that are listed below. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week. The holidays celebrated are:

New Year's Day	Veterans Day
Martin Luther King, Jr.'s Birthday	Thanksgiving Day
Presidents' Day	Friday after Thanksgiving
Memorial Day	½ Day Christmas Eve
Independence Day	Christmas Day
Labor Day	½ Day New Year's Eve

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

To be eligible for holiday pay, an employee must have worked their regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under City policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date. Any hourly, non-exempt employee required to work on a holiday will receive an alternate day of holiday at a later date.



**Floating Holiday:** Employees may select one day off work with pay (known as “floating holiday”) during a calendar year. Employees must coordinate requests for a floating holiday with their manager. Regular part-time employees receive pay for floating holidays in the proportion that their normally scheduled number of hours equals 40 hours per week.

#### VACATION LEAVE

It is the policy of the City of Donald to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee’s length of service as of their employment anniversary date. Vacation leave shall begin to accumulate upon an employee’s first day of employment but cannot be taken until the employee completes their first month of work. Any vacation time accrued above 200 hours must be used by the employee’s anniversary date each year or it will be forfeited.

For regular, full-time employees, vacation accrues as follows: (Time is calculated on an 80 hour pay period and 26 pay periods per year).

Length of Service	Hours/ Pay Period	Hours/Year	Days/Year
0 to 4 years	3.08	80	10
5 to 9 years	4.62	120	15
10 to 14 years	6.15	160	20
15 and each following			1 additional

Vacation time is pro-rated for regular part-time employees based on the number of hours worked in a month or year as a ratio of full-time employment.

Earned vacation must be taken. Employees are not entitled to pay in lieu of taking time off for vacation.

**Vacation Scheduling:** Vacations may be taken any time during the calendar year with advance approval from the supervisor or City Manager. If two or more employees request vacation time and it is determined by the City Manager that approving the time off will result in under-staffing, the employee with the most seniority may be given preferences. The City reserves the right to deny any requests for use of vacation time if it is determined that the time off will be disruptive to its operations.

**Payment Upon Termination:** When an employee is discharged, resigns, or the employment relationship is otherwise terminated the employee will be paid for all comp time they have accrued. The employee will be paid for all accrued vacation time. However, no payment will be made to employees who are terminated or voluntary leave during the employee’s probationary period (or introductory period).

## SICK LEAVE

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

Employees with questions about this policy may contact the City Manager. Please also refer to the Oregon Sick Leave Law poster that is posted at City Hall in the kitchen or at the Wastewater Treatment Facility on the bulletin board in the hallway and is incorporated here by reference.

### **Eligibility and Accrual of Sick Leave:**

*Part-time, Seasonal or Temporary:* Unpaid Sick Leave: Under Oregon's Sick Leave Law and this policy, regular part-time, seasonal or temporary employees are eligible to accrue unpaid sick leave. An employee will begin to accrue unpaid sick leave on the first day of employment but may not use unpaid sick leave until the 91st day of employment. On the 91st day of employment, unpaid sick leave may be used as it is accrued.

Employees subject to this policy may accrue and use up to 40 hours of unpaid sick leave per calendar year. Unpaid sick leave shall accrue at the rate of one hour for every 30 hours worked or 1 1/3 hours for every 40 hours worked until the 40-hour yearly accrual cap is reached. Unpaid sick leave shall be taken in hourly increments.

*Regular, Full-Time Employees:* Paid Sick Leave: All regular full-time employees begin to accrue paid sick leave on the first day of employment. Employees may use accrued sick time after the first month of employment. Sick leave shall accrue at the rate of 8 hours for each calendar month of service.

**Sick Leave Carryover:** Any unused sick leave has no monetary value and will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored. For employees that have unpaid sick leave, accrual is capped at 80 hours and an employee may not use more than 40 hours of unpaid sick leave per year. Employees with paid sick leave, accrual is capped at 288 hours.

*Note:* Regular full-time employees hired prior to the implementation of the 2016 Donald Employee Handbook will be paid out at the sick leave rate of the 2006 Donald Employee Handbook.

**Use of Sick Leave:** Accrued paid or unpaid sick leave may be used for the following reasons:

- For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or their family member.

**Definition of Family Member:** Covered family members include the employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child, same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law, same-gender domestic partner's parent, grandparent, grandchild, and any individual with whom an employee has or had an in loco parentis relationship. *Persons "in loco parentis" are those with day-to-day responsibilities to care for or financially support a child, or who had such responsibility for the employee when the employee was a child.*

- If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
- In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

#### **Employee Notice of Need for Sick Leave:**

*Foreseeable Sick Leave:* If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before the leave using the City of Donald's call-in/notification procedures. Generally, an employee must provide at least one week's notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the City. Employees must notify the supervisor of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify the supervisor as soon as practicable and comply with the City's call-in procedures, as found in the *Attendance, Punctuality and Reporting Absences* Section of this Handbook. Generally, an employee should notify his/her immediate supervisor of unforeseeable sick leave at least 30 minutes prior to the beginning of his/her shift, unless physically unable to do so, at which time notice should be given as soon as possible.

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

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

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

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

## DONATION OF SICK LEAVE

The purpose of donated leave is to assist an eligible employee with additional leave through the donation of leave from eligible co-workers. All full-time regular employees are eligible to request or donate time in cases deemed as “hardship” by the City Manager. All donations will be kept confidential and donors will remain anonymous.

Employees may donate sick leave to a fellow employee who is suffering from or has a Family Member (as defined in the Sick Leave Policy) suffering from an extraordinary or severe illness, injury, impairment, or physical condition, which is likely to cause the employee to take leave without pay or terminate their employment. The receiving individual must have depleted all available leave before receiving shared leave. The City Manager will require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or healthcare provider verifying the severity or extraordinary nature and the expected duration of the condition.

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability insurance, or other supplemental income is not eligible to receive donated leave. Employees are not eligible for donated leave when they are eligible to receive or are receiving workers compensation or disability payments in which the premiums are paid for by the City.

Donated leave may be used to provide paid Family Medical Leave that would otherwise be unpaid, but may not extend the length of the Family Medical Leave allotted time. See the City’s Family Medical Leave policy for definitions and qualifications.

Any paid sick leave not used by the recipient for the specified incident will be returned to the donor employee.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

**The Requesting Employee (Recipient) Must:**

- Provide documentation for a non-work related seriously disabling illness or injury, as certified by a physician.
- Have or will exhaust shortly all vacation, sick, and compensatory accrued leave and not be on, or eligible for, disability leave.
- Have worked one full year for the City of Donald and have received satisfactory performance evaluations.
- Submit a request for donated leave to their immediate supervisor indicating reason and anticipated amount of lost work time.

**The Donating Employee Must:**

- Complete and submit a designated form indicating the desire to donate leave, in 8-hour increments, with a minimum of 8 hours and a maximum donation of 80 hours per incident.
- Have accrued a minimum of 200 hours of paid sick leave prior to donation.

Any decision by the City Manager regarding Sick Leave Donations will be binding.

**FAMILY MEDICAL LEAVE**

City of Donald employees are not eligible for leaves of absence under the Oregon Family Leave Act (OFLA) or the Federal Family Medical Leave Act (FMLA) because the City has less than 25 employees; however, as much as possible, the City will try to accommodate requests for family leave. The City recognizes that employees need support in balancing their work with personal and family responsibilities. Accordingly, eligible employees may be granted unpaid medical leave for their own serious health conditions, or to attend to a family member's serious health condition at the City's discretion. The City may refuse a request for unpaid medical leave for a variety of reasons, including where the leave would significantly impact the City's ability to provide services or create costs for the City that the City cannot or is unwilling to handle.

The City does honor an employee's right to take time off under the Military Leave Policy. Please see the policy later in the Handbook.

**Eligibility:** To qualify for the City's Family Medical Leave (defined below), a full- or part-time employee must have been employed by the City for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave (defined below), an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

- *Family member:* as defined in the City's Sick Leave Policy

- *Serious health condition:* An illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home, requires constant or continuing care such as home care administered by a health care professional, or involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
- *Other conditions* may qualify as "Serious Health Conditions"; please see City Manager for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

**Reasons for Taking Leave:** Family Medical Leave is defined to include and may be taken under any of the following circumstances:

- *Employee's Serious Health Condition Leave:* To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
- *Family Member's Serious Health Condition Leave:* To care for a family member with a serious health condition.
- *Parental Leave:* For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
- *Pregnancy Disability Leave:* For incapacity due to pregnancy, prenatal medical care or birth.

**Length of Leave:** In any One-Year Calculation Period, eligible employees may take up to 12 weeks of leave for reasons specified under the Family Medical Leave.

See also "Substitution of Paid Leave for Unpaid Leave" below for more information about the total amount of leave an employee may take from the City, regardless of whether that leave is for Family Medical Leave.

*One-Year Calculation Period:* The "twelve-month period" during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by a rolling 12-month period measured backward from the date an employee uses any Family Medical Leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

**Intermittent Leave:** Intermittent or reduced schedule leave may be taken when medically necessary due to the Serious Health Condition of a covered family member or the employee. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of City operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the City and the employee. Also, intermittent leave may result in the employee being temporarily transferred to a position that better accommodates the employee's need for intermittent time off, without a reduction in benefits or pay, and that minimizes the impact on the City's operations. Intermittent leave for Parental Leave is not available.

### **Employee Responsibilities:**

**Notice:** Employees must provide at least 30 days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, or for planned medical treatment for a Serious Health Condition of the employee or of a family member. If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

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

If circumstances change during the leave and the leave period differs from the original request, the employee must notify the City Manager within three business days, or as soon as possible.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with City's normal call-in procedures. Employees who fail to comply with City's call-in procedures may be disciplined, or may have their period of Family Medical Leave reduced.

**Certification:** Generally speaking, employees must provide sufficient information for the City to determine if the leave may qualify for Family Medical Leave protection under the City's policy, and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider.

Additionally, employees requesting Serious Health Condition Leave for themselves, or to care for a family member, will be required to provide certification from the health care provider of the employee or the covered family member to support the request.

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

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

**Fitness-for-Duty Certification:** If Family Medical Leave is for the employee's own Serious Health Condition, the employee must furnish, prior to returning to work, medical certification from their health care provider stating that the employee is able to resume work, with or without restrictions or accommodation. The fitness-for-duty paperwork must also include: (1) information about what restrictions (if any) the employee has; (2) recommendations for accommodations (if any); (3) the expected duration of the restrictions (if any); and (4) an estimated date by which the employee will be evaluated by his/her health care provider again.

**Substitution of Paid Leave for Unpaid Leave:** Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave, prior to a period of Family Medical Leave. Use of accrued paid leaves will run concurrently with the City's Family Medical Leave, meaning an employee cannot exceed being absent for more than 12 weeks using a combination of paid leave and unpaid leave in one calendar year. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

**Holiday Pay While on Leave:** Employees on unpaid approved Family Medical Leave in which a holiday occurs will not qualify to receive holiday pay.

**On-the-Job Injury or Illness:** Family Medical Leave will run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury (e.g., time loss benefits).

**Benefits While on Leave:** The City will continue the employee's health coverage under the City's group health plan during a period of approved Family Medical Leave on the same terms as if the employee had continued to work. Employees will not accrue vacation or sick leave while the employee is on Family Medical Leave. The Family Medical Leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in the City benefit plans. The employee will not receive retirement benefits.

**Job Protection:** The City cannot guarantee that employees returning to work from Family Medical Leave will be reinstated to their former position. Due to the City's small size, a position may need to be filled during a period of Family Medical Leave. If the City is unable to reinstate an employee to the position they held at the beginning of the Family Medical Leave, the City will make all reasonable efforts to find a suitable, open position for the employee before returning to work. If the City determines that it must eliminate or fill an



employee's position while that employee is on Family Medical Leave, the City will give the employee two weeks' notice about the City's plans in case the employee is able to return from leave early.

Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. With the exception of employees on leave as the result of an on-the-job injury or illness or otherwise required by law, reinstatement shall not be considered if the leave period exceeds the maximum allowed.

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

### BEREAVEMENT LEAVE

Up to 40 hours of Bereavement Leave is provided to employees who have worked for the City for 90 or more days. This leave is provided to employees in the event of absence necessitated by the death of a family member. The one-year period in which bereavement leave is calculated, follows the rules in the City's Family Medical Leave policy. This leave is administered in accordance with Oregon's Sick Leave law.

"Family Member" as defined by the City's Sick Leave Policy.

- Regular full-time employees are granted up to 40 hours of paid bereavement leave.
- Regular part-time employees are granted paid bereavement pay on a prorated basis, the remaining hours, up to 40 hours, can be taken as unpaid sick leave.
- Temporary employees get up to 40 hours of unpaid sick leave.

### JURY DUTY

The City of Donald will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. Although jury duty leave is unpaid, the employee may keep the jury duty pay they receive, and the employee may use any accrued vacation or sick leave during the stint of jury service. The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep their supervisor or manager informed about the amount of time required for jury duty.

### WITNESS DUTY

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to City Manager upon receipt.

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

## RELIGIOUS OBSERVANCES LEAVE AND ACCOMMODATION POLICY

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

## CRIME VICTIM LEAVE POLICY

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

"Immediate family member" includes a spouse, registered same-gender domestic partner, grandparent, father, mother, sibling, or child ("in loco parentis" as defined in City's Sick Leave Policy).

Employees who are eligible for crime victim leave must:

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

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

## DOMESTIC VIOLENCE LEAVE AND ACCOMMODATION POLICY

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or their minor dependents.

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

Leave is generally unpaid, but the employee may use any accrued vacation or similar paid time off while on this type of leave.

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

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

If more leave than originally authorized needs to be taken, the employee should give the City notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

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

## MILITARY LEAVE

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

During a period of military conflict, as defined by law, eligible employees with a spouse or registered same-gender domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an

impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

# EMPLOYEE BENEFITS

## HEALTHCARE BENEFITS

Employees who meet the definition of “benefit eligible” under both City policy and that of its health insurance provider are entitled to the benefit options offered by the City of Donald. Generally speaking, that means the City offers medical, dental and vision insurance for all of its regular, full-time employees and their dependents. The City pays the cost of individual coverage for its regular, full-time employees. Part-time employees are not eligible for health-insurance coverage. Employees are eligible for coverage on the first day of the first calendar month following the first full calendar month of employment.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the City. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the City of Donald, employees will be advised and provided with copies of relevant plan documents. Copies are available from the City Manager.

The City’s paid contribution toward group health insurance plans will end on the last day of the month in which separation of employment occurs.

## WORKERS’ COMPENSATION AND SAFETY ON THE JOB

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

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

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

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

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

**Return to Work:** If you require Workers’ Compensation leave, the City will strive to reemploy you in the most suitable vacant position available at the conclusion of that leave. However, you must first submit documentation from a health care provider who is familiar

with your condition certifying your ability to return to work and perform the essential functions of the position.

When returning from Workers' Compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. The City of Donald does not discriminate against employees who suffer a workplace injury or illness.

**Overlap with Other Laws:** The City of Donald will account for other leave and disability laws that might also apply to your situation. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by applicable Oregon laws covering disabilities in the workplace.

#### ICMA-RC (INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION – RETIREMENT CORPORATION)

The City of Donald participates in ICMA-RC, which is a non-profit independent financial services corporation providing retirement plans and related services for public sector participants since 1972. The company's mission is to help build retirement security for public employees. The City offers a 401(k)-retirement savings plan and a 457-deferred compensation plan. Full-time, regular employees are offered this benefit. For information about the City's terms and conditions, contributions and plan specifics please see the City Manager and the plan documents.

#### OTHER INSURANCE BENEFITS

The City offers an array of other insurance benefits to its employees. The City pays for Life Insurance, Long-Term Disability and Accidental Death and Dismemberment for regular employees working at least 20 hours per week. For specifics about these programs and coverages check with the City Manager. The City also has a group membership rate for AFLAC coverage. This program is employee paid but some of the plans offer pre-tax rates which can be deducted and paid through the employee payroll process.

# ALCOHOL/DRUG USE, ABUSE AND TESTING POLICY

## PROHIBITED CONDUCT

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

- Possession, sale and/or use of drugs on City of Donald premises, while in City-provided clothes, while on City-related travel, or while on City business;
- Failure to notify the City of Donald of an arrest or conviction under any criminal drug or alcohol statute on the next working day after the arrest or conviction;
- Possession and/or consumption of alcoholic beverages or being under the influence of alcohol during work hours, while in City-provided clothes or on City of Donald premises, while operating a City vehicle (or while operating a personal vehicle in connection with the performance of City of Donald business), or while performing job functions other than at the employee's home; or.
- Being under the influence of drugs while on duty, on City of Donald premises, on City work time, while in City-provided clothes, while on City business, or while operating a City vehicle (or while operating a personal vehicle in connection with the performance of City of Donald business).

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

## PRESCRIPTION DRUGS AND MEDICAL MARIJUANA

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or the City of Donald's operations.

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify their Supervisor of such use immediately before starting or resuming work. The City may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide the City with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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

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

## TESTING

The City of Donald reserves the right to:

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

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

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

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or



controlled substance testing of an employee or a search. This documentation shall be forwarded to the City Manager. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the City Manager. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

### SEARCH OF PROPERTY

When reasonable cause exists to believe, an employee possesses alcohol or a controlled substance on City of Donald property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City may search the employee's possessions located on City of Donald property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to City of Donald property, or in property, equipment or supplies provided by the City of Donald to employees.

### EMPLOYEE REFUSAL TO TEST/SEARCH

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

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

### CRIMES INVOLVING DRUGS AND/OR ALCOHOL

Employees shall report:

- Any criminal arrest or conviction for drug or alcohol-related activity on the next working day after the arrest or conviction;
- Entry into a drug court or diversion program; or

- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

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

## DRUG AND ALCOHOL TREATMENT

The City of Donald recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City is willing to help such employees obtain appropriate treatment. An employee who believes that they have a problem involving the use of alcohol or drugs should ask a supervisor or City Manager for assistance.

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

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

## CONFIDENTIALITY

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

# ELECTRONICS, SOFTWARE, SOCIAL MEDIA POLICIES

## CELLULAR DEVICES POLICY

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

### CELL PHONES AND CELLULAR DEVICES IN GENERAL

Employees are allowed to bring personal cell phones and cellular devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

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

Nonexempt employees may not use their personal or City provided cell phone/cellular device for work purposes outside of their normal work schedule without written authorization in advance from the Supervisor or City Manager. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline up to and including termination.

**Employee Use of City-Provided Cell Phones/Cellular Devices:** Cell phones/cellular devices are made available to City of Donald employees on a limited basis to conduct the City’s business. Determinations as to which employees receive City-provided cell phones will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. The City may provide a monthly cellular phone allowance to employees who regularly make calls on behalf of the City away from the office on their personal phone (see City Manager for more information).

Employees who receive a cell phone, cellular device or phone allowance, or cellular device from the City of Donald must acknowledge and understand that because the cell phone/cellular device is paid for and provided by the City, or subsidized by the City, any communications (including text messages) received by or sent from the cell phone/cellular device may be subject to inspection and review if the City has reasonable grounds to believe that the employee’s use of the cell phone violates any aspect of the Cellular Device Policy or any other City policy. An employee who refuses to provide City access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline up to and including termination.

Employees who receive a cell phone or cellular device from the City of Donald must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Employees may not use City-provided cell phones or Cellular devices to call 1-900, 1-976 or similar “pay per minute” services. Further, family and friends may not use an employee’s City-provided cell phone/cellular device.

**Employee Use of Cell Phones/Cellular Devices with Cameras:** Cameras of any type, including cell phones with built-in cameras and video photography devices, may not be used during working hours, or at any City of Donald-sponsored function unless authorized to do so by supervisor or City Manager.

**Cell Phones/Cellular Devices and Public Records:** City of Donald-related business conducted on City-provided or personal cell phones/cellular devices, may be subject to disclosure under Oregon’s Public Records laws or in connection with litigation filed against the City.

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

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

#### USE OF CITY OF DONALD EMAIL AND ELECTRONIC EQUIPMENT, FACILITIES AND SERVICES

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

## OWNERSHIP

All information and communications in any format, stored by any means on or received via the City's electronic equipment, facilities or services is the sole property of City of Donald.

## USE OF ELECTRONIC EQUIPMENT

All of the City's electronic equipment, facilities and services are provided and intended for City of Donald business purposes only and not for personal matters, communications or entertainment. Access to the Internet, web sites and other electronic services paid for by the City of Donald are to be used for City of Donald business only. This means, for example, that employees may not use the City-provided Internet, or City of Donald electronic equipment, facilities and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate the City's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or company protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the rights to privacy of protected healthcare information or other City of Donald-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, providing it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use City-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City of Donald email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

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

All information and communications in any format, stored by any means on the City's electronic equipment, facilities or services, are subject to inspection at any time without

notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the City's ownership of the electronic information, electronic equipment, facilities, services, or the City's right to inspect such information. The City of Donald reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of the City's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

**Personal Hardware and Software:** Employees may not install personal hardware or software on City of Donald computer systems without approval from City Manager. All software installed on City of Donald computer systems must be licensed. Copying or transferring of the City-owned software may be done only with the written authorization of the City Manager.

**Unauthorized Access:** Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City of Donald management. No employee can examine, change or use another person's files, output or user name unless they have explicit authorization from the City Manager to do so.

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

#### INAPPROPRIATE WEBSITES

The City of Donald's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate the City's policies on harassment and discrimination.

#### SOCIAL MEDIA

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

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

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

Do not create a link from your blog, website or other social networking site to a City-owned or maintained website without identifying yourself as a City of Donald employee.

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

**Encouraged Conduct:** Always be fair and courteous to co-workers, the citizens we serve, the City's employees and elected officials, and suppliers or other third parties who do business with the City.

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

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

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

**Request for Employee Social Media Passwords:** The City of Donald's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant

for employment to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a user name and password that would otherwise allow a supervisor/manager to access a private email account not provided by the City.

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



## OTHER WORKPLACE POLICIES

### CONFIDENTIAL CITY OF DONALD INFORMATION

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

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

### ETHICS

At the City of Donald, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the City or City of Donald citizens.

We at the City of Donald are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

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

## OPEN-DOOR POLICY

The City of Donald's Open-Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. The City's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (where the employee provides the input in good-faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by City Manager and in some cases the Mayor.

## REMOTE WORK POLICY

The City of Donald may consider allowing staff to work outside the office when there are opportunities for improved employee performance or the potential for City savings, or when an employee needs to work from home for medical reasons (if pre-approved; see requirements below).

The Remote Work Policy typically applies to City employees who are regular full-time employees and who can perform their duties from a remote location without compromising confidentiality and the City's systems. Eligibility requirements, including medical certification requirements, are discussed below.

### Definitions:

**Telecommuting/Telework:** The City of Donald does not offer telecommuting as an option for employees. This is defined as an alternative that substitutes home-to-work community with work at a remote location on a full-time basis or regular work schedule that has been approved by the City Manager.

**Remote Work:** is allowable for City of Donald employees on an occasional basis. It is defined as ad hoc work days, approved in advance by the City Manager (or, in the case of the City Manager, approved by the Mayor), during which the employee is working at the employee's home or other designated location. This is approved for a temporary duration of time. It can be used for employees who are recovering from an illness or caring for an ill immediate family member (as defined in the Crime Victim Leave Policy) but such situations must be arranged between the employee and the City Manager, at the City Manager's discretion, in advance of the remote work beginning (see medical certification requirements below). Employees are required to make arrangements for dependent care during the agreed-upon work hours. The employee may be asked to provide information regarding dependent care arrangements.

**Eligibility:** Not all positions at the City of Donald are appropriate for remote work. In general, jobs appropriate for remote work are those in which face-to-face interaction is

minimal. In general, it is appropriate for employee who can perform the work of the position remotely, as if the work was being performed at the City office.

Workers must be trustworthy, self-motivated, able to work effectively without frequent face-to-face supervision, and have demonstrated conscientiousness about work time and productivity. In addition, employees must meet the following requirements:

- Employed with the City of Donald for a minimum of six months of continuous, regular employment in a full-time status at the time that the Remote Work arrangement is requested;
- Successfully completion of the Introductory Period; and
- Employed in a position that is suitable for Remote Work (as determined by the City Manager, or in the case of the City Manager, as determined by the Mayor).

The City may allow an employee with a medical condition to work from home on a temporary basis if: (1) the employee is otherwise eligible, as described above; (2) the employee has presented information from a health care provider indicating that remote work is needed for the employee, as well as an expected duration for remote work; and (3) pre-approval from the City Manager (or, in the case of the City Manager, pre-approval from the Mayor).

The City reserves the right to add to or change any of the eligibility requirements described in this policy. The City may refuse a remote work request if in the discretion of the City, the arrangement is not in the best interests of the City. An employee requesting a Remote Work must enter into a Remote Work Agreement, as discussed below.

**Remote Work Approval Process:** The ability to telework is solely at the City's discretion. An employee may not demand the "right" to work remotely. Any employee, who wants to work remotely must first discuss about whether the employee is allowed to remotely work. The employee's salary or wage, benefits, workers' compensation, and other employer-sponsored insurance coverage will not change due to remote work, if the position and working hours remain the same. Additionally, if a full-time or regular schedule of remote work is approved then a Remote Work Agreement must be completed by the employee and their manager and be approved by the City Manager prior to the start of the Remote Work. The City Manager or an employee's manager may terminate the employee's Remote Work privileges at any time.

**General:** Professionalism in terms of job responsibilities, work products, and customer or public contact will continue to conform to the same high standards as currently being met by City employees at their onsite work locations. While remotely working, the employee must be reachable via telephone and e-mail during the agreed-upon work hours, as if the employee were in the office.

The employee's duties, obligations, and responsibilities remain unchanged during the Remote Work time. The employee will meet or communicate with their manager as often as the manager believes is necessary to receive assignments, review work progress, and complete work. Employees are required to attend meetings at an assigned work location as determined by the manager, even if such meetings occur on a day the employee is usually remotely working.

Travel from the employee's home to the employee's assigned City work location is considered commuting mileage and will not be reimbursed.

A non-exempt, remotely working employee shall not work overtime unless they have received prior approval from their manager. Failure to obtain prior approval for overtime work or compensatory "comp" time accrued may result in discontinuance of the Remote Work Agreement and/or other appropriate disciplinary action. Overtime time will be paid in accordance with eligibility guidelines and applicable laws and policies and compensatory "comp" will be accrued according to the policies in this Employee Handbook.

**Work Site:** When working remotely, the employee shall have a designated workspace that be maintained by the employee that is quiet, free of distractions, and kept in a clean, professional, and safe condition, with adequate lighting and ventilation.

Because the employee's home or satellite workspace is an extension of the City workspace, City liability for job-related accidents may continue to exist during the approved work schedule and in the employee's designated work location. To ensure that safe working conditions exist, the City retains the right to make on-site inspections of the workspace, including home workspace, at mutually agreed-upon times.

The City will not be responsible for operating costs, home maintenance, property or liability insurance, or other incidental expenses (utilities, cleaning services, etc.) associated with the use of the employee's residence.

The City will not be liable for damages to the employee's property that may result from participating in the Remote Work Program. Remote Work employees are advised to contact their insurance agent and tax consultant for information regarding home work sites and coverage for equipment that is damaged, destroyed, or stolen.

**Supplies, Equipment, and Software Usage:** Employee out-of-pocket expenses for supplies that are normally available in the employee's regular work location, will not be reimbursed. Likewise, the City will not provide worksite furniture for remote workers.

The following conditions shall apply to use of computers, software, other City equipment, and Internet access:

- Teleworkers must provide their own Internet access. Use of City communications and software systems by remote employees is subject to City policies as described in this handbook.

- Employees may not duplicate City-owned software. They must also agree to abide by the licensing regulations and restrictions for all software under license to the City.
- A computer used for City business must be plugged into a surge protector and have current virus protection maintained.
- Restricted-access materials shall not be removed from the City onsite work location or accessed through the computer unless approved in advance by the City Manager and the appropriate IT administrator.
- The City does not assume liability for loss, damage, or wear of employee-owned equipment. The City does not assume responsibility for any private property used, lost, or damaged as a result of remote work. The employee shall promptly notify their manager when unable to perform work assignments due to the equipment failure or other unforeseen circumstances. The employee may be assigned to another project and/or work location that may necessitate termination of the Remote Work agreement.
- The City may pursue recovery from the employee for City property that is damaged, destroyed, or stolen while in the employee's care, custody, or control if such loss results from the employee's intentional act or negligence.

**Security:** Remote Work employees must protect City information from unauthorized disclosure or damage and must comply with federal, state, and City rules, policies and procedures regarding disclosure of public and official records. Work done at an employee's remote work site is regarded as official City business. All records, documents, and correspondence, either in paper or electronic form must be safeguarded for return to the City of Donald. Release or destruction of records should be done only in accordance with statute and City policy and procedure, and with the knowledge of the employee's manager. Electronic/computer files are considered City records and shall be protected as such.

Employees must surrender all City-owned equipment and/or data documents immediately upon request.

**Discipline:** If an employee violates any term of this policy, or the Remote Work Agreement, his or her remote work privileges will be immediately revoked and they will be subject to discipline, up to and including termination.

The City Manager (or their designee) or an employee's manager may terminate the employee's telework privileges at any time.

## OUTSIDE EMPLOYMENT

Generally, employees may obtain employment with an employer other than the City of Donald or engage in private income-producing activity of their own so long as that activity

is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

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

Employees may not accept outside employment that involves:

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

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

## CRIMINAL ARRESTS AND CONVICTIONS

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

- All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City of Donald property, or in a City of Donald vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
- All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money;
- If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position, or
- All convictions that result from a violation of any law. This includes any entries into diversion programs or drug court.

Reporting an arrest, citation, or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis in the City's sole discretion.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence and may be subject to disciplinary action up to and including termination.

## POLITICAL ACTIVITY

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

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

## BAD WEATHER/EMERGENCY CLOSING

Except for regularly scheduled holidays identified by the City of Donald (see “Holidays” section, above), the City is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or their designee) will decide whether to and to what extent the City will close. The City Manager will phone call each employee prior to the start of the shift to notify them of the emergency closing.

In the event of extreme bad weather, we recognize that each employee’s ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve the City from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides. If you are unavailable to report to work, or work from home, then the employee may use accrued vacation time, if none is available then the day is unpaid.

## DRIVING WHILE ON BUSINESS

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

The City may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment.

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

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

#### WORKPLACE VIOLENCE

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

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City of Donald, or that threaten the safety, security or financial interests of the City. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to their supervisor or the City Manager and in some cases the Mayor.

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

#### WORKPLACE INSPECTIONS – NO RIGHT TO PRIVACY OR CONFIDENTIALITY

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

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voice mail systems and computer systems. *Employees are strongly discouraged from storing personal items in*



*the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voice mail and computer systems assigned to them by the City; these areas are not private.*

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

## SMOKE-FREE WORKPLACE

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

City of Donald buildings and vehicles are tobacco- and marijuana-free areas. Further, the City prohibits tobacco/marijuana use in or around City of Donald vehicles and equipment or machinery.

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

# TERMINATION OF EMPLOYMENT

## WORKPLACE RULES AND PROHIBITED CONDUCT

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

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

- Violation of any safety, health, security or City of Donald policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City of Donald or outside regulatory or legislative bodies.
- Failing to timely pay water/sewer/tax accounts with the City of Donald on time, and/or whose City-provided services are disconnected. This includes, without limitation, situations where the employee writes a check to the City that is refused for payment due to non-sufficient funds.
- Harassment or discrimination that violates City of Donald policy.

This statement of prohibited conduct does not alter the City's policy of at-will employment. With the exception of employees who are subject to a collective bargaining agreement or contract of employment, the City of Donald remains free to terminate the employment relationship at any time, with or without cause or notice.

#### **CORRECTIVE ACTION/DISCIPLINE POLICY**

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

In lieu of terminating employment of an employee for serious violations of City of Donald policies, procedures and rules and for other inappropriate behavior or conduct, the City may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement or performance improvement plan. The City may also choose to send the employee to training or an education opportunity.

In all cases, the City of Donald will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where warning, collective bargaining agreement provisions. The City may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City deems such action appropriate. The City retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

## RETIREMENT OR RESIGNATION FROM EMPLOYMENT

If you choose to resign or retire, it is anticipated that you will give the City of Donald as much notice as possible – preferably a minimum of two weeks. When giving your two-week notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-week notice of your intent to leave the City of Donald, you will not be eligible for re-employment at a later date.

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

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

Employees must return all City of Donald property, including phones, computers, identification cards, credit cards, keys (Note: remember to consult the "check-out/check-in" key log), and manuals, to the City Manager on or before their last day of work.

## REFERENCES

All requests for references or recommendations must be directed to the City Manager. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance.

By policy, the City of Donald discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

# EMPLOYEE ACKNOWLEDGEMENT

## ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICIES

### CITY OF DONALD EMPLOYEE HANDBOOK, VERSION 2020

I acknowledge that I have received and will read a copy of the City of Donald's 2020 Personnel Policies ("City of Donald Employee Handbook"). I also understand that a copy of the City of Donald Employee Handbook is available to me at any time to review in the City Manager's Office or on the City's Public Documents shared drive.

I understand that the City of Donald has adopted the City of Donald Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in the City's sole discretion. I also understand that the City of Donald Employee Handbook control over any other contradictory statements. I acknowledge that the City of Donald Employee Handbook are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either the City of Donald or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice. I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed, or will review, the City of Donald's policies regarding equal employment opportunity and that the City of Donald aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to my supervisor or any trusted manager or supervisor.

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

I have read this acknowledgement carefully before signing.

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Employee Signature

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Date

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