



# **City of Astoria Personnel Policy & Procedural Manual**

# Table of Contents

1.1 ADMINISTRATION OF PERSONNEL PROGRAM .....	8
1.2 Introduction .....	8
1.3 Personnel Authority .....	9
1.3 Americans With Disabilities Act (ADA) Policy.....	9
1.4 Americans With Disabilities Act (ADA) Grievance Procedure .....	9
1.5 Equal Employment Opportunity .....	10
1.6 Special Service Contracts .....	11
1.7 Personnel Records .....	11
1.8 Employment References and Letters of Reference .....	12
Providing References.....	12
Professional Letters of Reference.....	12
Volunteers and Other Non-Employees .....	12
1.9 Criminal and Civil Court Record Investigations.....	13
Policy Statement .....	13
Method and Timing.....	13
Records Included in the Investigation .....	14
Process if Record Revealed.....	14
1.10 Department Rules.....	14
1.11 Council- Staff Interaction Policy .....	14
2.1 HIRING POLICIES.....	15
2.2 Class Specification .....	15
2.3 Recruitment .....	15
2.4 Selection .....	16
2.5 Veteran Hiring Preference Policy.....	16
Policy Statement .....	16
Definitions .....	17
Procedure.....	17
Appendix .....	17
2.6 Residency .....	17
2.7 Employment Eligibility Verification.....	18
2.8 Relatives and Members of Household.....	18
Policy Statement .....	18
Nepotism .....	18
Grandfathering of Current Exceptions to the Above Policy Statement .....	19
Potential and Actual Conflicts of Interest .....	19
Definitions.....	20
2.9 Orientation .....	22
3.1 EMPLOYEE CAREER STATUS .....	22
3.2 Employee Status .....	22
Probationary Period .....	22
3.3 Employment Classifications.....	23
3.4 Performance Appraisal .....	23
3.5 Promotion and Transfer.....	24
3.6 Layoff .....	24
3.7 Termination.....	24
4.1 PAY POLICIES.....	25
4.2 Salary Administration .....	25
4.3 Salary Ranges .....	25
4.4 Overtime .....	25
Definition and Authorization .....	25
Rate and Method of Payment .....	25

## Table of Contents, Continued

Exemptions .....	26
4.5 Merit Salary Increases .....	26
4.6 Stability Pay .....	27
4.7 Responsibility Pay .....	27
4.8 Hours of Work .....	28
Standard Workweek .....	28
4.8 Call Back .....	28
4.9 Payroll Deductions .....	28
4.10 Lunch Period .....	28
4.11 Rest Periods for Expression of Breast Milk .....	28
Policy Statement .....	28
Eligibility .....	29
Procedure .....	29
Pay .....	29
Definitions .....	30
4.12 Travel Time .....	30
Policy Statement .....	30
Compensable Travel Examples .....	30
Travel and Expense Guidelines .....	30
4.13 Unemployment Compensation .....	33
<b>5.1 EMPLOYEE BENEFITS .....</b>	<b>33</b>
5.2 Vacation Benefits .....	33
Purpose .....	33
Eligibility .....	33
Scheduling .....	34
Salary Advance .....	34
Vacation Pay Upon Separation .....	34
Vacation Accrual Schedule .....	34
5.3 Holidays .....	34
Reasonable Accommodation .....	35
5.4 Sickness and Disability .....	36
Use of Sick Leave .....	36
Sick Leave Accrual .....	36
Use of Sick Leave during Family/Medical Leave .....	36
Sick Leave and Long-Term Disability Benefits .....	37
5.5 Sick Leave Donation Policy .....	37
Purpose .....	37
Recipient Guidelines .....	37
Donor Guidelines .....	38
Leave Donation Schedule .....	39
5.6 Bereavement Leave .....	39
5.7 Medical/Dental/Vision Benefits .....	39
5.8 Benefits after Retirement (Non-Union Employees) .....	39
5.9 Extended Health Benefits .....	40
5.10 .....	R
etiree Medical .....	40
5.10 Training and Travel .....	41
5.9 Retirement System .....	42
5.11 Life Insurance .....	43
5.12 Disability Insurance .....	43
5.13 Utility Credit and Allowance .....	44
5.14 Deferred Compensation .....	44

# Table of Contents, Continued

6.1 LEAVES OF ABSENCE .....	44
6.2 Personal Leave of Absence.....	44
6.3 Oregon Victims of Certain Crimes Leave Act/ Oregon Domestic Violence Leave .....	44
Policy Statement .....	44
Concurrent OVCCLA and Other Leave.....	45
Employee Eligibility .....	45
Length of Leave .....	45
Purposes for taking OVCCLA Leave.....	45
Leave Designation .....	46
Notice by Employee .....	46
Certification for and Designation of OVCCLA Leave .....	46
Recertification for OVCCLA Leave Extensions .....	47
Confidentiality.....	47
Use of Paid Leave Time.....	47
Benefit Continuation.....	47
Reinstatement .....	47
OVCCLA Appendix.....	47
6.4 Crime Victim Leave to Attend Criminal Proceedings.....	49
Policy Statement .....	49
Concurrent Leave to Attend Criminal Proceedings and OVCCLA .....	49
Employee Eligibility .....	49
Length of Leave .....	49
Purpose for Taking Leave to Attend Criminal Proceeding.....	49
Job Protections .....	50
Leave Designation .....	50
Notice by Employee .....	50
Designation of Leave to Attend a Criminal Proceeding .....	50
Confidentiality.....	50
Use of Paid Leave Time.....	50
Benefit Continuation.....	51
Appendix .....	51
6.5 Family and Medical Leave .....	52
Policy Statement .....	52
Employee Eligibility for Oregon Family Leave Act (OFLA).....	52
Employee Eligibility for Federal Family and Medical Leave Act (FMLA).....	52
Permissible Reasons for Taking Family/Medical Leave .....	52
Leave Designation .....	54
Calculating Leave Rolling 12-Month Period.....	54
Intermittent Leave or Reduced Leave Schedule.....	54
Stacked Leave.....	55
Concurrent Parental Leave .....	56
Medical Certification.....	56
Recertification for Family/Medical Leave Extensions.....	56
Use of Paid Leave Time.....	57
Effect of Unpaid Leave on Salaries.....	57
Benefit Continuation.....	57
Reinstatement .....	57
Employee Responsibilities .....	58
Finance and Administrative Services Responsibilities .....	60
Appendix .....	60
6.6 Military Leave.....	64
Policy Statement .....	64
Eligibility .....	65
Procedure.....	65

# Table of Contents, Continued

Pay During Reservist and National Guard Training .....	65
Reinstatement Rights .....	65
Reinstatement Position .....	66
Retention Rights .....	66
6.7 Occupational Injury and Illness Policy (Workers' Compensation) .....	66
Workers' Compensation (WC) .....	66
Payment of Lost Time (Pay Continuation) .....	67
Effect on City Paid Insurance Benefits and Accrued Benefits .....	67
Reinstatement .....	67
Employee Responsibilities .....	67
Supervisor Responsibilities .....	69
Risk Management Responsibilities .....	71
Finance and Administrative Service Department Responsibilities .....	71
6.8 Return-to-Work Program .....	71
Definition .....	71
General Return-to-Work Procedures .....	72
Length of Alternative Duty Assignments .....	72
Communication .....	72
Employee Responsibilities .....	72
Supervisor Responsibilities .....	73
Job Offer Letter .....	73
6.8 Jury Duty and Witness Leaves .....	73
6.9 Benefits During Leave of Absence .....	74
Paid versus Unpaid Leave .....	74
Continuation of City Paid Insurance Benefits .....	74
Insurance Benefits during Military Leaves of Absence .....	74
Insurance Benefits during Family and Medical Leaves of Absence .....	74
COBRA Continuation of Medical and Dental Insurance .....	75
Reinstatement of City Paid Insurance Benefits .....	75
Accessing Long Term Disability Insurance Benefits .....	75
Accrued Leave and Long-Term Disability Benefits .....	75
6.10 Leaves of Absence Without Pay .....	75
6.11 Donation of Blood .....	76
7.1 CONDUCT, CORRECTIVE ACTION, DISCIPLINE AND COMPLAINTS .....	76
7.2 Personal Appearance and Conduct .....	76
7.3 Ethical Conduct .....	77
Policy Statement .....	77
Confidential and Proprietary Information .....	77
Conflicts of Interest .....	78
Financial Gain .....	78
Honorarium .....	78
Invitations to Personal Parties or Events .....	79
Gifts .....	79
Nepotism .....	79
Consistency and Equal Treatment .....	79
Outside Employment .....	79
Solicitation .....	80
7.4 Political Activity .....	80
7.5 Harassment .....	81
Policy Statement .....	81
Sexual Harassment .....	81
Harassment .....	82
Prohibited Activities .....	82

## Table of Contents, Continued

Employee Responsibilities .....	82
Supervisor Responsibilities .....	83
Reporting Harassment .....	83
Response to Reports of Harassment .....	84
Investigation .....	84
Records Relating to Harassment .....	84
7.6 Attendance, Absenteeism and Punctuality .....	85
7.6 Pre-Employment Drug Screening Policy .....	85
7.7 Corrective Action, Discipline, Dismissal and Appeal .....	86
Policy Statement .....	86
Corrective Action or Traditional Progressive Discipline .....	86
Documentation in Personnel Files .....	87
Searches in Connection with an Investigation .....	87
Employment Categories Excluded from Progressive Discipline, Due Process and Appeal .....	88
Employee Disagreement with Non-Economic Discipline .....	88
7.8 Economic Discipline Due Process and Appeal .....	88
Right to Due Process .....	88
Paid Administrative Leave .....	88
Pre-Decision Conference and Discipline Documentation if Issuance Found Appropriate .....	88
Informal Discipline Appeals .....	89
Investigation Upon Appeal .....	89
Informal Hearings on Appeal by the City Manager .....	89
Formal Hearing Procedure .....	89
Conduct of Hearings .....	90
Counsel or Representative .....	90
Hearings Officer .....	90
7.9 Complaints .....	90
7.10 Romantic Supervisory Relationships (Rescinded) .....	91
7.11 Communications and Use of Social Media .....	91
Using Social Media for Business Purposes .....	92
Personal Use of Social Media .....	93
7.12 Whistleblower Protection Policy .....	93
Purpose .....	93
Procedures .....	94
7.13 No Mandatory Meetings .....	95
7.14 Bulletin Boards .....	95
8.1 SAFETY .....	95
8.2 City of Astoria Safety Statement .....	95
8.3 Violence in the Workplace .....	96
Procedures .....	96
8.4 Inclement Weather/Disasters .....	97
8.4 Safety and Health Policy .....	98
8.5 Smoking .....	103
8.6 Use of Vehicles for City Business .....	103
8.7 Driver's Licenses .....	104
8.8 Alcohol/Drug Policy .....	104
8.9 Department of Transportation - Federal Highway Administration (DOT/FHWA) Drug and Alcohol Policy	
108	
A. Definitions .....	108
B. Guidelines .....	109
C. Types of Testing .....	110
D. Drug and Alcohol Testing Procedures .....	112

## Table of Contents, Continued

E. Failure to Cooperate .....	113
F. Referral Evaluation and Treatment for Positive Testing of Alcohol and/or Controlled Substance Testing .....	113
G. Education and Training .....	114
H. Record Keeping Procedures .....	114
I. Investigation of Previous Testing.....	115
9.1 CITY PROPERTY & EQUIPMENT .....	115
9.2 Internet Usage .....	115
Policy Statement .....	115
Internet Usage Philosophy.....	115
Detailed Internet Policy Provisions .....	116
Violations.....	118
9.3 Electronic Information Processing System and Electronic Mail .....	118
Administrative Guidelines.....	118
Policy Statement .....	118
Scope .....	118
Public Record and Disclosure.....	118
Public Record Retention .....	119
Storage.....	119
Personal Use, Access and Lack of Privacy.....	119
Usage Guidelines .....	120
Violation of Policy.....	120
Interpretation .....	120
9.4 Voice Mail .....	120
Policy Statement .....	120
Availability .....	121
Guidelines .....	121
Public Record.....	123
Voice Mail Versus E-Mail.....	123
Inappropriate Uses of Voice Mail .....	123
Exceptions.....	124
Responsibilities .....	124
Termination of Access .....	124
Interpretation .....	125
9.5 Information Services Policies and Procedures.....	125
Policy Statement .....	125
Acceptable Use .....	125
Electronic Mail (E-Mail) .....	126
Definitions.....	130
9.6 Phones and Portable Electronic Communication Devices (ECDs) .....	131
Policy Statement .....	131
Public Records and Security.....	131
Personal Use of City Phones and ECDs.....	132
Stipend Eligibility Criteria .....	133
Maintain Personal Applicable Phones and Service.....	133
Personal Cellular Phones and Other Personal Equipment at Work .....	133
Cellular Phone or ECD Use in Vehicles, at Work Sites, or While Operating Equipment .....	133
Audits .....	134
INDEX .....	135
RECEIPT OF THE CITY OF ASTORIA PERSONNEL POLICY AND PROCEDURAL MANUAL .....	137
APPENDIX .....	138

**City of Astoria**  
**Personnel Policy & Procedural Manual**  
**General Guidelines, Rules,**  
**Standards and Practices**

**1.1 ADMINISTRATION OF PERSONNEL PROGRAM**

**1.2 Introduction**

This manual contains statements of the City of Astoria ("City") personnel policies and procedures. It is designed as a guide for supervisors and Department Heads in the day-to-day administration of the City's personnel program. The City cannot anticipate and write personnel policies for every situation. Any suggestions for improvement are welcome. It is to the benefit of the City and the community to encourage employee recommendations that benefit employee-employer relations and policies. Employees are expected to use good judgment in their daily work activities.

It is the responsibility of every supervisor to administer these rules in a fair and consistent manner. Whenever necessary, employees should be encouraged to review particular policies in detail. It is essential that all employees understand the policies, as we expect them to be followed.

These policies and procedures shall apply to all employees, including Department Heads and members of recognized employee bargaining units.

Subject to applicable laws, procedures and practices in personnel relations are always subject to modification and further development. All changes will be distributed as they are adopted. Each Department Head can assist in keeping the personnel program up-to-date by notifying the City Manager or designee whenever problems are encountered or improvements can be made in the existing rules.

In any case of conflict with this Personnel Policy & Procedural Manual and the Handbook, the Personnel Policy & Procedural Manual will take precedence. Similarly, in any case of conflict between the Personnel Policy & Procedural Manual and a Collective Bargaining Agreement, the Collective Bargaining Agreement will prevail. The City has four different bargaining groups sign contracts governing various employment conditions. There are a considerable number of benefits and procedures that vary from group to group, and they cannot all be reflected in the Personnel Manual or the Handbook.

The provisions in the City's personnel policies and procedures are not intended to create, and do not create an employment contract with any employee or employees. Subject to applicable laws, the City expressly reserves the right to modify, change or suspend any or all parts of these personnel policies, and such changes supersede all prior oral or written descriptions of the City's personnel policies. Moreover, no representative of the City, other than the City Manager, has any authority to enter into any arrangement or agreement contrary to the provisions of these personnel policies, and any such agreement must be in writing and signed by the City Manager.

If you have questions, please ask your supervisor.



### **1.3 Personnel Authority**

The personnel function shall be administered by the Director of Finance and Administrative Services or designee. Under the supervision of the City Manager overseeing support services, the Director of Finance and Administrative Services or designee shall:

- Apply and carry out the requirements of state and federal employment laws and local ordinances and policies.
- Encourage and exercise leadership in the development of effective personnel administration within the departments of the City and make available the facilities of the Finance and Administrative Services Department for this purpose.
- Foster and develop programs for the improvement of employee effectiveness, including training and safety.
- Act as City representative in negotiations with City bargaining units and administer bargaining agreements.
- Make reports to the City Manager regarding the work of the department as required.

### **1.3 Americans With Disabilities Act (ADA) Policy**

Purpose. To provide a reasonable policy and procedure that will ensure: 1) equal opportunities for disabled persons to participate in and benefit from services, programs, or activities sponsored by the City; 2) a bias free environment for disabled employees, or for disabled persons who seek employment with the City.

Statement of Policy. It is the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment. The City, upon request, will provide reasonable accommodation in compliance with the Americans With Disabilities Act (ADA).

The City is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the City will provide auxiliary aids and services if necessary and if such reasonable accommodation can be provided without undue hardship to the City. Disabled persons may request the auxiliary aids and services of their choice, which will be given primary consideration. Communication of accessibility will be included in City publicity announcements.

The City has a commitment to ensure equal opportunities for disabled city employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation benefits, separation, etc.) will be administered in such manner as to not promote discrimination of disabled employees.

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon request during an application/interview process.

In the event citizens, employees, or other participants in the City's program, services, and activities feel the City has violated their rights under the ADA, this policy provides a grievance procedure for handling such complaints.

### **1.4 Americans With Disabilities Act (ADA) Grievance Procedure**

Purpose. Prompt and equitable resolution of complaints alleging discrimination on the basis of a disability.

The City of Astoria adopts the following internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Equal Employment Opportunity Commission (EEOC) regulations implementing Title I of the ADA and the U.S. Department of Justice regulations implementing Title II of the ADA. Title I of the ADA states that "no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement,

or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." Title II of the ADA states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the service, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Complaints should be addressed -to: Human Resources Director, City of Astoria, 1095 Duane Street, Astoria, Oregon 97103, (503) 325-5821. The Human Resources Director has been designated to coordinate ADA compliance efforts. The Director shall maintain the files and records of the City relating to the complaints filed and ensuing investigations.

- A. A complaint may be filed either in writing or verbally. It shall consist of the name and address of the person filing it, or on whose behalf it is filed, and a brief description of the alleged violation of the ADA regulations. A complaint shall be filed within twenty (20) calendar days after the complainant becomes aware of the alleged violation.
- B. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation shall be commenced by the Human Resources Director, or the designee within ten (10) calendar days following the filing of complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation.
- C. A written determination as to the validity of the complaint and a resolution of the complaint; if any, shall be issued by the Human Resources Director and a written copy mailed to the complainant within thirty (30) calendar days following the filing of the complaint.
- D. The complainant may request a reconsideration of the case determination of the Human Resources Director in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within ten (10) calendar days following the date the complainant receives the determination of the Human Resources Director. The request for reconsideration shall be made to the City Manager at the same address and phone as listed above. The City Manager shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The City Manager shall issue a decision on the request for reconsideration within twenty (20) calendar days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the City Manager is final.
- E. These rules shall be construed to: 1) protect the substantive rights of the interested person, 2) meet appropriate due process standards and 3) comply with the ADA and implementing regulations.

### **1.5 Equal Employment Opportunity**

It is the policy of the City that all persons are entitled to equal employment opportunities and benefits and City programs, services and activities regardless of, race, religion, color, gender (sex), national origin, sexual orientation, gender identity/expression, disability, veteran status, marital status, familial status, domestic partnership, national origin, political affiliation, age, genetic information, mental or physical disability, credit history, source of income, or association with a protected class. Making employment decisions on the basis of protected classes is prohibited except where a particular position requires a valid occupational qualification. The City of Astoria also requires its contractors and grantees to comply with this policy.

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including: selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employment opportunities are open to all qualified applicants on the basis of their training, experience, aptitudes, merit, qualifications and abilities. Advancement is based on the individual's performance, ability, aptitude and potential and where two employees have identical qualifications, length of employment shall be the determining factor.

Supervisors shall report any acts or complaints of discrimination to the City Manager or to the Director of Finance & Administrative Services or designee and shall be responsible for disseminating the elements of this policy to their employees. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. We seek the cooperation of all employees in helping to maintain this policy.

Nothing in this section shall preclude post-employment inquiries for reporting purposes or to permit the City to evaluate its selection process. Such data shall be maintained by the City Manager or designee and shall remain confidential.

### **1.6 Special Service Contracts**

Purpose. To establish the procedure for contracting out special personnel projects. The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The City Council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties.

- A. The preparation of personnel regulations and subsequent revisions and amendments.
- B. The preparation of a position classification plan and subsequent revision and amendments.
- C. The preparation of a compensation plan and subsequent revisions and amendments.
- D. Special and technical services of an advisory or informational character on matters relating to personnel administration.

### **1.7 Personnel Records**

The City maintains a personnel file on each employee. The supervisor may maintain a separate working file in the department, and the Finance Department will maintain payroll related records. The HR personnel file shall show the employee's name, position, the department to which assigned, salary, change in employment status, training received and work performance information. Confidential medical records and records produced from reference checks, background checks and other investigations will be kept in a separate system of confidential files in the Finance and Administrative Service Department. All I-9's are secured in a separate locked file.

The Change of Status Form shall be used to initiate employment status changes and update personnel files. Employee personnel files shall be considered confidential and shall be accessible only to the following:

- The employee;
- Director of Finance and Administrative Services or designee;
- The Department Head or management designee;
- The employee's direct supervisor.

The employee shall advise the Director of Finance & Administrative Services or designee of any changes in the information on file.

Disciplinary documents that are removed from personnel files are not considered expunged. They will be maintained in a separate system of records in the Finance & Administrative Service Department that is not indexed by employee name. The removed documents will not be considered for purposes of escalating progressive discipline or in a merit decision, such as determining future eligibility for promotion. However, the documents will be retained so that the City may demonstrate past discipline was imposed, the employee had forewarning and some discipline is warranted if negative performance issues arise.

With reasonable advance notice, employees may review their own personnel files in the City offices and in the presence of an individual appointed by the City to maintain the files.

## **1.8 Employment References and Letters of Reference**

### *Providing References*

Requests for reference checks or verifications of employment shall be forwarded to the Finance Department. The Finance Department will release appropriate information and may refer the inquiry to the Department Head or immediate supervisor if more specific information is requested. Documents contained in the employee's personnel file (performance evaluations, reprimands, etc.) shall not be provided to a prospective employer without the employee's prior written authorization in a form acceptable to the City.

Only Department Heads and direct supervisors who have been trained through the Finance Department may respond directly to reference requests. Reference information should be provided in writing, using the Guidelines for Providing Employment References, and a copy must be directed to the Finance Department for retention in the employee's personnel file. Unless the employee has signed a written release, only verification of employment and job title may be disclosed.

Employees who are not authorized to give references on behalf of the City may be subject to discipline for providing a reference as a representative of the City.

If a City employee writes a letter as a personal friend for a co-worker, the letter should include this statement: "The opinions expressed herein are personal and not made as a representative of the City." Use of City letterhead is prohibited for personal letters of reference.

### *Professional Letters of Reference*

At the employee's request, supervisors may write a professional letter of reference to aid the employee in obtaining future employment. When a supervisor writes a letter for an employee, the supervisor is representing the City, and the contents of the letter must be based on job-related facts and observations.

A supervisor may work with a departing employee to create a mutually agreed upon letter of reference. The supervisor should document this fact in a memo, attach it to the letter of reference, and forward a copy of both the memo and letter of reference to the Finance Department for retention in the employee's personnel file. The Finance Department will assist by reviewing such letters, when requested. Supervisors must recognize that letters of reference are written on behalf of the City and supervisors are expected to provide information that is accurate.

Only letters of reference written by the supervisor may use City letterhead. A copy must be forwarded to the Finance Department to be placed in the employee's personnel file.

### *Volunteers and Other Non-Employees*

The same guidelines should be followed when providing references for volunteers, except that references for volunteers should be forwarded to the respective department's volunteer coordinator, and the documentation should be placed in the volunteer's file in the respective department. The Finance Department does not maintain volunteer files.

This policy also permits the use of the City letterhead to provide a letter of reference for employees of other jurisdictions with whom the City has a working relationship, and where the correspondence is written in the official capacity of the supervisor in the line of duty. The supervisor writing the letter should retain a copy for his/her files.

## **1.9 Criminal and Civil Court Record Investigations**

### *Policy Statement*

In conjunction with responsible employment practices, it is the City's policy to conduct and/or request criminal and civil court record investigations on final external applicants for all City positions. At each Department Head's discretion and request, record investigations are also conducted on the following:

- Final internal applicants;
- Current employees in certain job classifications who work with vulnerable persons (children, the elderly and the disabled);
- Job classifications who have direct and unauthenticated access to the City's network resources.

Department Heads may also request record investigations on volunteers and persons hired through temporary employment agencies or as independent contractors, when they work with vulnerable persons or have direct and unauthenticated access to the City's network resources. Record checks will be conducted only once for employees who were hired before this policy was implemented.

The Finance Department will coordinate all criminal and civil court record checks and investigations, except for criminal justice system positions. The Astoria Police Department will conduct the investigations for criminal justice system positions and will follow departmental rules separate from this policy.

In addition, all City employees are required to report all criminal convictions and injunctions or restraining orders filed against them to the Department Head or designee within five (5) days after the conviction or filing. Failure to do so may result in discipline, up to and including termination. The conviction, whether reported or discovered during a record check, will be evaluated according to the criteria listed in Process if Record Revealed to determine if any employment action is warranted.

### *Method and Timing*

All job applicants will be advised in writing that a criminal and civil court record investigation is requested on the final candidate for every City position. All applicants who reach the final selection stage must sign a waiver permitting access to their records. The final candidate will be notified that the job offer is contingent upon passing the criminal and civil court record check. The same process will be followed for in-house applicants and current incumbents for the job classifications specified by each Department Head.

If there will be a significant delay before the criminal and civil court record investigation is complete, the applicant may begin working, but only under direct supervision and with written notification that employment may be terminated if a record is revealed that would justify doing so.

The City will conduct most of the criminal and civil court record investigations, at times a third-party investigator may be used. The turnaround time is usually around (5) five days. In some circumstances, court records will be requested directly from the jurisdictions involved, with varying turnaround times. In addition, use of both the database and the third party investigator will trigger reporting requirements under the Fair Credit Reporting Act (FCRA). These requirements include providing the applicant or employee with a notice of the decision not to hire or other employment action, a copy of the report and a copy of his/her FCRA rights before the adverse action is taken.

Access to the database is limited to (1) authorized personnel in the Finance Department for the purposes described in this policy; and (2) authorized personnel in the APD for the purposes described in their departmental regulations. Unauthorized access by any personnel for any other purpose is subject to discipline, up to and including termination.

#### *Records Included in the Investigation*

Criminal and civil court records will be searched for any conviction history and for civil judgments as an adult (dating back to the applicant's 18th birthday) unless convicted following adult remand (held in custody while awaiting trial or sentencing). Expunged juvenile records will not be searched. Non-expunged juvenile records will be searched with parental consent if the applicant or employee is a minor at the time of the record search.

Applicant and employee conviction records are confidential records and will be kept in the Finance and Administrative Services Department, except as allowed by APD regulations. However, the nature of the conviction history will be shared with the hiring authority and/or Department Head when that information is needed to make the evaluation described below in Process if Record Revealed. Unauthorized access to or disclosure of these records is subject to discipline, up to and including termination.

#### *Process if Record Revealed*

The Director of Finance & Administrative Services will notify the hiring authority if a criminal or civil court record does exist on an applicant and the decision concerning applicant selection will rest with the hiring authority. In cases concerning a current employee, the decision will rest with the Department Head. The hiring authority and/or Department Head may consult with the City Manager or designee, if necessary, in order to evaluate:

1. Whether the City's interests justify employment termination or disqualification of the applicant based on the criminal offender information or based on suitability as reflected in a civil case, and;
2. Whether such action may have an adverse impact based on protected class status (i.e. whether it is likely that the person's protected class status contributed to the decision to arrest and/or prosecute).

In addition, consideration of other job-relatedness factors may be given, including:

1. Whether the applicant/incumbent disclosed the conviction on the employment application form (Omission of facts called for in the application, including the reporting of criminal convictions, is "cause for cancellation of the application and/or dismissal from employment");
2. The nature and gravity of the offense and whether it indicates a propensity to cause harm to other employees or citizens in our community;
  - The time that has passed since the conviction or completion of sentence;
  - Whether the individual completed treatment or rehabilitation;
  - The relationship between the nature of the offense and the job in question.

### **1.10 Department Rules**

Each department of the City may establish departmental rules, regulations and procedures. Such rules, regulations and procedures shall not conflict with these policies and shall be binding on the employee.

### **1.11 Council- Staff Interaction Policy**

Purpose. To foster an open exchange between staff and the City Council which allows the accomplishment of assigned tasks and the timely provision of information.

In an effort to ensure that effective communication occurs between staff and the City Council, the following guidelines will be employed:

#### Request for Information

- A. Request for information will normally involve:
  - 1. Verbal status reports on specific projects.
  - 2. Existing reports, studies or surveys, etc.
- B. May be initiated by any member of the City Council or the City Manager.
- C. Request for information may be responded to directly between the Council or Manager and the department manager.

#### Request for Action

- A. Requests for action normally involve such items as:
  - 1. Preparation of new reports, studies or contracts.
  - 2. Directives to explain or investigate specific situations.
  - 3. Assistance in the form of the use of municipal resources to resolve a problem.
- B. May be initiated by either the City Council acting collectively or by individual Council members.
- C. Requests for action initiated by the City Council must be made to the City Manager who, in turn, will either take action directly or through a department manager.
- D. If a City Council member requests a departmental manager to take a specific action, he or she will refer the Council member to the City Manager.

## **2.1 HIRING POLICIES**

### **2.2 Class Specification**

Each position in the City service shall be described in a class specification prepared by the Department Head or assigned designee and approved by the Department Head or designee. The class specification shall contain a job title, the duties and responsibilities of the position, the degree of knowledge, skills or abilities required and the experience and/or training necessary to perform the job. The Department Head or assigned designee is responsible for keeping the class specifications up-to-date and insuring that they accurately describe the duties and requirements of the department's positions. Job titles in use must align with job titles in the current class specification and the approved City pay plan.

Class specifications shall be used in preparing announcements for job vacancies, evaluating employee performance and as a factor in establishing salaries.

### **2.3 Recruitment**

External recruitment shall be as broad-based as possible to reach all segments of the labor force. The City shall actively recruit to develop a diversified workforce and shall maintain a list of recruitment sources that will help promote diversity. Other recruitment sources may include, where applicable:

- Newspaper advertisements;
- Employment agencies;
- Magazines and other publications;

- State employment offices;
- Other government agencies;
- Internet employment posting sites;
- Other employees.

In addition, all external recruitment announcements shall be available at the Finance & Administrative Services Department and may be posted on City bulletin boards and the City Internet sites. Internal only recruitment announcements will be e-mailed to Departmental Information for posting on department bulletin boards.

## **2.4 Selection**

Selection of new employees shall be approved by the Director of Finance Administrative Services or designee on the basis of merit prior to an offer of employment. All applicants shall be thoroughly screened to determine their ability, qualifications and suitability for employment by the City. Items which will be reviewed by the Director of Financial Administration Services and/or the Department Head or designee during the selection process will include:

1. Written application;
2. Reference checks and appropriate verification of ability, qualifications and suitability information on final candidates;
3. Certificates of training or education, if required;
4. Extensive background investigation appropriate for the position;
5. License verification and driving record, if applicable;
6. Results of any job-related examinations;
7. Criminal and civil record checks on final candidates.

Whenever possible, job-related examinations will be developed by the Director of Finance & Administrative Services or designee and used to ascertain job abilities and aptitude. In addition, those applicants considered to be the best qualified will be subject to an oral interview designed to ascertain maturity, stability, motivation and attitudes toward the work and overall compatibility with other employees in the department or work group.

In addition, after a conditional offer of employment has been extended to and accepted by the applicant, a pre-employment medical exam including a drug screen for safety sensitive positions may be required to determine if the applicant is medically qualified for employment in all safety sensitive positions.

## **2.5 Veteran Hiring Preference Policy**

This policy is in accordance with The Veteran's Preference Act of 1944. The purpose of this policy is to reaffirm the City's intention to embrace the statutory hiring preference established by law for veterans.

### *Policy Statement*

It is a policy of the City to provide a hiring preference to veterans who possess the requisite qualifications for a vacant position in recruitment and are eligible for appointment. The City shall grant hiring preference at the time when a veteran is in the finalist pool of any search. If more than one veteran is in a finalist pool, the best qualified veteran shall receive the hiring preference. As a general rule, Veteran's Preference is not applied in cases of promotion. City employees may only exercise those rights for a promotion opportunity if the employee is in a less than full-time regular status, such as temporary, part-time, seasonal or emergency.



## Definitions

- **Soldier (Veteran):** Any person discharged under honorable conditions who have served in the Armed Forces of the United States, or any women's organization connected with those forces, during any war or armed conflict; or any honorably discharged person who has served since July 27, 1953. DD-214 forms are required for verification of honorable discharge status. Honorable, good, satisfactory, indifferent and special discharges are considered under honorable terms. Further Commission guidance advises that persons who have not completed their initial military service commitment, including National Guard and Reserve members currently in their first term of service, are not eligible for the preference.
- **Finalist Pool:** The group of candidates that has successfully traversed all phases of the search and is determined eligible for employment by the hiring authority utilizing the criteria established and announced prior to the start of the search. These criteria may include successful completion of an interview or series of interviews, satisfactory or exceptional work history and references, satisfactory recommendations from a search committee, as well as other demonstrations from which constituent feedback is solicited and considered.

## Procedure

- **Job Qualifications:** Qualifications used as the selection criteria must be established prior to the search commencing. Qualifications must be job related and non-discriminatory.
- **Notice of Qualifications to Applicants:** These requisite qualifications will be incorporated into public solicitations and the position description for the purpose of making them known to applicants.
- **Notice of Veteran's Status to The City:** Declaration of veteran's status is invited through voluntary protected class self-disclosure forms which are returned by applicants for the City to use, or during the course of the interview process. Verification is accomplished by presentation of a copy of the veteran's form.
- **Search Finalist Pool:** The finalist pool must be determined by the hiring authority based on the requisite qualifications criteria established prior to the search. The criteria may include successful completion of an interview or series of interviews, satisfactory or exceptional work history and references, satisfactory recommendations from a search committee, as well as other demonstrations from which constituent feedback is solicited and considered. The final pool should include at least three candidates if possible, but if a veteran has been interviewed and less than three candidates are contemplated for the Finalist Pool, the hiring manager should consult with the Finance & Administrative Services Department.

## Appendix

1. **No Veteran in Finalist Pool:** If no veteran is in the finalist pool, the hiring authority may select the best qualified candidate.
2. **Veteran in the Finalist Pool:** If a veteran is in the finalist pool, the veteran must be selected and offered the position.
3. **Multiple Veteran's in Finalist Pool:** If more than one veteran is in the finalist pool, the best qualified veteran must be selected and offered the position.

## 2.6 Residency

Employees are not required to live within the boundaries of the City. Employees are encouraged, however, to live within the City and to participate in civic affairs. Employees who may be subject to emergency call back are encouraged to live near enough to Astoria to respond to any location in the City within 20 minutes.

For Police and Fire central positions within the city there may be additional living restrictions, please see your collective bargaining agreement for more information.

## 2.7 Employment Eligibility Verification

Pursuant to the Immigration Reform and Control Act of 1986, persons hired after November 6, 1986 must complete the USCIS Employment Eligibility Verification Form I-9 and present acceptable documents establishing identity and employment eligibility in the United States. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

### Procedure:

During the hiring process at the oral interview stage, each candidate shall be asked if he/she is legally eligible to work in the United States as required by the Immigration Reform and Control Act of 1986, and informed that proof and completion of Form I-9 will be required.

At the time of notice of selection, the successful candidate will be advised to present acceptable documents and complete Form I-9 on or prior to the initial day of employment.

In the case where an employee's work authorization expires, the Department Head shall be responsible for updating the I-9. Persons rehired must complete a new I-9.

## 2.8 Relatives and Members of Household

### *Policy Statement*

The City administers employment relations based on merit determinations and discourages favoritism in favor of impartiality and fairness. The City therefore prohibits the employment of relatives, intimate partners, significant others and members of the household, where one member of the relationship would be in a position of exercising supervisory, appointment or grievance adjustment authority over the other member of the relationship. This prohibition includes all positions in the chain of command of the other member of the relationship.

To avoid potential favoritism, workplace harassment, or other related concerns, dating or other consensual relations that go beyond the normal course of business or social interaction is strongly discouraged among City employees. Such relations are prohibited between employees and their direct supervisors or others in their chain of command.

### *Nepotism*

The City shall have complete discretion to transfer, reassign or otherwise alter the terms of employment of any manager/supervisor who is found to directly or indirectly supervise a family member, intimate partner, significant other or member of the household.

- Because there is no reasonable way to remove, restrict or limit the role in the chain of command and supervision of any employee, no relative, intimate partner, significant other or household member of an Assistant City Manager or the City Manager may be employed by the City (ORS 244.179).
- Because there is no reasonable way to remove, restrict or limit the role in the chain of command and supervision of any employee in their department, no relative, intimate partner, significant other or household member of a department director/manager or interim director/manager may be employed in the same department.
- Further, no relative, intimate partner, significant other or household member of any manager or supervisor may be employed in any position in the chain of command of that manager or supervisor (ORS 244.179).
- The employment of a relative, intimate partner, significant other or member of the household within the same department shall preclude further advancement for the members of the relationship, unless the promotion is to a position that is identified in the department's organizational chart as one which is not in the chain of command over the other member of the relationship.

An occurrence of temporarily providing incidental supervision of a relative, intimate partner, significant other or member of the household for a limited duration during an emergency or call-back is not prohibited and will not be considered an automatic violation of this policy, but will be evaluated to ensure no favoritism occurred.

Volunteers are not considered "employees," and this policy does not restrict a family member, intimate partner, significant other or member of the household of a City employee from volunteering services to the City. However, a Department Head may restrict volunteers from serving in certain areas and in certain capacities, if a potential conflict is identified and deemed inappropriate based on such a relationship with an employee in the department.

#### *Grandfathering of Current Exceptions to the Above Policy Statement*

Employees working in disclosed, indirect supervisory relationships prior to the effective date of this policy may continue to work, subject to the provisions of this policy and the City's Romantic Supervisory Relationships policy. This is provided that arrangements have been made by the appropriate Department Head, and approved in writing by the City Manager to ensure that any authority of one of the members of the relationship over the other is delegated or assigned to a different supervisor, in order to prevent decisions, or the appearance of decisions, that would favor, advantage, or disadvantage anyone based on the relationship with the relative, intimate partner, significant other or member of the household. Where a Department Head or person in higher authority is one of the partners in the relationship, the arrangements for reassignment of indirect supervisory duties must have been made in writing by the City Manager. If one of those employees leaves employment with the City that employee will not be rehired while the other is still employed and a direct or indirect supervisory relationship exists. The City does not and will not grandfather a relationship which is prohibited for ethical grounds by ORS 244.175 through 244.179, except to the extent that the relationship is permitted under this policy and under policy Romantic Supervisory Relationships.

#### *Potential and Actual Conflicts of Interest*

No employee shall make or influence employment decisions or process transactions involving a relative, intimate partner, significant other or member of the household. Whenever employees who are relatives, intimate partners, significant others, or members of the same household are employed anywhere in the City, each of these employees must recognize whenever an actual or potential conflict of interest exists and each must avoid personal involvement at any level in any job-related issue affecting the other member of the relationship.

#### Disclosure

All employees in such relationships must formally disclose these relationships, following the procedure of this policy. If a relative or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

When a job applicant is a relative, intimate partner, significant other or member of the household of the manager or supervisor that the hiring authority reports to, the hiring authority must defer the hiring decision to an individual who does not report to that manager or supervisor.

If an employee faces an actual or a potential conflict of interest, he or she must refrain from participating in any related decision or transaction and disclose the conflict to the supervisor in writing. The notification must describe the nature of the conflict and must request that the supervisor dispose of the matter. The employee's supervisor must then complete the task or assign the matter to someone else. The written notification of the conflict must be maintained in the official records of the public agency pertaining to the matter at issue.

Failure to disclose and/or personal involvement in violation of this rule will be subject to disciplinary action, up to and including termination of employment.

## *Definitions*

For purposes of this policy, the following definitions shall apply:

“Direct Supervision” or “Direct Supervisory Authority” exists when one person regularly supervises and directs the work of another, or is authorized to exercise grievance adjustment authority or to conduct or review and approve performance reviews of the other or is authorized to impose discipline of an economic nature. A direct supervisor/subordinate relationship does not exist for the purposes of this policy where the relatives, intimate partners, significant others or household members are not employed on the same shift or within the same division or subdivision of the department, unless the supervisor either has the authority to direct the daily work of the subordinate or has direct or indirect input into the employment decisions affecting the subordinate.

“Direct Chain of Command” means the supervisory position to which an employee reports directly; the management position to which that supervisor reports directly; the management position to which that manager reports directly, continuing up through the Department Director, the Assistant City Manager and the City Manager, as illustrated by the department and City organization charts.

“Indirect Supervision” or “Indirect Supervisory Authority” exists when one may be called upon to exercise occasional, but infrequent, direct supervisory authority over another or when one may be called upon, by oneself or with others, to make decisions which will affect the working conditions of another. For example, indirect supervision includes, but is not limited to, any of the following activities:

- Approving overtime;
- Approving requests for time off;
- Resolving disputes;
- Making work assignments;
- Making training assignments;
- Making promotional process decisions.

“Incidental supervision” means infrequent, occasional oversight by a manager or supervisor who is not in the subordinate employee’s chain of command, but who is called upon in an emergency or other infrequently occurring situation to direct the work of the subordinate employee but does not make or influence employment decisions affecting the employee.

“Employment decisions” include, but are not limited to, decisions related to wage and benefit rates, evaluation of work performance, hiring, promotion, discipline, layoffs and all other aspects of supervision.

“Processing of transactions” include, but are not limited to, review of applications, inspections, receipt of payments, calculation or write-off of amounts owed, approval of purchases or contracts, petty cash reimbursements, approval of timecards and payroll processing.

“Relative” with respect to an individual subject to the sections of this policy relating to direct or indirect supervisory, appointment, or grievance adjustment authority means the spouse, any children of the employee or the employee’s spouse, brothers, sisters, half-brothers, half-sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, step-parents, step-children, or parents of the employee or of the employee’s spouse (ORS 244.175(4)).

“Relative” with respect to an individual subject to the sections of this policy relating to potential or actual conflicts of interest means the spouse, any children of the employee or the employee’s spouse, siblings, spouses of siblings or parents of the employee or the employee’s spouse. It also includes any individual for whom the employee has a legal support obligation, any individual for whom the employee provides benefits from the employee’s public employment and any individual from whom the employee receives benefits from that individual’s employment (ORS 244.020(15)(a-h)).

“Relative” also means ex-husband and ex-wife in circumstances involving children from the former relationship or other required continuation of the family relationship.

“Intimate Partner” means a domestic partner or one with whom an employee is sharing or has shared an intimate relationship, home or finances within the preceding 12 months, or with whom an employee has children or other required continuation of a family relationship.

“Significant Other” means individuals who are dating or engaged to be married, but may or may not be residing together.

“Member of the household” means any person who resides with the employee, including platonic roommates (ORS 244.175(2)).

### Procedures

- No person shall be promoted to or serve in a supervisory/management position if he/she would directly supervise a relative, intimate partner, significant other, or member of the household or would be in the chain of command of the other member of the relationship. A promotion may occur only after the relative, intimate partner, significant other or member of the household has chosen to resign, has been accepted in a position in another department, has been transferred or the City has taken other action so that the promotion can occur without violation of this policy.
- This policy does not prohibit promotion to a management/supervisory position involving incidental supervisory authority in circumstances where the promotional position is not in the chain of command of the subordinate employee and the incidental supervision arises only occasionally.
- The City retains discretion to transfer, reassign or otherwise alter the terms of employment of any manager/supervisor who is found to be in the chain of command of a family member, intimate partner, significant other or member of the household. The goal of such employment actions shall be to reduce the likelihood of favoritism or partiality.
- Any manager/supervisor who is or becomes related to, or is an intimate partner or significant other of, or lives in the household with another City employee employed in the same department shall immediately notify his or her Department Head and the City Manager, in writing, of the relationship.
- Failure of a manager/supervisor to promptly disclose the existence of a family relationship, intimate partnership, significant other or member of the household as required herein or the failure to conduct one's management/supervisory responsibilities free from favoritism, partiality or bias shall be grounds for discipline of any manager/supervisor up to and including termination of employment.
- Any employee who is or becomes related to another City employee in any department, or who is or becomes an intimate partner or significant other of, or a member of the household with, is responsible to immediately notify his/her Department Head or designee in writing of the relationship, in order to disclose and avoid actual or potential conflicts of interest. Also refer to City Personnel Policy Ethical Conduct in the appendix section. The Director of Finance & Administrative Services or designee will coordinate the reporting process, including completion of the appropriate disclosure forms and notify the City Manager. The completed forms will be placed in the employee's confidential file in the Finance & Administrative Services Department.
- All employees subject to this policy are responsible to be familiar with personnel policies, particularly Ethical Conduct, the potential for favoritism and the duty to disclose actual and potential conflicts of interest so that an appropriate plan is formalized.

Failure to disclose and/or personal involvement in violation of these rules will be subject to disciplinary action, up to and including termination of employment.

## 2.8 Orientation

All new employees will attend an orientation meeting within 90 days of their hire date. The orientation program may vary from time to time; however, the following will always be included:

- Introduction of the management staff;
- Summary of the objectives of the City and the individual departments;
- Review of personnel policies, procedures, departmental rules and regulations;
- Review of employee benefits;
- Explanation of parking restrictions.

The Department Head or supervisor is responsible for orientation and training of new employees within the department.

## 3.1 EMPLOYEE CAREER STATUS

### 3.2 Employee Status

All employees are hired for an unspecified duration. The City does not guarantee employment for any specific length of time. Employment continues at the mutual consent of the employee and the City. Accordingly, either the employee or the City can end the employment relationship at any time for any lawful reason, in accordance with City procedures and applicable collective bargaining agreements. Discipline and discharge may occur subject to established policies and procedures.

#### Hire Dates

The hire date of an employee is used to determine the anniversary and service date for determining vacation accrual rates and step increases in relation to years of service to the City.

#### Anniversary Dates

The anniversary date is initially based on the employee's hire date and is used to determine the effective date for scheduled step increases and other pay adjustments. When a new hire successfully completes probation, when an employee receives a promotion or reclassification subject to a probationary period and/or further step increases, and when an employee successfully completes subsequent probationary periods, the employee's anniversary date shall reset to the month and date on which each respective change occurs. The effective date of a scheduled step increase or other pay adjustment is the first day of the pay period that includes the employee's new anniversary date.

#### *Probationary Period*

New and rehired employees shall serve a probationary period of six months commencing with their first day of employment, unless otherwise specified in the job classification or a bargaining agreement. The duration of the probationary period can be extended up to an additional six months if, in the City's discretion, such an extension is appropriate. Upon promotion or transfer, probation is six months unless otherwise specified in the job classification, bargaining agreement or at the time of promotion or transfer. The probationary period continues until the City acts affirmatively to end it with a change of status personnel action form.

Part-time employees who are later hired for full-time, regular work in the same job classification may be excused from the six month probationary period if they have worked an equivalent period based on hours worked during their part-time status.

The probationary period will be extended by the entire length of any absence or cumulative absences if the total length of the absence or cumulative absences exceeds 160 hours. This applies to all newly hired and newly promoted probationary employees who are absent for any reason, including paid leave such as vacation and sick leave.

Probation is part of the selection process used to confirm the initial employment decision and to transition those whose performance is not satisfactory. During this evaluation period, the employee and the City will have an opportunity to determine whether further employment with the City is appropriate. The employment relationship can be terminated by the employee or by the City at any time and for any lawful reason during the initial-employment probationary period. Employees serving a probationary period are called "probationary employees." Probationary employees serve at-will and at the pleasure of the City, with no right of appeal or challenge to a decision by the City to terminate the employment relationship.

Probationary employees are eligible for only those benefits specified by the City.

When an employee successfully completes the probationary period, a Personnel Action Form (Appendix 3.1) will be processed and updating employment status to "regular employee." No employee will be deemed a "regular" employee and no longer "probationary" until the City has so determined and confirmed the change in status with a personnel action form.

### **3.3 Employment Classifications**

**REGULAR FULL-TIME** employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a full-time schedule. Generally, they are eligible for the City's benefit programs, subject to the terms, conditions and limitations of each benefit program.

**REGULAR PART-TIME** employees are those who are not in a temporary or probationary status and who are regularly scheduled to work a less than full-time schedule and qualify according to a Collective Bargaining Agreement (CBA). While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the City's other benefit programs.

**TEMPORARY** employees are non-represented employees who are hired as interim replacements, to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. While temporary employees receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the City's other benefit programs. Temporary employees, not otherwise restricted by a CBA, cannot exceed 1,500 hours of work in any given fiscal year. This period of time may be extended by the City Manager for unusual circumstances.

**PROBATIONARY** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classification.

**VOLUNTEERS** Volunteers are not employees of the City. Authorized volunteers are persons identified by a Department Head on a written list maintained by the department. Volunteers are supervised by a City employee, perform assigned duties in accordance with applicable rules, policies and practices of the City and are held to the same standard of performance as applied to employees. Volunteers receive only those benefits expressly conferred in writing by the City or by law. The service of a volunteer may be discontinued at any time for any reason by a Department Head and without appeal or any recourse to any other procedural challenge.

### **3.4 Performance Appraisal**

The performance of all employees should be formally reviewed and evaluated by their supervisors at least once every twelve months to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. All newly hired City employees on a probationary status will be evaluated at the end of their probationary period. Employees rights under the appeals process and bargaining contract begin upon satisfactory completion of the initial probation period.

Performance appraisals are submitted to the Director of Finance & Administrative Services or designee upon completion and become a part of the employee's permanent personnel record. They will be used as the basis for merit increases, promotions, transfers, training and discipline.

Where the employee's work is consistently unsatisfactory, the employee's supervisor shall notify him or her of the areas in which the work is deficient and what improvement is necessary to bring it up to the necessary standard. If the employee still fails to meet these standards by the next evaluation, he or she may be subject to transfer, demotion or dismissal.

### **3.5 Promotion and Transfer**

The City may recruit for promotional openings on an internal basis for vacancies. The City encourages upward mobility and will always seek to put the best person in each job. Job vacancies will be filled by the promotion or transfer of qualified City employees, except where the Director of Finance and Administrative Services and/or the Department Head or designee determines that better qualified applicants may be available outside the City service.

To be eligible for promotion or transfer, an employee must be dependable and doing satisfactory work in his or her present position, as determined by a current performance evaluation and must meet all of the qualifications for the new position.

Upon promotion or transfer, the employee will be on probation for six months (length of probation may vary by collective bargaining agreement). If the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period. If probationary performance is not satisfactory, the employee may be returned to the former position, if vacant and available, in accordance with City policy and procedures or an applicable collective bargaining agreement. In close cases, if initial performance is not satisfactory, but the employee shows improvement that demonstrates he or she is likely to become successful, the Department Head may elect to extend the six month probationary period before initiating termination or a return to the former position.

All employees will be paid at the new position's rate upon transfer or promotion. Promotional announcements go to all departments and to union representatives. The Director of Finance & Administrative Services or designee may be contacted for further information about compensation related to transfers and promotions.

Appointments under this section shall be made on a competitive basis. Where qualifications and abilities are relatively equal, seniority shall be the determining factor. Each department shall develop procedures for promotions within that department.

### **3.6 Layoff**

In the event of lack of work, reorganization or lack of funds, it may be necessary to lay off employees. The City Manager or the designee shall designate the positions to be reduced in hours or eliminated, basing the decision on job skills, special skills, relative merit within a job classification and the operational needs of the City. Where two employees are employed in the same job classification in the same department and their qualifications and ability are deemed equivalent, the City will follow the layoff terms defined in the contract.

### **3.7 Termination**

In order to resign in good standing with the City, employees should submit written notice of intended resignation at least two weeks prior to the effective date. Employees shall receive payment for all earned vacation leave that has not been used or forfeited.

When a supervisor determines it is necessary to dismiss an employee, he/she shall follow the procedure outlined in the Supervisors' Guide to Corrective Action, Discipline, Dismissal and Appeal (Appendix 3.6). No employee shall be dismissed without first consulting with Director of Finance and Administrative Services or designee.



Human Resources or designee may conduct an exit interview of all resigning employees to further understand the reasons for leaving and to obtain data to help the City analyze retention and turnover.

## **4.1 PAY POLICIES**

### **4.2 Salary Administration**

It is our policy to pay our employees fairly and to be sure that their pay is in line with the character and amount of work and degree of responsibility required for their jobs. Pay classifications have been established for each position to provide for different salary ranges for positions requiring different levels of responsibility, experience, skill and knowledge. Salary ranges within each classification permit individual employee consideration so that each person is paid according to his or her responsibilities and job performance.

### **4.3 Salary Ranges**

Each position is assigned a minimum and maximum rate, covered in five steps 'A' to 'E'. If a Department Head or an employee believes a job should be evaluated, the City Manager may direct the Director of Finance and Administrative Services to review the classification and pay range and make recommendations.

The City may periodically review the job and wage classifications and may make adjustments to the pay ranges if needed to maintain equity. Wage adjustments also may be made based on individual employee's performance, conduct and placement on the pay range, subject to budgetary limitations.

The pay plan provides for five "steps" or levels of pay within each range ('A' to 'E'.) The "step" assigned at the date of hire (usually Step A) is a probationary step, effective for six months or until satisfactory completion of the probationary period. If applicable, successive step increases are made upon satisfactory performance and conduct and are effective for one year.

Upon appointment, a new or promoted employee shall receive the minimum salary set for the position. However, in the case of unusual difficulty in filling a vacancy or exceptional qualifications, the City Manager may approve appointment to a salary level above the minimum. Interim appointments may be made at a salary level lower than the salary set for the regular position.

All employees are paid monthly on the 6th day of the month. The City's workweek is from Sunday to Saturday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

### **4.4 Overtime**

#### *Definition and Authorization*

Overtime is time worked in excess of 40 hours in any one workweek and must be authorized in advance by an employee's supervisor. The City's overtime policy is subject to the regulations as set forth in the Fair Labor Standards Act (FLSA) and Oregon Wage and Hour Laws. Overtime work is discouraged. Supervisors and Department Heads shall make every effort to assign to each employee duties and responsibilities which can be accomplished within the established workday and workweek before granting overtime work. Employees shall not work overtime without prior supervisor approval and may be subject to discipline for working overtime without such authorization.

Overtime shall be computed to the nearest 0.25 hour. Overtime is paid at one and a half times the employee's hourly rate. Overtime is only available to employees who are classified as non-exempt.

#### *Rate and Method of Payment*

Overtime shall be compensated at one and one-half times the employee's regular hourly rate of pay. Supervisors and Department Heads may authorize compensatory time in lieu of overtime pay. In determining whether to grant cash compensation or compensatory time off, the desires of the employee and budgetary restrictions, if any, shall be considered. Method of payment of overtime shall be determined in advance of overtime worked.

Employees shall not accrue compensatory time in excess of 240 hours or as allowed by their CBA. All time in excess of the accrual limit shall be paid out at the end of the pay period in which it was accrued. Scheduling of compensatory time off shall follow the same procedure as scheduling of vacation.

When a non-exempt employee is promoted to an exempt position, accrued compensatory time may be cashed out on the employee's last day in the non-exempt position. The cash out value will be calculated at the regular rate of pay the employee earned at the time of cash out. At the time of termination of employment, the comp time balance will be valued at the regular rate of pay the employee earned in that position at the time of cash out.

### *Exemptions*

For exempt salaried administrative, managerial and professional positions, overtime is considered part of the job responsibility and is exempt from overtime pay and compensatory time accrual. Overtime work may be expected with no additional compensation. Compensation for overtime shall not be granted to employees in these positions and the job classification specifications and/or job descriptions for these positions will clearly indicate that they are overtime exempt. Informal time off may, on occasion, be taken by these exempt employees with the approval of a supervisor in order to compensate for required attendance at evening meetings and work above and beyond the regular workweek due to extraordinary demands which arise periodically. Informal time off for overtime-exempt employees is not to be construed as time off earned on an hour-for-hour basis, or as a bank of overtime hours that accrue or that can be cashed out upon termination of employment. Time sheets shall clearly indicate all informal time off taken. With department approval, FLSA exempt employees have the option of submitting exception-only timesheets showing only authorized leave taken.

Police, Fire and represented employees who are subject to collective bargaining agreements are exempt from the Overtime Policy (ORS 653.269); their bargaining agreements supersede this policy.

## **4.5 Merit Salary Increases**

Merit salary increases are not automatic. Merit increases will be approved for those employees who have demonstrated satisfactory standards of work performance. Length of service in itself will not be considered a sufficient reason for recommending a salary increase. The major emphasis will be placed upon service rendered. .

Eligibility for merit increases will normally occur after an employee has completed a twelve (12) month period in the previous step. Merit increases are made upon the recommendation of the employee's immediate supervisor, the department head and approval of the City Manager.

Step A is used as an entry pay rate in most cases.

Step B is used as an incentive adjustment to encourage an employee to improve his/her work and to recognize that an employee is more valuable with "on-the-job" experience. Advancement to Step B should be considered as satisfactory completion of the six (6) month probationary period and no employee will advance to Step B until they have served a minimum of twelve (12) months.

Step C is used to represent the middle value of the salary range and the rate at which a qualified, experienced and ordinarily conscientious employee may expect to be paid after a reasonable period of satisfactory performance.

Step D is used to reflect continued satisfactory job performance and further development of job skills through on-going practice and training.

Step E is used to reflect continued satisfactory job performance and a thorough understanding of all phases of the employee's job. A department head may request an exception to the rules regarding merit salary increases where circumstances warrant such action. Such requests must be in writing and be only for those employees who have demonstrated outstanding service and work performance.

All such requests must contain complete justification by the department head and be approved by the City Manager.

#### **4.6 Stability Pay**

Upon completion of the fifth (5th) year of continuous service, an employee becomes eligible for stability payments. Stability payments will be included in regular monthly pay vouchers and are considered as part of an employee's regular compensation.

Stability payments will be based on a percentage of the employee's step rate of the employee's salary range. For those employees whose compensation is set at a range higher than range 29, the base for stability payments will be Range 29 Step A.

The following are the rates for non-union personnel:

- A. Employees with five (5) years of credit up to ten (10) full years of credit - 2% per month.
- B. Employees with ten (10) full years of credit up to fifteen (15) full years of credit - 3% per month.
- C. Employees with fifteen (15) full years of credit up to twenty (20) full years of credit- 3.5% per month.
- D. Employees with twenty (20) full years of credit and over- 5% of base per month. \* Consult Collective Bargaining Agreements (CBAs), as stability information may differ

#### **4.7 Responsibility Pay**

When an employee is required to assume the responsibilities of a position in a class higher than his/her own classification which involves tasks beyond his/her current job description, the employee is eligible to receive an increase in pay. To be eligible for this increase in pay, the following must be met:

- A. Employees must work in the position for eight (8) consecutive hours. Upon completion of the eighth consecutive hour, the employee will be paid the higher classification pay retroactive to the first hour the additional responsibilities were assigned.
- B. If an employee is required to assume the responsibilities of a higher position on a consistent basis, such as two days every week, the time spent at the higher responsibility will be reimbursed at the higher rate. Such a requirement must be documented by the department head and sent to the Human Resources Director for approval . A copy will then be sent to the Finance Director. Approval must be granted prior to responsibility pay being allowed.
- C. The filling of a long-term vacancy in the supervisory ranks may be compensated at the higher rate of pay upon written request to and approval by the City Manager stating the reasons for such a requirement.

Any employee who feels he/she should be granted responsibility pay should promptly notify his/her immediate supervisor or the department head.

To institute responsibility pay the department head must send a memo to Human Resources Director, noting the days and times of responsibility pay; the employee's current range/step and the position and range of the extra duty they fulfilled. Human Resources will write in the extra pay and forward this to payroll.

## **4.8 Hours of Work**

### *Standard Workweek*

The standard workweek for the City of Astoria is an eight hours a day, five days per week, for a total of 40 hours per workweek. Core business hours are 8:00 am to 5:00 pm. Alternate compressed workweek and flexible workweek schedules with extended daily hours.

## **4.8 Call Back**

When an employee has left work and is called back to duty for a job-related reason the employee will receive a minimum of two (2) hours designated as "hours worked" even if a lesser amount of time is worked. After an employee has worked for two (2) hours on call back, the time recorded as "hours worked" will be the actual time spent working.

## **4.9 Payroll Deductions**

The following deductions are required by law from each employee paycheck:

- A. Federal Income Tax withholding.
- B. Social Security and medicare.
- C. Retirement contributions (eligible employees only).
- D. Workers compensation insurance premiums.
- E. Deductions authorized by law, such as garnishments.
- F. State Income Tax withholding.

Additional deductions which are optional and may be requested by the employee include:

- A. United Way contributions.
- B. Payment to a City-approved credit union.
- C. Deferred compensation.
- D. Union dues and initiation fees.
- E. Payment of health insurance premium.
- F. Payment of dental insurance premium.

It is the employee's responsibility to maintain current payroll deduction information with the Finance Department.

An employee wishing to add or change the payroll deductions should contact the payroll clerk.

## **4.10 Lunch Period**

Purpose. To provide regular lunch breaks, recognizing that for some City positions, conditions vary.

Lunch periods for employees vary from no established time to a set schedule. The provision of lunch and break periods is not mandated for adult employees. With department head or designate approval, and in special circumstances, an employee may modify a work day, including elimination of the lunch period. Any employee who for emergency or other reasons works during a lunch period must report such time as time worked.

## **4.11 Rest Periods for Expression of Breast Milk**

### *Policy Statement*

It is the policy of the City to provide a clean, convenient and private location to an employee to express milk at the work site and reasonable unpaid rest periods in which to do so.

### *Eligibility*

All employees are eligible who need to express breast milk for their child 18 months of age or younger during their normal work shift.

### *Procedure*

The employee shall provide reasonable notice to the department supervisor that the employee intends to express milk upon returning to work.

The employee's department shall provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk in private, concealed from view and without intrusion by other employees or the public.

The City provides a reasonable break time for an employee to express breast milk for their nursing child each time such employee has need to express the milk.

The employee shall, if feasible, take the rest periods to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee.

The employee is responsible for storing their expressed milk and will be allowed to bring a cooler or other insulated container to store the milk. If the Department allows employees to use a refrigerator for personal use, the employee must be permitted, but not required, to use the available refrigeration to store the milk. Milk stored in an unsecured, shared refrigerator must be stored in a sealed container with clear identification indicating who it belongs to.

An employer may allow an employee to temporarily change job duties if the employee's regular job duties do not allow them to express milk.

The City is not required to provide rest periods for an employee to express milk if to do so would impose an undue hardship on City business operations.

### *Pay*

When the employee expresses breast milk during their regularly scheduled rest periods, the City shall treat the rest periods as paid rest periods, up to the amount of time the employee would normally receive for a paid rest period. The balance of the time needed to express milk is unpaid, if in excess of the paid rest period, although the employee has the option to use applicable accrued paid leave for the unpaid portion. For example, if the employee normally receives a ten minute rest break, then ten minutes of the rest period to express milk will be paid, and any remaining time will be unpaid. If the employee needs to express milk and has already used her regularly scheduled rest periods, the additional rest period to express milk will be unpaid. Employees may elect to use vacation or other applicable forms of accrued paid leave to compensate unpaid time. Paid leave can be used in quarter-hour increments. Accrued sick leave may not be used.

The City may allow the employee to make up the unpaid portion of the rest period before or after the employee's normal shift, but the City is not required to compensate the employee for time that is not made up.

The City shall treat any unpaid rest periods used by the employee to express milk as time worked for the purpose of measuring the number of hours the employee works for health insurance purposes only, not for calculating overtime or for any other purpose.

## *Definitions*

"Location, other than a public restroom or toilet stall, in close proximity to the employee's work area" may include, but is not limited to, the employee's work area, an empty or unused office or a room connected to a public restroom, such as a lounge, or a child care facility in close proximity to the employee's work location where the employee can express milk in private, concealed from view and free from intrusion or observation by other employees or the public.

"Reasonable effort" means efforts that do not impose an undue hardship on the operation of an employer's business.

"Undue hardship" means significant difficulty or expense when considered in relation to the size, financial resources, nature or structure of the employer's business.

## **4.12 Travel Time**

### *Policy Statement*

The City considers as compensable work-related travel time that occurs during the employee's normal work hours, including on days off, except for normal commute time between the employee's home and his/her regular worksite(s). Compensable time will include travel between the employee's home and the site of a job-related meeting, seminar, training session, or other one-day assignment at a location other than the employee's normal worksite(s), only when the travel occurs during the employee's normal work hours (including on days off) or is to a location that is more than 30 miles from the employee's normal worksite(s).

Employees may request to flex their schedules to accommodate travel time and also may be required to flex travel time to avoid unnecessary overtime. Compensable travel time contributing to more than 40 hours of work in one workweek will be paid as overtime at 1.5 times the employee's regular wages or salary, except to overtime-exempt employees.

Travel time is not compensable when the travel is related to lectures, meetings and training programs that are not compensable. (Refer to OAR 839-020-0044 to determine when lectures, meetings and training programs are compensable and not compensable.)

### *Compensable Travel Examples*

#### Local Travel for One-Day Assignment

Travel between the employee's home and the site of a required meeting, seminar, training session, or other one-day assignment at a location other than the employee's normal worksite(s), is compensable only when the travel occurs during the employee's normal work hours or is to a location that is more than 30 miles from the employee's normal worksite(s). Travel time for distances of 30 miles or less that occurs outside the employee's normally scheduled work hours is not compensable, unless the employee is required by the City to drive or except for the portion of travel time spent performing City work while a passenger.

### *Travel and Expense Guidelines*

The City will reimburse an employee for reasonable business travel expenses incurred while on assignments away from the normal work location, but only for expenses that are deemed non-taxable by the IRS. The paid and reimbursed amounts will be determined by IRS guidelines when applicable, in accordance with the following guidelines.

Employees are expected to limit expenses to reasonable and economical amounts and to utilize providers (i.e., airlines and hotels) that result in the lowest reasonable cost to the City. The City retains the right to determine the mode of transportation most appropriate to the type of travel involved

Cash advances to cover travel expenses are allowed and will be provided based on the length of travel and anticipated expenses to be incurred. The amount of advance will be determined by the employee's supervisor. When possible, travel related expenses should be put on the employee's credit card or if applicable, on a City issued credit card.

With prior approval, a family member or friend may accompany employees on business travel, when their presence will not interfere with the successful completion of business objectives. Generally, the employee is also permitted to combine personal travel with business travel, so long as the division of time between work and personal is approved by the employee's supervisor. Additional expenses arising from non-business travel or incurred by the friend or family member are the responsibility of the employee and will not be reimbursed.

The following guidelines are designed to assist employees through the City's travel processes. If you have any questions regarding the following information please contact the Finance Department.

1. Employees must submit a completed Travel/Training Pre-Authorization Form (Appendix 4.12A) to their Department Head for approval for overnight travel. For day travel, verbal approval from the employees supervisor is sufficient.
2. Following Department Head approval, Submit the registration and payment for the training or education program. Payment may be made using a City issued credit card if one has been assigned. If not, or if credit cards are not accepted, submit an Expenditure Request to Accounts Payable and a check will be issued.
3. If overnight lodging is required, the employee books his/her hotel room. The City follows the federal per diem rate for lodging. The only exception is if the conference/training hotel is charged at a higher rate, in which case the City will cover this difference, if reasonable. Lodging per diem rates may be found at the following site:

<http://www.gsa.gov/portal/category/100120>

Simply choose the destination state by clicking on it and then find the appropriate city or closest city if the destination city is not listed. Payment may be made using a City issued credit card if one has been assigned. If not, the employee should hold the reservation using the employee's personal credit card and obtain a City credit card prior to the trip to use to pay the actual hotel charges. Alternatively, the employee may pay for the hotel and submit a Travel Expense Statement to Accounts Payable for reimbursement. If the employee is unable to find a hotel at or below the federal per diem rate, approval must be obtained from the employee's supervisor before paying above the per diem rate.

4. Air Travel: If air travel is required, the employee books the flight. The lowest cost flight that will meet the employee's needs should be selected. In some cases it is important to consider the best use of the employee's time, or the employee's effectiveness upon arrival when selecting travel arrangements. In some cases, the employee can take advantage of the lowest fare only by leaving earlier or returning later than usual for the trip. In such situations, expenses for additional meals and lodging will be reimbursed. These added costs must be considered by both the employee and the employee's supervisor in determining the most economical travel arrangements. Payment may be made using a City issued credit card if one has been assigned. If not, the employee should purchase the travel using the employee's personal credit card and submit a Travel Expense Statement to Accounts Payable for reimbursement.
5. Rental Car: If a rental car is required, the employee reserves the rental car. The lowest cost rate that will meet the employee's needs should be selected. Payment will be made using a City issued credit card if one has been assigned. If the employee does not have a City issued credit card, then the rental will be arranged and paid for by their Department Head on their City issued credit card and the employee will be added as an additional driver. Rental insurance does not need to be purchased as the City's credit card provides the appropriate level of

insurance when combined with the City's insurance carrier. If an employee is conducting personal business while traveling and renting a vehicle, the employee will reimburse the city for that portion of the rental costs related to the personal travel.

6. Personal Vehicle Travel (Mileage): City Employees have the option of utilizing a city owned vehicle (if available) or a rental car. If the Employee chooses to use their own vehicle and it is approved by the Employee's Department Head, the City will reimburse for actual miles driven for business related travel. Mileage will be calculated at the actual mileage traveled multiplied by 75% of the federal mileage reimbursement rate as established from time to time by the City Manager. The employee must record the actual starting and ending mileage on the travel reimbursement form. Travel by the most direct route will be considered. The City and the City's insurance carrier will not be responsible for damage of any kind to an employee's car.
7. Meals – The employee will be reimbursed for the cost of meals while on City travel. This reimbursement is on an actual cost incurred basis with a not to exceed amount for each meal. The not to exceed amount is as follows:

•	Breakfast	\$8
•	Lunch	\$12
•	Dinner	\$25

In the event that travel to a destination makes these limits unreasonable, prior approval for an increase in meal amounts can be obtained from the Department Head.

Meals are reimbursable as follows:

- Single day travel - Breakfast is the responsibility of the employee prior to departure. Lunch is reimbursable. Dinner is the responsibility of the employee unless a late evening return is necessary. Late evening is generally arriving home after 8:00 PM.
- Multiple Day Travel – On the day of departure breakfast is the responsibility of the employee. While on full day travel, breakfast lunch and dinner are reimbursable. On the day of return, the late evening rule of 8:00 pm will apply for dinner.

When a meal is provided as part of a conference or package or as a part of the hotel stay (breakfast for example), then the employee is expected to utilize those meal opportunities and reimbursement by the city will not be made for those meals.

In all cases where a reimbursable meal is incurred, the employee will provide a receipt that details the purchases made in order to comply with IRS guidelines. When possible, meals will be paid for with a city credit card when available. A 15% gratuity is acceptable and is considered part of the meal limit.

8. Upon return, complete the Travel Expense Statement (Appendix 4.12B), with all receipts attached and submit it to your supervisor within 2 business days along with any advance funds not used.
9. Personal long distance telephone charges made daily by the employee for the purpose of communicating with family are reimbursable. These phone calls will be kept to less than five minutes per day.
10. The city does not reimburse for the following:
  - Traffic fines and parking tickets.
  - Towing or impound fees as a result illegal parking or behavior.
  - Alcoholic beverages or tobacco of any kind for any purpose.



- Personal entertainment of any kind or for any purpose.
- Personal telephone calls except those noted above.
- Room service.
- Extravagant costs of any kind.

If the employee has questions about any travel costs outside of this policy, they are expected to check with their supervisor before incurring any costs.

For employees utilizing City credit cards, they are expected to know the City's policy on the use of City credit cards and to follow those rules and procedures.

#### **4.13 Unemployment Compensation**

Purpose. To establish a policy regarding the administration of unemployment compensation.

The City is a covered employer under the Unemployment Compensation law. The basic objective of the program is to provide a partial replacement of wages for its employees during short periods of involuntary unemployment. The program is financed completely by the City.

An employee who quits his/her job voluntarily without good cause probably will have difficulty collecting unemployment compensation. To be eligible for unemployment compensation, a voluntary quit must have left employment for a "good cause" reason, must be unemployed, physically able to work, available for work, and actively seeking work. "Good Cause" reasons or reasons establishing eligibility for unemployment compensation are available from the State Employment Security Office, currently located in Astoria.

An individual who applies for Unemployment Compensation Benefits completes a form titled "Notice to Last Employer" on which are stated reasons for leaving the job. That form is submitted by the State Employment Security Offices to the Human Resources Department for further information that will be used in determining if a claim is valid.

### **5.0 EMPLOYEE BENEFITS**

#### **5.1 Vacation Benefits**

##### *Purpose*

The purpose of vacation leave is to enable each regular employee to return to work mentally refreshed; therefore, employees are encouraged to take their full vacation each year to rest and relax from official duties.

The City Manager and Department Heads that are required, for their salaries and compensation, to render such service as may be necessary to conduct business efficiently will accumulate 20 working days per year.

Employees are eligible to take their accrued vacation leave as it is earned after 90 days of service credit.

##### *Eligibility*

In order to receive the full vacation benefits set forth above, an employee must be employed on a full-time basis. Temporary employees are not eligible to receive vacation benefits. Part-time employees who work at least 20 hours per week are eligible for vacation leave in an amount proportionate to that which they would earn under full-time employment.

An eligible employee accrues vacation benefits for any period during actual work and/or while on paid status. This includes an injured worker who is receiving time loss and is receiving City paid sick or vacation time. To be credited vacation benefits during partial months, the employee must work or be on the above-stated aid status at least one-half (1/2) of the full-time work hours for the month.

Vacation benefits do not accrue when an employee is on unpaid status more than one-half (1/2) of the full-time work hours for the months.

The maximum accrual for vacation leave is 30 working days (240 hours or the prorated equivalent for part-time employees). A grace period of two payroll months will be allowed before an employee stops accruing vacation. If, however, an employee has accrued 30 working days of vacation and a truly exceptional circumstance precludes the employee from taking his/her leave, even during the grace period, the department head, with the approval of the City Manager or designee, may request a cash payment. Total hours paid may not exceed the number of hours in the employees regular work week.

*Scheduling*

Vacation schedules must be approved by Department Heads. Desires of individual employees will be considered. At times, vacation requests may have to be denied. or amended to meet department needs or work emergencies. Vacation is to be taken in one hour minimum blocks.

*Salary Advance*

Salary advance for vacation immediately prior to leaving on an authorized vacation may be made at the written request of the employee provided the written request is made at least two working days prior to the vacation period and prior to the date the check is requested.

*Vacation Pay Upon Separation*

Upon separation from the City employment, a regular employee will be paid for any accrued vacation.

*Vacation Accrual Schedule*

<b>Years of Service</b>	<b>Monthly Accruals</b>	<b>Days Per Year</b>
0 - 5 years	8.00 hours	12 days
5 - 10 years	9.67 hours	14 1/2 days
10 - 15 years	11.33 hours	17 days
15 or more years	13.33 hours	20 days

**5.2 Holidays**

The city will grant holiday pay for all employees on the following holidays.

Holidays are as follows:

- New Year’s Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- President’s Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran’s Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Friday after Thanksgiving Day (day after Thanksgiving)
- Christmas Eve, one-half day (December 24)
- Christmas Day (December 25)

The City Council may designate other holidays, such as those declared by the Congress of the United States or by the Legislature of the State of Oregon, as City holidays. A single holiday observed on two different days shall be observed on only one of those days by the City.

When a holiday falls on Saturday it will be observed on the previous Friday, and when a holiday falls on Sunday, it will be observed on the following Monday.

Full-time regular employees receive eight hours of holiday pay for each City designated holiday. Part-time regular employees receive holiday pay in an amount proportionate to full time holiday pay.

In the case of certain holidays which are listed above but which may not be observed by the rest of the community, the City may require a minimum level office staff to be maintained by each department. Those staff members who work on such a holiday shall be granted compensatory time off at the rate of time and one-half for the holiday time worked.

Employees who are required to work on a designated holiday as part of their regular work week shall be allowed compensatory time off at the rate of time and one-half or, with approval of the supervisor, overtime pay at the rate of time and one-half in addition to the regular pay for that day.

Police and Fire sworn employees who cover seven days per week, 24 hour operations please refer to your collective bargaining agreement. All other City employees normally do not work on holidays. In cases where such an employee is called in, he/she receives overtime pay in addition to the holiday.

Holidays that occur during authorized vacation or sick leave, or other authorized paid leaves of absence, shall not be charged against such leave and shall be paid as holiday pay. Otherwise, an employee must work the last scheduled workday before and the first scheduled workday after the holiday to receive the holiday pay.

When an employee is unable to observe a holiday because the holiday falls on the employee's day off, the employee will either be granted a different day off within the same workweek or eight hours of compensatory time (or the part-time, prorated percentage) in lieu of the holiday, subject to the cap specified in the City's Overtime policy.\*

Although the employee's choice between a different day off or comp time accrual will be honored whenever possible, it will be subject to the supervisor's discretion with regard to department need.

\*Note: Only employees in positions that are non-exempt under state and federal wage and hour laws will receive overtime pay or compensatory time at the rate of time and one-half in relationship to holidays. Exempt employees will simply be granted a different day off when a holiday falls on a scheduled day off or when the employee is required to work on the holiday.

#### *Reasonable Accommodation*

Requests for reasonable accommodation of time off to observe religious holidays that are not observed by the City will be granted whenever it is possible do so without causing undue hardship on the conduct of City business. When granted, the time off may be charged to a compensatory or vacation leave bank or taken without pay. Additionally, employees who work in 24-hour operations may request a scheduling adjustment to ensure scheduled days off for other religious holidays. These four choices are subject to supervisory approval, and employees should discuss scheduling options with their supervisors as far in advance of the requested time off as possible.

#### Application of Holiday Pay to Full-Time Extended-Hour Schedules

Each year, the City observes the 10 1/2 holidays listed above, for a total of 84 full-time holiday hours. This is the maximum benefit level the City Council has authorized, and it cannot be increased for those employees who work a 4/10 or 12-hour work schedule.

Holidays are therefore paid at eight hours per holiday to eligible full-time employees, regardless of the number of hours over eight in the employees' work schedules.

### 5.3 Sickness and Disability

#### *Use of Sick Leave*

Regular employees, probationary employees, and eligible part-time employees shall receive their regular pay for sick leaves up to the amount of leave accrued.

Sick leave can be used for the following;

1. On or off the job illness or injury. For on the job illness or injury, as defined by Worker's Compensation, the employee may be charged 1/3 sick day per eight hours illness/injury.
2. Medical or dental appointments.
3. Care for members of the employee's immediate family who are ill or injured unless otherwise stated in a contractual agreement. The use of sick leave to care for an ill family member is limited to the time the employee's presence is actually required. Immediate family is mother, father, spouse, sibling, mother-in-law, father-in-law, grandparents, children, or grandchildren of the employee. A person or persons residing in your home may be considered "immediate family" if determined so by the City Manager. The City retains the right to require a doctor's note for authorization of sick leave.

If an employee is ill or injured in excess of three calendar days a current physician's note is required and will be kept on file by the City. Employees are expected to contact their supervisor or the Director of Finance and Administrative Services every 14 calendar days to keep the City informed of the employees medical condition and plan for their return. The supervisor may require a physician's release before allowing the employee to return, regardless of the duration of the illness.

#### *Sick Leave Accrual*

Sick leave is accrued on a monthly basis. Employees must be on a paid status over ½ the total work hours available that month to earn sick leave. Employees who work less than 20 hours per week are not eligible. Sick Leave is earned in the following manner:

<b>Classification</b>	<b>Monthly Accruals</b>	<b>Max Balance</b>
Full-time 40 hours/week	8 hours	2080 hours
Full-time 56 hours/week	12 hours	1640 hours
Part-time >20 hours/week	Prorated amount	Prorated of 2080 hours

#### *Use of Sick Leave during Family/Medical Leave*

Before an unpaid leave will be granted, use of accrued sick leave is required for all family/medical leaves of absence for the purposes of caring for a sick child or a family member's serious health condition or for the employee's own serious health condition. Although not required, sick leave may also be used for purposes of parental leave. (See the Family and Medical Leave policy, Section 6.4)

All sick leaves will be shown on the employee's time sheet, rounded to the nearest one-quarter hour. In the event the employee exhausts accumulated sick leave, further absence will be charged first to any accumulated vacation leave before the employee will be placed in unpaid status. The employee may also elect to use accumulated compensatory time, if available.

## *Sick Leave and Long-Term Disability Benefits*

If a period of absence lasts until long-term disability (LTD) benefits begin, continued use of accrued sick leave is not required. (Refer to Section 6.8. Benefits During Leave of Absence policy and the Certificate of Group Long Term Disability Insurance, and contact the LTD insurance carrier for details.)

Accumulated sick leave normally has no cash value and cannot be converted into leave of any kind upon separation from the City. Upon retirement, however, an employee who has accumulated at least ten full years of service with the City is eligible to be reimbursed for up to one half of their accumulated sick leave to a maximum payout of 400 hours. Thus for an employee with 800 hours or more of accumulated sick leave, they will receive 400 hours paid in their final check.

Certain Public Safety employees as defined by PERS, will not be paid for accumulated sick pay as defined above, but rather will have their sick leave accruals sent to PERS who will calculate an additional benefit in their retirement calculation.

If an employee becomes permanently disabled as a result of illness or injury and is unable to perform the essential functions of his/her regular position even with reasonable accommodation, the employee will be advised of any rights to Social Security and Long Term Disability.

### **5.4 Sick Leave Donation Policy**

#### *Purpose*

To provide a means for employees to assist another employee who has exhausted paid leave entitlement and will suffer a loss of compensation because of a qualifying illness or injury.

The sick leave donation policy is not subject to the grievance and arbitration sections of any collective bargaining agreement, nor subject to any appeal process under the Personnel Policies and Procedures Manual of the City of Astoria. The City of Astoria has the right to change, modify, or discontinue the program at any time.

#### *Recipient Guidelines*

An employee who is eligible to receive sick leave is eligible to participate in the Sick Leave Donation Policy as a recipient or donor. Seasonal/temporary employees who do not earn sick leave are not eligible.

An employee who receives and uses donated leave cannot be eligible for other salary continuation benefits (i.e. long-term disability, retirement, etc.).

An employee may be eligible to receive and use donated leave if they or a qualifying family member (as defined in 5.3) has a chronic non-occupational illness, injury, impairment, or physical/mental condition which has caused, or may cause, the employee to go on leave without pay

Prior to utilizing donated sick leave, an employee must exhaust all available forms of leave currently available to them including sick, vacation and comp. Donated sick leave may be requested in advance of exhausting other accruals if it appears that the employee will run out of other accruals during the time of the leave.

The employee must file with the Director of Finance & Administrative Services, medical certification from their physician verifying eligibility under these criteria. After each visit to the doctor, the employee is to supply a doctor's note indicating the employee's current medical status. Any change in medical status must be reported immediately.

Donated sick leave may be used in the same manner and under the same conditions as accrued sick leave and may be counted against an employee's Family Medical Leave (FMLA) entitlement. If an employee requests a sick leave donation which also qualifies as an FMLA leave, the donated sick leave time shall be counted against the employee's entitled 12 week FMLA leave.

The value of the donated leave will be hour for hour. The number of sick leave hours donated by the donor employee, upon approval, will be credited to the recipient's number of sick leave hours and tracked separately as donated sick leave.

The maximum number of hours that a recipient may receive at any one time shall not exceed 520 hours. Requests for additional time shall be considered a separate request requiring the recipient to reapply under these guidelines.

Donations may be solicited by the recipient employee or on his/her behalf by coworkers. Upon the recipient of the employee's request, the Director of Finance & Administrative Services may notify all regular City employees that the recipient employee is eligible to receive voluntary donations of sick leave. At no time shall any medical information regarding the recipient employee be disclosed or released in any form or manner.

An employee wanting to request donated sick leave must complete the Request to Receive Sick Leave Donation (Appendix 5.4A) form available from the Director of Finance & Administrative Services. The Director will review the completed request for the donated sick leave, current doctor's notes, length of illness/injury, and diagnosis to determine the need for donated sick leave and make a recommendation to the City Manager. The City Manager will either approve or deny the request. Copies will be supplied to the employee's department. The request will be posted according to one of the following choices (In my department only, in all city departments, Do not post).

An employee may not use donated sick leave to extend employment with the City beyond the point that otherwise would end by laws, rules, regulations, contract agreement or position requirements.

Donated sick leave is not considered hours worked by the employee; therefore, the receiving employee shall not accrue vacation, sick leave, nor do they earn pay for holidays. The City will continue to pick up the employee's life insurance and disability insurance premium while he/she is using donated sick leave.

An employee will continue to receive health care benefits while receiving donated sick leave. The employee will continue to be required to pay their portion of any City provided benefits when using donated sick leave. Payments must be made to the finance department on a timely basis as determined at the time of leave.

Upon separation from the city, any remaining accruals in the employees donated sick leave account will not be eligible for post-retirement consideration or utilization to enhance retirement benefits or the cash value of paid sick leave accruals.

The employee may only utilize donated sick hours for the condition that qualified them for the donations in the first place. Consideration as to when the condition has passed and the accruals are no longer needed will rest with the City Manager.

#### *Donor Guidelines*

Donations shall be made in minimum eight hour increments according to the schedule below.

Donors must sign a declaration document declaring their donation of sick leave is voluntary and is intended as a gift. This decision has been without coercion, compensation, or for other consideration.

Donations are irrevocable. If the receiving employee returns to work before exhausting all donated leave, the leave will remain with the recipient employee.

An employee wanting to donate sick leave must complete the Sick Leave Donation form (Appendix 5.4B) available from the Finance Department. The Director shall approve or deny the employee's request to donate their sick leave. If approved, a copy of the approval will be forwarded to payroll for final processing.

### *Leave Donation Schedule*

An eligible donor may donate sick leave in eight hour increments subject to their sick leave accruals at the time of the recipients request according to the following schedule:

<b>Accrued Sick Hours</b>	<b>Maximum Donation</b>
0 - 100	0 hours
101 - 200	16 hours
201 - 300	48 hours
301- 500	96 hours
501 or more	144 hours

### **5.5 Bereavement Leave**

Regular and probationary full-time employees may be granted a leave of absence with pay of up to three (3) days in the event of the death an employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. The City Manager will make special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships for the purposes of mourning, making arrangements for and attending the memorial service.

The three days of paid Bereavement Leave do not have to be consecutive but must be within 30 days of the relative's death. The City Manager or designee may approve an additional two working days which may be deducted from employees sick leave if funeral travel time is needed.

With the Department Head's approval, subject to the needs of the department, the above categories of employees may be granted paid Bereavement Leave up to four hours in the event their normal work schedule coincides with a co-worker's funeral or the funeral of a dignitary, past city employee, official or board member, if the employee had job-related contact with that person. If an employee is denied Bereavement Leave for a job-related funeral and feels the decision is unfair, an appeal may be made immediately and directly to the City Manager in order to receive a timely response.

If warranted by the situation, the supervisor may approve additional time off that may be charged to appropriate, available accrued-leave banks, or to unpaid leave if no appropriate accrued leave is available.

Part-time employees who are not scheduled to work at least 80 hours per month and temporary employees not eligible for paid Bereavement Leave may make arrangements for the needed time off with the supervisor's approval.

### **5.6 Medical/Dental/Vision Benefits**

Please refer to your Union Classification Handout for more information on the medical, dental and vision rates.

### **5.7 Benefits after Retirement (Non-Union Employees)**

#### Health and Welfare

Purpose: It is the purpose of the Health and Welfare Benefit Program to contribute to the cost, to the extent feasible, for medical and dental insurance coverage for the employee and the employee's family.

Money placed into the Health and Welfare Benefit Program for any individual employee is intended as a contribution towards medical and dental insurance benefits.

- A. Non-Union Employees hired July 1, 1991 and thereafter receive a City contribution towards the medical/dental insurance premium. Should the employee provide proof of other adequate

coverage, such employee shall receive \$50.00 cash per month, in lieu of any coverage. The City contribution toward the premium is currently 90% of premium cost of the base plan which is currently Plan V. The employee pays 10% of the premium. Premium payments and base plan are subject to change.

- B. For Non-Union Employees hired prior to July 1, 1991, the following health and welfare benefits are offered:

The foundation of this plan is that a specified amount of money is allocated to each position in the City to purchase medical and dental insurance. Each employee is required to purchase minimum medical insurance or show proof of insurance coverage from another source which is appropriate for his/her coverage requirements. If the purchase of medical and dental insurance does not exhaust the amount specified for the position or the employee has proof of insurance elsewhere, the employee may take the balance of the amount as wages.

- C. Eligibility. In order to receive full City contribution to the plan, an employee must be a regular employee working at least 20 hours per week. Temporary employees are not eligible for this benefit. For a new employee, these benefits begin on the first of the month following one full calendar month of employment.

These benefits will be provided by the City as long as the employee is on active duty and/or active pay status (paid leave) for at least one-half (1/2) of the full-time working hours for each month. Employees on unpaid leave for over one-half (1/2) of the full-time working hours may be eligible to continue benefits by purchasing them. The Finance Department will be able to answer any questions regarding this option. An employee covered under the Federal Family Medical Leave Act has a specified period of coverage even if on unpaid leave.

## **5.8 Extended Health Benefits**

Purpose: To define a grandfathered benefit providing after retirement health premium assistance to the retiree.

Non-Union employees hired prior to 7-1-89 may receive City paid medical and dental coverage for those employees who retire on or after age 55 and with 20 or more years of unbroken, continuous service with the City of Astoria. Coverage continues for a maximum of 5 years or until the retired employee or dependents are Medicare eligible. Coverage may only continue at the same or a lesser amount that the employee held at time of retirement. Coverage continues at the same monetary level as the City provides for other employees in the group. The base plan is currently Plan V; this is subject to change. The retiree is responsible for the portion the City does not cover. As long as the insurance carrier permits, the retiree may opt for a more expensive plan at his/her own cost. The City terminates its contribution for medical and dental coverage should the retired employee die. The surviving spouse and eligible dependents may continue self-paid benefits under COBRA legislation.

## **5.9 Retiree Medical**

### General Parks/Employees Bargaining Group

Employees hired prior to July 1, 1989 shall receive medical, dental and vision coverage for those employees and dependents that retire on or after age fifty-five (55) and have twenty (20) or more years of unbroken, continuous service with the City of Astoria.

Coverage must be active at time of retirement and is continued at exactly the same coverage (single, double, family) as the employee and eligible dependents have at time of retirement. Once an employee is retired only newborns and adopted children may be added to the benefit coverage.

Coverage continues for a maximum of five (5) years or until the retired employee, spouse or any dependent is Medicare eligible. Coverage continues at the same monetary level as the City provides for other employees in the same group. Medical plans may change subject to the insurance company. The retiree is responsible for the timely payment of the portion the City does not cover. Coverage ends should the retired employee die. The surviving eligible spouse and eligible dependents may continue self-paid benefits under COBRA legislation.



## Public Works Bargaining Group

Employees hired prior to July 1, 1990 who retire on or after age sixty (60), are eligible for extended medical/dental/vision benefits from the City. Such coverage is for a maximum of five (5) years or ends prior to five (5) years should the retiree and/or eligible family member become eligible for Medicare.

Coverage is at the same level as current bargaining unit members receive. Coverage is at the base plan level. The City terminates its coverage should the retiree die; eligible family members may continue insurance under COBRA legislation.

### **5.10 Training and Travel**

Purpose. To assist employees to be more effective and efficient at work and to provide opportunities for personal growth.

Reimbursement. Employees are encouraged to continue their formal education through participation in off-duty/non-working hours educational programs. In general, the City does not have adequate funding for tuition and/or book reimbursement for educational expenses.

In some circumstances for job required courses and when funds have been budgeted the department head may approve reimbursement.

Any reimbursement shall only be after successful completion of the course. Successful completion shall be defined as receipt of a certificate of satisfactory completion or a grade of C or better in the case of academically rated courses (or attainment of pass in a pass/fail grading system.) Approval for tuition reimbursement shall only be allowed for courses offered by accredited colleges, universities or vocational training institutes. Request for reimbursement must be made well in advance of the course start , date as reimbursement is generally not available. This gives the department head and supervisor adequate time to evaluate the request and respond to the employee.

Attendance. An employee required to attend training outside normal work schedule will be reimbursed for training hours in accordance with state and federal regulations.

City-sponsored and required training shall generally be arranged during regularly scheduled work hours. A department head may change the standard work hours to accommodate or require attendance at such training activities.

Approval for State Training Academy course work for uniformed police officers and firefighters shall be at the discretion of the appropriate department head.

An employee returning from training may be required to provide training to co-workers on some or all aspects of the course.

Record Keeping. Employees and supervisors attending relevant school course work, seminars, conferences, workshops and other training need to send documentation of such training to Human Resources so that it can be maintained in the personnel file.

An employee who acquires training on his/her own time and expense is welcome to provide Human Resources with documentation so the information can be noted in the employee's personnel file.

Expenses. Cost for approved employee development activities including fees, lodging, meals and travel will generally be paid by the City. Upon return, the employee must complete an expense sheet attaching all receipts for which reimbursement is requested.

Whenever possible, a City vehicle should be used while traveling for City business~ · If a City vehicle is not available, mileage will be reimbursed at twenty-five (\$.25) per mile. If, however, a City vehicle is available and the employee elects to use his/her own vehicle and has the prior approval from the department head or supervisor, reimbursement will be at nineteen cents (\$.19) per mile. An employee should contact the department head to secure a City vehicle.

The City does not have "non-owned" vehicle insurance coverage. The risk of loss or damage to a non-city owned vehicle used by an authorized person is on the owner and/or operator and not on the City. Authorized persons are to provide their own collision and property damage insurance, as noted in the City's current salary resolution.

An employee eating meals at City expense needs to check with the department head for any departmental guidelines. In all cases, costs need to be kept to a reasonable rate. Expenses of spouse, family members or any other non-employee are not reimbursable by the City.

City-Wide Training. Often training for one department is applicable to others. Training for supervisors, safety issues, first aid, risk management are just a few examples. Departments are strongly encouraged to coordinate events; the Human Resources Department will do this if given enough notice.

## **5.9 Retirement System**

Purpose. To outline procedures for the administration and eligibility of the Retirement System.

The City provides two retirement plans for its employees to allow for income after retirement. Each plan sets guidelines for what is considered "retirement" as opposed to a resignation. These will be followed by the City.

A. Public Safety Sworn Employees. All sworn police and fire personnel participate in the Oregon Public Employees Retirement System (PERS). Member's Handbooks are available from PERS which describe this program in additional detail. PERS rules may change.

According to PERS rules, an employee normally becomes a member of PERS after completing six (6) months of uninterrupted work for the city. If a newly hired employee is already in PERS, contributions begin immediately. The City is required to pay a percentage of the employee's wages into the system. This amount varies from year to year. In addition, there is an employee's contribution of 6%.

B. All Other Employees. All other employees are provided with a retirement plan which is managed by Standard Insurance Company. A handbook is available from the Finance Department which describes this program in additional detail. The plan is subject to change.

Normally an employee becomes a participant in this retirement plan after completing one (1) year of employment with the City. Employees hired with the City who have public sector experience (excluding federal) may be able to participate immediately. Any regular . employee working at least 20 hours per week participates in the retirement plan. When an employee is a participant, the City contributes 9.2% to a defined contribution plan. The employee contributes 6% for a total of 15.2% of base wages. After five (5) years of service with the City, the employee becomes vested in this plan.

C. Sick Leave Upon Retirement. Upon retirement, an employee who has accumulated at least ten (10) full years of service with the City is eligible to be reimbursed for one-half (112) of their accrued sick leave. This is accomplished in the following manner. PERS employees, per ORS 237.153 will have all their accumulated sick leave, up to any caps, sent to PERS for increased retirement benefits. The reimbursement cap for all employees, excepting firefighters, is 800 hours, with one-half (112) reimbursement at 400 hours. Non-PERS employees will be reimbursed one-half (112) their accumulated sick leave by the City and have an 800 hour cap, to be reimbursed at a maximum of 400 hours.

The above descriptions of the City's retirement plans are intended only to be summaries of those plans. The right of City employees to retirement benefits is ultimately governed by the terms of the plan applicable to those employees. Retirement benefits accrue from both employee and employer contributions. Contributions to the retirement system are mandatory for eligible positions and are deducted from the member's salary each payroll period.

### **5.11 Life Insurance**

Purpose. To provide supplemental life insurance for an eligible employee and dependents.

All regular employees working at least 20 hours per week are currently covered by a term life insurance policy provided by the City through the League of Oregon Cities. The policy also provides an accidental death and dismemberment (AD&D) policy.

The City provides a specific amount of life insurance coverage for employees who work a minimum of 1,040 hours in a calendar year. The cost is borne by the City except if an employee is in unpaid status more than one-half (1/2) the full-time working hours per month. In such a case the employee may continue life insurance by paying the premium in advance each month.

Coverage is effective the first date of employment and continues until the employee leaves the City's employment, the employee moves to an employee class which is not eligible for this benefit, or the policy is discontinued completely by the City for some reason. Termination under the policies shall be determined when premium payments for such employee's insurance is discontinued.

Specific benefits and terms of the policy are provided each new employee by the payroll clerk. Any change of beneficiary, address or other pertinent information should be promptly given to the clerk.

Amounts of insurance may vary for different bargaining groups. Non-union eligible employees receive \$35,000.00 for employee; \$5,000.00 for spouse; and \$1,000.00 for dependents over six (6) months.

### **5.12 Disability Insurance**

Purpose. To provide a portion of wages for long-term disabilities.

The City provides disability insurance for employees who work a minimum of 1,040 hours in a calendar year. This insurance provides for payment of up to two-thirds (2/3) of the employee's wages after ninety (90) consecutive days of disability. Disability payments will continue as long as there is a qualifying disability, or until medicare eligibility is established.

The plan is currently provided through Standard InSURance Company and is subject to its rules. Employees, (including Public Safety Employees) Under the PERS retirement system who have 10 years of service in a PERS covered position, may be eligible to receive disability benefits under the PERS disability retirement system. The disability must be continuous for at least ninety (90) consecutive days. (See PERS handbook or PERS manual located in Human Resources).

Disability premiums are borne by the City except when the employee is on unpaid status more than one-half (1/2) of full-time monthly work hours. If the unpaid leave is due to a disability, the City will continue the premiums. If it is not due to a disability, the employee may continue long-term disability insurance by paying the premium in advance each month.

### **5.13 Utility Credit and Allowance**

Purpose: To define the City's utility credit and allowance.

The City of Astoria's utility credit and allowance is given in the following manner:

- A. Regular employees working at least 20 hours per week living within the City limits who have a registered utility bill receive \$10.00 per month maximum credit on City utility bill.
- B. Regular employees working at least 20 hours per week living within the City limits who do not have a registered utility bill, such as apartment dwellers who have utilities included in their monthly rent, receive \$10.00 per month to be paid in addition to their regular pay.
- C. Employees living outside of the City limits do not receive credit or monies in any form to provide utility bill credit.

Employees must complete twelve (12) months of service prior to receiving utility credit and allowance. Employees must promptly provide the Human Resources Department with information regarding changes in address. As with other fringe benefits, this benefit is available as long as the employee is on paid status one-half or more of full-time monthly work hours.

### **5.14 Deferred Compensation**

Purpose. To provide the option of a tax-deferred account to eligible employees.

Deferred compensation is an arrangement where a certain dollar amount can be designated by the employee to be withheld from his/her paycheck and invested for payment at a later date, usually at retirement, when most people are in a lower income bracket. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current Federal or State income taxes until such time as the employee receives payment from the plan.

The City-approved program includes various investment options and is currently administered by the Standard Insurance Program. Enrollment can be arranged through the payroll clerk in the Finance Department, and is open to any individual who is a regular employee with six (6) months continuous service with the City of Astoria. Contributions to the program are financed solely by the employee through payroll deduction. Benefits received through this program are in addition to any Social Security or retirement benefits for which the participating employee would be eligible.

## **6.1 LEAVES OF ABSENCE**

### **6.2 Personal Leave of Absence**

Requests for a leave of absence for 30 calendar days or more must be approved by the City Manager or designee. Leaves for over 90 calendar days must be approved by City Council unless the leave is for medical reasons or is legally mandated by State or Federal law. Under normal circumstances, leave of absence requests are to be in writing and should include the nature of the leave, the inclusive dates and all other essential details. Some departments may not require written requests for vacation; an employee should check with the supervisor.

### **6.3 Oregon Victims of Certain Crimes Leave Act/ Oregon Domestic Violence Leave**

#### *Policy Statement*

This policy is established to comply with the Oregon Victims of Certain Crimes Leave Act (OVCCLA). OVCCLA requires leave for victims of domestic violence, sexual assault or stalking and prohibits discrimination against employees using leave under OVCCLA. OAR 839-009-0325 through 839-009-0365 implement and interpret the Oregon Victims of Certain Crimes Leave Act.

The intent of this policy and the OVCCLA is to allow employees to take a leave of absence, subject to the provisions specified below, for a reasonable period, with job protection, provided the employee returns to work. OVCCLA leave is unpaid, except when the employee uses applicable accrued paid leave such as vacation leave or paid leave is required pursuant to a collective bargaining agreement.

OVCCLA leave provides these protections:

- Ability to use paid accrued vacation leave or other applicable paid time off;
- A reasonable amount of leave that does not cause an undue hardship on a covered employer's business;
- Protection from discharge, threat of discharge, suspension, discrimination or retaliation with regard to promotion, compensation or other terms, conditions or privileges of employment as a result of inquiring about, requesting or taking leave for these purposes;
- The leave can be taken as intermittent or reduced work schedule leave. Intermittent or reduced schedule leave must be arranged in advance with the supervisor and the employee must make a reasonable effort to minimize disruption in the work unit. If there is no other reasonable option available, the employee (voluntarily) may be temporarily transferred to an alternative position that better accommodates recurring periods of absence or a part-time schedule until the employee notifies the City they are ready to return to their former position.

#### *Concurrent OVCCLA and Other Leave*

To the extent the employee's need for OVCCLA leave is also covered by the Oregon Family Leave Act (OFLA) and/or the Family Medical Leave Act (FMLA), OVCCLA and OFLA and/or FMLA leave will run concurrently.

To the extent the employee's need for Leave to Attend Criminal Proceedings is also covered by OVCCLA leave, Leave to Attend Criminal Proceedings and OVCCLA leave will run concurrently.

#### *Employee Eligibility*

Employees are eligible who have worked for the City an average of more than 25 hours per week for at least 180 calendar days immediately preceding the date OVCCLA leave is taken. The policy applies to all eligible employees.

Under USERRA, a reemployed service member would be eligible for OVCCLA leave if the number of days and the number of hours of work for which the service member was employed by the City, together with the number of days and number of hours of work for which the service member would have been employed during the period of uniformed service meet the eligibility requirements for OVCCLA leave.

#### *Length of Leave*

An eligible employee is allowed to take reasonable leave. Reasonable leave means any amount of leave that does not cause an undue hardship on the City's business.

#### *Purposes for taking OVCCLA Leave*

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to crimes of domestic violence, sexual assault or stalking perpetuated against an eligible employee or the eligible employee's minor child or dependent.
- To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or stalking of the eligible employee or the eligible employee's minor child or dependent.
- To obtain, or to assist the eligible employee's minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault or stalking.

- To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.
- To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent. Relocate includes:
  - a. Transition periods spent moving the eligible employee or the eligible employee's minor child or dependent from one home or facility to another, including but not limited to time to pack and make security or other arrangements for such transitions related to domestic violence, sexual assault or stalking;
  - b. Transportation or other assistance required for an eligible employee or the eligible employee's minor child or dependent related to the domestic violence, sexual assault or stalking.

### *Leave Designation*

It is the City's right and responsibility to determine and designate leave as OVCCLA leave if the eligibility standards are met. Such a designation will be based on information obtained from the employee or from his/her spokesperson (e.g., spouse, parent, etc.) in the event the employee is incapacitated.

### *Notice by Employee*

- An eligible employee seeking OVCCLA leave will give their supervisor or Department Head reasonable advance notice of their intention to take OVCCLA leave unless giving the advance notice is not feasible.
- When taking leave in an unanticipated or emergency situation, an eligible employee must give oral or written notice as soon as is practicable. This notice may be given by any other person on behalf of the eligible employee taking unanticipated leave.
- An eligible employee able to give advance notice of the need to take leave must follow the City's and the respective department's known, reasonable and customary procedures for requesting any kind of leave or absence.
- An eligible employee must follow the City's and respective department's known, reasonable and customary procedures regarding periodic reporting to the City of their current status.

### *Certification for and Designation of OVCCLA Leave*

The City Manager will request the eligible employee to provide certification that the requested leave qualifies as OVCCLA leave. Any of the following constitutes sufficient certification:

- A copy of a police report indicating that the eligible employee or the eligible employee's minor child or dependent was a victim or alleged victim of domestic violence, sexual assault or stalking; or
- A copy of a protective order or other evidence from a court or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related to domestic violence, sexual assault or stalking; or
- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the eligible employee or the eligible employee's minor child or dependent is undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, sexual assault or stalking.

The eligible employee will provide the certification within a reasonable time after receiving the City's written request for the certification. The City may provisionally designate an absence as OVCCLA leave until sufficient certification is received, if requested, to make a determination. The City will pay the cost of any related medical certification not covered by insurance or other benefit plan. Upon receipt of sufficient certification the leave will be designated by the City as OVCCLA leave.

### *Recertification for OVCCLA Leave Extensions*

An eligible employee on leave who needs to take more leave than originally authorized should give the City notice as soon as is practicable prior to the end of the authorized leave, following the City's known, reasonable and customary procedures for requesting any kind of leave. However, when an authorized period of leave has ended and an eligible employee does not return to work, the City having reason to believe the continuing absence may qualify as OVCCLA leave may request additional information. If the City requests additional information, then the eligible employee will provide the requested information as soon as is practicable. The City may not treat a continuing absence as unauthorized unless requested information is not provided or does not support leave qualification.

### *Confidentiality*

All records and information kept by the City regarding an eligible employee's leave under OVCCLA, including the fact that the eligible employee has requested or obtained leave under OVCCLA, are confidential and may not be released without the express permission of the eligible employee unless otherwise required by law.

### *Use of Paid Leave Time*

Leave is unpaid unless otherwise provided by City policy or a collective bargaining agreement. During the period of leave, an eligible employee may use any paid accrued vacation leave or may use any other applicable paid leave that is offered by the City in lieu of vacation leave, such as sick leave which may be applicable if the OVCCLA leave also qualifies as OFLA and/or FMLA leave. Under City policy, an eligible employee must exhaust applicable accrued leave banks before an unpaid leave of absence will be granted. (Use of compensatory time is optional.)

### *Benefit Continuation*

Where OVCCLA leave is based upon the use of applicable accrued paid leave, it is considered a paid leave of absence. Once the leave banks are exhausted, however, the leave becomes an unpaid leave of absence. Please see Benefits During Leaves of Absence policy (Section 6.8) for the effect of paid and unpaid leaves of absence on benefits.

### *Reinstatement*

The eligible employee will not be discriminated or retaliated against with regard to promotion, compensation or other terms, conditions or privileges of employment because the eligible employee has taken leave as provided under OVCCLA.

If the eligible employee does not return to work following OVCCLA leave, the City's legal obligation to reinstate the employee as provided under OVCCLA will cease.

### *OVCCLA Appendix*

Please refer to Oregon Administrative Rules (OAR) 839-009-0325 through 839-009-0365 for a complete set of definitions. Certain key definitions are provided below.

### OVCCLA Definitions

"Covered employer" means an employer who employs six or more individuals in the State of Oregon for each working day during each of 20 or more calendar workweeks in the calendar year in which an eligible employee takes OVCCLA leave or in the calendar year immediately preceding the year in which an eligible employee takes OVCCLA leave.

“Eligible employee” means an employee employed in the State of Oregon on the date OVCCLA leave begins; and

- Worked an average of more than 25 hours per week for a covered employer for at least 180 calendar days immediately preceding the date the employee takes OVCCLA leave; and
- Is a victim of domestic violence, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is the victim of domestic violence, sexual assault or stalking.

“Dependent” means an adult dependent child substantially limited by a physical or mental impairment as defined by ORS 659A.100(2)(d) or any adult of whom the employee has guardianship.

“Foster child” means a child, not adopted, but being reared as a result of legal process, by a person other than the child’s natural parent.

“Health Care Professional” means a physician or other health care practitioner who is licensed, certified or otherwise authorized by law to provide health care services.

“Immediate Family” means spouse, domestic partner, father, mother, sibling, child, stepchild, grandparent or any person who had the same primary residence as the victim at the time of the domestic violence, sexual assault or stalking.

“In loco parentis” means in the place of a parent, having financial and day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

“Intermittent leave” means leave taken in multiple blocks of time and/or requiring an altered or reduced work schedule.

“Law Enforcement Officer” means all police, corrections and parole and probation officers who are included in the Public Safety Standards and Training Act as described in ORS 181.610 and 181.651.

“Minor Child,” means a biological, adopted, foster or stepchild, or a child with whom the employee is or was in a relationship of in loco parentis. It also includes the biological, adopted, foster or stepchild of an employee’s same-sex domestic partner. The minor child must be under the age of 18.

“Parent or Guardian” means a custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent or an employee who is or was in relationship of in loco parentis with a minor child or a dependent with whom the employee is or was in a relationship of in locoparentis.

“Protective Order” means an order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.40 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.

“Reasonable Leave” means any amount of leave that does not cause an undue hardship on a covered employer’s business.

“Victim of Domestic Violence” means:

- An individual who has been a victim of abuse, as defined in ORS 107.705; or
- Any other person who has suffered financial, social, psychological or physical harm as a result of domestic violence committed against the victim, including a member of the victim’s immediate family.
- In no event will the alleged perpetrator of the domestic violence be considered a victim for the purposes of these rules.

“Victims Services Provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, sexual assault or stalking.



“Victim of Sexual Assault” means:

- An individual against whom a sexual offense has been committed as described in ORS 163.305 to 163.467 or 163.525; or
- Any other person who has suffered financial, social, psychological or physical harm as a result of a sexual assault committed against the victim, including a member of the victim’s immediate family.
- In no event will the alleged perpetrator of the sexual offense be considered a victim for the purposes of these rules.

“Victim of Stalking” means:

- An individual against whom stalking has been committed as described in ORS 163.732; or
- Any other person who has suffered financial, social, psychological or physical harm as a result of a stalking committed against the victim, including a member of the victim’s immediate family.
- In no event will the alleged perpetrator of the stalking be considered a victim for the purposes of these rules.

### **6.3 Crime Victim Leave to Attend Criminal Proceedings**

#### *Policy Statement*

This policy provides protected leave from work for crime victims and immediate family members to attend criminal proceedings, including juvenile proceedings, pursuant to Oregon Revised Statutes (ORS) 659A.190 through 659A.198.

The intent of this policy is to allow employees to take leave to attend criminal proceedings when they or their immediate family members have suffered financial, social, psychological or physical harm as a result of a person felony. The leave is subject to the provisions specified below, provided the employee returns to work.

#### *Concurrent Leave to Attend Criminal Proceedings and OVCCLA*

To the extent the employee’s need for Leave to Attend Criminal Proceedings is also covered by Oregon Victims of Certain Crimes Leave Act (OVCCLA), Leave to Attend Criminal Proceedings and OVCCLA leave will run concurrently.

#### *Employee Eligibility*

The policy applies to all employees who:

- Have worked for the City an average of more than 25 hours per week for at least 180 calendar days immediately before the date the employee takes leave to attend a criminal proceeding are eligible; and
- Are a crime victim of a person felony (which definition includes the employee and employee’s immediate family members). See definition of “crime victim” below.

#### *Length of Leave*

An eligible employee is allowed to take reasonable leave. Reasonable leave means any amount of leave that does not cause an undue hardship on the City’s business.

#### *Purpose for Taking Leave to Attend Criminal Proceeding*

Leave is available to a crime victim who has suffered financial, social, psychological or physical harm as result of a person felony to attend a related criminal proceeding.

### *Job Protections*

- Ability to use paid accrued vacation leave or other applicable paid time off;
- A reasonable amount of leave that does not cause an undue hardship on City business;
- Protection from denial of leave or discharge, threat of discharge, intimidation or coercion as a result of taking leave to attend a criminal proceeding.

### *Leave Designation*

It is the City's right and responsibility to determine and designate leave as leave to attend a criminal proceeding if the eligibility standards are met. Such a designation will be based on information obtained from the employee.

### *Notice by Employee*

- An eligible employee seeking leave will give their supervisor or Department Head reasonable notice of their intention to attend a criminal proceeding.
- An eligible employee shall give their supervisor or Department Head copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency.
- An eligible employee able to give advance notice of the need to take leave must follow the City's known, reasonable and customary procedures for requesting any kind of leave or absence.
- An eligible employee must follow the City's known, reasonable and customary procedures regarding periodic reporting to the City of their current status.

### *Designation of Leave to Attend a Criminal Proceeding*

The Director of Finance and Administrative Services will request the eligible employee to provide certification. Any of the following constitutes sufficient certification:

- After an eligible employee seeking leave provides their supervisor or Department Head reasonable notice of their intention to attend a criminal proceeding; and
- The eligible employee shall provide their supervisor or Department Head copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency;
- The leave will be designated as leave to attend a criminal proceeding.

The eligible employee will provide the certification within a reasonable time after receiving notice of their need to attend a criminal proceeding. The City may provisionally designate a leave of absence until sufficient certification is received to make a determination. Upon receipt of sufficient certification the leave will be designated by the City as Crime Victim Leave to Attend Criminal Proceedings.

### *Confidentiality*

All records and information kept by the City regarding an eligible employee's leave to attend a criminal proceeding, including the fact that the eligible employee has requested or obtained leave to attend a criminal proceeding, are confidential and subject to the laws relating to confidentiality.

### *Use of Paid Leave Time*

Leave is unpaid unless otherwise provided by the City or a collective bargaining agreement. An eligible employee who takes leave to attend a criminal proceeding may use accrued vacation in accordance with personnel leave policy. All accrued vacation must be exhausted before an unpaid leave of absence will be granted. (Use of compensatory time is optional.)

## *Benefit Continuation*

Where the leave of absence is based upon the use of applicable accrued paid leave, it is considered a paid leave of absence. Once applicable leave banks are exhausted, however, the leave becomes an unpaid leave of absence. Please see Benefits During Leaves of Absence policy (Section 6.8) for the effect of paid and unpaid leaves of absence on benefits.

## *Appendix*

Please refer to Oregon Revised Statutes (ORS) 659A.190 through 659A.198 for a complete set of definitions. Certain key definitions are provided below.

“Covered employer” means an employer who employs six or more persons in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which an eligible employee takes leave to attend a criminal proceeding or in the year immediately preceding the year in which an eligible employee takes leave to attend a criminal proceeding.

“Crime victim” means a person who has suffered financial, social, psychological or physical harm as a result of a person felony, as defined in the rules of the Oregon Criminal Justice Commission, and includes a member of the immediate family of the person.

“Criminal proceeding” has the meaning given that term in ORS 131.005 and includes a juvenile proceeding under ORS chapter 419C or any other proceeding at which a crime victim has a right to be present.

“Eligible employee” means an employee who has worked an average of more than 25 hours per week for a covered employer for at least 180 days immediately before the date the employee takes leave to attend a criminal proceeding and is a crime victim.

“Immediate family” means spouse, domestic partner, father, mother, sibling, child, stepchild and grandparent.

“Person felonies” are in numerical statutory order: ORS 162.165 Escape I; ORS 162.185 Supplying Contraband as defined in Crime Categories 6 and 7 (OAR 213-018- 0070 (1) and (2)); ORS 163.095 Aggravated Murder; ORS 163.115 Murder; ORS 163.115 Felony Murder; ORS 163.118 Manslaughter I; ORS 163.125 Manslaughter II; ORS 163.145 Negligent Homicide; ORS 163.160(3), Felony Domestic Assault; ORS 163.165 Assault III; ORS 163.175 Assault II; ORS 163.185 Assault I; ORS 163.207 Female Genital Mutilation; ORS 163.208 Assaulting a Public Safety Officer; ORS 163.205 Criminal Mistreatment I; ORS 163.213 Use of Stun Gun, Tear Gas, Mace I; Effective January 1, 2002 5 ORS 163.225 Kidnapping II; ORS 163.235 Kidnapping I; ORS 163.275 Coercion as defined in Crime Category 7 (OAR 213-018-0035(1)); ORS 163.355 Rape III; ORS 163.365 Rape II; ORS 163.375 Rape I; ORS 163.385 Sodomy III; ORS 163.395 Sodomy II; ORS 163.405 Sodomy I; ORS 163.408 Sexual Penetration II; ORS 163.411 Sexual Penetration I; ORS 163.425 Sexual Abuse II; ORS 163.427 Sexual Abuse I; ORS 163.465 Felony Public Indecency; ORS 163.525 Incest; ORS 163.535 Abandon Child; ORS 163.537, Buying/Selling Custody of a Minor; ORS 163.547 Child Neglect I; ORS 163.670 Using Child In Display of Sexual Conduct; ORS 163.684 Encouraging Child Sex Abuse I; ORS 163.686 Encouraging Child Sex Abuse II; ORS 163.688, Possession of Material Depicting Sexually Explicit Conduct of Child I; ORS 163.689, Possession of Material Depicting Sexually Explicit Conduct of Child II; ORS 163.732 Stalking; ORS 163.750 Violation of Court’s Stalking Order; ORS 164.075 Theft by Extortion as defined in Crime Category 7 (OAR 213-018-0080(1)); ORS 164.225 Burglary I as defined in Crime Categories 8 and 9 (OAR 213-018-0025(1) and (2)); ORS 164.325 Arson I; ORS 164.395 Robbery III; ORS 164.405 Robbery II; ORS 164.415 Robbery I; ORS 164.877(3) Tree Spiking (Injury); ORS 166.087 Abuse of Corpse I; ORS 166.165 Intimidation I; ORS 166.220 Unlawful Use of a Weapon; ORS 166.275 Inmate In Possession of Weapon; ORS 166.385(3), Felony Possession of a Hoax Destructive Device; ORS 167.012 Promoting Prostitution; ORS 167.017 Compelling Prostitution; ORS 468.951 Environmental Endangerment; ORS 811.705 Hit and Run Vehicle (Injury); ORS 813.010, Felony Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); ORS 830.475 Hit and Run Boat; 2001 Oregon Laws Chapter 510 Causing Another to Ingest a Controlled Substance; 2001 Oregon Laws Chapter 635 Unlawful Possession of Soft Body Armor as defined in Crime Category 6 (OAR 213-018-0090(1)) and 2001 Oregon Laws Chapter 857 Unlawful Administration of a Controlled Substance, and attempts or solicitations to commit any Class A or Class B person felonies as defined herein.

## 6.4 Family and Medical Leave

### *Policy Statement*

This policy is established to comply with both the Oregon Family Leave Act (OFLA) and the federal Family and Medical Leave Act (FMLA), which entitles eligible employees to up to 12 weeks (or up to 26 workweeks of military caregiver leave) of job-protected leave every 12 months for family/medical reasons. The intent of this policy and the law is to allow employees to take a leave of absence, subject to the provisions specified below, for a limited period, with job protection and no loss of accumulated service, provided the employee returns to work. Under the law, FMLA/OFLA leave is unpaid, except when the employee uses accrued paid leave, such as sick leave and vacation.

Both FMLA and OFLA give the employee legal rights for protected family/medical leave that other uses of paid leave do not. Paid sick leave and vacation only provide employees with pay during an approved absence. FMLA and OFLA provide these additional protections:

- Ability to use accrued paid leave during what would otherwise be an unpaid leave of absence;
- Up to 12 weeks off, whether paid or unpaid;
- Time off that may not be used against the employee for purposes of absenteeism, sick leave abuse or any other disciplinary action;
- Continued insurance benefits, even during unpaid leave;
- Intermittent leave and reduced schedules when medically necessary.

### *Employee Eligibility for Oregon Family Leave Act (OFLA)*

Oregon employees must have been employed by the Company for at least 180 days and worked an average of 25 hours per week in the previous 180 days to qualify for state family leave. The minimum of 25 hours worked requirement does not apply to Oregon Family Leave Act (OFLA) used for the birth, adoption or foster placement of a child; and only an average of 20 hours worked per week needs to be met to qualify for military family leave. Exception: To qualify for parental leave, employees only need to meet the 180-day requirement; the minimum 25-hour average workweek is not required.

### *Employee Eligibility for Federal Family and Medical Leave Act (FMLA)*

Employees eligible for leave of absence under the Family and Medical Leave Act (FMLA) must have worked for the Company for 12 months (or 52 weeks) or more and have at least 1250 hours of service during the 12 months immediately preceding the leave of absence.

The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break.

The provisions of this policy shall apply to all FMLA leaves; however, if an employee is entitled to paid leave under another benefit plan or policy, the employee must take the paid leave first, before taking unpaid leave. The employee's total available leave time may still be limited to 12 workweeks (or 26 workweeks to care for an injured or ill servicemember) in the given 12-month period, unless the employee is entitled to state family leave.

### *Permissible Reasons for Taking Family/Medical Leave*

Employees may request federal Family and Medical Leave for:

- An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

- The addition of a child to the family through birth, adoption or placement by foster care (parental leave)
- A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
- An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 workweeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:
  - Short-notice deployment;
  - Military events and activities;
  - Child care and school activities;
  - Financial and legal arrangements;
  - Counseling;
  - Rest and recuperation;
  - Post-deployment activities;
  - Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
- The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.
- Military caregiver leave may extend to up to 26 workweeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered servicemember with a serious illness or injury incurred in the line of duty or on active duty. This caregiver leave also includes veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment. Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

Under OFLA certain family and/or medical leaves of absence shall be defined as approved absences for eligible employees. If approved, 12 weeks of unpaid leave per year may be taken for the following reasons:

- A serious health condition of the employee's spouse, child, parent, parent-in-law, grandparent, grandchild, same-sex domestic partner or parents or children of same-sex domestic partners;
- To care for a non-serious health condition of a child under 18 years of age who is ill or an older child if the child is mentally or physically incapable and requires home care, provided another family member is not willing and able to care for the child (sick child leave);
- During times of military conflict, an employee with a spouse in the military may take up to 14 days of unpaid leave to spend with their spouse while their spouse is on leave from deployment, or prior to and up to the time of deployment. (Oregon military leave).

Of the above reasons for taking family/medical leave, some are provided only by OFLA, not FMLA. Family/medical leave that qualifies only under OFLA does not count against the 12 weeks of an employee's FMLA leave entitlement (see the Stacked Leave section for details).

### *Leave Designation*

It is the City's right and responsibility to determine and designate leave as family medical leave if the eligibility standards are evident. Such a designation will be based on information obtained from the employee or from his/her spokesperson (e.g., spouse, parent, attending health care provider, etc.) in the event the employee is incapacitated.

In addition to an employee's request for a leave of absence, cumulative or consecutive absences for the same condition, illness or injury may indicate the need for family medical leave, as well as absences due to any of the following:

- Hospital care;
- Pregnancy or pre-natal care;
- Chronic conditions or permanent, long-term conditions;
- The receipt of multiple treatments by a health care provider;
- A sick child;
- Qualifying exigency;
- Military caregiver leave;

Additionally, unpaid absences for illness or injury will also trigger notice to the City of an employee's need for a family medical leave of absence.

The supervisor will contact the employee to inquire about the nature of the absence, and will notify the Director of Finance and Administrative Services or designee that the absence may qualify for family/medical leave. The Director of Finance and Administrative Services will send a family/medical leave notice to the employee and a completed Medical Certification form from the employee's attending physician or health care provider will be required, if applicable. (See the Employee Responsibilities and Supervisor's Responsibilities sections for specific details.)

If an employee requires an unpaid leave of absence for a FMLA or OFLA qualifying reason, but the employee either has not met the eligibility requirements or has exhausted his/her entitlement, the City may grant time off as specified Section 5 - Leaves of Absence.

### *Calculating Leave Rolling 12-Month Period*

Employees are entitled to 12 workweeks of family/medical leave during a rolling 12-month period. Each time an employee takes family/medical leave, the remaining leave entitlement is the balance of the 12-week total that has not been used during the preceding 12 months.

For example, if an employee uses four weeks of family/medical leave beginning February 1, 1999, four weeks beginning June 1, 1999, and four weeks beginning December 1, 1999, the employee will not be entitled to any additional family/medical leave until February 1, 2000. At that time, the employee will be entitled to only four weeks of leave. However, if the employee doesn't take any family/medical leave in 2000 until June 1, the employee will be entitled to eight weeks. Or if the employee doesn't take any family/medical leave in 2000 until December 1, they will be again entitled to 12 weeks of leave.

### *Intermittent Leave or Reduced Leave Schedule*

Intermittent Leave is leave taken for a single qualifying reason in separate, multiple blocks of time. For example, intermittent leave could be taken for a few hours or days at a time over a period of several months to receive periodic medical treatments for the same serious health condition.

Reduced-Schedule Leave is a schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee. An example for taking leave on a reduced leave schedule would be an employee with a serious health condition who is not strong enough to work a full-time schedule.

In either case, documentation by a health care provider may be required.

Taking family/medical leave on an intermittent leave or reduced leave schedule basis will be permitted when it is necessary to take care of a family member with a serious health condition; a sick child requiring home care; or because of the employee's own serious health condition.

An employee may take parental leave on an intermittent basis when it is needed to participate in the legal process required for the adoption or foster placement of a child. Parental leave specifically for that purpose need not be taken in one, uninterrupted period along with the balance of parental leave the employee may take to care for the new child.

With the exception of participating in the legal process described above, parental leave must be taken in one uninterrupted period and must be completed within 12 months of the birth, adoption or placement of the child. Such leave on an intermittent or reduced schedule basis will only be granted at the department's discretion, and the employee and his/her supervisor must mutually agree on a schedule. A decision to grant parental leave on an intermittent or reduced schedule basis will be made on a case-by-case basis and will not be deemed precedent setting.

The amount of intermittent leave the employee is entitled to will be prorated based upon the employee's normal workweek. For example, if a full-time employee who normally works eight hour days were to work four hour days under a reduced leave schedule, the employee would use a half-week of family/medical leave entitlement each week they worked the four hour day schedule. If an employee's normal schedule varied from week to week, a weekly average of the hours worked over the 12 weeks prior to the beginning of the leave period would be used to calculate the employee's normal workweek.

Intermittent or reduced-schedule leave must be arranged in advance with the supervisor and the employee must make a reasonable effort to minimize disruption in the work unit. In some instances, the employee may be transferred temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule.

### *Stacked Leave*

Federal family/medical leave (FMLA) is limited to 12 weeks per qualifying reason, and the 12 weeks of federal family/medical leave run concurrently with, rather than stacked upon Oregon family leave (OFLA) when the reason for the leave qualifies under both OFLA and FMLA. However, employees who take leave that qualifies only under OFLA are still entitled to 12 additional weeks of leave under FMLA. This includes the following:

- Family/medical leave taken when the employee has worked for the City long enough to qualify under OFLA, but not long enough to qualify under FMLA;
- Serious health condition leave taken for a parent-in-law or same-sex domestic partner;
- Sick child leave.

Pregnancy disability and sick child leave may also be stacked on other forms of family/medical leave under OFLA, as follows:

- Each parent who takes a full 12 weeks of parental leave, within 12 months of the child's birth or adoption, is eligible for an additional 12 weeks of sick child leave, when documented by the child's attending health care provider.
- Female employees who take 12 weeks of serious health condition leave for a pregnancy-related disability that prevents them from performing any available job duties, as documented by the employee's attending health care provider, may take another 12 weeks of family/medical leave for any other qualified reason.

Considering these eligibility allowances, a female employee may take up to 36 weeks of OFLA leave in one leave year, but only under the following circumstances:

- She takes 12 weeks of pregnancy disability leave; followed by

- Twelve weeks of parental leave; followed by
- Twelve weeks of sick child leave.

A male employee may take up to 24 weeks of OFLA leave in one leave year, but only under the following circumstances:

- He takes 12 weeks of parental leave; followed by
- Twelve weeks of sick child leave.

### *Concurrent Parental Leave*

When two family members work for the City, each is entitled to 12 weeks of parental leave and, under City policy rather than the family/medical leave laws, they may take the leave at the same time.

### *Medical Certification*

The City has the right to require a completed medical certification form from the attending health care provider at least 30 days prior to the start of the leave for an anticipated serious health condition relating to either the employee or the employee's family member.

In cases where the serious health condition is unanticipated, the employee should respond to such a request within 15 days, or provide a reasonable explanation for the delay.

If the employee plans to take intermittent leave or work a reduced schedule, the medical certification must include the dates and duration of treatment, as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The City has the right to solicit a second and third opinion if necessary to verify the attending health care provider's certification of a serious health condition. This verification will be at the City's expense. If the required medical certification does not validate the necessity for family/medical leave, the leave of absence will not be designated as family/medical leave and will not be protected under the leave laws.

In the case of the employee's own serious illness, a medical release form may be required before returning to work. Employees who have been released to restricted duty (including intermittent or reduced work schedules) may elect to participate in the Return-to-Work Program (see the Return-to-Work Program policy, Section 6.7).

### *Recertification for Family/Medical Leave Extensions*

It is possible that an employee may need to extend a family/medical leave of absence beyond the date specified in the original leave request. In these circumstances, the employee must notify his/her supervisor, Director of Finance and Administrative Services or designee within one to two business days of learning about the need for the extension, or as soon as practical.

If medical certification was originally provided, the City may request recertification from the attending health care provider, at the City's expense. The employee should provide the recertification within 15 days from the City's request for it, unless it is truly not practicable under the circumstances to meet the 15-day deadline.

If an employee is in unpaid status, has exhausted his/her family/medical leave entitlement, and the reason for the leave is not because of his/her own disability, the request for an extension will be evaluated on a case-by-case basis (refer to the Leaves of Absence, Other Leaves policy).



### *Use of Paid Leave Time*

Employees must exhaust applicable accrued leave banks (sick leave, vacation) before an unpaid leave of absence will be granted. (See the Sickness and Disability policy for specific details about when the use of sick leave is required. Use of compensatory time is optional.) Employees needing time off from work for a FMLA or OFLA qualifying reason may elect to:

- Use accrued paid leave in any order concurrently with a family/medical leave of absence; and
- Use any accumulated compensatory time during an absence, and the amount of leave that is paid as compensatory time will not be counted as part of the employee's family/medical leave entitlement [29 CFR 825.207 (i)].

The first two calendar weeks of a paid absence for the same FMLA or OFLA qualifying health condition will not be counted as part of the employee's family/medical leave entitlement, unless the employee requests that the absence be counted. When absences are intermittent, rather than consecutive, the amount of hours that the employee would normally work within a two calendar-week period will be the measure.

For example, if the employee's normally scheduled workweek is 40 hours, the first 80 hours of cumulative paid absences for the same FMLA or OFLA qualifying health condition will not be counted against the employee's family/medical leave entitlement, unless the employee requests that those hours be counted.

As another example, if the employee's normally scheduled workweek is 20 hours, the first 40 hours of cumulative paid absences for the same FMLA or OFLA qualifying health condition will not be counted against the employee's family/medical leave entitlement, unless the employee requests that those hours be counted.

Once the two calendar-week measure of paid absences has been met, the City will designate and track all additional absences that result from the same FMLA or OFLA qualifying health condition as part of the employee's family/medical leave entitlement.

Further, when an employee requires an unpaid absence for any FMLA or OFLA qualifying reason, the City will designate and track that absence as part of the employee's family/medical leave entitlement.

### *Effect of Unpaid Leave on Salaries*

Salaries, including overtime-exempt salaries, will be reduced during OFLA and FMLA leave for unpaid partial-day or full-day absences [OAR 839-020-0330(1); 29 CFR 541(d)(a)].

If an employee wishes to avoid a reduction in salary and is able to work, the employee, at the supervisor's discretion, may arrange to flex his/her schedule by working the missed hours on another day during the workweek. If the employee makes up for the time missed, the time off will not be considered an absence and will not be counted against the employee's family/medical leave entitlement.

### *Benefit Continuation*

Where family/medical leave is based upon the use of vacation, holiday or sick leave, it is considered a paid leave of absence. Once the leave banks are exhausted, however, the family/medical leave becomes an unpaid leave of absence. Please see the Benefits During Leaves of Absence policy (Section 6.8) for the effect of family/medical leave on benefits.

### *Reinstatement*

When the employee has been released by his/her attending health care provider to return to restricted duty, and the employee wishes to participate in the Return-to-Work Program, arrangements for participation will be made by the supervisor with the employee. The employee will serve as the liaison with the attending health care provider (see the Return-to-Work Program policy, Section 6.7).

When the employee's attending health care provider has released him/her to return to full duty immediately following a family/medical leave of absence, he/she will be reinstated to the former position, unless it was eliminated. Under those circumstances, the employee will be reinstated to an available equivalent position with equivalent benefits, pay and other terms and conditions of employment.

If the returning employee has been diagnosed with a physical or mental disability that affects the employee's ability to perform his/her former job, the supervisor and Director of Finance and Administrative Services or designee will consult with the employee and the attending health care provider to determine whether or not a reasonable accommodation can be made.

If an employee gives unequivocal verbal or written notice of intent not to return to work following the family/medical leave of absence, the City's legal obligation to reinstate the employee will cease.

### *Employee Responsibilities*

The employee needing a family/medical leave of absence is responsible for:

- Notifying his/her supervisor at least 30 days before any anticipated family/medical leave of absence and as soon as practical when the leave is unanticipated, generally within one to two business days of when the need for leave becomes known. When an unanticipated leave is needed because of a medical emergency, verbal notice must be given within 24 hours of the commencement of the leave.
- Submitting a completed City "Request for a Leave of Absence" form to the supervisor at least 30 calendar days prior to the start of an anticipated leave of absence. "Anticipated" refers to an employee having knowledge at least 30 calendar days in advance.
- Submitting required written verification from the attending health care provider within the time frames and guidelines identified under the "Medical Certification" and "Recertification for Family/Medical leave Extensions" sections.
- Cooperating in the notification, medical certification and recertification processes. Failure to cooperate may result in a delayed leave or loss of leave protections, as well as discipline up to and including termination.
- Making arrangements with his/her supervisor for the completion and submittal of timesheets during the leave of absence.
- Coordinating changes to voluntary payroll deductions (including mid-month draw checks) with the Payroll Clerk during unpaid leaves of absence.
- Keeping the supervisor apprised of return-to-work status at least every 30 days and informing his/her supervisor of the intent to return to work as soon as the attending health care provider has determined a return-to-work date.
- Serving as the liaison between the City and the attending health care provider when participating in the Return-to-Work Program (see Return-to-Work Program policy, Section 6.7).
- Forwarding any required medical release documentation from the attending health care provider to Director of Finance and Administrative Services or designee at least one day prior to returning to work.
- Contacting the supervisor and/or Finance and Administrative Services Department to maintain awareness of departmental and City activities and opportunities during the leave of absence.

### *Supervisor's Responsibilities*

Supervisors are responsible for knowing the reasons for an absence that qualify as family/medical leave. If the supervisor is not sure, she/he should consult with the Director of Finance and Administrative Services or designee to help make a determination.

Within one to two business days of becoming aware of any absence that might qualify as family/medical leave, the supervisor will:

- Briefly explain the employee's family/medical leave rights and furnish the employee with a Family/Medical Leave Packet (including a leave of absence request form, a medical certification form, a copy of this policy containing instructions and deadlines for completing forms and an annual calendar). If the employee is already absent, the supervisor will notify the Director of Finance and Administrative Services or designee to mail the employee a packet.
- Explain to the employee that the first two calendar weeks of a paid absence for the same qualifying health condition will not be counted as part of the employee's family/medical leave entitlement, unless the employee requests that the absence be counted. Explain that, when absences are intermittent rather than consecutive, the amount of hours that the employee would normally work within a two calendar-week period will be the measure.
- Give the employee a preliminary verbal notice of his/her basic eligibility for leave, based on the reason for the leave and the employee's length of service, hours worked and prior leaves taken.
- If the circumstances require medical certification, explain that basic eligibility is subject to medical eligibility.
- Explain that the City "Request for a Leave of Absence" form must be completed by the employee, reviewed and signed by the supervisor and forwarded to the Director of Financial Administrative Services or designee at least 30 calendar days prior to the start of an anticipated leave. "Anticipated" refers to an employee having knowledge at least 30 calendar days in advance.
- Explain that the medical certificate must be completed by the employee's attending health care provider and returned directly to the Director of Finance and Administrative Services or designee within the timelines stipulated under "Medical Certification."
- Notify the Director of Finance and Administrative Services or designee of the potentially qualifying family/medical leave absence, so a family/medical leave notice may be sent to the employee by the next payday.

When the supervisor receives the completed leave request form from the employee, she/he will:

- Review and sign it;
- Forward the leave request form to the Director of Finance and Administrative Services or designee;
- If appropriate, discuss with the employee the possibility of participating in the Return-to-Work Program and give the employee a copy of his/her Job Description and an Alternative duty Job Analysis form to take to his/her attending health care provider (see Return-to-Work Program policy, Section 6.7).

The supervisor will protect the confidentiality of the employee:

- Information will be shared only on a "need to know" basis and no specifics will be shared with the employee's co-workers.
- All medical documentation and the release to return to work will be forwarded to Director of Finance and Administrative Services or designee because of its confidential nature. The supervisor will not receive or keep copies of medical documentation.

The supervisor will also:

- Make arrangements with the employee for the completion and submittal of timesheets. Forward a copy of all timesheets for months in which family/medical leave is used to the Director of Finance & Administrative Services or designee.
- Timesheets will continue to be processed by standard Payroll procedures during the leave of absence.
- Maintain ongoing communication with the employee during his/her absence with regard to the employee's return-to-work date. Contact should take place at least every 30 days.

- Notify the Director of Finance and Administrative Services or designee of the employee's pending return to work and acquire a copy of any necessary medical release information prior to the employee's return to the job.
- Follow the steps outlined in Supervisor Responsibilities in the Return-to-Work Program policy (Section 6.7) if the employee is participating in that program.

### *Finance and Administrative Services Responsibilities*

When oral or written notice of the potentially qualifying family/medical leave absence is received from the supervisor or employee, the Director of Finance and Administrative Services Director or designee will:

- Verify that the reason for the leave qualifies as family/medical leave and that medical certification is or is not required.
- Give the employee oral notification of eligibility within one to two business days and before the commencement of the leave (unless an unanticipated leave has already begun). If medical certification is required but has not been received, notify the employee the leave is being provisionally designated as family/medical leave.
- Notify the supervisor of the employee's need for family/medical leave.
- Confirm the oral notice in writing, including whether medical certification and/or fitness-for-duty certification are required, no later than the next payday occurring at least one week after the verbal notice (29 CFR 825.208). If medical certification is required but has not been received, include another notice that the leave is being provisionally designated as family/medical leave.
- Give the employee written notice that the family/medical leave designation is being withdrawn and will not be counted as family/medical leave if, once the medical certification is received, it does not confirm the absence is for a qualifying reason.
- Request a second or third medical opinion, if necessary, upon receipt of the initial medical certification.
- Request recertification, if necessary, if the minimum period specified in the initial medical certification expires and the employee requests an extension, or the circumstances described by the previous certification change significantly, or information is received that casts doubt on the reason given by the employee for the absence.
- Give the employee written notice of any changes in benefits or benefit plans that occur while the employee is on leave.
- Answer any family/medical leave questions the employee or supervisor may have during the leave.
- Assist the supervisor and employee in finding a suitable alternative duty assignment if the employee is participating in the Return-to-Work Program (Section 6.7) but is unable to perform any of the duties available in the employee's department.

### *Appendix*

Please refer to the Oregon Family Leave Act (OFLA) and the federal Family and Medical Leave Act (FMLA) for a complete set of definitions. Certain key definitions are provided below.

#### OFLA Definitions

"Child," for the purposes of parental and sick child leave, means a biological, adopted, foster or step child of the employee, for whom the employee has parental rights and duties, as defined by law, and is responsible to provide care and nurturance or a child with whom the employee is or was in a relationship of in loco parentis. The child must be:

- Under the age of 18; or
- An adult dependent child substantially limited by a physical or mental impairment as defined by ORS 659.400(2)(d).

“Family member” means the spouse, same-sex domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law or a person with whom the employee is or was in a relationship of in loco parentis. It also includes the biological, adopted, or foster child or stepchild of an employee.

“Foster child” means a child, not adopted, but being reared as a result of legal process by a person other than the child’s natural parent.

“Health care provider” means the person primarily responsible for providing health care to an eligible employee or to a family member of an eligible employee, and who is a physician licensed to practice medicine and surgery, including a doctor of osteopathy; or a podiatrist, a dentist, a clinical psychologist, an optometrist, a naturopath, a nurse practitioner, a direct entry midwife, a nurse-midwife or a clinical social worker authorized to practice and perform within the scope of a professional license as provided by law. Health care provider also includes a Christian Science practitioner listed with the First Church of Christ Scientist in Boston, Mass., who is primarily responsible for the treatment of the eligible employee or a family member of the eligible employee. Health care provider includes a chiropractor, but only to the extent that a chiropractor provides treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated to exist by X-rays.

“In loco parentis” means in the place of a parent, having financial and day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

“Serious health condition” means an illness, injury, impairment or physical or mental condition of an employee or family member:

- That requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home. When a family member resides in a long-term residential care facility, leave shall apply only to:
  - Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
  - Transportation or other assistance required for a family member to obtain care from a physician; or
  - Serious health conditions as described in (b) through (g) of section 14 of this rule.
- That the treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
- That requires constant or continuing care such as home care administered by a health care professional;
- That involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
  - Two or more treatments by a health care provider;
  - One treatment plus a regimen of continuing care; or
  - Any period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity, such as asthma, diabetes or epilepsy.
- That involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer’s disease, a severe stroke or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;

- That involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
- That involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

### Definition of Same Sex Domestic Partners

BOLI will consider Multnomah County Circuit Court's definition in determining what constitutes "same-sex domestic partner." The Tanner court case concluded that to establish a same-sex domestic relationship, the homosexual employee would affirm the following circumstances:

The same-sex domestic partners are not related by blood closer than would bar marriage in the State of Oregon (first cousins or nearer);

- Neither is legally married;
- They have continuously lived together as a family and share a close personal relationship, which is exclusive and loving, for an extended period of time and they intend to maintain that family and that relationship with each other for the rest of their lives;
- They have joint financial accounts and have agreed to be jointly responsible for each other's common welfare, including basic living expenses;
- They would be married to each other if the law permitted them to marry in Oregon;
- They are the sole domestic partner of each other and have no other domestic partner;
- They are both 18 years of age or over; and
- They are each homosexual.

### FMLA Definitions

What do "spouse," "parent," and "son or daughter" mean for purposes of an employee qualifying to take FMLA leave?

- Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.
- Parent means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter as defined below. This term does not include parents "in law."
- Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

"Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

"Physical or mental disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR Sec. 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., define these terms.

Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

- For purposes of confirmation of family relationship, the employer may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The employer is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

29 CFR 825.114: What is a "serious health condition" entitling an employee to FMLA leave?

For purposes of FMLA, "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
  - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
    - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by a health care provider; or
    - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
  - Any period of incapacity due to pregnancy or for prenatal care.
  - Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
    - Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
    - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
    - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
  - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.

- Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy) or kidney disease (dialysis).
3. Treatment for purposes of this section includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines or salves; or bed-rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not by itself sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
  4. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
  5. Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.

Absences attributable to incapacity qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

## **6.5 Military Leave**

### *Policy Statement*

The City of Astoria grants military leaves of absence to allow employees to participate in active duty or inactive duty training in the National Guard, National Guard Reserve, or any reserve component of the Armed Forces of the United States or of the United States Public Health Service. Military leaves of absence are granted in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and ORS 408.240-290. Leaves granted for voluntary enlisted active duty are limited to a maximum of 5 years, except for initial enlistment periods that exceed five years or for certain other exceptions that are outlined in USERRA and ORS 408.240. Leaves granted for periodic training duty and involuntary active duty extensions and recalls, especially during a time of state or national emergency, will not be counted toward the five year maximum.



### *Eligibility*

All employees are eligible for military leave. Return to work rights of temporary employees will be determined on a case-by-case basis, depending upon whether the temporary position continues to exist when the employee's military service ends.

### *Procedure*

An employee who is called to military duty or training must give oral or written notice to his/her supervisor as far in advance as possible, following departmental procedures for requesting time off. The employee must also submit copies of military orders or sufficient proof of military duty, such as official military letters and e-mails, as soon as they are received. The supervisor will forward a copy of the leave request and the military orders or correspondence through appropriate departmental channels to the Finance and Administrative Services Department.

### *Pay During Reservist and National Guard Training*

For all periods of active and inactive duty for training, employees who have been employed for at least six months prior to the commencement of the leave will be paid their full wages for cumulative periods of such military service up to a maximum of 15 days in each federal fiscal year (October 1 to September 30), in accordance with ORS 408.290. Probationary employees who have been employed by another public agency for at least six months prior to City of Astoria employment will be eligible for this benefit. In cases where the service member is called to active duty, a City employee may receive up to and not to exceed 30 days of paid leave at 15 days per year, over a consecutive 24-month period. Voluntary enlistment is not a basis for any payment under ORS 408.290 or City policy.

Military leave that doesn't qualify for or that exceeds the maximum days of paid leave will be granted as unpaid military leave in accordance with USERRA 38 USC 43.4313 and ORS 408.240.

Military duty that doesn't qualify for paid leave or that exceeds the maximum days of paid leave will be granted as unpaid military leave in accordance with USERRA 38 USC 43.4313 and ORS 408.240), unless the employee chooses to use accrued vacation, personal leave or compensatory time. In order to receive the benefits of this policy, employees must present Finance and Administrative Services with a copy of their military orders or official military correspondence.

### *Reinstatement Rights*

Reinstatement will occur as specified in Subsection two of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

**30 days or less:** If the military leave is less than 31 days, the employee must report to work at the start of the next regularly scheduled shift that begins after allowing safe travel time from the military site, plus eight hours to rest.

**31-180 days:** If the leave is between 31-180 days, the employee must apply for reinstatement within 14 days of the end of service.

**Over 180 days:** An employee who serves more than 180 days must reapply for work within 90 days of completing service.

All of these time limits may be extended for up to two years if the employee is hospitalized or convalescing because of an injury caused by active duty.

If the employee is late reporting back to work, he or she will not automatically forfeit reinstatement, but will be subject to the City's general practices regarding absences from work.

### *Reinstatement Position*

Provided the employee (1) gave appropriate notice of the need for military leave, (2) was released from service under honorable conditions, and (3) gave appropriate notice of the intent to return to work within the time frames outlined above, and if the leave did not exceed five years (unless it was an initial enlistment or meets other exceptions outlined in USERRA, 38 USC 43.4313 or ORS 408.240), reinstatement will be as follows:

If the leave was 90 days or less, the employee will be reinstated in the position (including level of pay, benefits and seniority) that he or she would have attained if continuously employed (referred to as the “escalated” position). The City will make reasonable efforts to train the returning employee to refresh or upgrade skills needed to qualify for the escalated position. However, if the employee is unable to qualify for the escalated position after training, the employee will be reinstated in the position that she/he left (but with the level of pay, benefits and seniority that would have been attained if continuously employed).

If the leave was 91 days or longer, the employee will be reinstated in the escalated position or in a position of like seniority, status and pay as the escalated position. If the employee is unable to qualify for the escalated position or an equivalent position after training, the employee will be reinstated to the position that she/he left (but with the level of pay, benefits and seniority she/he would have achieved if continuously employed) or to a position of like seniority, status and pay as that position, with duties the employee is qualified to perform.

If the employee became disabled during the leave, the City will make reasonable accommodation to reinstate the employee in the escalated position he or she would have attained if not on leave. However, if doing so would pose an undue hardship, the employee will be returned to a position with similar seniority, status and pay or to the nearest equivalent position consistent with the employee’s individual case.

If during the leave, the City had to downgrade positions, and the returning employee’s position was affected, the employee will be returned to a lesser position. If the City had to initiate layoffs or downsizing, it is possible that the employee may not be reemployed at all. However, if bumping was allowed during downgrading, downsizing, or layoffs, the employee will be returned to the position she/he would have attained through bumping.

### *Retention Rights*

Regular employees who were employed with the City for more than 180 days before taking military leave will be protected from discharge, except for cause, for the 12 months immediately following reinstatement. Probationary employees will be required to serve the remainder of the probationary period upon returning to work. However, once the probationary period has been completed, the employee’s anniversary date will be backdated to the date regular status would have been achieved had the employee not been on military leave.

## **6.6 Occupational Injury and Illness Policy (Workers’ Compensation)**

### *Workers’ Compensation (WC)*

Nothing is of greater concern to the City than the safety of its employees and the public. For the employee’s protection, job-related injuries or illnesses must be reported immediately, or as soon as practical. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices and to bring any known unsafe condition to the attention of a supervisor.

If an employee is injured on the job, the injured worker will be entitled to benefits as allowed under the state Workers’ Compensation (WC) law including, time loss benefits and health care expenses relating to the on the job injury.

Any questions concerning time loss payments or other WC benefits should be directed to the Director of Finance and Administrative Services or designee who will coordinate communications with the City’s Third Party Administrator (TPA) adjuster. In addition, information is available through the Workers’ Compensation Ombudsman for Injured Workers, an independent advocate to help injured workers deal with the workers’ compensation system.

### *Payment of Lost Time (Pay Continuation)*

Employees will receive time loss benefits paid directly from the workers compensation carrier for those days determined to be compensable. Those days that are not covered by workers compensation can, at the employees election, be covered by available accruals utilizing sick time accruals first. The City will pay the employees regular time wage on the day of injury if medical treatment is sought and time loss is authorized. The employee may choose to utilize sick leave of up to 1/3 of the work day when receiving time loss benefits.

In the event that the employees workers compensation claim is denied prior to the 90-consecutive-day period, pay continuation and time-loss benefits will discontinue and the employee will be required to use accrued leave while off work.

### *Effect on City Paid Insurance Benefits and Accrued Benefits*

While the employee is receiving pay continuation or is using accrued leave during a WC absence, the absence is treated as paid leave and all benefits continue.

### Relationship to FMLA Leave

The City provisionally designates all WC absences as family leave under FMLA (FMLA leave) for all eligible employees (refer to City policy Family and Medical Leave, Section 6.4). The City does not reduce the 12-week OFLA entitlement, however, unless the WC claim is denied. In that event, the entire WC absence is counted against and reduces the 12-week FMLA entitlement. Please contact the Finance and Administrative Services Department for further information about FMLA leave.

Employees who have filed a WC claim and have been released by their attending medical professional to return to work on a modified-duty basis, and who also are eligible for FMLA leave, have the right to take FMLA leave rather than accept an offer of modified duty. However, employees should consult with the Director of Finance and Administrative Services before refusing an offer of modified duty as it may negatively impact their WC benefits and rights.

### *Reinstatement*

Reinstatement and reemployment are subject to the requirements outlined in ORS 659A.043 and 659A.046. However, in general, if the employee's attending health care provider issues a release to return to regular duty, and the employee timely requests reinstatement, it will be to the full duties of his/her original, regular position. If the employee's attending health care provider makes a determination that the employee is unable to perform the essential functions of his/her regular position, the City will attempt to re-employ the employee to an available (vacant) suitable position with duties the employee is able and qualified to perform. If no such position is available, the employee may be reemployed in the next available suitable position. In the event an employee may need an accommodation in order to perform the essential functions of the original or available-suitable position, the City will engage in an interactive process to determine the existence of a reasonable accommodation in accordance with the City's policy in that regard.

### *Employee Responsibilities*

#### 1. Reporting Incidents and Accidents

Employees must immediately, or as soon as practical, report to their supervisor all occupational illnesses and on-the-job accidents and injuries, including potentially serious near misses and incidents occurring during evenings and on weekends. The employee, when practical, will complete the Employee's Report portion of the Incident Report Form and give it to the supervisor to complete the Supervisor's Report portion. (Forms are available from supervisors, the Finance and Administrative Services Department and under Workers' Compensation on the Risk Management Intranet page.)

The occupational injury or illness requires health care provider treatment and the employee wants to file a WC claim, the employee must complete the Worker's report of the WC 801 form (or arrange for the Worker's report to be completed) and give it to the supervisor. The supervisor will complete the Employer's report of the 801 form and submit it with the supplemental Incident Report to the Risk Manager or designee. Once the Risk Manager has received these reports, a copy of the Employer's report and the Worker's report shall be provided to the employee. If an employee requires treatment during the evening or on a weekend, he/she should notify the supervisor and complete the necessary form(s) immediately or as soon as practicable. The forms should be submitted to the Risk Manager or designee the morning of the next regular business day.

If the employee is incapacitated and cannot complete and/or sign the forms, the supervisor should complete and/or sign and submit them to the Risk Manager as soon as practical following the injury.

If the employee did not seek treatment at the time, but cannot report to work by the next scheduled workday or shift following an on-the-job injury, the employee should seek health care provider treatment and obtain authorization for time off. If the employee does not seek health care provider treatment, and the City is reasonably concerned about the employee's ability to work safely based on facts known to a supervisor, the City may require the employee to submit to a fitness-for-duty medical evaluation. In such circumstances, the City will pay the cost of the evaluation and any out-of-pocket costs that the employee incurs. A WC claim usually should not be filed until health care provider treatment has been received.

## 2. Return-to-Work Recommendation

The employee should inform the attending health care provider that the City is willing to provide alternative duty work and give him/her a Return to Work Information form and Job Description, if it is available.

The employee must advise the supervisor as soon as possible (no later than the next workday) of his/her current work status (ability to work; work restrictions) and the attending health care provider's name, address and phone number. This is generally accomplished by giving the supervisor the completed Return to Work Information form or equivalent, which has been signed and dated by the attending medical professional. Supervisors shall respect the privacy and health care confidentiality of this information. All health care information will be forwarded to Risk Management for retention in the employee's workers compensation file in Risk Management and shall not be maintained at the department level. Health care information related to the employees on the job injury may be accessed through Risk by supervisors and managers on a strict need to know basis.

## 3. Injured Workers Unable to Return to Work

Until the health care provider releases the employee to return to work, the employee must report his/her status to the supervisor as soon as possible and at least every 14 days thereafter, or as designated by the supervisor. Regular contact expectations should be reviewed with the supervisor.

While off work, it is the employee's responsibility to supply the supervisor and Director of Finance and Administrative Services or designee with the employee's current telephone number (unlisted or not) and an address where he/she can be reached.

#### 4. Return-to-Work Release and Reporting

Before returning to work after time loss, employees must have a release from the attending health care practitioner. If the health care provider does release an employee to return to work (temporary, part-time, alternative duty or regular duty), the employee must inform the supervisor of any restrictions or conditions and report to work immediately, if possible, or on the next scheduled work day. The employee must notify the supervisor within 24 hours of all changes in the employee's related health condition that affects his/her ability to perform the job.

#### 5. Work Restrictions

Employees are expected to refrain from off-duty acts that are not within the restrictions recommended by the treating health care provider. As soon as an employee is able to perform tasks or activities off-duty that he or she has been restricted from performing at work, such as lifting or repetitive motion, the employee is expected to confer with the treating health care provider and obtain updated work restrictions.

#### 6. Timesheets

If health care provider treatment was not received, a WC claim should not be filed, and time lost from work should be reported on the timesheet first as sick leave. If no sick leave is available, then time lost from work should be reported on the timesheet as other accrued paid leave as designated by the employee. Unpaid leave may only be recorded if the employee has no accrued paid leave. The employee may choose to substitute compensatory time, if available.

If health care treatment was received and an 801 form was submitted, all time lost from work resulting from the on-the-job injury or illness, minus the three day waiting period, should be reported on the timesheet as WC leave.

Time off for health care provider appointments for the WC-related injury or illness may continue to be logged as WC on the timesheet while the claim remains in open status, but only for appointments that occur during the employee's scheduled work time. Appointments that occur during scheduled time off, including holidays, vacation or sick leave, may not be charged to WC.

This applies to all disabling and non-disabling WC claims in open status.

Time charged to WC is considered paid leave, not hours worked, and will not be included as hours worked for the purposes of calculating overtime.

#### 7. Accountability

An employee found to be in violation of the provisions listed above; to have filed a false claim; or to have engaged in conduct or activities that enable the employee to receive WC benefits to which he or she is not entitled, may be subject to disciplinary action up to and including termination.

### *Supervisor Responsibilities*

#### 1. Health Care Treatment and Required Documentation

- Supervisors will ensure that all employees who need immediate health care treatment during their work shift receive treatment. Supervisors will give the employee a Return to Work Packet to take to the health care provider and instruct the employee to obtain a Return to Work recommendation.

- If an employee who did not receive health care treatment immediately and obtain authorization to be off work does not report to work on the next scheduled workday or shift as a result of the on-the-job injury, the supervisor will encourage the employee to seek professional health care treatment and obtain a Return to Work recommendation. The supervisor will advise the employee a WC claim can be filed.
- If the employee does not seek professional health care treatment, and there is genuine concern about the employee's ability to work safely, the supervisor will contact the Finance and Administrative Services Department for assistance in requiring the employee to undergo a fitness-for-duty evaluation.
- Regardless of whether health care treatment was needed or received, the supervisor will ensure the Incident Report form is completed and forward a copy to the Finance and Administrative Service Department.
- The Finance and Administrative Service Department will determine if the injury is recordable according to the OSHA record keeping requirements, and if so, will enter and update the information on the department's OSHA Form No. 300 log. The departmental summary will be provided for posting by the Finance and Administrative Service Department no later the February 1.
- If the injury does not require professional health care treatment, the supervisor will complete and submit to Risk Management the Incident Report form.
- Incidents handled by the department's first aid station must be logged even if a WC claim is not being submitted, in case the employee later decides to seek treatment.
- If the injury does require professional health care provider attention, the supervisor will have the employee complete the Worker's report of the 801 form as notice of a WC claim to be submitted (see Claim Reporting below). The supervisor will complete the Employer's Report and forward the completed 801 form to Risk Management to be filed as a WC claim.
- The supervisor will note that the "date of injury" and the "date employer first knew of the injury" will be different if the employee did not or could not provide prompt notification of the injury or is just now filing a claim for an injury or illness that occurred or began earlier.
- The supervisor will investigate all accidents. All accidents, including near-misses, should be investigated in compliance with the City's Safety and Loss Control Program and accident investigation guidelines. As soon as the accident is reported, the supervisor will conduct an in-house investigation while the facts are fresh.

## 2. Claim Reporting

If the injury or illness requires health care provider treatment, the supervisor will forward the completed 801 form to Risk Management immediately. If this is not possible, the supervisor will submit the forms within 24 hours or on the next business day following a weekend accident. If the employee cannot sign the form, the supervisor will submit it without the employee's signature. If a death occurs, the supervisor will call Finance and Administrative Services immediately. Fatalities and catastrophic injuries must be reported to OR-OSHA within eight hours and loss of consciousness or overnight hospitalization must be reported within 24 hours and Risk Management will report to OR-OSHA accordingly.

The supervisor will forward the completed WC 801 form and the Supervisor Supplemental Report to Risk Management as soon as the report has been obtained and developed. Do not delay sending the available information while waiting to obtain missing pieces. The supervisor will notify the Risk Manager or designee of any changes in the employee's health care status on the same day as received.

### 3. Job Analysis for Modified Duty

When Return to Work Information is received from the injured employee's attending health care provider, the supervisor will determine if the employee has been released to return to work with or without restrictions. Refer to the Return-to-Work Program policy (Section 6.7) for procedures to follow if the employee's attending health care provider has released the employee to return to work on a restricted basis.

#### *Risk Management Responsibilities*

1. Risk Management will forward claims to WC.
2. Risk Management will maintain confidential employee health care records as related to on the job injuries.
3. Risk Management will assist department and injured worker in finding suitable alternative duty assignment if the employee's regular position cannot be temporarily modified to match the employee's restricted abilities (see 6.7 Return-to-Work Program).

#### *Finance and Administrative Service Department Responsibilities*

1. Finance and Administrative Service Department will assist department and injured worker in finding a suitable position for reinstatement when released to return to duty, if employee can no longer perform duties of former position or if former position was eliminated.
2. Finance and Administrative Service Department will advise an employee who becomes permanently disabled and is unable to perform the essential functions of his/her regular position or another position, even with reasonable accommodation, of any rights to Social Security and Long Term Disability.

### **6.7 Return-to-Work Program**

It is the City's goal to assist employees who have sustained on-the-job injuries or illnesses in returning to work as soon as possible. Our Return-to-Work program is designed to provide an injured employee who is currently unable to perform his or her regular job duties with temporary alternative duty work during the period of medical recovery.

This Return-to-Work Program applies to all employees with injuries or illnesses and will be followed whenever appropriate. When the injury or illness is occupational, the City will utilize benefits provided by the Employer-at-Injury Program, which is offered by the Oregon Department of Consumer and Business Services and administered by our Workers' Compensation (WC) carrier.

To preserve the ability to meet the City's needs under changing conditions, the City reserves the right to change or supplement these guidelines at any time. The policies and procedures in this program are not a contractual commitment or a guarantee of continuity of benefits or rights. No permanent employment for any term is intended or implied by this policy, nor is it designed as a substitute for reasonable accommodation under any applicable federal or state laws, such as the Americans with Disabilities Act, The Rehabilitation Act of 1973 or other applicable laws.

#### *Definition*

"Alternative duty" work assignments are temporary assignments that are created in consideration of the employees' mental and physical capacities, the business needs of the City and the availability of alternative duty work. An alternative duty assignment is developed by giving a description of the physical requirements of the assignment to the injured employee's attending medical professional, who determines if the proposed alternative duty is

within the employee's physical capability. The employee's direct supervisor has the ultimate responsibility for developing alternative duty work in the original department and arranging for employee participation through consultation with the Director of Finance and Administrative Service or designee. However, if the employee cannot perform any of the tasks available in the original department, the City Manager or designee will assist in finding a suitable alternative assignment in another department.

The costs associated with the temporary assignment will continue to be charged to the employee's regular department.

### *General Return-to-Work Procedures*

The City reserves the right to determine the following:

- Appropriate work hours, shifts, salary or hourly wage, duration and locations of all alternative duty work assignments;
- Availability, appropriateness and continuation of all temporary alternative duty work assignments and job offers;
- Whether the injured employee's physical restrictions require substantial modification of the work or worksite and whether such modifications are feasible.

To the extent possible, the City will consider work site modification to allow the injured employee to continue employment. If the occupationally injured worker desires, he/she may contact a Reemployment Assistance representative in the Benefits Section of the Oregon Workers' Compensation Division and ask for work site modification assistance. If the case is accepted and assigned to a consultant, the consultant will contact the employee to determine if an on-site visit and work site modification assistance are appropriate.

### *Length of Alternative Duty Assignments*

All alternative duty assignments are temporary. The length of each assignment is subject to departmental need and discretion, but the maximum length of any temporary assignment is six months. If still unable to return to regular duty after six months, the employee will be reassigned to a different temporary position. In general, alternative duty assignments will end when the employee's attending medical professional (1) releases him/her to return to regular work; (2) the employee is declared medically stationary or permanently restricted; or (3) the City determines that its business needs are not being served by the alternative duty assignment.

### *Communication*

It is the responsibility of all participants (injured employee, supervisor, Finance and Administrative Services or designee) in the Return-To-Work process to immediately notify other participants of changes within an alternative duty work situation. Changes in alternative duty assignments must be consistent with the recommendations of the employees' attending medical professional. Notification of approved changes in the alternative duty assignment will be made in writing by the supervisor, who will provide copies to the injured worker, Finance and Administrative Services or designee, the employee's attending medical professional and the WC insurer.

However, because the federal Family and Medical Leave Act of 1993 (FMLA) prohibits employers from having direct contact with the employee's medical professional, employees taking or returning from family leave must serve as the liaison with the medical professional. If necessary, the City will designate a medical professional to serve as the liaison or to provide a second or third opinion.

### *Employee Responsibilities*

Employees will obtain a signed Return to Work Information form to inform the supervisor of any physical restrictions or conditions and report to work immediately, if possible, or on the next scheduled workday once the release to return to duty is given by the attending medical professional.

If voluntarily returning from family leave to restricted duty, employees will obtain a signed Return to Work Information form from the attending medical professional and give it to the supervisor.



Employees will cooperate with the City to obtain the medical information needed to verify fitness to return to duty and any physical restrictions or conditions.

### *Supervisor Responsibilities*

Supervisors will work with Finance and Administrative Services when preparing job description of modified duty for injured employees or modifying regular jobs.

The attending medical professional will use the Job Description for the injured employee's regular job to review the required duties of that job and make recommendations about the employee's ability to perform them. When the recommendations are received, the supervisor will assemble a list of all the tasks and physical requirements that the attending medical professional specifies the employee can perform and use the list to prepare a Job Description of Modified Duty form.

For occupationally injured employees, the supervisor will submit the Job Description of Modified Duty form (Appendix 6.7B) to the employee's attending medical professional.

In family leave circumstances, if the employee voluntarily agrees to accept a temporary alternative duty assignment, the supervisor will have the employee submit the Job Description of Modified Duty form to the attending medical professional.

The attending medical professional will determine if the work is appropriate, and if so, will sign and return the form. If the employee cannot perform any tasks available in the department, the supervisor will contact the Director of Finance and Administrative Services or designee for help in finding suitable work in another department.

### *Job Offer Letter*

Upon receipt of the signed Job Description of Modified Duty form from the attending medical professional, the Finance Director will prepare a written Job Offer letter and mail it with a copy of the Job Analysis by both regular and certified mail to the injured employee's last known address. A verbal job offer may also be made, followed by the written letter.

The letter should explain the job duties; report date and time; salary or hourly wage; hours; duration of alternative duty work assignment; name of supervisor to report to and his/her phone number; and location of the alternative duty assignment.

The letter should also include a signature line at the bottom for the employee to indicate his/her acceptance or refusal of the offered work assignment. If the modified work is accepted verbally, the supervisor will have the employee sign the letter when he/she reports for work.

## **6.8 Jury Duty and Witness Leaves**

Purpose. To support the judicial system of this nation.

Employees will be granted a leave of absence with pay when required to report for jury service or to appear before a court, legislative committee or judicial or quasi-judicial body as a witness in response to a subpoena and under circumstances beyond the employee's control and where such duties are in the public interest. An employee's regular salary will be reduced by the amount received for jury service or witness fees, except for mileage allowances and amounts received when required to report outside the employee's normal work shift. An employee who receives jury duty notice or witness subpoena must notify the supervisor immediately so that arrangements may be made to cover the position. Employees are to show their jury payments to payroll when the payment is received.

Employees working on other than the day shift who are required to report for jury service or as a witness, will not be required to work their normal shift on that work day if the jury service or witness responsibilities continue for five (5) hours or more. Those employees on day shift or 56 hour/week employee are expected to report to work when not actually engaged in jury service.

## **6.9 Benefits During Leave of Absence**

### *Paid versus Unpaid Leave*

When a leave of absence is specifically designated by City policy as “with pay” or “paid leave” (for example, court and voting leave, Worker’s Compensation absences, etc.), the absence is paid leave and the employee is not required to use accrued leave banks. All other leaves of absence are also considered paid leave as long as accrued leave banks, such as sick leave, vacation or compensatory time are being used. Once available and appropriate accrued leave banks are exhausted, the leave of absence becomes unpaid.

Except for accrued compensatory time, appropriate accrued leave banks must be exhausted before an unpaid leave will be authorized. Therefore, when time off is requested for any of the reasons that are an appropriate use of sick leave, both the sick leave and vacation banks must be exhausted before an unpaid leave will be authorized. One exception is that the use of sick leave for the birth or adoption of a child is the employee’s option (see the Family and Medical Leave and Sickness (Section 6.4) and Disability policies (Section 5.3)). When the reason for the time off is not an appropriate use of sick leave, then the employee must only exhaust his/her vacation bank, except during unpaid military leave. Although employees are not required to exhaust accrued compensatory time banks, it is their option to do so before being placed in unpaid status.

### *Continuation of City Paid Insurance Benefits*

City paid medical, dental, life and long-term disability insurance benefits already in effect before the commencement of the leave will continue during all paid leaves of absence.

The City will also provide City paid insurance benefits for up to three months of an unpaid leave of absence for all full-time regular employees who have been with the City for a minimum of three years prior to commencement of the leave. These three months of paid insurance run concurrently, rather than consecutively, with the periods of paid coverage provided for military and family leaves of absence (see Insurance Benefits during Military Leaves of Absence and Insurance Benefits during Family Leaves of Absence).

During other unpaid leaves of absence, except as specified below for military and family leaves, City paid insurance benefits will continue for only the remainder of the month in which unpaid status begins.

Once unpaid status begins or a leave exceeds the periods of City paid coverage specified in this policy, the HR Department will advise the employee of options for continuing self paid medical and dental benefits. The most common option is through COBRA as described below in COBRA Continuation of Medical and Dental Insurance.

### *Insurance Benefits during Military Leaves of Absence*

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), insurance benefits already in effect before commencement of the leave will continue during unpaid military leaves of absence of 30 days or less (or three months for FTR employees of three or more years). For longer periods of military service, the employee may elect continued medical and dental insurance coverage through COBRA as described below.

### *Insurance Benefits during Family and Medical Leaves of Absence*

When covered by the Oregon Family Leave Act (OFLA) and/or the Family and Medical Leave Act of 1993 (FMLA), all City paid insurance benefits already in effect before commencement of the leave will continue during both paid and unpaid family leaves of absence. However, if the employee fails to return from an unpaid family leave for reasons other than a serious health condition or circumstances beyond the employee’s control, the City reserves the right to recover the cost of the health insurance premiums paid by the City.

When an unpaid family medical leave is not covered by either OFLA or FMLA, the employee may elect continued medical and dental insurance coverage through COBRA as described below.

#### *COBRA Continuation of Medical and Dental Insurance*

As required by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the federal health care continuation law, employees are entitled to a continuation of health care coverage when a triggering event, such as an unpaid leave of absence, will cause them to lose employer-provided coverage. During leaves of absence without pay, employees may continue medical and dental insurance coverage by self-paying premiums in advance, after confirming COBRA arrangements with Finance and Administrative Services department. However, failure to pay the premiums by the deadline specified in the arrangement will result in termination of such benefits, until the employee returns to work. Generally, medical and dental insurance coverage is limited to an 18-month COBRA period, with certain exceptions (contact the Director of Finance and Administrative Services for details). Self-paid life and long-term disability insurance coverage is not available through COBRA.

#### *Reinstatement of City Paid Insurance Benefits*

If insurance coverage was self-paid or lapsed during the leave of absence, City paid insurance benefits will be reinstated on the first day of the month in which the employee returns to work. When an employee returns from an unpaid military leave of absence, all insurance benefits will be reinstated with no waiting period or exclusion of preexisting conditions.

#### *Accessing Long Term Disability Insurance Benefits*

Long-term disabilities are covered under PERS (Public Employees Retirement System) and/or Standard Insurance for injuries or illnesses sustained off the job. The City has no short-term disability coverage, so employees are encouraged to save leaves for unforeseen illnesses or injuries. Payment is the same as for life insurance.

If an employee's own non-occupational serious health condition or disability will prevent him/her from working for more than 90 days, the employee may file a long-term disability (LTD) claim. See the LTD policy in the Appendix section for details on percent coverage and eligibility.

If the claim is accepted, LTD benefits will usually begin on the 91st day of leave. If the LTD claim is not accepted until after the 91st day, benefits will be retroactive to the 91st day. Once the LTD claim is accepted, life insurance coverage will continue and the premiums will be waived.

#### *Accrued Leave and Long-Term Disability Benefits*

The use of accrued leave banks is optional when an LTD claim is accepted and continued use of accrued sick leave is not required. Accrued sick leave left in the employee's sick leave bank will not reduce the employee's LTD benefit payment. However, actual use of sick leave pay is considered deductible income, and it will reduce the LTD benefit payment dollar-for-dollar, but not below the minimum LTD benefit payment. On the other hand, accrued vacation and/or compensatory time are not considered deductible income and they both may be used to supplement the employee's LTD benefit payments up to the amount of the employee's regular salary or wages. (See the Certificate of Group Long Term Disability Insurance or contact the LTD insurance carrier for details, located in the Appendix section).

### **6.10 Leaves of Absence Without Pay**

An employee may be granted a leave of absence without pay upon a showing of good cause. The granting of such an unpaid leave of absence is subject to the operational needs of the City and is discretionary. A request for a leave of absence under this section must include reasonable justification for approval of the request.

Requests for leave of absence without pay shall be in writing and shall state specifically the reasons for the request, the date desired to begin the leave, and date of return. The request shall normally be submitted by the employee to the affected department head. The department head shall recommend to the City Manager or

designee whether the request should be granted, modified, or denied. The City Manager or designee shall then make a decision based upon the best interest of the City, giving due consideration to the reasons given by the employee, and the requirements of any applicable State and Federal laws.

The City Manager may grant a full-time regular employee a leave of absence without pay not to exceed ninety (90) days. City Council approval is required for unpaid leaves exceeding ninety (90) calendar days, unless such leave is for medical reasons or is legally mandated by State or Federal law. Non-medical leave is unpaid leave time for career advancement, personal or family situations. Such leaves may be granted after vacation accrual and compensatory time has been exhausted. Sick leave accruals may not be used for non-medical leaves. Unpaid medical leave may be used for disability/illnesses which extend beyond the period of accrued sick leave. Vacation accruals may also be used before starting an unpaid medical leave after sick leave accruals are exhausted. Medical leaves are discussed in sections 5.6 and 5.7 of this manual.

Unpaid leaves are not granted in order for an employee to work for another employer or to pursue self-employment. Leaves are designed to accommodate employees who have personal situations only.

No sick leave, holiday, vacation benefits or any other fringe benefits shall accrue while the employee is on leave of absence without pay one-half (112) or more of the full-time hours for the month. The employee's anniversary date shall be adjusted to reflect the length of the absence for the purposes of computing service time.

An employee on an approved unpaid leave of absence may continue his or her medical, dental, life insurance and disability coverage by paying the full cost to the City in advance for each month of which he or she is absent, subject to limitations set by the insurance carrier. Payment is due to payroll by the 10th of each month for the next month's coverage.

Upon expiration of the leave of absence, the employee shall be reinstated in the position held at the time the leave was granted or another equivalent position. An employee wishing to return early from leave may request this to the department head. The request will be treated on a case by case basis and will not automatically be granted or denied.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.

## **6.11 Donation of Blood**

Purpose. To establish a policy regarding payment of time used in donating whole blood or plasma.

Statement of Policy. All regular full-time and regular part-time employees are encouraged to donate whole blood or plasma.

Time off with pay may be granted for volunteering provided time off has the prior approval of the employee's immediate supervisor and/or department head. Employees will be paid for time off for volunteering up to three (3) times per year.

## **7.1 CONDUCT, CORRECTIVE ACTION, DISCIPLINE AND COMPLAINTS**

### **7.2 Personal Appearance and Conduct**

Employees at least periodically must interact with the public served by the City in connection with services, questions and complaints. Every employee must be courteous and professional in keeping with the City's customer service expectations.

Employees are expected to dress appropriately for their job and to present a professional appearance. Those inappropriately dressed may be directed home and to return properly attired before being permitted to start work, and disciplined if appropriate.

## 7.3 Ethical Conduct

### *Policy Statement*

Every City employee is obligated to meet the ethical standards required by law and consistent with the expectations of the community. Employees must be able to recognize ethics issues when they arise and conduct themselves beyond reproach. Inappropriate action will serve as a basis of discipline up and including termination from employment.

Employees must avoid situations that compromise the reputation and integrity of the City or the individual and avoid any situation where a personal interest could be construed as in conflict with the interest of the City or in any way related to a decision or action taken as a City employee.

All public employees must comply with the State of Oregon ethics laws set forth in ORS Chapter 244. Ethical requirements of law limit public employees, their relatives and members of their households in the following categories:

- Use of public position for personal financial gain or avoidance of personal cost;
- Nepotism;
- Private Employment;
- Conflicts of Interest;
- Entertainment, Gifts and Meals;
- Statements of Economic Interest.

Employees are prohibited from accepting payment for services provided on City paid time or at City expense.

Other laws regulate public employee conduct in relation to campaign activity, criminal activity, and employment discrimination. ORS 659A.199 to 659A.236, the Whistleblowing Act, protects public employees from retaliation for disclosing to appropriate authority violations of federal or state laws, rules or regulations committed by other employees. (NOTE: See City policies related to harassment set forth below.)

Employees having concerns about issues in their workplace are strongly encouraged to express them to a manager or supervisor; the Finance and Administrative Services Director has primary responsibility to ensure that law and policy relating to employees are administered properly and adhered to. Allegations and complaints will be investigated and prompt effective remedial action will be taken whenever found warranted.

When determining the ethical course of action, employee considerations include:

- Laws do not address all ethics questions
- The appearance of unethical behavior often is as detrimental to the employee and the City as unlawful behavior
- Before acting, consider how the event will appear as headline news and, when in doubt, don't
- Ethics violations are committed by individual public employees and investigated by the Oregon Government Ethics Commission which fines individual employees (who almost always must bear the expense of any legal defense and of fines
- When in doubt, ask a supervisor, City Manager, the Director of Financial Administrative Services, your Department Head or the City Ethics Committee members to help clarify the ethical course of action.

### *Confidential and Proprietary Information*

ORS Chapter 244 prohibits employees and officials from using confidential information obtained in the course of their employment for the purpose of advancing any private interest or personal gain or avoidance of personal cost.

Release of all City information should be approved through the City Manager's office.

Employees who improperly use or disclose confidential business information of the City or those regulated by the City will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

### *Conflicts of Interest*

An actual or potential conflict of interest arises when a public employee may take official action that could financially impact the employee, a relative, or a business with which the employee or relative is affiliated (as a director, officer, owner or employee, or agent, including if the employee or relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year).

Legal requirements dictate that a public employee facing an actual or a potential conflict of interest must notify the employee's supervisor in writing, describe the nature of the conflict and request that the supervisor complete the task or assign it to someone else. The written notification of the conflict must be maintained in the official records of the public agency pertaining to the matter at issue.

### *Financial Gain*

Financial gain includes any benefit of value received by an employee including benefits of the work related efforts of another employee, use of public resources, purchases at a government discount, and purchases for a personal purpose on a City credit card (which is a prohibited use of the City's credit, whether or not the employee reimburses the City)

### *Honorarium*

ORS 244 defines Honorarium as a payment or something of economic value given to a public official or candidate to become a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

Public officials or candidates to become public officials, may not solicit or receive, whether directly or indirectly, honoraria for the public official, candidate or any member of the household of the public official or candidate if the honoraria are solicited or received in connection with the official duties of the public official or the office for which the person is a candidate.

Exceptions include:

- a. The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or
- b. The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public office or candidate.

The City of Astoria expects:

- If the employee is giving a speech or otherwise making an appearance in his or her official capacity and on City paid time or is attending at City expense, the employee can accept an offer for paid expenses, but should decline an honorarium of any amount. If the sponsor insists on given an honorarium, it cannot exceed \$50 and the employee should turn it over to the City.
- If the sponsor insists on giving an honorarium, the employee may choose the purpose for which the City uses it. For example, the employee may donate the funds to the IS Department specifically to be used towards the purchase of a new computer for the employees work station at the city or for other equipment for the employees department.
- If the employee is giving a speech or otherwise making an appearance in his or her official City capacity and is not on City paid time, the employee may accept an honorarium of \$50 or less without requirement to submit it to the city.
- If the employee is giving a speech or otherwise making an appearance on his/her own time and not at the City's expense, and is doing so because of his/her own individual knowledge or expertise rather than because of the City position, the speech or appearance will be outside the scope of employment and honorarium restrictions will not apply.

### *Invitations to Personal Parties or Events*

Use of the City communications systems for personal invitations is permissible if City policies are followed (e.g. Ethical Conduct, Political Activity, Harassment, Information Services Policies and Procedures).

Personal use of City time or resources including the City e-mail or internal mail systems is prohibited:

- To send invitations to or communications about events such as sales parties that result in financial gain to the hosting employee or members of the household, his/her relatives, or their personal businesses;
- To send personal invitations or other personal communications from supervisors that creates pressure on subordinates.

### *Gifts*

Whether or not an employee can accept a gift, including a door prize or raffle prize, depends upon these factors:

- Whether the source of the gift has an administrative or legislative interest in decisions of the employee,
- The dollar value of the gift.
- Prior gifts received from the same source within a calendar year and their aggregate value.
- Whether the aggregate dollar value of all gifts received from the same source within a calendar year exceeds \$50.

Items of nominal value received at conferences are not considered. The OGEC advises that, if the value of the gift exceeds \$50, the employee may not keep it.

Entertainment provided to a public official while the public official is representing the public body in a ceremonial role is excluded from the definition of a gift. In that circumstance, entertainment can be accepted without any limit on the value, even if the source of the offered entertainment has an administrative interest in the public official.

When a question arises, consult OAR 199-005-0025 relating to Entertainment permitted under ORS 244.020(6)(b)(M) and (N).

### *Nepotism*

Consistent with ORS 244.179 the City may take measures to preclude one employee from directly supervising a relative or member of the household, and from participating in any personnel action affecting the employment of a relative or member of the employee's household. Therefore, employees are expected to declare whenever significant relationship exists with another City employee or applicant. Employment of multiple family members is fraught with actual and potential issues of conflict such that the City may force transfer, or election to demote or denial of promotion whenever the City determines that an inappropriate familial relationship exists.

### *Consistency and Equal Treatment*

Employees shall not grant special consideration, treatment or advantage to any citizen beyond that which is available to everyone.

### *Outside Employment*

Private employment must be separate from and independent of City employment in order to avoid a violation of state ethics laws. (ORS 244.040(1)). The OGEC offers guidelines related to outside employment:

1. Private business may not be conducted on public time.

2. Public supplies, facilities, equipment, personnel, records or any other public resources may not be used to carry out private business.
3. No governmental act in relation to a third party may be conditioned on or related to a private business relationship with that third party.
4. No confidential information or advantage of access to governmental information may be used to obtain financial benefit for the employee.
5. Employees must notify their appointing authority in writing when a potential or actual conflict of interest exists such that private endeavors could or would be affected by public employment or a nexus and benefit could be perceived.

### *Solicitation*

ORS Chapter 244 prohibits solicitation for personal gain and ORS 260.432 prohibits public employees from soliciting for political causes during work hours.

Use of City resources is permissible for fundraising events and other communications for charitable, non-profit and non-political organizations that are City or department-sponsored, as in the case of United Way and other charitable non-profits identified as recipients of City employee charitable giving by payroll deduction or otherwise, usually identified annually by employee vote.

Soliciting for City sponsored organizations is permissible, as long as:

- There is no financial gain for employees (the employee, members of the household, relatives, and/or a personal business relationship); and
- Supervisors do not create pressure on subordinates to contribute.

When the fundraising is not City, or City department-sponsored, solicitation limitations are:

- A general fundraising announcement may be posted only in break areas; and
- Approaching individual employees for donations may occur only during breaks, lunch or after work hours and in non-work areas or off City premises.

### **7.4 Political Activity**

When off the job City employees are entitled to the same rights as private citizens with regard to holding membership in or supporting a political party; taking part in political campaigns for non-municipal elected offices; being a candidate for and holding political party office; voting; privately expressing opinions on all political subjects and candidates; and attending political meetings. The following activities are prohibited, except as specifically permitted by this policy:

- Use of official authority or influence for the purpose of affecting the result of any election or nomination for political office, including display of signs and buttons to the public during work hours.
- Candidacy for or the holding of political office as a Astoria City Councilor. An employee who seeks election to the Astoria City Council may request a leave of absence from the department head during the term of candidacy. If elected, the employee will be required to resign.
- Soliciting contributions for any political party during working hours.
- Contributing to or taking part in the campaign for any elective City office while on duty
- Directly or indirectly coercing, attempting to coerce, commanding or advising other employees to contribute to any party, committee, organization, agency or individual for political purposes.

Violations of this policy shall be subject to disciplinary action, up to and including termination of employment.



## 7.5 Harassment

### *Policy Statement*

All employees and the public are expected to keep the workplace free of prohibited discrimination including harassment on the basis of race, color, religion, gender (sex), pregnancy, national origin, age, veteran status, sexual orientation, gender identity/expression, marital status or family relationship, disability, genetic information or that of his/her relatives, friends or employees or retaliation.

City employees are expected to:

- Be cooperative and work well with co-workers;
- Treat the public and coworkers with respect;
- Maintain cooperation and civility in the workplace;
- Refrain from engaging in any actions that are or may be perceived by a reasonable person (that is, a reasonable woman, or a reasonable man under the same or similar circumstances) as harassing or hostile;
- Refrain from engaging in any actions that are or may be perceived by a reasonable person as retaliatory.

Every employee has a right to be free of harassment, including sexual harassment. The City will work to eliminate and prevent harassment and to alleviate any effect harassment may have in the workplace on any employee.

The City will not tolerate harassment or retaliation against employees who report harassment. In response to reports of harassment, the City will protect complainants and witnesses and conduct a fair and objective investigation. As determined appropriate, the City will take prompt and effective remedial measures calculated to end the problems identified, up to and including termination from employment when adequate cause to do so exists. This policy applies to all employees at every level, including managers, supervisors, workers and nonemployees (customers, vendors and contractors, to whom the same rules apply).

Whenever a harassment complaint is received, the matter will be treated discreetly with details kept confidential to the extent possible in the course of the investigation, determination, remedial and disciplinary process that is determined warranted, if any. **Any supervisor receiving notice of harassment shall notify the Department Head.** An investigation will be conducted and the charge will be resolved appropriately, except in those cases where a counselling is appropriate and the indiscretion is deemed minor by the complainant and supervisor. (NOTE: Even the minor situations are to be documented as described above and the Department Head is to be notified.)

### *Sexual Harassment*

Sexual harassment is a form of gender (sex) discrimination. The Equal Employment Opportunity Commission has defined sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Prohibited sexual harassment may include; but is not limited to, sexual jokes, calendars, posters, cartoons, magazines, derogatory or physically descriptive comments about or towards another employee; sexually suggestive comments; inappropriate use of City communications including e-mail and telephone; unwelcome touching or physical contact; punishment or favoritism on the basis of an employee's sex; sexual slurs; negative sexual stereotyping.

Harassment will not be tolerated in our workplace. It is against the policies of the City for any employee to harass another employee. This includes acts between supervisors and employees and it also includes acts between one employee and another.

### *Harassment*

Harassment is verbal or physical conduct that demeans or shows hostility or aversion toward an individual because of his/her race, color, religion, gender (sex), pregnancy, national origin, age, veteran status, sexual orientation, gender identity/expression, marital status or family relationship, disability, genetic information or that of his/her relatives, friends or employees and engaging in protected activity, such as reporting harassment or other unlawful acts that:

- Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance;
- Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to the following: (1) epithets, slurs, negative stereotyping, demeaning comments or labels, or threatening, intimidating or hostile acts that relate to race, color, religion, gender (sex), pregnancy, national origin, age, veteran status, sexual orientation, gender identity/expression, marital status or family relationship, disability, genetic information; and (2) written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender (sex), pregnancy, national origin, age, veteran status, sexual orientation, gender identity/expression, marital status or family relationship, disability, genetic information and that is placed on walls, bulletin boards, computers or elsewhere on the employer's premises, or circulated in the workplace.

Harassment that occurs off work is also prohibited where such conduct could be construed as an outgrowth of actions taken within the harasser's scope of employment, and where such conduct could chill or negatively impact the workplace and relationships at work.

No personnel decision may be made based on an employee's response to harassment; to do so will be regarded as serious misconduct which undermines morale and the integrity and interferes with productivity, and may be in violation of law. The City regards job related harassment as a serious transgression and cause for severe discipline including discharge.

### *Prohibited Activities*

No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person. Employees shall not make offensive or derogatory comments, either directly or indirectly to another person, based on any of the categories protected by law and listed above (see Definition of Harassment). Harassment based on these categories is an illegal form of discrimination under state and federal employment laws, will be deemed serious misconduct warranting discipline up to and including termination, may subject the perpetrator to civil lawsuit and usually will be classified by the City as malfeasance and wilful, wanton neglect of duty by the perpetrator such that the City will not defend nor indemnify the perpetrator in cases where the employee is sued personally.

### *Employee Responsibilities*

Each employee is responsible for assisting in the prevention of harassment by:

- Refraining from participation in, or encouragement of, actions that could be perceived as harassment;

- Reporting acts of harassment before they become severe or pervasive;
- Assisting any employee who confides that he or she is being harassed by encouraging him or her to report it. (See Reporting Harassment)

### *Supervisor Responsibilities*

Supervisors are responsible for preventing harassment and insuring that prompt and effective remedial action is taken whenever they become aware of harassment. Supervisors are expected to do this by

- Monitoring the work environment for signs that harassment may be occurring.
- Counseling employees on the types of behavior prohibited and the procedures for reporting and resolving complaints of harassment.
- Stopping any observed acts that may be considered harassment and taking appropriate remedial steps whether or not the involved employees are within the line of supervision.
- Taking immediate action to limit the work contact between the employees where there has been a complaint of harassment which is pending investigation.
- Documenting all complaints of harassment and filing reports of harassment with the Department Head as described in Reporting Harassment.
- Following up with employees who have reported harassment to ensure they have not experienced retaliation or further harassment.

Any supervisor or manager with knowledge of harassing or retaliatory behavior who takes no action will be subject to disciplinary action.

### *Reporting Harassment*

An employee who in good faith reports harassment to the City or participates in an investigation will be protected from retaliation which will not be tolerated. Employees who experience or witness others engage in harassing behavior are encouraged to report it to an appropriate supervisor or manager. Employees are not required to first discuss complaints of harassment with their immediate supervisor and may speak with Department Head or City Manager at any time. The following guidance may apply:

- An employee may reasonably ignore a **minor** impropriety; however, if repeated **minor** incidents occur, the employee may (1) tell the harasser that the behavior is offensive and unwanted and ask that it stop; or, (2) if uncomfortable doing so, then report the matter to a supervisor or manager. If a request to stop is effective then no requirement exists to report.
- Even in cases of minor transgressions, **always it is appropriate to report the event(s) and ask a supervisor or manager to intervene.**
- In any case where an employee is uncomfortable with or believes some employment consequence may result from speaking directly to a harasser, or if the harassment continues after speaking to the harasser, the employee should immediately report the harassment to a supervisor or Department Head.

If harassment is minor, an employee may ask a supervisor to speak to the harasser informally and without formal complaint. If the harassment stops in such cases the supervisor should document the allegation and the discussions that occur in appropriate supervisory files.

- Whenever harassment is other than minor, or repeated, employees and supervisors are expected to initiate a formal written report for investigation and more formal disposition.
- Any employee who feels harassed or is aware of harassment of another employee is urged to address it or report it before the harassment becomes severe or pervasive. Reports of harassment may be informal or formal and should be made as soon as possible. A formal report should include a description of the behavior, when and where it occurred, the name of the person(s) engaging in the behavior and the names of any witnesses to the behavior.
- In any case where a Department Head or supervisor is the harasser, an employee must report the events directly to the City Manager or the Finance Director. If the City Manager is the alleged harasser, the report should be made directly to the Mayor or President of the City Council.

If employees become romantically involved with one another, the employees are nevertheless expected to maintain professionalism and work together cooperatively and without incident stemming from the personal relationship. If an end of the relations leads to any harassing or retaliatory behavior, the City harassment policy will apply, as will other generally applicable job performance standards and expectations. While the City may not prohibit such relationships, and City discourages them, the City will hold employees accountable for impacts of private relationships that spill over into the workplace, detract from productivity or affect professionalism. Employees who engage in any such relationship that interferes with the workplace, results in lack of professional conduct, or results in harassing or retaliatory behavior, will be subject to discipline, up to and including termination.

Any harassment situation that cannot be handled with a supervisory counselling or a single request to stop must be reported and investigated.

### *Response to Reports of Harassment*

Reports of harassment will be investigated and resolved as a priority. Whenever a supervisory employee becomes aware of allegations of harassment, a written record of the allegations and facts will be made. Supervisors will intervene whenever appropriate and in any appropriate case will forward documentation to the Director of Finance so that an appropriate investigation can be conducted.

### *Investigation*

Reports of harassment or retaliation will be investigated fully and fairly. The City will attempt to maintain confidentiality. The City has a need to conduct an adequate investigation and to take prompt corrective action in response to any harassment or retaliation.

A member of the Finance and Administrative Services Department, or the City's legal counsel or other person designated by the City Manager will conduct or oversee an investigation to determine facts, incriminate and exonerate as appropriate, and establish a record of remedial action. The first pre-investigation step will be insure that the complaint received is comprehensive and well documented. The investigation will be conducted promptly on a priority basis. The person designated to investigate will be one with appropriate skill sets and objectivity – that is, not a coworker who works directly with those involved and never a witness to the events in question. Whenever it appears appropriate to do so, the City's attorney for labor and employment will be consulted and guide the investigator. Whenever a formal investigation is undertaken, this determination will be made by the Finance Director in every case, before the investigation commences and after the allegations are documented.

The investigator will advise the alleged harasser of the allegations and that any retaliatory conduct will be subject to disciplinary action regardless of the outcome of the investigation.

A written investigative report will be submitted. The report shall contain the following: a full description of the facts alleged and the feelings of and impacts and effects on the victim; a complete account of the statements to the investigator of each person interviewed, findings of pertinent facts determined to be true by the investigator; conclusions of the investigator in regard to whether violations of law or City policy occurred with respect to the specific elements of each violation. A conclusion will be made that there is or is not sufficient cause for discipline.

The Department Head or Finance Director, as they deem appropriate, will notify the complainant and the alleged harasser of the investigation results and the recommended remedy, if any. The remedial action and discipline shall be determined by the Department Head or City Manager.

### *Records Relating to Harassment*

Investigative records will be kept in an investigation file apart from personnel files. However, if the evidence supports a finding of harassment, information pertaining to the disciplinary action taken will be put in the personnel file. Disciplinary records and records of correction will be placed in a personnel file.

## **7.6 Attendance, Absenteeism and Punctuality**

The ability to attend work reliably and work scheduled work hours is an essential job requirement of all City positions.

Employees are expected to follow their respective departmental procedures for promptly reporting absences or late arrivals. Any employee who fails to attend work reliably and responsibly or who is habitually absent or late for reasons not protected by state or federal law may be subject to disciplinary action.

After a period of three consecutive working days, an employee who is absent without reporting appropriately will be considered to have voluntarily quit employment with the City, unless the employee is able to submit proof of circumstances that qualify for legally protected leave under state or federal law, along with proof of inability to more promptly and timely report the absence to the employer.

Department Heads and supervisors shall maintain accurate records of employees' attendance. Such records shall show actual hours worked, together with any sick, vacation or other forms of authorized leave.

## **7.6 Pre-Employment Drug Screening Policy**

Purpose: The City of Astoria is committed to establishing a work environment where its employees are free from the effects of drugs, alcohol abuse, or other job-impairing substances. The City of Astoria recognizes its obligation to its employees and citizens to provide a high level of safety and integrity for employees involved in law enforcement and other safety sensitive positions. To those ends, the City of Astoria has established this policy. In the event that an applicant for a position requiring drug screening is not prepared to consent to a pre-employment drug screening test, the applicant should immediately withdraw his or her employment application.

Scope: This policy applies to all applicants for positions in the Police Department, Fire Department, and the Public Works/Parks Operations Division.

The City of Astoria will test applicants for the above positions for any controlled substance as defined by law, any mood-altering substance, or any substance that causes effects on the central nervous system or brain at any time (excluding alcohol).

Procedure: The procedure for submitting to a pre-employment drug screen is as follows:

1. The City will notify the testing facility and an appointment shall be made for the job applicant who is being considered a candidate for employment. The applicant shall be given no more than twenty-four (24) hours advance notice of the testing date and time. In the event that the applicant does not appear for the scheduled appointment, he or she may forfeit the right to be considered for the position(s) sought.
2. Applicants should arrive at the testing facility approximately five (5) to ten (10) minutes prior to their scheduled appointment to complete the necessary paperwork. Applicants must also bring a current driver's license or other photograph identification.
3. The applicant will be required to sign a consent form permitting the testing facility to conduct the test, including allowing for urine collection. In the event that the applicant refuses to sign the consent form or otherwise refuses to proceed with the test, he/she shall be ineligible for employment.
4. The testing facility will collect a urine specimen from the applicant. The collection is done in a controlled environment by trained medical personnel. The result of the drug screen will be given to designated representative (s) of the City. The applicant's test results will be kept confidential, to the extent possible.

5. Applicants who test positive or who, in the determination of the City, fail to fully cooperate with testing requirements will be ineligible for employment and the pre-employment process will cease, but applicants may reapply and be retested. Also, if the applicant believes the positive test result is inaccurate, the applicant may submit a written objection to the test result to the Human Resources Director within seven (7) calendar days of the date he/she was informed of the positive test result. The objection must contain information explaining why the applicant feels the test result was inaccurate. In the event that the pre-employment drug screen test is positive for a legally obtainable drug, the applicant will be asked to produce written information regarding the prescription.

Any significant discrepancies in the information you give during any of the steps above can be the basis for your removal from the eligibility list.

If you successfully complete the above requirements, you may receive a final offer of employment and be hired immediately.

## **7.7 Corrective Action, Discipline, Dismissal and Appeal**

### *Policy Statement*

The purpose of corrective and disciplinary action is to improve the performance, efficiency and good works of City employees. On-the-job conduct, performance and attendance of employees affects the ability of the City to serve its citizens and taxpayer's support for City government.

All employees are expected to comply and work within Federal, State and local laws and ordinances, City policies, and departmental rules and regulations; to devote their time and attention to the effective and professional performance of their responsibilities; to comply with the proper directive or request of an authorized supervisor; to treat the public and coworkers with respect; and to maintain cooperation and civility in the workplace.

The City encourages corrective action intended to help employees understand expectations of conduct and performance, and to improve when conduct and/or performance are below expectation as discussed through employee coaching, job descriptions and performance reviews.

The City will use corrective measures and progressive discipline except when circumstances warrant severe discipline or dismissal. (Progressive discipline is not an employee right and does not apply to every City employee; for certain employees, the standards and expectations for conduct and performance are quantitatively and qualitatively higher than for others. See "Employment Categories Excluded from Progressive Discipline, Due Process and Appeal" below.)

Some departments have adopted investigation and discipline investigation procedures and policies more specific than the City policy. Where authorized to do so, as with the police and fire departments, the City policy shall not apply and yields to the more specific department policy.

### *Corrective Action or Traditional Progressive Discipline*

Corrective action, verbal and written counseling, employee assistance program (EAP) assessments or referrals, work performance plans and performance commitment statements may be used to express City expectations concerning performance. These are corrective measures which document and encourage needed improvement.

A last chance agreement is a performance document which is appropriate in serious cases, misconduct which could warrant discharge has occurred and the City is willing to extend the employee one final opportunity for job retention. This tool is used with concurrence of the employee (and union if the employee is represented) and includes the employee's commitment to changes and improvements. If the employee fails to meet the conditions stated in the agreement, the employee's termination occurs without the ability to challenge or appeal.

Traditional disciplinary action may be taken, including warning, reprimand, reduction in pay in lieu of suspension, suspension without pay, demotion and dismissal. Except in cases of serious misconduct which no reasonable employer would tolerate and which any reasonable employee should know is wrong which warrant more severe discipline, dismissal is typically preceded by one or more corrective or less severe disciplinary actions. Some misconduct is serious enough to warrant severe discipline without progressive, corrective or lesser discipline, and the City reserves to its discretion to make this determination case by case.

Any form of discipline may be utilized depending upon individual circumstances. Exceptions or deviations from the normal process may occur whenever the City deems it appropriate. Documented and repeated failure to meet clearly stated expectations can be deemed an adequate basis for dismissal from employment. In each case, discipline will be subject to review by the department head and City Manager.

Discipline may be initiated for many appropriate reasons, including, but not limited to, violations of City policy or departmental work rules, insubordination and any form of misconduct or poor job performance. Criminal charges may be grounds for a police investigation; however, criminal proceedings will not prevent an internal disciplinary process regarding the same matter.

The severity of the disciplinary action taken will depend on the nature of the offense, the totality of circumstances, the employee's overall work record, the need to maintain discipline and public trust and other relevant factors.

#### *Documentation in Personnel Files*

Disciplinary actions shall be documented, acknowledged by the employee and placed in the employee's personnel file in the Finance and Administrative Services Department. Copies may be retained in the supervisor's or department's copy of the personnel file.

The disciplinary document should be signed and dated by the employee. However if an employee refuses to sign, the supervisor will note that fact on the documentation before forwarding it to the Director Finance and Administrative Services. An employee who disagrees with the facts in the document may submit a written response that will be placed in the employee's personnel file and attached to the disciplinary document. Any written response shall be limited to statements of fact to correct factual statement(s) in the disciplinary documentation.

Personnel file and discipline investigation file documents are regarded as permanent City records. The City Manager has discretion to remove stale documentation from a personnel file, and to retain any such removed documentation in a separate system of records to be used for City purposes, such as to demonstrate City policy, training, forewarning and past City actions. If removed by the City Manager, the expectation should be that in ordinary cases the removed record would not be considered as a basis to an increase in "progressive discipline" or as a disqualification from promotion.

#### *Searches in Connection with an Investigation*

There is no zone of privacy on City premises related to City equipment and furnishings owned by the City, including but not limited to desks, file cabinets, lockers and office spaces, whether or not the employee is afforded the ability to lock such spaces or items; automobiles whether city owned or privately owned and on City premises; and containers brought onto City premises. The City reserves the right to search such spaces for business reasons, including but not limited to security, sanitation and location of City papers or property.

If it is necessary to search for evidence of misconduct, a supervisor may do so on City premises. In such event, unless emergency circumstances justify an immediate search for evidence of misconduct or other circumstances prevent doing so, the employee who is the subject of the investigation will be afforded a reasonable time to make him/herself present at the time the search is conducted and will be afforded an opportunity to produce the objects of the search. Even where the employee does so, a thorough search may be undertaken. Refusal to cooperate in any such inspection or investigation may constitute disobedience and a separate basis of discipline.

## *Employment Categories Excluded from Progressive Discipline, Due Process and Appeal*

Progressive discipline, due process and appeal rights are not applicable to employees in the following categories:

- Initial-employment probationary status;
- Part-time seasonal employment status;
- On-call employment status with irregular schedules;
- Temporary employees in positions of limited duration;
- Employees who have waived their rights by virtue of a written agreement; Department Heads and employees who serve at the pleasure of the City Manager, Mayor and/or Council, or who are appointed by the Mayor and/or City Council.

Employees in the above categories do not enjoy any right or expectation of continued employment with the City, and the City may terminate the employment relationship of employees in these categories at any time for any reason without discipline process or appeal. Employees with part-time seasonal or on-call status work only the schedule assigned periodically, which is subject to change, reduction or elimination at any time in the City's discretion.

### *Employee Disagreement with Non-Economic Discipline*

An employee who challenges non-economic discipline may file a statement of facts and disagreement with the discipline documentation in the employee's personnel file. If the employee believes that the non-economic discipline is unjust or discriminatory, the employee may request in writing that the matter be reviewed by the City Manager and state the basis for challenging the discipline. The City Manager will review the record, may meet with the employee may investigate further, and will issue a decision in writing to the employee. The record of appeal shall be maintained in the personnel file if the discipline is sustained on the whole or in part; if any part of the discipline is set aside, the City Manager shall determine the remedy and define the scope of records retention.

## **7.8 Economic Discipline Due Process and Appeal**

### *Right to Due Process*

All employees (except those listed above in Employment Categories Excluded from Progressive Discipline, Due Process and Appeal) are entitled to written notice of potential discipline and an opportunity to be heard concerning the charges, the facts on which the charges are based and the fairness or propriety of discipline prior to imposition of suspension without pay, reduction in pay, demotion or dismissal (economic discipline). The due process procedures established by the City are defined below in this due process policy.

### *Paid Administrative Leave*

During the investigation and decision making period, the City Manager or Department Head may elect to place the employee on paid administrative leave until the disciplinary decision has been made and communicated to the employee. Ordinarily the City will provide three days' notice of an informal meeting with the decision maker or one who will make an effective recommendation concerning imposing economic discipline and the degree applied.

If the employee requests an extension of time before the informal meeting, in order to prepare for it or seek assistance or advice, the employee shall use accrued paid leave other than sick leave for requested time beyond the period specified in the due process notice of informal meeting. If applicable accrued leave is exhausted, the grant of an extended period of time shall be unpaid.

### *Pre-Decision Conference and Discipline Documentation if Issuance Found Appropriate*

Prior to imposing economic discipline involving suspension without pay, reduction in pay, demotion or dismissal, the supervisor shall notify the employee in writing of the charges, the facts on which the charges are based, and the range of discipline under consideration. Employee notification of the time and place of a meeting provides the employee with an informal opportunity to refute the charges in writing and/or orally at a pre-decision conference.



The conference is an informal meeting, not a hearing, and will not include testimony or cross examination of witnesses. The employee shall have the opportunity to correct the record and point out errors, omissions, mis-statements of fact or erroneous conclusions. The employee may bring an advocate to represent and/or support him or her. An employee who elects to participate in a pre-decision conference is expected to answer questions and speak on his or her own behalf. An advocate, if present, will be allowed to present information on behalf of the employee and state additional observations at the end of the meeting before it concludes.

If discipline is imposed, it will be communicated to the employee in writing. The discipline document shall notify the employee of the right to appeal and to whom the appeal should be addressed.

#### *Informal Discipline Appeals*

After the discipline has been imposed, if the employee with the right to do so wishes to appeal the appeal must be filed with the Department Head not later than ten working days after the date of written discipline document; if discipline was imposed by the Department Head, then the appeal shall be filed with the City Manager. The notice of the appeal shall include at least the following information:

- A statement describing facts upon which the appeal is based;
- The relief requested;
- A statement of the reasons the appeal should be granted;
- A statement of any policies, procedures or laws which should have been followed and were not.

The department head or City Manager shall furnish the subordinate who imposed the discipline with a copy of the notice of appeal when received, may investigate as deemed appropriate, and shall endeavor to hear the appeal within twenty working days after the appeal is received. Timelines may be reasonably extended with due regard for the priority of the matter. The employee and department head will meet to address and clarify the appeal; the employee may present witness statements and documentation, however witnesses will not be summoned or attend. In any case where the discipline appeal was decided by a department head, the employee may appeal from that decision to the City Manager, following the foregoing process.

#### *Investigation Upon Appeal*

In connection with an appeal of discipline, the decision maker investigates as the decision maker deems necessary and shall make a written report on all matters investigated and/or describe the decision and the basis thereof. The employee shall have the right to submit a written statement concerning the accuracy of any record.

#### *Informal Hearings on Appeal by the City Manager*

Any appeal to the City Manager must be filed with the City Manager no later than ten working days after the date of the decision document appealed from. The City Manager will endeavor to hear the appeal within thirty working days. Timelines may be extended by mutual agreement between the employee and the City Manager.

#### *Formal Hearing Procedure*

A more formal hearing procedure shall be available in cases where an employee seeks to appeal from economic discipline or dismissal, and such appeals shall be to the City Manager whenever an employee is entitled to such an appeal from economic discipline. The City Manager shall set a hearing upon a timely request made under this policy and may meet informally with any of the parties prior to the formal hearing to gather additional information.

If the employee requests the presence of legal counsel, the City ordinarily will request the presence of the City's attorney. The order of procedure at a formal hearing will be as follows:

1. The City will set forth the reasons for the action and the facts on which it is based. The employee and/or his representative may examine witnesses and conduct cross examination if appropriate.
2. The employee may present evidence in support of the appeal, with or without the assistance of legal counsel or other representative.
3. The City may cross-examine witnesses and/or submit evidence in rebuttal.
4. Opening statements, if any, will be brief and confined to the issues. Closing arguments, if any, will be first by the City, then by the employee.
5. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Affidavits and counter-affidavits are acceptable as evidence. If either party intends to rely on an affidavit, that party shall provide the other party with a copy of the affidavit, together with the name, address and telephone number of the person making the affidavit, at least three working days prior to the hearing, or the affidavit shall be inadmissible, unless there is good cause shown.
6. If after receiving evidence presented in a hearing on disciplinary action, the City Manager finds that sufficient evidence supports the charge and that the complained-of action taken by the supervisor was reasonable and was taken for a proper reason consistent with policy, the City Manager may affirm the action. If the City Manager finds that the complained-of action taken by the supervisor was not so made, the City Manager may determine and fashion an appropriate remedy and direct any remedial action deemed appropriate including changes to or removal of the record of the disciplinary action from the personnel file. The City Manager, in lieu of affirming the disciplinary action, may modify the discipline as the circumstances warrant and a record of the modified discipline will be placed in the personnel file.

### *Conduct of Hearings*

A hearing before the City Manager is intended solely for the purpose of receiving evidence either to refute or substantiate specific charges. The hearing shall be conducted accordingly. The City Manager may impose limits on questioning in the interest of fairness and the orderly conduct of the hearing.

### *Counsel or Representative*

In appealing a disciplinary action to the City Manager an employee may, but is not required to, have counsel or other representative present.

### *Hearings Officer*

The City Manager may designate a Hearings Officer and delegate to that person the responsibility of conducting a formal hearing and drafting **recommended** findings of facts and conclusions and a remedial determination if appropriate. If the City Manager does so, the City Manager shall retain the right to accept, reject and/or modify the findings and conclusions recommended by the Hearings Officer. The substitution of a Hearings Officer shall be the City Manager's right as a delegation by the City Manager of a portion of the City Manager's duties in regard to the appeal, provided however that the City Manager shall retain all discretion and authority, including the right to reach independent findings and ultimate conclusions based on the entire record. The selection of a hearings officer is the City Manager's exclusive prerogative.

## **7.9 Complaints**

Supervisors shall promptly consider and fairly resolve all employee complaints concerning working conditions, matters arising under personnel policies and relationships with other employees. Employees are expected to cooperate in the efficient resolution of workplace disputes in order to foster the greatest cooperation and efficiency. Timely communication about matters of concern is imperative if the desirable qualities of working relationships

are to be sustained. Whenever possible, the employees' immediate supervisor shall facilitate the resolution of complaints informally with the employees involved. If the employee is not satisfied with the supervisor's response, the employee may present the complaint verbally or in writing to the Department Head, who shall answer the complaint in writing within five working days.

If the employee still feels his/her complaint has not been adequately answered, he/she may present it in writing to the Director of Finance and Administrative Services or designee within five working days, who will conduct an investigation into the cause and circumstances of the complaint and respond within ten working days. In the event that the Director of Finance and Administrative Services or designee disagrees with the action of the Department Head, the Director of Finance and Administrative Services or designee may refer the appeal to the City Manager for final review.

No employee shall be disciplined or retaliated against or discriminated against because of his or her proper use of the complaint procedure.

Refer to the Corrective Action, Discipline, Dismissal and Appeal Policy (Section 7.6) for appeals of discipline and refer to the Harassment Policy (Section 7.4) and Violence in the Workplace Policy (Section 8.2) for reporting harassment and violence. Employees subject to a collective bargaining agreement should refer to that agreement if the matter constitutes a "grievance" as defined in the contract, otherwise this policy shall apply. This policy does not apply in any instance involving an appeal of discipline, complaints or reports of harassment and/or violence.

### **7.10 Romantic Supervisory Relationships (Rescinded)**

### **7.11 Communications and Use of Social Media**

The City recognizes the increasing popularity and usefulness of social media as a rapidly evolving means of communication. This policy provides employees with some important standards and guidelines when using social media. These standards and guidelines also apply to other media, including television, radio and newspapers.

"Social Media" is an umbrella term for various forms of communication consisting of user-created text, audio and video published in a shared online environment, such as over the Internet or through mobile telephone networks.

The differing forms of social media generally have the common characteristic of allowing for personal participation and feedback in a very fast and informal way. Social media is also typically open to vast multitudes of people to observe, copy, and use, with few, if any, access restrictions.

Examples of social media include, but are not limited to:

- Social Network Services – online communities of people who share interests and/or activities such as Facebook, MySpace, Friendster, aSmallWorld, and Bebo.
- Blogs – short for weblog – a type of website with regular entries of commentary, descriptions of events, or other materials, such as Mashable.com, The Drudge Report, TMZ.com and those created using Wordpress or Xanga.
- Micro-Blogs – brief text updates, photos or audio clips submitted in multiple ways such as text messaging, instant messaging, e-mail, digital audio or the web, such as Twitter, Tumblr and Plurk.
- Texts – mobile phone messaging services, such as SMS (Short Message Service) and MMS (Multimedia Messaging Service)
- Internet Forums/Message Boards – online discussion sites, such as Yahoo! Message Boards.
- Podcasts – digital audio or video files available for download on the Internet; commercial applications include Apple iTunes, Microsoft Zune, Juice and Winamp.
- Content Communities – audio, video and photograph-sharing sites, such as YouTube, Flickr, and Twitpic.
- Wikis – a website that uses wiki software to allow multiple users, including website visitors, to create, modify and organize web page content in a collaborative manner, such as Wikipedia.

Access to some sites and services may be limited if they are determined to pose a risk to the City's network infrastructure or are otherwise deemed inappropriate by City management.

### *Using Social Media for Business Purposes*

There are many potentially beneficial business uses of social media, including customer, competitor, and industry research; marketing and customer development; networking; and knowledge building.

As public employees of the City, we each have an obligation to meet and uphold the public trust and to communicate with the public responsibly and in keeping with given guidelines. Employees who use social media for business purposes are to always conduct themselves in a professional manner according to this policy and other applicable City policies and procedures, including but not limited to City personnel policies Ethics Guidelines, Political Activity, Harassment, and Information Services Policies and Procedures. Additionally, if an employee is unsure as to whether or not a particular social media activity is appropriate, the employee must consult with their Department Head before participating.

Each employee is responsible for any on-line activity conducted using a City issued e-mail address or other access method that can be traced back to the City's domain, computer equipment or other devices and equipment, all of which can only be used to access social media if related to a valid business purpose directly related to your specific job duties at the City and/or in a manner consistent with personnel policy Information Services Policies and Procedures. Employees should have no expectation of privacy while using the City's e-mail addresses, computer systems and other devices to access social media, and the City will monitor and investigate the use of its equipment as necessary.

The following standards are to be followed when using social media for business purposes:

1. Do not portray yourself as an official spokesperson for the City or suggest you represent the City's position unless specifically authorized to do so in writing by your Department Head or designated departmental coordinator for social media.
2. Since social media postings are considered public records, all comments or posts made to the City's blogs, walls, or pages should be made public rather than private.
3. Except for law enforcement investigative purposes, it is inappropriate to hide behind false identities, pseudonyms, or partial names when utilizing social media.
4. Adhere to all applicable City policies concerning confidentiality when using social media. Most significantly, do not discuss or otherwise disclose the City's proprietary or other nonpublic business information, including private information about City citizens, customers, employees, business partners, service providers and suppliers, or nonpublic operations procedures.
5. Identify any copyrighted or borrowed material with citations and links. When publishing any authorized materials online through social media that include someone else's direct or paraphrased quotes, thoughts, ideas, photos or videos, always use citations and links to the original material where applicable. All material, regardless of its source, must be evaluated and approved for appropriateness by your Department Head or designated departmental coordinator for social media prior to posting. One-to-one communication, such as e-mail or chat, in the provision of City services does not require further approval as long as it otherwise complies with this policy.
6. Except for law enforcement investigative purposes, do not post any information that has not been verified and/or confirmed relative to accuracy and truthfulness.
7. Follow the terms and conditions of use established by the venue used for any social media activities (website, blog, discussion forum, etc.) You can generally find links to these terms on the home page of each site. It is your responsibility to review all such rules and to conform all of your social media activity to the applicable terms and conditions of each site. Note, in some instances the social media site in question may own any material you post on the site.
8. Do not initiate "posts" or comments on others' posts on "review" sites relating to the quality of any of the City's facilities, services, etc. If you see any such review, please notify your department head or departmental designated social media coordinator to determine if further action is needed.

9. Do not post any audio, video or photographic images taken at any of the City's properties or affiliated properties unless specifically authorized to do so by your Department Head.
10. Do not join or create blogs, forums, message board, groups on social networks, related to or representing any of the City's properties, business partners, service providers or vendors, or post business related comments on such sites unless authorized to do so by your department head or designated departmental coordinator for social media.
11. Always be respectful when referring to the City's citizens, customers, employees, business partners, service providers and vendors, including their privacy. This applies to both the type of information posted and the manner and context in which it is presented. Do not identify such individuals by name, post their pictures or provide other specific information without securing their approval.

### *Personal Use of Social Media*

The City respects employees' ability to use social media as a medium of personal self-expression and conversation and does not intend to restrict off-duty/not at work self-expression and discussion. The City does not discriminate against employees who use these media for personal interests or other lawful purposes, and nothing in this policy restricts an employee's ability to comment on matters of public concern or exercise their constitutionally protected, lawful speech and association rights on off duty time and with personal resources.

Social media sites have nearly unlimited communication potential, duration and retention, and generally can be accessed by anyone around the world. City employees are prohibited from using social media tools in ways that could adversely affect job performance or the City's interest; reveal City confidential information; reveal City information that is exempt or conditionally exempt from public disclosure; or violate the City's Harassment policy, Violence in the Workplace policy, or Information Services Policies and Procedures policy, local ordinances, state or federal law. City employees are also prohibited from using social media that could damage the City's reputation or the reputation or privacy interests of others to the extent that such use by the employee is not lawfully protected, or be regarded as harmful to the interests of a citizen, customer of the City or person or Company regulated or served by the City.

Work time spent on personal use of the Internet is inappropriate unless for an approved work purpose and undertaken as a duty on behalf of the City. Inappropriate use of social media during work hours is an inappropriate use of City time and resources and may be grounds for appropriate discipline.

Although the City regards the off-duty activities of employees to be personal certain types of off-duty activities are of City concern and subject to prohibition because of the potential negative impact on the City's effectiveness and the nature and content of the communication. For that reason, employees who either engage in, or are employed with, illegal conduct or other conduct that adversely affects the City or their own ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action, up to and including termination of employment.

Any employee who expresses opinions on civic affairs which constitute legitimate matters of public concern in such a forum should include a disclaimer stating that any opinions expressed are the employee's own and do not represent the opinion of any person or entity with whom the employee is affiliated unless otherwise stated explicitly.

Employees are responsible for bringing any questions related to this policy or permissible conduct to the Director of Finance and Administrative Services or other appropriate City supervisor or manager.

## **7.12 Whistleblower Protection Policy**

### *Purpose*

The City is committed to high standards of ethical, moral and legal business conduct. The City is also committed to open communication and this policy aims to provide an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimization for whistleblowing.

A whistleblower is defined by this policy as an employee of the City who reports to an appropriate authority an activity regarded as illegal, dishonest or in violation of policy.

This policy protects employees who raise concerns such as:

- Fraudulent or incorrect financial reporting.
- Illegal or dishonest activities which violate federal, state or local laws.
- Billing for services not performed or for goods not delivered.
- Activities amounting to serious misconduct.

The whistleblower is not responsible for investigating the alleged illegal or dishonest activity or determining fault or corrective measures, and such activities are not protected by this policy. Appropriate management officials are charged with these responsibilities. The employee must exercise sound judgment to avoid baseless allegations; however, an employee who makes a good faith report shall be protected and an intentionally filed false report, for improper motive would be regarded as a basis for discipline.

#### *Procedures*

If an employee has knowledge of or a concern of illegal or dishonest/fraudulent activity, the employee is to contact his/her immediate supervisor or the Finance and Administrative Services Department. All reports or concerns of illegal and dishonest activities will be promptly submitted by the receiving supervisor to the Finance and Administrative Services Department, who is responsible for investigating and coordinating any necessary corrective action. Any concerns involving the Finance and Administrative Services Department should be reported to the City Manager.

The City (including any official and employee) will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action. Any whistleblower who believes he/she is being retaliated against must contact the Finance Director or City Manager immediately and provide the facts. The right of a whistleblower for protection against retaliation does not include immunity from consequences associated with the whistleblowers own conduct should that become implicated.

Whistleblower protections include confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights.

#### Protections Extend to:

- The employee, or a person acting on behalf of the employee, who reports to a public body or is about to report to a public body a matter of public concern.
- The employee who participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern.

#### Protections Include:

- The City will not discharge, threaten or otherwise discriminate against a whistleblower regarding the employee's compensation, terms, conditions, location or privileges of employment.
- The City will not disqualify an employee or other person who brings a matter of public concern, or participates in a proceeding connected with a matter of public concern before a public body or court, because of the report or participation, from eligibility to bid on contracts with the City or receive another right, privilege or benefit.

#### The Provisions of this Policy Do Not:

- Require the City to compensate an employee for participation in a court action or in an investigation, hearing or inquiry by a public body.
- Prohibit the organization from compensating an employee for participation in a court action or in an investigation, hearing or inquiry by a public body.

- Authorize the disclosure of information that is legally required to be kept confidential.
- Diminish or impair the rights of an employee under a collective bargaining agreement.

#### Limitation to Protections

- An employee is not entitled to the protections under this policy unless he or she reasonably believes that the information reported is, or is about to become, a matter of public concern and reports the information in good faith.

#### **7.13 No Mandatory Meetings**

Oregon law generally prohibits the City from taking or threatening to take any adverse employment action against an employee:

- Who declines to attend or participate in an employer-sponsored meeting or communication with the City or its agents if the primary purpose of the meeting or communication is to convey the opinion about religious or political matters;
- As a means of requiring an employee to attend a meeting or communicate with an employer or its agents which the employee is privileged not to attend; or
- Who makes a good faith oral or written report of a suspected violation of this law.

#### **7.14 Bulletin Boards**

City and other appropriate notices, rules, and announcements of interest are posted on bulletin boards periodically. These contain state and federal posters explaining employee rights, job listings, and department memos. Personal notices may be posted only after approval of the notice by the City Manager.

### **8.1 SAFETY**

#### **8.2 City of Astoria Safety Statement**

The City of Astoria places great value on its employees, and is committed to providing a safe and healthful work environment.

The City has established, through Risk Management, a Safety and Loss Control Program that focuses on the prevention of accidents through hazard identification, program development/implementation, and employee training. This program also details accident reporting requirements, employee expectations, and other specific safety issues.

It is expected that Departments provide and maintain safe equipment and materials to employees and that employees are adequately trained to perform their jobs safely. Each Department is strongly encouraged to work with Risk Management in developing and implementing rules and operational procedures needed to ensure the safety of its own operations.

All employees will be expected to follow established rules and procedures, and report unsafe conditions and accidents to their supervisor.

Safety Committees play a significant role in the area of workplace safety, and employees are encouraged to participate in this process whenever possible. In order for these committees to be fully effective, they will need the support and participation of department management, as well as all employees.

Maintaining a safe work environment is dependent on the cooperative efforts of all City employees, at all levels.

### **8.3 Violence in the Workplace**

Nothing is more important to the City than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or others by anyone at City work sites will not be tolerated. Knowingly ignoring or violating OSHA and other safety precautions or failures to properly use personal protective equipment will not be tolerated. Violation of this policy will lead to disciplinary action, up to and including termination, and may also result in arrest and prosecution.

Aggressive or violent behavior by employees or customers is unacceptable and may be criminal. Employees are required to promptly report threats or violent/aggressive acts by co-workers or members of the public to a supervisor, Department Head, or the Finance Director. Any legitimate threat and aggressive incidents will be taken seriously. Employees who initiate or participate in threatening or aggressive behavior will be subject to disciplinary action and possibly or arrest and prosecution or civil action brought by a victim.

For the protection of all concerned and to advance the City's interests in limiting risks, all employees are prohibited from carrying, possessing, or using firearms or other dangerous weapons or devices on City property and/or elsewhere while at work, except when specifically authorized in writing by the City to do so. Storage of weapons at work, in City vehicles, or in or on City property is prohibited unless specifically authorized in writing. Possession of any such weapons by City employees while at work on duty is prohibited regardless of location, including off City premises while on City business and at City sponsored events.

A properly issued concealed weapons permit does not authorize an exception to the requirements stated in this policy.

#### **Exceptions**

- The weapons-related restrictions in this policy do not apply to police department employees whose possession and use of the weapon is authorized by the Police Department.
- This policy does not prevent an employee from leaving a weapon, with a properly issued concealed weapons permit, appropriately secured in a private vehicle that is not parked on City premises.

Each department, with the assistance of the Safety Committee and the Finance and Administrative Services Department, will develop an individualized plan for emergency response to violent incidents. The plan shall include the following:

- Training on the City's Violence in the Workplace Prevention Policy;
- 9-1-1 notification procedures;
- Defined safe areas and escape routes;
- Diffusion techniques;

#### *Procedures*

Aggressive or violent behavior will not be tolerated. Such behavior includes, but is not limited to, attacking or assaulting others; arson; playing destructive pranks; swearing at others; spreading harmful rumors or gossip; threatening others; damaging or vandalizing City property or facilities; unauthorized possession or use of weapons; sexual assault; murder; and other types of aggressive or violent acts.

If an employee witnesses an aggressive or violent act, she/he must report the incident promptly to a supervisor, Department Head, or to the Finance and Administrative Services Department. If the event also is an emergency, call 9-111. The report shall include a description of the behavior and when and where it occurred; the name of the person(s) engaging in the behavior; the names of any witnesses to the behavior; and any injuries or property damage. The report may be a grievance under a labor agreement.



The City will investigate threats and acts of aggression/violence and will take prompt corrective action. Depending on the seriousness of the aggressive behavior, corrective action may include referral to the Employee Assistance Program for professional counseling; counseling by a supervisor; progressive discipline, up to and including termination of employment, and/or criminal prosecution.

A Threat Management Team will be constituted by the City Manager or a department head as soon as possible depending on the seriousness of the incident to investigate and respond to aggressive/violent behavior incidents. The Team may include representatives from the Finance and Administrative Services Department; the City Attorney; the Employee Assistance Program; the Police Department; and employees from other departments, when appropriate. The Team may identify corrective and preventive actions and strategies and provide training as warranted.

An employee who applies for or obtains a protective or restraining order that lists City locations as being protected areas must provide to the supervisor and the Finance Director a copy of the petition and declarations and a copy of any protective or restraining order granted temporarily and made permanent.

#### **8.4 Inclement Weather/Disasters**

"Inclement weather" and "disasters" as these terms are used in this policy occur when severe weather or other events cause hazardous driving conditions for both public and private transportation; when the presence of hazardous materials or chemicals poses a clear health or safety risk; and when unsafe driving or stay-at-home warnings are issued by appropriate governmental agencies. Such events include, but are not limited to, ice storms, blizzards, earthquakes, tsunamis, volcanic eruptions (lava, ashes, rock), floods, widespread fires, extreme wind conditions, and chemical spills.

The City is obligated to continue public safety and emergency services during inclement weather and disasters. As a rule, unless notified to the contrary, City employees are to consider City offices open and operating. Employees are encouraged to report to and remain at work, unless otherwise notified by the City Manager or other authorized designee. When in the judgment of an employee extreme weather conditions or disasters make coming to work dangerous, the employee may determine that to commute is unsafe choose not to report to work or to leave early, subject to critical service requirements described below. In such cases, unless notified in advance of City closure, the time off will be without pay unless charged to vacation or other paid time off bank.

Only the City Manager or a specifically authorized designee may direct a partial City closure or curtailment to minimal staffing levels due to inclement weather or disasters. This will be done only in rare and extreme circumstances.

Police and Fire Department employees provide emergency response services and, if scheduled to work or called in to work, must report to work during partial closures and curtailed City operations, unless authorized to remain at home on leave by the Chief or authorized designee. In consultation with the executive management team, Department Heads are responsible for identifying critical services and positions, such as emergency services positions, switchboard operators, etc., that must remain available during partial closures and curtailed City operations. Each department will develop a procedure for identifying and informing employees who are required to report for duty, and shall inform those employees of their designation as critical and the expectations for reporting to work.

#### **Compensation for Absences Resulting from Inclement Weather or Disasters**

- The City does not provide inclement weather/disaster pay in the event of partial closures or curtailed staffing.
- Employees are encouraged to prepare for the possibility of being unable to work during inclement weather or disasters by reserving some accrued vacation, personal leave, or, if eligible, compensatory time.

- Use of sick leave is not applicable for weather- or disaster-related absences, unless the employee presents verification of illness or other situation for which sick leave is applicable.
- Employees who work will be paid according to state and federal wage and hour laws, the City's pay and overtime policies, and/or respective bargaining agreements.

#### Wage and Hour Non-Exempt Positions\*

Employees in wage-and-hour non-exempt positions who are unable to report to work, who arrive late or elect to leave early, or who are given direction to not report to work or to leave work early:

- Will be granted unpaid leave without being required to use accrued leave first;
- May elect to use accrued vacation, personal leave, or comp time.
- May potentially work at an alternate work site, subject to applicability and Department Head approval;
- May flex time within the same 40-hour workweek or within the pay period if it does not create overtime, to avoid charges to their leave banks, subject to approval of a supervisor or department head.

#### Wage and Hour Exempt Positions\*

Employees in wage-and-hour exempt positions who are unable to report to work:

- Can be granted unpaid leave only in full-day increments;
- Will be charged accrued vacation for partial days not worked;
- May flex time in the current or next pay period to avoid charges to their leave banks.

#### Employee Responsibilities

- When closure or curtailed operations are indicated, employees are responsible to call their supervisors to find out if work is available and what the expectations are for reporting to work.
- As indicated above, employees should make a maximum effort to prepare for weather conditions in advance, in order to report to and remain at work.
- Employees who determine a commute would be too dangerous must advise their supervisors promptly, or as soon as possible, and in accordance with departmental procedures, once the employees realize they will arrive late to work or will be unable to report to work. It is important for supervisors to be contacted as soon as possible in order to arrange personnel coverage.
- Employees must obtain authorization to leave early in the work day before doing so.
- Employees are expected to complete time sheets appropriately in accordance with the Compensation section above.

\*Refers to positions classified as exempt or non-exempt under the Fair Labor Standards Act (FLSA) and Oregon Wage and Hour Laws.

### **8.4 Safety and Health Policy**

The City provides mechanisms to evaluate accidents, practices, resources, and issues and to make recommendations which promote and maintain a safe and healthy working environment for City employees, protect the public's resources, and reduce City exposure to risk and loss. The following sets forth procedures for all employees to reduce workplace hazards~ accidents and injuries.

#### Safety Committee

The City will maintain a City-wide Safety Committee to assist department heads and the City Manager in the development and maintenance of a safe and healthy work environment. Some departments may choose to maintain a departmental safety committee. Such a committee will act in an advisory capacity to the City Committee.

The Committee shall act as an advisory board to the City Manager with the Human Resources Director acting as the liaison between the Safety Committee and the City Manager. The Committee shall accept suggestions, reports or concerns from employees via their employee representative or such information may be sent anonymously or sent to the Human Resources Director or any Safety Committee member. The Committee shall review City policies and procedures regarding safety and make written policies and procedures regarding safety and make written recommendations for changes to the appropriate department head. Such recommendations shall be responded to by the department head and sent to the Safety Committee in a timely fashion.

#### A. Membership

1. One member of each major work area shall be selected for a total of four employees.
2. At least two and up to four management representatives shall be selected. One of these shall be the Human Resources Director. Use of less than four must be agreed upon by the Committee.
3. Members shall serve at least two continuous years with staggered starting dates.
4. Work groups shall choose their own method of selection. Management representatives shall be appointed by the City Manager or designee.
5. Wages shall be compensated at the regular rate, as if the employee was performing regular duties.

#### B. Meetings

1. Meetings shall be called at least once per month and are in addition to quarterly site inspections.
2. Minutes shall be taken and sent to Committee members, department heads and the City Manager.
3. Minutes shall be posted in both Fire Stations, Police, Public Works and Parks Shops, and City Hall.
4. A chairperson shall be elected by the Committee to serve one year; likewise, the Committee shall have a secretary to record and distribute minutes.
5. All records of the Committee shall be kept for a minimum of three (3) years.

#### C. Inspections

1. The work sites of Public Works, Police, Fire, Park Shops, Library and City Hall shall be inspected once per three (3) months by the Safety Committee and a written record made of the inspection.
2. There shall be three inspection teams; Police/Fire; Public Works/Parks; and City Hall/Library. Inspections shall be done outside of regular safety meetings.
3. Inspections shall be based on checklists of safety related items and placed on the agenda for Safety Committee meetings.
4. The Committee shall make written recommendations to supervisors and department heads via safety minutes and department heads shall respond in a timely fashion.
5. These recommendations shall be followed up at Safety Committee meetings and such follow-up shall be made part of the meeting minutes.

#### Safety Responsibilities

It is the City's responsibility to work toward preventing accidents and injuries and to promote safety awareness among all employees. Supervisory employees must understand and accept accountability for the prevention of injuries to employees they supervise. All employees must understand and accept responsibility to work safely and to extend this concern for personal safety to co-workers and the public.

#### A. Department Heads and Supervisors

The department head and supervisory staff lead, guide and direct the activities and procedures of assigned employees. They ensure that safety is included in every part of the job. They are responsible, to the best of their ability, for:

1. Developing the proper attitudes toward safety in themselves and those they supervise.
2. Ensuring all operations are done safely and rules are followed.
3. Providing training and procedures of operations. Conducting new employee safety orientation.

4. Continually observing and evaluating work conditions and procedures to detect and correct unsafe conditions and practices .
5. Investigating and reporting all accidents and incidents and completing required reports promptly. Responding promptly to the Safety Committee's recommendations. .
6. Ensuring that tools, equipment and protective devices are properly maintained and used.
7. Ensuring there is a good housekeeping program and a high standard of personal and operational cleanliness.
8. Encouraging employees' suggestions and following up on them.

B. Employees are Responsible for

1. Practicing approved, safe work procedures.
2. Following the provisions of the safety policy and department rules and regulations.
3. Immediately reporting to the supervisor all accidents, injuries and near misses that occur within the course of employment.
4. Promptly reporting to the supervisor or Safety Committee all unsafe practices and conditions observed that could lead to an accident.
5. Cooperating with the supervisor in investigation of accidents to identify correctable causes and to prevent recurrence.

General Safety Rules

Safety rules establish a basic framework within which each of us can expect to work safely. They are important in assuring our safety and are for the protection of each and every one of us. Disregard or violation of safety rules or procedures is considered cause for disciplinary action. Your area or department may have additional safety rules.

A. All injuries, no matter how small, must receive proper treatment and be reported to the supervisor.

B. Report any unsafe conditions or practices to the supervisor.

C. Be responsible for good housekeeping by:

1. Using proper trash receptacles;
2. Picking up things that could cause slips and trips;
3. Never allowing combustible materials (boxes, wood, cloth, etc.) to accumulate;
4. Keeping the area in front of fire/safety equipment clear, for easy access;
5. Keeping all aisles and doorways clear; and
6. Assisting in making the work area clean, healthy and safe.

D. Shut off power and lock or tag-out the controls of any moving machinery before adjusting, cleaning, unplugging or repairing the machine.

E. Only authorized personnel may ride in or operate any City motorized equipment. The City seat belt policy shall be followed.

F. Defensive driving techniques shall be practiced at all times while operating City vehicles and equipment.

G. When motorized equipment is not in use, the engine must be turned off and keys removed from ignition, with the exception of emergency vehicles, or when the keys must be left on to flash emergency/warning lights.

H. Keep tools and equipment clean and in their proper place. Use the proper tools for the work you are doing and avoid worn out or defective tools.

I. When assigned to work in other departments or at other work sites, employees should become familiar with the safety hazards, rules and practices for that area.

- J. No malicious practical jokes and no horseplay shall be allowed.
- K. Know the location and use of fire extinguisher.
- L. Know the location of first aid kits.
- M. ALL employees are required to follow safety instructions. If you are in doubt about the proper way to do a job, DON'T GUESS! Ask the supervisor or safety supervisor.
- N. Employees must follow the City's alcohol and drug policy.
- O. ALL employees are required to use safety equipment such as safety glasses, goggles, respirators, gloves, ear protection and other protective devices when it is essential to personal protection. The supervisor will instruct employees on the proper equipment, how to use it and where to get it. Shoes appropriate for the job and area are required. Hardhats, when required, shall be worn.
- P. Mechanical guards are provided for your protection. These guards must be kept in place while equipment or machinery is in operation. When removal of a safety guard is necessary to make repairs, it must be replaced before the equipment is put back into service. A missing guard must be reported to the supervisor immediately.

### Safety Education and Training.

Training and education are the responsibility of each department and are to be provided for all employees. While there will be occasional all-employee training, most often individual departments will provide training specific to their need. The training listed below are suggestions and all the material will not need to be covered with every employee.

### Initial Training

Initial training must insure that employees know the basics of the safety program, the specifics of the job and the exposures of the work environment. Training will vary depending on the job.

- A. Dangers involved with daily tasks, such as:
  - 1. Electrical
  - 2. Mechanical
  - 3. Pressure Systems
  - 4. Hazardous Materials
  - 5. Confined or enclosed spaces
  - 6. Bloodborne Pathogens
- B. Physical requirements of the job, such as lifting, carrying, pushing and pulling.
- C. Hazardous work area identification such as color coding, danger tags, guards, material safety data sheets and hazardous material situations.
- D. Proper ergonomics in placement and use of video display terminals and work stations.
- E. Applicable protective equipment and procedures such as clothing, shoes, gloves; eye and ear protection; safety shoes; and helmets.
- F. Location and use of emergency equipment:
  - 1. Fire extinguisher and alarms
  - 2. Electrical control switches for equipment
  - 3. Eyewash facilities

4. Emergency showers
5. First Aid Kit
6. Closest phone

G. How to report work-related injuries, illness and hazards.

H. Building Evacuation Plan

#### Training for Job, Equipment or Procedure Change.

Every employee, despite skill or job requirements, will receive introductory safety instructions as needed when reporting for a new job.

#### Periodic Training

In periodic safety training sessions, whether in groups or with individuals, the following subjects may be discussed separately.

- A. City and department safety rules.
- B. The specific hazards in the department.
- C. The safe way to operate equipment and machinery.
- D. The safe way to do a special function required on the machinery involved.
- E. Quick and thorough reporting of injuries no matter how slight.
- F. Reporting near misses.
- G. Causes and effects accidents.
- H. Available safety equipment - where to get it and how to use it.
- I. Emergency procedures.
- J. Use and location of first aid supplies.
- K. Fire prevention, location of extinguisher and fire evacuation plan.
- L. Major procedures such as hazardous communication, confined spaces, chlorine handling, bloodborne pathogens, and so forth.

You may think a person who has been employed for a long time needs little or no safety training. This can be a very costly mistake to the individual as well as to the City. Most accidents are caused by somewhat simple actions. The skill of the employee or time on the job does not reduce the need for ongoing safety training.

#### Principles of Accident Prevention

The quality of an accident prevention effort is important. The basic ingredients of an accident prevention effort are:

- A. Planning work with safety in mind.
- B. Safety indoctrination and job safety training.
- C. Setting a good example.

D. Correction of unsafe acts and conditions.

E. Talking safety daily.

F. Proper accident investigation.

G. Safety publicity and promotion.

Keep safety simple but apply safety consistently. To be effective; safety must become everyone's job.

#### Investigation of serious injuries/accidents

Certain serious incidents require analysis beyond the routine mishap reporting that the Departments do. Serious and fatal mishaps have special OR-OSHA reporting requirements.

#### A Mishap Analysis Board shall be appointed if:

1. A mishap causes an employee to need medical care requiring admission to a hospital overnight.
2. Multiple mishaps occur or multiple "near misses" from the same job task.
3. The City Manager directs that a Mishap Analysis be accomplished.

#### Procedure for City Mishap Analysis:

1. The Mishap Analysis Board (MAB) shall include at least 2 or more safety committee members. Appointment will be made by the Human Resources Director with Department Head concurrence. Other members of City staff and/or outside consultants may be appointed as additional MAB members if necessary.
2. The HR Director shall notify the appropriate mishap Department Head that a Mishap Analysis is being commissioned.
3. The City Mishap Analysis Board shall convene as soon as possible but no later than within three (3) working days. Working days is defined by Monday through Friday.
4.
  - a. Once the MAB has completed its work, an informal written report shall be made. The report should contain a description of the mishap, identify primary and secondary causal factors, and make recommendations to prevent future mishaps. Enclosures should include witness statements, photographs, and any other documentation of the mishap. The report should be made to the city manager via the mishap Department Head, and then the Human Resources Director. The full City Safety Committee should review the MAB report.
  - b. The MAB report should be completed within 10 working day of the mishap. Requests for extensions to this timeline should be made to the Human Resource Director.

### **8.5 Smoking**

The City fosters and maintains a healthy and safe work environment for employees and citizens. There is no smoking in the Library, City Hall, Public Safety Building, Public Works or Parks Shops. Smoking is allowed only in designated police cars (or car) and on an individual basis in other vehicles if approved by the City Manager.

### **8.6 Use of Vehicles for City Business**

The following policies provide guidance on use of vehicles for City business; additional questions can be answered by your supervisor or department head.

A. Employees are encouraged to use City vehicles instead of their own vehicle for official City business whenever possible. Use of a privately-owned vehicle when a City vehicle is available requires the prior approval of the supervisor. Mileage reimbursement is noted in the Training and Travel section of this manual, under Working Conditions.

B. All employees whose duties require the operation of a City-owned motor vehicle or who operate a privately-owned vehicle while conducting official business as a part of their employment with the City, must possess a valid State Drivers' License and have a safe driving record.

C. Employees operating City-owned motor vehicles or privately-owned vehicles while conducting official business shall observe all traffic laws, rules and regulations. If during the course of employment an employee exhibits a disregard for acceptable safe driving procedures, the responsible department head may enforce discipline which could include denial of authorization to operate a vehicle while representing the City.

D. Any employee who operates a privately-owned vehicle while conducting official business for the City must maintain adequate automobile liability insurance in accordance with state law requirements. Employees who do not maintain minimum liability coverage shall not operate privately owned vehicles in an official capacity.

E. City vehicles shall be legally and appropriately operated and/or parked at all times. Violations issued to the driver of the vehicle will be the responsibility of the driver not the City. The City does not carry insurance on privately owned vehicles, even if used on City business.

F. Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.

G. Department heads may establish supplemental department vehicle policies.

## **8.7 Driver's Licenses**

Any employee whose work requires that he/she drive on City business must hold a valid Oregon State Driver's License. An employee living in Washington and commuting may hold a valid Washington State Driver's License. An employee who holds a valid license from a different state and wishes an exemption from this policy should discuss this with his/her supervisor.

All new employees who will be routinely assigned work entailing the operating of a City vehicle will be required to submit to a Department of Motor Vehicles driving records check and license review as a condition of employment. Such checks shall be processed by the hiring department. A report indicating a suspended or revoked license status may be cause to deny employment.

Periodic checks of an employee's drivers licenses through visual and formal Department of Motor Vehicles review checks may be made by department heads or supervisors. Any employee who does not hold a valid driver's license or occupational permit is not allowed to operate a City vehicle or privately-owned vehicle on City business.

Any employee performing work which requires the operation of a City vehicle must immediately notify his/her immediate supervisor in those cases where his/her license is expired, suspended or revoked and/or who has obtained an occupational permit. An employee who fails to immediately report such action to his/her supervisor and continues to operate a City vehicle shall be subject to disciplinary action up to and including termination.

## **8.8 Alcohol/Drug Policy**

The City intends to provide a safe work environment and to provide a high quality of service to our citizens. We expect employees to report to work and to work throughout their shift in a condition to perform their duties in a safe, effective, professional manner. An employee's involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to co-workers, citizens and others. This policy applies to all regular employees but does not apply to City Council authorized functions which may involve the serving of alcohol.



For safety-sensitive positions, additional mandatory Department of Transportation/Federal Highway Administration (DOT/FHWA) regulations apply. This will be in a separate policy.

An employee must immediately inform the supervisor if he/she is taking prescribed or over-the-counter drugs which may impair his/her ability to safely perform the job (e.g., driving or operation of power or other motorized equipment). This must be done prior to beginning the work day.

#### A. Employee Assistance

We recognize 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 employees identify drug or alcohol-related problems and obtain appropriate treatment. There is a possible exception with drug law convictions as explained in this policy. It is ultimately the employee's responsibility to seek assistance before alcohol and drug problems lead to disciplinary action.

The City will strive to educate employees as to the dangers and symptoms of alcohol and drug abuse, and the technologies available to deal with alcohol and drug problems. We will use the most effective education methods available, including bulletin board information and referrals for counseling. In the same manner, we will strive to educate employees as to the nature of this policy, and the manner in which it will be administered. The City provides an Employee Assistance Program (EAP), further designed to help with substance abuse problems of the employee or family member.

Supervisors must report to the department head any suspected or actual use of alcohol or drugs on the job by a City employee or volunteer.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask a supervisor, department head, Human Resources Department, or the EAP for assistance. We will work with the employee to identify all benefit programs that may be available to help deal with the problem, such as leaves of absence and health insurance. Any employee who is given the option to attend residential treatment will be returned to his/her former job upon successful completion of treatment and will be required to successfully complete an after treatment program. Any violation of a drug law which leads to conviction by an employee, could lead to disciplinary action up to and including discharge. Any violation of a drug law by Police Department personnel could result in disciplinary action up to and including discharge.

#### B. Prohibited Conduct

1. Buying, selling, possession, transportation (unless such activity is required by job or is a legal substance in a sealed container), or use of intoxicant, narcotic, hallucinogen, stimulant, sedative, drug, mood-altering substances excluding prescribed drugs, or drug paraphernalia at any time during working hours, including meal and rest times and while in City vehicles or personal vehicles on City business.
2. Reporting for work or working under the influence of prohibited substances listed above, including alcohol on the breath. Definitions of "under the influence" are further explained under Section D, Testing Procedures.
3. Failure to cooperate with the City's alcohol and drug use policy including, but not limited to, refusal to submit to required testing or professional evaluation for substance dependency, or failure to submit to and complete rehabilitation conditions established by this policy and the City. Such conduct may lead to discipline, including discharge.

#### C. Referrals

Employees may attend treatment in one of three ways.

1. As noted in Section A, an employee may voluntarily seek assistance and treatment, following the procedures established in this policy.

2. An employee suspected of substance use may be confronted, and upon confrontation, may verify a problem. The employee may then seek treatment within the procedures established in this policy. If the employee questions the need for residential treatment, the City may refer the employee to an EAP counselor. The employee must follow the counselor's recommendations which will be released to both employee and employer.

3. If reasonable cause exists and an employee denies prohibited substances use, the City can require testing. Any of the following may constitute reasonable cause: An on-the-job accident or injury, specific observation or reports concerning work performance, appearance, behavior, or speech may constitute reasonable cause. An anonymous report will be considered, but does not necessarily constitute by itself, reasonable cause.

In order to meet the objectives of this policy and to thoroughly investigate for reasonable cause, the City reserves the right to carry out reasonable searches of individual employees and their personal effects when employees are on city property or in a city vehicle. Government property is subject to search at any time. If an employee refuses to cooperate in the search specified, the refusal will be considered insubordination and may lead to discipline, including discharge.

#### D. Testing Procedure

In the event that an employee is to be tested for cause the department head or supervisor will notify the employee of the intent to test, the reason that the employee is to be tested and the employee will be asked to sign a consent form. The forms are attached at the back of this policy. An employee's refusal to consent to a alcohol and/or drug test will result in discharge.

The employee to be tested for drugs will be taken to Columbia Memorial Hospital by the City where samples of urine and/or blood will be taken. The test will be paid for by the City and all time spent getting to and from the test site and during the test will be paid for as though worked. The sample(s) will be marked as being the employee's and the employee will sign a form acknowledging the sample to be his or hers. The sample will be sealed and a strict chain of custody procedures will be observed.

The sample(s) will be delivered to a state certified lab for testing by the hospital. If a screen test is positive, a second test of confirmation will be done using gas chromatography- mass spectrometry (GC/MS). The samples taken will be kept and stored for a six (6) month period.

The specimen will initially be screened by the EMIT system. If that test is negative, then the specimen will be reported as negative. No further testing will be done. Cutoff levels as shown below shall be used when screening specimens.

The City shall use an evidential breath testing device for alcohol. This will generally be conducted by Columbia Memorial Hospital by a certified person. Cutoff level for alcohol is also shown below:

	Initial Test Level (ng/ml)
Marijuana	50
Cocaine	300
Opiate	300
Phencyclidine	25
Amphetamines	100
EBT (Alcohol measured per 210 liters of air)	0.02

All specimens identified as positive based on the above levels shall be confirmed using GC/MS techniques. Concentrations which exceed the confirmatory levels listed below will be considered positive.

	Confirmatory Test Level (ng/ml)
Marijuana	15
Cocaine	150
Opiate	300
Phencyclidine	25
Amphetamines	500
EBT (Alcohol measured per 210 liters of air)	0.02

An employee may not return to work until a test result is confirmed as negative or, if positive, until released by a treatment center or an EAP provider and in conjunction with City procedures. If an employee experiences time loss due to suspension until test results are determined, the employee will be compensated for lost wages and benefits if the test results are negative.

In the event the test results are found to be positive the employee will not be compensated for time loss due to suspension pending results of the drug or alcohol test.

The City will notify the employee of negative or positive results as soon as possible after receiving the information.

#### E. Procedure for Return to Work After Positive Test

A regular City employee who tests positive on the confirmation test and decides to go to treatment or who is mandated to do so by the EAP may be given a last chance opportunity rather than termination if he/she will agree in writing to enter and complete a reputable alcohol or drug treatment program. Employees convicted of drug crimes may not have a treatment option and may be disciplined including discharge. Police Department personnel who violate drug laws may also not have a treatment option and may be disciplined up to and including discharge. Treatment for alcohol addiction will be offered at least once in a regular employee's employment with the City.

If an employee agrees to go immediately to treatment, steps 1, 2, and 3 below are not needed. For an employee who tests positive in a confirming test or an alcohol breath test, but does not wish to attend inpatient treatment, the entire procedure below applies. The employee will be suspended without pay during which time he/she will be expected to receive an assessment by the City sponsored Employee Assistance Program (EAP). The employee may return to work when given clearance by the EAP, and in conjunction with City procedures.

The required steps in the return to work program are as follows:

1. Employee's supervisor or the Human Resources Director informs the employee that he/she must be evaluated by the EAP and given clearance by the EAP prior to returning to work. The employee is told to contact the EAP for an appointment immediately after being so informed. The employee must then inform the supervisor of the appointment date.
2. Assessment of the employee by the EAP is done to determine (a) if the employee is currently appropriate to return to work; (b) if not, why and what must be done to return the employee to work as soon as possible; (c) does the employee have a substance abuse problem; (d) if yes, what level of treatment is recommended.
3. Once assessment has been made, the EAP representative contacts the Human Resources Director to notify him/her of what level of chemical dependency treatment is recommended (education, outpatient, inpatient), and whether the employee will need a leave of absence to participate in the treatment.

4. Refusing to attend a City referral for testing, assessment, treatment or failing to complete treatment under the EAP contract is grounds for immediate discharge.
5. During in-patient treatment, the employee must use accrued leave prior to going on unpaid leave.
6. After successfully completing treatment, the City, employee, and, if available, the treatment counselor will develop an agreement including, but not limited to, random testing for a period of six months to two years, and attendance at support group or outpatient meetings.

## **8.9 Department of Transportation - Federal Highway Administration (DOT/FHWA) Drug and Alcohol Policy**

Purpose. Effective January 1, 1996, the City of Astoria is required to comply with the US Department of Transportation regulations under the Federal Highway Administration (FHWA) Drug and Alcohol Regulations. Adoption of this policy is one of the City's obligations under the new regulations. This policy is to ensure that safety-sensitive employees operating vehicles requiring a commercial driver's license are monitored for drug and alcohol misuse. If you are an employee covered by these new requirements, you should familiarize yourself with the provisions of this policy because compliance with this policy is a condition of your employment. An employee shall refer any questions regarding his/her rights and obligations under this policy to the Human Resources.

All employees covered by this policy have previously been provided a copy of these provisions (for the City's Drug and Alcohol Policy under the DOT regulations) and have verified by their signature that they have received the agreement.

An employee is still required to comply with the City of Astoria's Drug and Alcohol Policy when the employee is not performing a safety-sensitive function under the DOT/FHWA regulations.

Scope. Employees required to hold a commercial driver's license are covered under these DOT/FHWA regulations. Employees in the following City job classifications are "covered employees" and are subject to the provisions of this policy: public works superintendent, assistant public works superintendent, equipment maintenance supervisor, senior utility technician, utility technician, wastewater treatment plant supervisor, wastewater treatment plant operator, water source operator, water technician, sweeper operator, senior utility worker, utility worker II, utility worker I, equipment mechanic I, equipment mechanic II, equipment service, parks maintenance supervisor, senior parks maintainer and parks maintainer.

### *A. Definitions*

1. Alcohol. The intoxicating agent in beverage alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. Alcohol Use. The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
3. Commercial Driver's License (CDL) Required of any driver of a motor vehicle or combination of motor vehicle, used in commerce to transport passengers or property if the motor vehicle:
  - a. Has a gross combination weight of 26,001 or more pounds of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
  - b. Has a gross vehicle weight rating of 26,001 or more pounds;
  - c. Is designed to transport 16 or more passengers, including the driver; or
  - d. Is of any size and is used in the transportation of hazardous materials requiring placards.
4. Controlled Substance. The term "drug" and "controlled substance" are used interchangeably in this policy. They refer to one or more of the following controlled substances;
  - a. Marijuana (THC metabolite)

- b. Cocaine
- c. Amphetamines
- d. Opiates (including Heroin)
- e. Phencyclidine(PCP)

5. Covered Employee. Employee required to hold a Commercial Driver's License (CDL) and who performs safety-sensitive functions.

6. Medical Review Officer (MRO). A licensed physician (medical doctor or, doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

7. On-Duty Time. All time from the time a covered employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On-duty time shall include all "safety-sensitive functions" noted below in "paragraph 9".

8. Performing. (safety-sensitive functions) - Any period in which the employee is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

9. Safety-Sensitive Functions.

- a. Waiting to be dispatched; or
- b. All driving time; or
- c. All loading and unloading time; or
- d. All supervising of loading and unloading; or
- e. Servicing, repairing, or inspecting a motor vehicle; or
- f. Time during accident; or
- g. Waiting or acquiring assistance for disabled motor vehicle.

10. Substance Abuse Professional (SAP) A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. The City of Astoria's SAP will be Cascade Centers-EAP.

## *B. Guidelines*

1. Prohibited Conduct. The following conditions and activities are expressly prohibited:

a. Performing any safety-sensitive functions while using alcohol, while possessing alcohol, or while having an alcohol concentration of .02 percent or greater, or within four (4) hours after using alcohol.

b. Performing any safety-sensitive function after having used any controlled substances or after testing positive for controlled substances.

c. Refusing to be tested, which includes refusal to cooperate with testing, failure to report to test site within allotted time, failure to remain available for post-accident testing and attempts to alter specimens or otherwise affect testing results.

d. Using alcohol within eight (8) hours after an accident that would require post-accident testing or before a post-accident test (whichever comes first).

2. Consequences of Prohibited Conduct. Covered employees who have engaged in prohibited conduct, shall be subject to one or more of the following consequences:

- a. Immediate removal from safety-sensitive duties for at least 24 hours.
- b. Temporary assignment to non-safety sensitive duties or placed on leave (accrued leave or leave without pay, in accordance with bargaining agreement or City policy).
- c. Employees will be allowed to return to safety-sensitive duties only after evaluation by a substance abuse professional (SAP), completion of any necessary rehabilitation and return-to-duty testing. Exception: employees who had an alcohol concentration of .02 to .039 may be allowed to return to safety-sensitive duties after removal for at least 24 hours.
- d. Appropriate disciplinary action up to and including dismissal.

### *C. Types of Testing*

1. Pre-Employment Testing (Controlled Substance only): An individual who is offered one of the positions required to hold a CDL shall be tested (under the DOT Regulations) after an offer of hire, but before an actual safety-sensitive function is performed for the first time. If an employee transfers from a position which is not covered under these regulations to a position which is covered, the employee will be required to submit to a pre-employment drug test.

No pre-employment controlled substance test is required if: 1) the employee has participated in a drug testing program within the previous 30 days, 2) the employee was tested for controlled substance in the last 6 months or was in a random controlled substance program for the previous 12 months, and 3) the employer ensures no previous employer has records of violation of Part 382 or another DOT agency's rules within the last 6 months.

If using the controlled substance exemption from the pre-employment testing, the City must document the following information from the previous employer:

1. Name(s) and address(s) of program(s);
2. Verification that the employee participated in program(s);
3. Verification that program conforms to Part 40;
4. Verification that employee is qualified and has not refused to test;
5. Date the employee was last tested for alcohol and controlled substance;
6. Results of any tests taken within the previous 6 months and any violation of Subpart B of Part 382.

2. Post-Accident Testing: Post-accident drug and alcohol tests will be performed on all surviving employees involved (following an accident) if:

- a. A fatality occurs (where the employee was performing a safety-sensitive function with respect to the vehicle).
- b. Any injury or towaway accident where the CDL employee receives a citation under state or local law for a moving violation shall be tested within the regulations.

An alcohol test must be performed within 2 hours of the accident with no test being administered after 8 hours following the accident. A post-accident drug test shall be conducted within 32 hours following the accident. If no alcohol and/or drug testing is administered under the defined time limits, the City shall stop attempting to administer such testing. If no test is conducted, the City must record the incident, why testing was not administered, and maintain this information on file.

An employee shall remain available for post-accident testing. If the employee is unavailable for the necessary testing, the employee shall be treated as though he/she refused to test.

The City shall provide the covered employee the necessary post-accident information, procedures, and instructions prior to the employee operating a Commercial Motor Vehicle. Results of a breath or blood test to test for alcohol or a urine test for controlled substances, shall be considered to meet the requirements of this section (for test records, see Record keeping procedures Section H, pg. 114).

3. Random Testing: A covered employee may be randomly selected to submit to alcohol and/or drug testings. Each employee shall have an equal chance of being tested each time a random selection is made. An employee may be tested more often than once a year, while another employee may not be tested. The employee selection depends on the random selection of the individual.

Each year the City is required to conduct a number of random alcohol tests equal to 10% (or the percentage defined by the industry) of the total number of covered employees. A random alcohol test can be administered before a safety-sensitive activity, while the employee is performing a safety-sensitive activity, or immediately after an employee has stopped performing a safety-sensitive function.

Each year the City is required to conduct a number of random controlled substance tests equal to 50% of the total number of covered employees. A random controlled substance test can be administered before a safety-sensitive activity, while the employee is performing a safety-sensitive activity, or immediately after an employee has stopped performing a safety-sensitive function.

The rules do provide for possible fixture adjustments to the annual random testing rates based upon the violations found in the industry.

If an employee is randomly selected for a drug and/or alcohol test, the supervisor will ensure the employee's duties are covered and allow the employee adequate time for testing procedures. The employee shall receive notification (the actual day of testing) of a random test and shall immediately report to the lab for testing.

4. Reasonable Suspicion Testing: If a supervisor has a reasonable suspicion an employee is under the influence of alcohol or a controlled substance, the supervisor must request the necessary testing (alcohol/controlled substance) of the employee. The covered employee is then required to submit to the testing.

The City shall require an employee to submit to an alcohol test when the supervisor believes the employee has violated this rule. The supervisor's observation is based on short-term indicators such as blurry eyes, slurring of speech and/or alcohol on the breath (body odor). The necessary alcohol testing will be conducted within two (2) hours after the observation has occurred. No testing may be performed after eight (8) hours following the observation. The supervisor must prepare a signed written documentation of the observation.

The City shall require an employee to submit to a controlled substance test when the supervisor believes the employee has violated this rule. The observations include the employee's appearance, behavior, speech or body odors of the employee. The observations must have just occurred prior to, or during the employee's performance of a safety-sensitive functions, or just after the employee completed performing his/her safety-sensitive functions. The supervisor shall document the actual observations within 24 hours following the observations or before the results of the test are released, whichever is earlier.

If there is reasonable suspicion of alcohol or a controlled substance use by an employee covered by this policy, the employee shall not remain on-duty performing a safety-sensitive function. The City shall not permit the employee (where reasonable suspicion of alcohol use) to perform the safety-sensitive functions of his/her job until the employee's alcohol concentration level is below 0.02 or 24 hours has gone by following the reasonable suspicion. The City shall not permit the employee (where reasonable suspicion of controlled substance use) to perform the safety-sensitive functions of his/her job until the employee tests negative to a controlled substance test.

Supervisors shall be trained on observation techniques in accordance with 49 CFR, part 382.603.

5. Return to Work: Any covered employee who has tested positive (as defined by the DOT Regulations) and has violated the City's policy must submit to a return to work test before he/she may return to his/her safety-sensitive position. The verification reading for alcohol concentration must read below 0.02 or a negative result on controlled substance test.

6. Follow-Up Testing: If the City's EAP (SAP) determines a covered employee needs assistance in either alcohol or controlled substance treatment, the employee is subject to random follow-up testing. The employee is subject to at least 6 random, unannounced drug/alcohol tests during his/her first 12 months back to the safety-sensitive position immediately following the violation.

#### *D. Drug and Alcohol Testing Procedures*

Specific requirements are placed on the collection, chain of custody, confidentiality and record retention of this process. The rules provide that any time spent away from the actual duties as a result of going in to take a drug and alcohol test at the direction of the employer is considered "on-duty" time for purposes of hours worked.

ALCOHOL TESTING: Alcohol testing will be conducted by the use of an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration. The City of Astoria contracts with Columbia Memorial Hospital to do our testing.

The Mowing is a description utilized by the lab for collection and testing of the specimen. These procedures comply with the regulations set forth in 49 C.F.R. Part 40.

A screening test shall be conducted first. If the results of an alcohol screening test level is less than 0.02, the test is considered a negative test. If the results of an alcohol test level is more than 0.02, a second "confirmation" test will be conducted after a period of 30 minutes.

DRUG TESTING: Columbia Memorial Hospital performs the drug testing for the City of Astoria. The following testing procedure complies with the regulations.

1. The analysis must be performed by a certified laboratory and monitored by the Federal Department of Health and Human Services.
2. The urine specimen is split into two (2) bottles labeled "primary" and "split" specimen. Both of these bottles will be sent to the lab;
3. If the "primary" specimen tests positive for the presence of illegal, controlled substance (marijuana, cocaine, opiates, amphetamines, and phencyclidine), the employee has 72 hours to request that the split specimen (confirmation) be analyzed by a different certified lab;
4. If the test is positive for one or more of the drugs listed above, the confirmation test will be conducted using a gas chromatography/mass spectrometry analysis;
5. All drug test results will be reviewed and interpreted by a Medical Review Officer ((MRO)-the MRO is employed by the certified laboratory) before they are reported to the employee and men to the City. With all positive drug tests, the Medical Review Officer (MRO) will first contact the employee to determine if there is an alternative medical explanation for the positive test results. If documentation is provided and the medical review officer determines there was a legitimate medical use for the prohibited drug, the test results will be reported to the Chy as "negative".



The following are the test cut off levels for controlled substances:

	<b>Confirmatory Test Level (ng/ml)</b>
Marijuana	15
Cocaine	150
Opiate (Morphine & Codeine)	300
Phencyclidine	25
Amphetamines (Amphetamine & Methamphetamine)	500

*E. Failure to Cooperate*

An employee who refuses to submit to the mandatory testing procedures required by law will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positive on a controlled substance test. The employee will immediately be removed from his/her safety-sensitive duties.

Refusal to submit to an alcohol or controlled substance test as required by this Policy includes, but not limited to:

1. Refusal to provide a urine sample for a drug test;
2. Inability to provide a urine sample without a valid medical explanation;
3. Refusal to complete and sign the breath alcohol testing form or any other non-cooperation with the testing procedure in a way to prevent the completion of the test;
4. Inability to provide breath or an adequate amount of breath without a valid medical explanation;
5. Tampering or attempting to tamper with the any part of the collection procedure;
6. Failure to report to the collection site in time allotted by the individual administering the test;
7. Leaving the scene of an accident and not remain readily available for testing.

*F. Referral Evaluation and Treatment for Positive Testing of Alcohol and/or Controlled Substance Testing*

A positive result from a drug or alcohol test may result in disciplinary actions, and possible discharge. If an employee tests positive to an alcohol /or controlled substance test,"the employee is required to attend the necessary evaluation and testing.

1. The employee must be removed immediately from his/her safety sensitive function.
2. The employee must submit to an evaluation by the City's Employee Assistance Program. If treatment is recommended, the employee must comply with the rehabilitation or treatment recommended by the EAP. If the EAP indicates the employee needs a leave of absence to participate in treatment, the City shall allow the indicated time period and a last chance agreement shall be signed between the employee and the City. Failure to comply will prohibit the employee's return to work.
3. The employee must submit to a return-to-duty alcohol and/or controlled substance test before being returned to his/her safety-sensitive position. The return-to-duty depends on the employee's test results; alcohol concentration level of less than 0.02 or a negative controlled substance test.
4. The employee will be required to submit to unannounced, random follow-up testings after he/she has been returned to his/her safety-sensitive position. These unannounced follow-up testings will include at least 6 independent tests during the next 12 month period after the employee is returned to his/her position. The number and frequency of follow-up tests shall be determined by the EAP.

Referral, evaluation, and rehabilitation do not apply to pre-employment applicants who refuse to test, test with an alcohol concentration of greater than 0.04, or receive a verified positive controlled substance test.

### *G. Education and Training*

Supervisors will be trained to observe reasonable suspicion determinations for alcohol and controlled substance use by attending at least one hour (60 minutes) of training on alcohol misuse and at least one hour (60 minutes) of training on controlled substances. Training shall cover physical, behavioral, speech, and performance indicators resulting from alcohol and/or controlled substance use.

The covered employee shall receive educational materials outlining the drug and alcohol requirements and the City's policies and procedures to comply with these regulations. The employee may direct questions to the Human Resources Director regarding the materials; safety-sensitive functions and prohibited employee conduct; circumstances under which drug and alcohol testing will be conducted; testing procedures; consequences for failure or refusal to take a test; and information on the effects of drug and alcohol use in an employee's life.

Before performing an alcohol or drug test under these regulations, the employer must notify the employee (orally or in writing) that he/she is being tested under the new DOT Federal Highway Administration Regulations. By using the US Department of Transportation Breath Alcohol Testing form or the controlled substance custody and control form, the City has given the employee proper written notice.

### *H. Record Keeping Procedures*

Records must be available for inspection by an FHWA and FTA (Federal Transit Administration) representative within 2 business days notice. Individuals who operate the City's bus system shall follow the defined policy for Special Mobility Services (see Special Mobility policy and testing procedures).

Access to the records will be controlled by the Human Resources Department so that no information is released to any person without the employee's consent except as required by law, or authorized in this section.

The following records must be retained by the City for a period of five (5) years:

- Records of all employee alcohol tests resulting in a level of concentration of 0.02 or greater and all verified positive drug tests;
- documentation of all refusals to submit to the required drug and alcohol testing;
- documentation on calibration of EBT devices;
- employee evaluations and referrals; and
- a copy of each annual calendar year summary of testing.

The employer must maintain records related to the alcohol and drug collection process and the records related to the necessary training requirement for a period of two (2) years.

All records regarding negative/canceled controlled substance test results and alcohol test results with concentrations of less than 0.02 must be maintained for a period of one (1) year.

The type of records defined by the retention provision include collection process records, test results, violation records, evaluation records, education and training, and the drug testing records.

Annual Summary Report: By March 15 of each year, the City is required to complete an annual summary indicating the information for the previous year. If the FHWA requests a copy of the annual summary the City is required to provide one.

The annual summary will include the following information:

- number and types of tests conducted;
- number of the employees subject to testing;
- number of positive and negative test results;
- number of applicants rejected or failing an alcohol or drug test;

- number of refusals to submit to tests;
- number of supervisors who received alcohol or controlled substance training;
- number of employees who were returned to duty after a prior violation of the rules.

### *I. Investigation of Previous Testing*

As a condition of employment, applicants for covered employee positions will be required to authorize previous employers to release specific information regarding previous alcohol and drug tests.

#### Release of Information:

1. The employee may obtain, in writing, copies of his/her alcohol and/or controlled substance records.
2. The City shall permit access and make available copies of all test results and other information to all facilities utilized in complying with the requirements of 49 CFR, Part 382.413, including Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the City or any of its employees.
3. The City shall disclose information related to post-accident testing to NTSB as requested as part of an accident investigation.
4. Records shall be made available to subsequent employers with a written release from the former employee. The employee must specify what items he/she would like released.
5. The City may disclose information maintained in 49 CFR, Part 382.413, pertaining to an employee, to the proper authority in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee.
6. The City shall release information regarding the employee's records, with written consent of the employee, to an identified person.

Upon the employee's written consent, the City of Astoria shall obtain the following employee information from all past employers (prior two (2) year period) under 49 CFR, part 382.413:

- alcohol test results of 0.04 or greater;
- positive controlled substance test results; and
- refusals within previous 2 years.

The employer must provide records to subsequent employers upon receipt of a written request from the employee. The information must be reviewed by the City no later than 14 days after the employee first performs safety-sensitive functions for the City. The City shall not permit an employee to perform a safety-sensitive function after 14 days if the information isn't provided.

## **9.1 CITY PROPERTY & EQUIPMENT**

### **9.2 Internet Usage**

#### *Policy Statement*

The City of Astoria provides access to the vast information resources of the Internet to help employees do their jobs faster and smarter and be well-informed. The facilities to provide that access represent a considerable commitment of City resources for telecommunications, networking, software, storage, etc. This Internet usage policy is designed to help employees understand the expectations for the use of those resources under the particular conditions of the Internet and to use them wisely.

#### *Internet Usage Philosophy*

The Internet for the City of Astoria is a business tool, provided to employees at significant cost. Internet access is primarily for City related purposes, i.e., to communicate with citizens and other government agencies, to research relevant topics, and to obtain useful information except as outlined below. Employees are expected to

conduct themselves honestly and appropriately on the Internet, and to respect the copyrights, software licensing rules, property rights, privacy and prerogatives of others, as in any other City dealings. All existing City policies apply to conduct on the Internet, especially (but not exclusively) those that deal with privacy, misuse of City resources, harassment, information and data security, and confidentiality.

Unnecessary or unauthorized Internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies (i.e., printer paper and toner), and ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the City and expose the City to significant legal liabilities, such as charges of copyright infringement or discrimination.

The chats, newsgroups and e-mail of the Internet give each individual Internet user an immense and unprecedented reach to propagate messages representing the City. Because of that power we all must take special care to maintain the clarity, consistency and integrity of the City's image and posture. Anything any one employee writes in the course of acting for the City on the Internet can be taken as representing the City's posture. That is why employees are expected to forgo a measure of their individual freedom when they participate in chats or newsgroups on City business, as outlined below.

While the City's direct connection to the Internet offers a cornucopia of potential benefits, it can also open the door to some significant risks to our data and systems if appropriate security discipline is not followed. As presented in greater detail below, that may mean preventing machines with sensitive data or applications from connecting to the Internet entirely, or it may mean that certain users must be prevented from using certain Internet features like file transfers. The overriding principle is that security is to be everyone's first concern. An Internet user can be held accountable for any breaches of security or confidentiality.

Certain terms in this policy should be understood expansively to include related concepts. Document covers just about any kind of file that can be read on a computer screen as if it were a printed page, including the so-called HTML files read in an Internet browser and any file meant to be accessed by a word processing or desk-top publishing program or its viewer. Graphics includes photographs, pictures, animations, movies, or drawings. Display includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions and virtual-reality tools.

All employees granted Internet access with City facilities will be provided with a written copy of this policy.

### *Detailed Internet Policy Provisions*

#### Management and Administration

- The City has software and systems in place that can monitor and record all Internet usage. Employees need to be aware that our monitoring systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, newsgroup or e-mail message, and each file transfer into and out of our internal networks, and the City reserves the right to do so at any time. No employee should have any expectation of privacy as to his or her Internet usage. The City Manager may review Internet activity and analyze usage patterns, and may choose to publicize this data to assure that City internet resources are devoted to maintaining the highest levels of productivity.
- The City reserves the right to inspect any and all files stored in private areas of our network in order to assure compliance with our policies and state and federal laws;
- The display of any kind of sexually explicit image or document on any City system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources. Any police investigations that require access to unauthorized Internet sites shall have prior approval.
- The City uses independently-supplied software and data to identify inappropriate or sexually explicit Internet sites, and may block access from within our networks to all such sites that we know of. Any employee who finds him or herself connected incidentally to a site that contains sexually explicit or offensive material must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program, and inform a supervisor of the accidental connection.

- The City's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any City resources for illegal activity is grounds for immediate termination, and the City will cooperate with any legitimate law enforcement activity.
- Any software or files downloaded via the Internet into the City's network become the property of the City. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.
- No employee may use City facilities knowingly to download or distribute pirated software or data.
- No employee may use the City's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.
- No employee may use the City's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- Each employee using the Internet facilities of the City shall identify himself or herself honestly, accurately and completely (including one's City affiliation and function where requested) when participating in chats or newsgroups, or when setting up accounts on outside computer systems, except when these activities are being conducted as part of a criminal investigation. In circumstances involving criminal investigation, a separate internet connection must be used, and the use must be pre-approved by the Department Head.
- Only those employees or officials who are duly authorized to speak to the media, to analysts or in public gatherings on behalf of the City may speak/write in the name of the City to any newsgroup or chat room. Other employees may participate in newsgroups or chats in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves. Where an individual participant is identified as an employee or agent of the City, the employee must refrain from any unauthorized political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the City of any commercial product or service. Only those managers and City officials who are authorized to speak to the media, to analysts or in public gatherings on behalf of the City may grant such authority to newsgroup or chat room participants.
- The City retains the copyright to any material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his or her duties.
- Employees are reminded that chats and newsgroups are public forums where it is inappropriate to reveal confidential City information, citizen data, and any other material covered by existing City policies and procedures or public law. Employees releasing protected information via a newsgroup or chat — whether or not the release is inadvertent — will be subject to penalties under existing policies and procedures.
- Use of City Internet access facilities to commit infractions such as misuse of City assets or use of City resources for personal financial gain, harassment, and unauthorized public speaking are prohibited by law or general City policy, and will be sanctioned under the relevant provisions of the Personnel Policy & Procedural Manual. Personal financial gain includes, but is not limited to, facilitating an outside business and stock trading.
- Employees may use their Internet facilities for non-business research or browsing during meal time or other breaks, or outside of work hours, provided that all other usage policies are adhered to as stated in this policy. The employee fee for printing information for personal use is the same as for making personal copies using City copy machines.
- Employees are reminded that State Ethics law, ORS 244.040 (1)(a), prohibits employees from obtaining any financial benefit or avoiding a financial detriment as a result of holding a City position, other than compensation, reimbursement of expenses, and certain types of awards and honoraria. Employees are specifically warned that, in addition to any potential violation of this policy, routine use of the system in order to avoid a financial detriment (including purchase of a computer or subscription to an Internet access provider) may be considered an ethics violation and subject an individual to penalties provided under State law.
- Employees with Internet access may not download any executable software without prior approval from Information Services.

- Employees with Internet access may not use City Internet facilities to download entertainment software or games, or to play games against opponents over the Internet.
- Employees with Internet access may not use City Internet facilities to download images or videos unless there is an explicit business-related use for the material.
- Employees with Internet access may not upload any software licensed to the City or data owned or licensed by the City without explicit authorization from the City Manager.

#### Security

- The City has installed firewalls to assure the safety and security of the City's networks. Any employee who attempts to disable, defeat or circumvent any City security facility will be subject to immediate dismissal.
- If files containing sensitive City data require transfer in any way across the Internet, the user must contact Information Services for encrypted data transfer procedures.

#### Violations

- Personal use must comply with Federal, State and local laws and ordinances, City policies, departmental rules and regulations, and performance expectations.
- Violations may result in discipline up to and including termination, pursuant to the Corrective Action, Discipline, Dismissal and Appeal policy, and may also result in penalties to the individual under State Ethics law.

### 9.3 Electronic Information Processing System and Electronic Mail

#### *Administrative Guidelines*

This administrative policy establishes procedures and guidelines that specify who owns and controls the information within the City of Astoria's Electronic Information Processing System, the City's right of access to the information contained in the system, and the usage of the system.

A further purpose is to insure that records and communications are maintained and stored according to Oregon Public Records law (ORS 192).

#### *Policy Statement*

The City Electronic Information Processing System is a City resource and tool for assisting in the conduct of City business. Unless otherwise specified by initial agreement, all programs, data and documents processed and/or stored on the City Electronic Information Processing System are City property. The City reserves the right to, and in fact may be required to, access and disclose all messages stored in its system.

#### *Scope*

This policy applies to all users of the City Electronic Information Processing System. The City Electronic Information Processing System includes all computer terminals (whether network or individual) and all software and hardware (CPU's, memory devices and storage devices). For purposes of this policy, an electronic record or communication includes any data or information in any form processed or stored within the City Electronic Information Processing System, whether generated directly or indirectly.

#### *Public Record and Disclosure*

Electronic communications, including e-mail, are considered public records under Oregon Public Records Law (ORS 192). Electronic records and communications, like other public records, must be made available upon request to any member of the public, unless the specific nature of the record or communication exempts it by law from disclosure. Electronic records and communications are also subject to retention as required by state law.

In addition, e-mail communications are subject to Oregon Public Meetings Laws if e-mail is used by a quorum of members of a public body to communicate and deliberate toward a decision on any matter.

Further, all electronic communications stored on the City's system, whether public or personal, are subject to disclosure in response to investigations, requests for discovery, and subpoenas. Employees should have no expectation of privacy in their use of electronic mail.

### *Public Record Retention*

When required by the retention schedule, users must print and file a hard copy of all business-related e-mails, in accordance with the General Records Retention Schedule for Cities of Oregon (OAR Chap. 166, Div. 200). All employees are responsible for knowing and following this schedule. When in doubt, treat the e-mail as a public record and file it accordingly. Once e-mails have been printed and filed in accordance with the retention schedule, they may be deleted.

### *Storage*

All e-mail records on the City's system, whether public record or personal, will be saved to nightly back-up tapes and stored for one month by the Information Services Department.

### *Personal Use, Access and Lack of Privacy*

The City Electronic Information Processing System is primarily a business tool to be used for business purposes and in accordance with City policies and state and federal laws.

Employees may use the City Electronic Information Processing System for personal messages during meal time or other breaks, or outside of work hours, provided that such use adheres to this policy and to all other relevant City policies, as well as to state and federal laws. However, employees must be aware that there is no right of privacy for any electronic record or communication created, sent, or received on the City's system, for the reasons outlined in this policy. The employee fee for printing personal e-mails is the same as for making personal copies using City copy machines. Personal use of the City's email system should be incidental, not substantial, and should be restricted to personal time only.

All users should also be aware that the use of a password does not give rise to any right of privacy and that the use of the deletion keystroke does not necessarily mean that a record, communication, or document has been eliminated from the system.

A "deleted" document may still be in the mailboxes of any other users the document may have been forwarded to, as well as stored in the network's back-up system.

In addition, supervisors or managers may need to access records that are residing on an individual, City-owned PC assigned to an employee, if they pertain to a business project and the employee is absent, or has transferred to another department, or has left employment with the City. However, accessing an individual system will not be undertaken capriciously. If the employee cannot be reached to obtain the password, the supervisor or manager must contact the IS Department and explain the need, and the IS Department must obtain permission from the City Manager to temporarily change the password for the individual system in order to gain access. This permission is only granted in an emergency.

However, the City may need to view and disclose any electronic record or communication stored anywhere in its system in response to investigations, requests for discovery, and subpoenas.

## *Usage Guidelines*

Because the City's system is not confidential, e-mail use should be similar to telephone use. In that respect, e-mail should not be used for confidential or lengthy communications that are more appropriately addressed in a written format, such as a memorandum or letter. In particular, e-mail should not be used to transmit information that is exempt from disclosure under Oregon's public records law, until a separate system is available for storing such records.

As stated in the Personal Use, Access and Lack of Privacy section, employees may use the City's system for personal e-mails only during meal time or other breaks, or outside of work hours, provided that all other usage policies are adhered to as stated in this policy.

The electronic mail system is not to be used in ways that are disruptive or offensive to others, or in ways that could be harmful to workplace morale.

The display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of e-mail communications containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, age, disability, or religious or political beliefs violates the City's harassment policy and is subject to its disciplinary provisions, as well as to prosecution under state and federal civil rights law. If any City employee receives harassing e-mails, the employee should report the situation immediately to his/her supervisor or Department Head, or to the Director of Finance and Administrative Services, and the City will intervene.

The e-mail system is not to be used to solicit or to address others regarding commercial, religious, or political causes, for personal financial gain, or for any other solicitations that are not work-related.

Employees shall not attempt to gain access to another employee's personal file of e-mail messages without the latter's express permission. However, the City reserves the right to enter an employee's e-mail files whenever there is a business need to do so, such as to access business related work in the employee's absence or to produce records in response to an investigation, discovery request, or subpoena. In the event a need exists to "search" electronic records which are part of an employee's email files, the approval of the City Manager shall be obtained in advance.

In general, e-mails that are intended for all departments should be addressed to "Departmental Information." However, at the Department Head's discretion, e-mails that all users must see may be addressed to "All Users."

## *Violation of Policy*

Violations of this policy may result in disciplinary action up to and including termination.

## *Interpretation*

Any questions relative to the intent or application of this policy or regarding public records should be directed to the Director of Finance & Administrative Services.

## **9.4 Voice Mail**

### *Policy Statement*

It is the City's goal to enhance both external and internal communication and customer service by being more responsive to callers' needs and providing a mechanism for callers to leave a detailed message when an individual is unable to answer the telephone. Voice mail is not considered a method to avoid answering telephone calls or to provide uninterrupted work time. It is intended to augment, rather than replace, human interactions.



## *Availability*

Voice mail boxes will be available to all staff as specified by their supervisor or Department Head. Initial training will be provided by the IS Department - after the initiation of the Help Desk Request as part of the voice mail installation.

In those cases where staff or Council members do not have a City telephone handset, a mail box number will be assigned. This allows users to access the voice mail system either remotely or from any City phone. Determinations to allow this type of access will be made on a case-by-case basis through a request by the Department Head to the Information Services Department. Training will be required as identified above.

The Information Services Department staff are the only personnel authorized to set up new users.

## *Guidelines*

The following guidelines are intended to direct staff in their usage of the City's voice mail system:

### First Contact

Any caller who dials a City telephone number or extension line during normal business hours of 8 am - 5 pm must reach a City staff person. When employees are unable to answer their phones, calls are to be forwarded to a designated first-contact person, not directly to voice mail. Work units must coordinate phone coverage to ensure there is always a first contact person available to answer forwarded phones.

### Caller Options

The first contact person may then give callers the option of being transferred to someone else who may be able to assist the caller, leaving a message with the contact person, or being transferred to the absent employee's voice mail to leave a message.

The phone system is configured to allow automatic transfers from inside a voice mail box back to the City Receptionist when the caller dials "0" between 8:00 am - 5:00 pm. Between 5:00 pm - 11:00 pm, calls will be automatically transferred from voice mail to the Police Department. All personal greetings must always inform callers of this option.

### Personal Greetings

Employees should consider the image of the City when recording a personal greeting. Greetings should be brief and should maintain a professional and businesslike manner.

To provide optimum customer service, greetings should also be kept current and include the option of dialing "0," as described above.

Employees with only remote access to voice mail messages should include that information in their personal greetings. The intent is to inform the caller and allow him/her to seek interaction through other methods of communication.

### Retrieving and Returning Messages

Recognizing the various shifts and schedules of both internal and external voice mail users, a reasonable effort should be made to retrieve and respond to voice mail messages within 24 hours of receipt, whenever practical. The intent is to continue to provide a high level of customer service to both external and internal customers. A direct line is dedicated to the voice mail system to allow staff to access their messages from an outside location.

## Planned Absences

During absences, employees should forward their phones to the first contact person in their work unit and also notify that person of the length of the anticipated absence. After business hours, callers will be connected directly to individual employee voice mail. Therefore, during absences exceeding one business day, employees should also change their personal greetings to inform after-hours callers of the absence and the frequency that messages will be checked.

During lengthy absences of five business days or longer, employees have several options:

- Forward your phones to the first contact person, as usual, and check for messages frequently from a remote phone. Change your personal greeting to inform after-hours callers of your absence and the frequency with which you will be answering your messages. Always include the option of dialing "0" for immediate assistance. Keep in mind that checking your messages is just one option, and wage and hour non-exempt employees should only use it during their normally scheduled work hours to avoid incurring unauthorized overtime. An example greeting using this option is:

*This is (your name). I am out of the office today, but I will be checking my messages. Please leave your name and number, and I will call you back as soon as I can. Or, if you are calling between 8:00 am - 11:00 pm, you may dial "0" for immediate assistance.*

- Forward your phones to the first contact person, as usual, but make arrangements for another staff person who can respond in your absence to regularly check your voice mail messages. Change your personal greeting to inform after-hours callers of your absence and to identify the name and extension number of the person who will be answering your messages. Always include the option of dialing "0" for immediate assistance. An example greeting using this option is:

*This is (your name). I am out of the office today, but (name of co-worker taking your calls) will call you back if you leave a message. Or, if you are calling between 8:00 am and 11:00 pm, you may dial "0" for immediate assistance.*

- Alternately, forward your phones directly to the person who will be responding to callers in your absence. Change your personal greeting to alert after-hours callers of your absence and include the assisting co-worker's name and extension number in your greeting. Always include the option of dialing "0" for immediate assistance. An example greeting using this option is:

*This is (your name). I am out of the office until (date of your return). If you need assistance prior to my return, please dial (extension number of co-worker) to reach (name of co-worker). Or, if you are calling between 8:00 am and 11:00 pm, you may dial "0" for immediate assistance.*

Home security issues should also be considered when recording greetings for lengthy absences.

## Unanticipated Absences

During unanticipated absences, employees should select from the options listed under "Planned Absences" and change their personal greetings from a remote phone. Remember, callers typically have expectations that messages will be responded to within 24 hours. Changing voice mail greetings to accurately reflect current schedules will help eliminate misperceptions.

If circumstances make it impossible for the employee to arrange one of the options listed under "Planned Absences," the employee's supervisor must ensure that the employee's phone is forwarded to another staff member and/or contact the IS Department to make arrangements with the City phone technician to set a new pass code, in order to gain access to the employee's voice-mail messages.

## Purging Messages

Recognizing that people are often too busy to delete outdated voice mail messages, the system is designed to automatically purge retrieved/read messages after ten calendar days (including weekends) to ensure sufficient space for continued access to the system.

- Bear in mind that voice mail is not designed to be a filing system. Any messages that need to be retained must be transcribed to a hard copy.
- Purged messages cannot be retrieved by the Information Services Department once they have been deleted. Therefore, it is important to take appropriate action as soon as possible.
- During extended absences (over five days), notify the Information Services Department to assure purging is delayed if necessary.

## *Public Record*

Voice mail is included in the forms of communication that are considered public record. All public records must be filed and retained in accordance with the General Records Retention Schedule for Cities of Oregon (OAR Chap. 166, Div. 200). Therefore, all verbal messages that meet the definition of a public record must be transcribed into hard copy format so they can be filed accordingly. Voice mail will not be accessible as a public record for any messages beyond the ten day purging cycle.

Any questions related to public records and the retention schedule should be directed to the City Recorder.

## *Voice Mail Versus E-Mail*

The voice mail system is designed to assist in verbal communication. E-mail should be used instead of voice mail for internal group broadcasts, in order to minimize any interruptions resulting from full storage capacity and to allow external callers to readily access the voice mail system.

For the reasons mentioned above, e-mail is preferable to voice mail when the nature of the message qualifies it as a public record. As a matter of courtesy, e-mail is also preferable for all messages that do not need an immediate response but do contain detailed information that will require the receiver to rewrite the message. A further guideline is to consider the receiver when determining which communication method to use.

## *Inappropriate Uses of Voice Mail*

Inappropriate use of the voice mail system may result in disciplinary action and/or denied voice mail access, upon the recommendation of an immediate supervisor or Department Head and in coordination with the Information Services Department. Some examples of inappropriate usage include, but are not limited to, the following:

- **Excessive personal use.** The voice mail system is intended to be used for City business purposes. While some personal communication is necessary, it should be kept to a minimum to avoid interrupted voice mail service resulting from full storage capacity.
- **Emergency calls.** Voice mail should not be used to handle emergency calls. These types of calls must always be responded to by a person in the work unit/department. This could be the first contact person or another employee designated by the work unit supervisor or department head.
- **Complaints.** Voice mail should not be used routinely to handle customer complaints. These types of calls should always initially be handled by a person. If the caller asks to speak to a manager or supervisor who is out of the office, the caller should be given the choice of speaking with another person first. Voice mail could then be offered as a reasonable alternative, if the caller agrees.
- **Screening.** Voice mail should not be used as a method to screen or avoid answering telephone calls.

- **Forwarding without consent.** Telephones should not be forwarded to any other staff's voice mail without the consent of that person or the direction of the supervisor or department head. Calls should normally be forwarded to the work unit's designated first contact person.
- **Pager notification.** For security reasons, phones should be forwarded to another telephone off the voice mail system for pager notification. However, the Information Services Department can reconfigure a person's mailbox to allow pager notification. It is then the responsibility of the user to properly forward his/her phone(s) in order to receive this notification.

### *Exceptions*

With the approval of the City Manager, Department Head have the authority to modify these guidelines to fulfill operational requirements. However, the Information Services Department should be contacted prior to implementation of any such changes to assure compliance with the City's overall voice mail philosophy.

### *Responsibilities*

#### Information Services Department

- Coordinating new employee and ongoing voice mail training.
- Setting up new users on the voice mail system (including training) within two weeks of notification.
- Acting as ongoing resource and liaison for voice mail.

#### Department Heads and Supervisors

- Ensuring that staff are adhering to the voice mail policy and guidelines and holding them accountable as appropriate.
- Informing the Information Services Department of requirements for remote access and/or call forwarding outside the system.
- Consulting with the Information Services Department when requesting a program change or making suggestions for improvement.

#### Finance and Administrative Services Department

Informing the Information Services Department of employee:

- Start dates;
- Transfers;
- Employment termination dates.

#### Voice Mail Users

- Reading, understanding and adhering to the voice mail policy and these guidelines.
- Notifying the Information Services Department of any voice mail related problems.
- Seeking additional training as needed to assure proper use of the system.
- Updating mail box greetings.
- Retrieving and returning messages within 24 hours or designating another person to do so.
- Transcribing public record messages to hard copy for retention purposes.
- Deleting outdated messages as appropriate.
- Consulting with supervisors or Department Head to discuss usage concerns or to make suggestions for improvement, etc.

### *Termination of Access*

User access will be removed immediately upon termination of employment.

## *Interpretation*

Any questions relative to the intent or application of this policy should be directed to the Information Services Department.

## **9.5 Information Services Policies and Procedures**

### *Policy Statement*

The City's information systems, data, and computing assets, are the property of the City and are valuable agency assets. Individuals using and having access to these agency assets must take reasonable steps to keep them safe and the data secure. These assets are to be used primarily for appropriate business-related functions but may be used for minimal personal use as outlined below.

All communication employees with the City must be professional in nature since it represents the City, its employees, City Council, and the community we serve.

Employees have no right or expectation of privacy with regard to any use of any City computer information systems. All such information can be reviewed by the City at any time, and may be subject to public disclosure. All users consent to this policy by engaging in use of the City's information systems.

The Information Services Department will perform regular audits of information system usage to ensure compliance with this and other City policies.

### *Acceptable Use*

Each individual accessing or using any City computer system must be aware that any data created on the City system remains the property of the City. Because of the need to protect the City's systems and comply with appropriate Federal, State, and City regulations, the City offers no guarantee of personal confidentiality in any use of the City systems. The City may need to view and disclose any electronic record or communication stored anywhere in its system in response to investigations, requests for discovery, and subpoenas.

The use of any City information system, to intentionally display or transmit sexually explicit images, messages, or cartoons, or any transmissions or use of ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, color, national origin, sex, sexual orientation, age, disability, religious or political beliefs, or any class protected by State or Federal law, violates the City's harassment policy and is subject to disciplinary provisions, as well as to prosecution under State and Federal civil rights laws. If any City employee receives harassing e-mails, the employee should report the situation immediately to his/her supervisor or Department Head, or to the Finance and Administrative Services Department, and the City will intervene.

No City information system can be used for personal gain, to promote any commercial, religious, or political causes, or for any other solicitations that are not work-related.

City data and City information systems shall only be used as authorized by policy, law and City executive management. Access to agency data and agency information systems will be limited to what is required for an individual to do his or her job. Release of any information must be done following the rules in the City's public record policies and the policies of the Department responsible for the information.

Each employee using the City's information systems will identify himself or herself honestly, accurately and completely (including his or her role with the City) when participating in any electronic meeting or communication site, except when these activities are being conducted as part of a criminal investigation.

Under no circumstances is an employee allowed to engage in any activity that is illegal under local, State, Federal, or international law while utilizing City owned resources. The list below does not include every action which should be avoided but does provide a guideline of some activities that are unacceptable:

1. Violations of the rights of any person related to copyright, trade secret, patent or other intellectual property, including the installation or sharing of "pirated" or other software products that are not licensed and approved for use by the City.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, videos, or any other copyrighted medium for which the City does not have an appropriate license in a manner that violates the legal rights of another.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws.
4. Intentionally introducing malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Effecting security breaches or disruptions of network communication. Security breaches include but are not limited to, accessing data of which you are not an intended recipient or logging into a server or account that you are not expressly authorized to access, unless these duties are within the scope of regular duties. "Disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
6. Attempting to avoid, thwart or "crack" usernames and passwords or other security of any City computing device or system.
7. Providing information about, or lists of, City employees to unauthorized parties outside of the City.
8. Providing information about, or lists of, City users, contractors, customers and/or citizens who work in any capacity in connection with or are regulated by the City to unauthorized parties outside of the City.

This policy applies along with all existing local, State, Federal, and copyright laws. Failure to comply with applicable State, Federal, or copyright laws is considered a violation of policy.

#### *Electronic Mail (E-Mail)*

Electronic communications, including e-mail, are considered public records under Oregon Public Records Law (ORS 192). Electronic records and communications, like other public records, must be made available upon request to any member of the public, unless the specific nature of the record or communication exempts it by law from disclosure. Electronic records and communications are also subject to retention as required by State law. In addition, e-mail communications are subject to Oregon Public Meetings Laws if e-mail is used by a quorum of members of a public body to communicate and deliberate toward a decision on any matter. For this purpose, "public body" includes the Mayor and Council and members of any committee or group which makes recommendations to the City Council. Further, all electronic communications stored on the City's system, whether public or personal, are subject to disclosure in response to investigations, requests for discovery, and subpoenas. Employees have no expectation of privacy in their use of electronic mail and any electronic medium on any City computer or server.

When required by the City's retention schedule as developed by the Director of Finance and Administrative Services, users must print and file a hard copy of all business-related e-mails, in accordance with the General Records Retention Schedule for Cities of Oregon (OAR Chap. 166, Div. 200). All employees are responsible for knowing and following this schedule. When in doubt, treat the e-mail as a public record and file it accordingly. Once e-mails have been printed and filed in accordance with the retention schedule, they may be deleted.

The e-mail system is a message system similar to a voice mail or phone system and employees should not attempt to use it as a records storage system. Individual messages or documents cannot be retrieved once deleted, lost or corrupted and therefore should not be saved in an employee's e-mail account. Maintaining electronic copies in the e-mail system for the purposes of public record retention is not sufficient.

Employees may use the e-mail system for personal messages during meal time or other breaks, or outside of work hours, as long as the use complies with this policy and other relevant City policies, as well as State and Federal laws. However, employees must be aware that there is no right of privacy for any electronic record or communication created, sent, or received on the City's system, for the reasons outlined in this policy. The employee fee for printing personal e-mails is the same as for making personal copies using City copy machines.

#### Internet Use:

The social networking sites, newsgroups and e-mail of the Internet give each individual Internet user the ability to easily send messages representing the City to millions of people. Because of this power each employee must take special care to maintain the clarity, consistency and integrity of the City's image and posture. Anything any one employee writes in the course of acting for the City on the Internet can be taken as representing the City's official opinion, and becomes job-related as the expression of a Astoria employee. Therefore employees are expected to forgo a measure of their individual freedom and privacy when they participate in Internet activities on City business or using a City connection that could be employed with the City, as outlined below.

Employees who choose to use City e-mail for personal matters should be mindful that electronic records are public records, and that Oregon's Public Records Law favors disclosure; furthermore, Oregon law has established that what a public employee does on-the-job is a public concern and is generally not exempt from public disclosure.

Only those employees or officials who are authorized to speak to the media, to analysts or in public gatherings on behalf of the City may speak/write in the name of the City or in a way that employees the City to any Internet site. Other employees may participate in newsgroups or chats in the course of business when relevant to and necessary in the performance of their duties, but they do so as individuals speaking only for themselves and must include a disclaimer stating such. Where an individual participant is identified as an employee or agent of the City, the employee must refrain from any unauthorized political advocacy, endorsement or promotion, or appearance of endorsement of any commercial product or service. Only those managers and City officials who are authorized to speak to the media, to analysts or in public gatherings on behalf of the City may grant such authority to Internet participants.

The City retains any statutory or common law copyright to any material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his or her duties. The City will be aware of the copyright and property rights of others and no employee may post copyrighted material to a City or other website without proper permission in writing.

Employees are reminded that it is inappropriate to reveal confidential City information, citizen data, and any other material covered by existing City policies and procedures or public law on any public site or Internet service, or using any electronic equipment, whether personally or City owned, unless specifically authorized to do so. Employees releasing protected information via any means— whether or not the release is inadvertent — will be subject to appropriate discipline under City policies and procedures, and personally subject to sanctions imposed by law. Each employee who accesses City e-mail or other City documents or confidential information, and/or sends or receives work-related messages on a personal or City issued laptop or other electronic device must therefore be careful to maintain the security of that equipment's account. This includes taking steps such as selecting and regularly changing a strong password and not providing that password to others, and locking the equipment when it is unattended.

Employees may not copy or distribute any software licensed to the City or data owned or licensed by the City to any other person or entity without explicit authorization from the Information Services Director.

"Streaming" types of media including video, audio, and news can use a significant amount of bandwidth resulting in additional costs and potentially slow network performance. Access to any type of "streaming" service for entertainment purposes is strictly prohibited. "Streaming" for a legitimate business purpose, such as webinars, will be limited to such use as is appropriate for City business purposes and for the benefit of the City.

Employees may use City Internet facilities for non-business research or browsing during meal time or other breaks, or outside of work hours, provided that all other usage policies are adhered to as stated in this policy. The employee fee for printing information for personal use is the same as for making personal copies using City copy machines.

Employees must be aware that State Ethics law, ORS 244.040 (1), prohibits employees from obtaining any financial benefit or avoiding a financial detriment as a result of holding a City position, other than compensation, reimbursement of expenses, and certain types of awards and honoraria. Employees are specifically warned that, in addition to any potential violation of this policy, routine use of the system in order to avoid a financial detriment (including avoiding the personal purchase of a computer or subscription to an Internet access provider) may be considered an ethics violation and subject an individual to penalties provided under State law, as well as discipline imposed by the City. Employees who are unable to demonstrate, upon request, proof of a personal residential Internet connection which is paid for personally may not engage in personal, Internet based activity from the City connection without violating BOTH State law and this City policy.

#### Security:

The City's information systems are valuable assets that the City depends on to provide important services to the public. An interruption of these services can have a significant impact in all aspects of the responsibilities of the City. The City must also comply with legal requirements to preserve important public information, maintain the confidentiality of private and criminal justice information, and provide regulatory reports to the proper State and Federal authorities.

Because of this, every person or company hired by the City is responsible for the City resources entrusted to them. Due diligence and care should be exercised to ensure the security and integrity of these agency resources. The Information Services Department will implement reasonable and prudent steps to protect City data and City information systems. These include but are not limited to firewalls, intrusion detection and prevention systems, external audits, web and file filtering and blocking, and employee security training.

Any action which breaches, evades, or circumvents these technologies and policies should be immediately reported to the Information Services Director. Failure to report such actions is a violation of policy and subject to disciplinary action.

The City will provide and maintain appropriate anti-virus software throughout the network in order to protect the information and resources available on the City network. All electronic information being accessed from an external source must be scanned by an appropriate anti-virus system before it is accessed on any City client or network computer. This includes information downloaded or provided on external media such as flash drives or DVDs and CDs. Any effort to disable or circumvent City anti-virus systems is a violation of policy and subject to disciplinary action.

Employees may not download or otherwise install any software without prior approval from Information Services. The installation or execution of unauthorized software could pose a risk to the security of the City's information systems or expose the City to legal penalties if not properly licensed and documented.

Because the City cannot ensure the integrity of external devices, no individual or company hired by the City will directly or indirectly connect any computing device not authorized by the Information Services Department to the City's network. This includes devices such as laptops, printers, hubs, personal digital assistants (PDAs,) and wireless access points. In some City facilities arrangements can be made for connection to public Internet connections independent of the City's network. Requests for this type of connection should be made to Information Services.

Each employee and supervised volunteer of the City may have an account granting access to information systems resources if it is necessary for his/her job responsibilities as specified by his/her supervisor or Department Head. Each account is dedicated to the individual and must not be shared or used to allow access to any other employee or individual. Only City employees and supervised volunteers are permitted access to City Information Services resources except when access by a contractor is directly monitored by Information Services personnel in order to provide third party support and troubleshooting or other particular services to the City.



Each employee who is granted a user account and a password is responsible for any actions employeeed with that account and must therefore be careful to maintain the security of the account. This includes taking steps such as selecting and regularly changing a strong password, not leaving unlocked workstations logged in, and following these policies and other best practices. No employee may share his or her individual password with anyone including family, coworkers, supervisors, or Information Services personnel. In the event a manager or supervisor needs to access a password protected account in the absence of the user, the supervisor shall work through IS personnel with appropriate privileges.

Physical security is a key element of information security. Direct access to the City's servers, server rooms and other network facilities are limited to appropriate Information Services staff, Facilities Maintenance staff, the City Manager, and the Assistant City Manager responsible for the internal services departments. Each person with unrestricted access to these facilities must have a thorough background check compliant with appropriate Federal Criminal Justice Information Systems (CJIS) requirements. Because of the elevated permissions of Information Services department personnel, access to their office and other work areas is limited. All visitors to their secure work areas must sign in at the Department's front desk, wear a visitor's badge, and be accompanied by Information Services personnel while in the secure areas. All Information Services personnel with direct access to the Law Enforcement Data System (LEDS) must be LEDS certified and approved as such by the City's Police Department. Computing devices outside of the direct control of the City pose a significant security risk to the City's information system resources. Both intentional and accidental damage can be caused by exposure to improperly or insufficiently secured systems. To counter this threat, remote access to City systems directly will be strictly limited. No modems, faxes, or other devices that allow dial-in access will be allowed on any system directly attached to the City network; however those devices such as integrated voice response (IVR) and voice-mail which only allow audio communications are acceptable. Third party support requiring an external party to connect directly with a City system will only be permitted while an Information Services employee is directly monitoring the actions of the vendor.

Remote access for City employees will be granted only with the employee's supervisor's approval. Access will be limited to remote control of the employee's assigned workstation if the employee is using his/her personal computer for access or direct access using a VPN if the employee is using a City assigned and managed device. Any remote or VPN access utilizing equipment or services not directly provided by the City is a user-managed service, meaning that it is the employee's responsibility to select and coordinate the installation of an Internet Service Provider, install any necessary software, and pay any employeeed costs and fees,. It is the employee's responsibility to ensure that any remote access is treated with the same security consideration as a permanently connected City device.

Any City device temporarily connected directly to any network or system not managed by the City's Information Services Department must be thoroughly scanned for vulnerabilities before connecting directly to the City network. This includes, but is not limited to laptops connected to an employee's home network, a public Internet provider such as an airport or hotel, or a conference network. Good computer security models are based on "layers of defense" much like a medieval castle with rings of moats, walls, and keeps. Connecting equipment directly to another network and then connecting it to the City network effectively bypasses most of the layers of protection built around the City's systems. Scanning the system before connecting to the network helps mitigate the risk that the machine has been infected with some sort of malware and could cause disruptions on the City's network.

#### Data Storage:

Information systems and all data are valuable assets and the property of the City. Data stored on the client workstation becomes the direct responsibility of the client user and will not be maintained or backed up in any way by Information Services personnel. This includes restoring the information if the system hard drive is replaced or if the entire system is replaced as a part of the regular City replacement cycle. All important City data should be stored on the appropriate network server to ensure that it is properly backed up and maintained. City storage and backup resources are expensive and valuable, and therefore only business related information and data should be stored on any City computer. All information stored on any City computer device is the responsibility of the City and becomes the property of the City; therefore no personal or entertainment files should be downloaded to or stored on any City resource. This includes items such as digital photos, audio files, video files, and software applications not approved and purchased by the City.

### Police Use for Criminal Investigations:

Any police investigation that requires access to unauthorized Internet sites or any other deviation from this policy must have prior approval of a police command level supervisor and will be accomplished in a manner authorized by police department policy and procedures. This Internet policy does not apply to police officers using the Web for law enforcement purposes, to the extent that this policy would operate to interfere with law enforcement objectives known and authorized by appropriate supervisors within the police department, and to the extent that police enforcement efforts on the Internet are conducted through connectivity and computer hardware provided for this specific and limited purpose and not through the City's servers.

### Rights Reserved by the City:

The City reserves the right to monitor, audit, screen, search and preserve all electronic data as the City deems necessary in order to maintain compliance with City policy, act in the interests of the City of Astoria and comply with State and Federal regulations. This right extends to providers of "remote computing services" and "electronic computing services" with which the City may contract for services periodically. This right extends to electronic data wherever stored in City resources, including but not limited to computers, servers, any storage device owned by the City, cell phones and PDA's, and digital pagers. There is no expectation of privacy or confidentiality with respect to such electronic data; therefore City resources should not be used for personal and confidential matters.

Any unauthorized or inappropriate dissemination of information or data, unauthorized use of data or benefit from any such disclosure of data may result in disciplinary and or legal action being taken.

### Potential Disciplinary Action:

Any violation of this policy use must be immediately reported to the appropriate operational Department Head and to the Information Services Director.

Failure to comply with City policy may result in disciplinary action, including but not limited to the restriction or loss of computer privileges or more severe disciplinary action, up to and including employment termination.

### *Definitions*

Information System - A combination of information, information technology, and personnel resources that collects, records, processes, stores, communicates, retrieves, and displays either manually or with varying degrees of automation. These include items such as computers, computer networks, printers, and other related pieces of equipment and/or systems.

Internet – A publicly accessible interconnected system of networks that connects computers around the world via the TCP/IP protocol.

Intranet – An interconnected system of networks that connects computers within an organization via the TCP/IP protocol.

Extranet – An extension of a corporate intranet which connects the internal network of one company with the intranets of its customers and suppliers.

PDA – Personal Data Assistant. A small, handheld computer typically used to store and view data relevant to a specific individual such as calendar or contact information.

Streaming - Commonly used in the terms "audio streaming" or "video streaming" is when data moves from one computer to another and doesn't have to be completely downloaded for the receiving computer to do something with it.

OAR 166-200 CITY GENERAL RECORDS RETENTION SCHEDULE- ORS 244.040 Prohibited use of official position or office; exceptions; other prohibited actions. (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is employed, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office. <http://www.leg.state.or.us/ors/244.html>

## **9.6 Phones and Portable Electronic Communication Devices (ECDs)**

### *Policy Statement*

The City provides phones and other portable electronic communication devices (ECDs) as tools for conducting City business. The City permits some personal use, provided the use complies with this policy, Federal, State and local laws and ordinances, other City policies, departmental rules and regulations and performance expectations. Use of City desk phones, cellular (cell) phones, including handheld devices and devices known as "smartphones," such as Blackberries and iPhones® and other portable ECDs, for illegal activities, political campaigning, engaging in profit making ventures, or other outside business is prohibited. Violations may result in discipline up to and including termination pursuant to the Corrective Action, Discipline, Dismissal and Appeal policy and may result in penalties to the individual under Oregon's Ethics law (ORS 244.040).

This policy applies to additional services and technologies available through cell phones such as Instant Messaging, text messaging and internet and e-mail access. City business related communications, messages and other electronic files created or received on cell phones or other ECDs, whether City issued or personally owned, may have records retention and access requirements under state law.

Employees have no right or expectation of privacy with regard to City business communications or use of any City equipment. The City expressly reserves the right to access and audit any and all City business related communications, including content sent, received or stored using phones and ECDs, and such communications may be subject to public disclosure as required by law.

### *Public Records and Security*

Employees are expected to:

- Regularly download City business-related e-mail messages, calendars, notes, task lists, and other City related communications from the cell phone to appropriate locations and back up all important data.
- Store all public records according to the City's approved records retention schedule. Contact the departmental records retention representative or City Recorder's office for further information on which types of communications are public records and for downloading and preservation requirements.
- Protect confidentiality. It is improper to reveal confidential City information, citizen data and other material covered by existing City policies and procedures unless specifically authorized to do so.
- The City prohibits the use of camera phones in restrooms and areas where confidential information is located. Employees releasing unauthorized protected information via any means (including on personal cell phones or other ECDs) and regardless of whether the release is inadvertent, will be subject to discipline under City policies and procedures and may be personally subject to sanctions imposed by law.
- Maintain security. Each employee accessing City e-mail and/or sending or receiving work messages on a personal or City issued cell phone or other ECD should be careful to maintain the security of that device's account. This includes taking steps such as selecting and regularly changing a strong password and not providing that password to others and locking the device when it is unattended.

## *Personal Use of City Phones and ECDs*

### Desk phones

ORS 244.040(1) prohibits personal use of City equipment other than briefly and infrequently. That being said, the Oregon Government Ethics Commission (OGEC) and the City both recognize that employees occasionally have a need to use a City telephone for personal purposes that can only be accomplished during regular business hours. The brief (two to three minutes in length) and infrequent personal use of desk phones for such purposes during regular business hours is viewed by the City as less disruptive than requiring employees to take formal breaks or leave work and is therefore permitted. However, long distance phone calls are prohibited unless the employee charges the call to a personal calling card or private phone number.

### Cell phones and ECDs

The City may assign cell phones or other ECDs to a variety of City employees, including those with duties away from the office who are required to remain in contact with voice-mail, other employees, officials, and the public; employees required to respond to after-hour emergencies; or employees on call. The OGEC has issued an advisory opinion that personal cell phone use of City issued cell phones is in violation of ORS 244.040(1) except for emergencies or to let family members or child care givers know about work-related issues (e.g. arriving home late or an unexpected meeting). Such calls are permitted only if a landline phone is not available and are restricted to being brief and infrequent (i.e., not more than two to three times monthly).

In order to provide flexibility to City employees with City issued cell phones, the City will allow up to ten minutes of personal calls per month as part of an employee's compensation and benefits. Other than the "emergency" or "family necessity" exception noted above and the "Limited Exceptions" noted below, **NO OTHER PERSONAL USE OF CITY OWNED AND ISSUED CELL PHONES OR ECD'S IS ALLOWED.**

Personal long distance calls and calls that incur roaming charges are prohibited, even if reimbursed to the City, except for limited calls during overnight travel (see below). City employees using their personal cell phones for required City business calls may submit reimbursement requests for the cost of those calls.

There are limited exceptions to the general scope of this policy, which apply in the following circumstances:

#### Limited Exceptions:

1. Out-of-town, overnight travel. The City allows employees traveling away from home overnight on City business to make up to ten (10) minutes of reimbursable long distance phone calls per day, to home or caregiver, using their personal cell phones. The City will reimburse the employee for personal cell phone calls made within these limits. Employees also may use City issued cell phones for these purposes and within these time limits. Other long distance phone calls are prohibited unless the employee charges the call to a personal calling card or private phone number, or upon check out from the hotel, personally pays for calls made on a hotel phone.
2. No assigned desk phone. Employees who have assigned cell phones, and do not have assigned desk phones or access to a desk phone, may use the City cell phone in the same manner described above for desk phones.
3. Personal cell phone and other communication device stipends. The City provides a stipend to certain City positions for the specific purpose of maintaining a personal cell phone or other ECDs and adequate service area coverage, and then using that device for City business. Participation in this program is voluntary. Stipend amounts and request forms are posted on the Information Services web page and may be adjusted periodically by the City. On a case-by-case basis, amounts different from those posted may be approved, upon receipt of documentation demonstrating business use at the dollar amount being requested, e.g. stipend request form, itemized bills, and an explanatory memo from the Department Head.

### *Stipend Eligibility Criteria*

The City may grant a cell phone stipend to employees in positions meeting the following criteria:

- Wage-and-hour exempt position requiring cell phones and/or mobile data capability;
- Wage-and-hour non-exempt position that requires an employee to be on-call;
- Field position that requires mobile data capability.

Employees in wage-and-hour non-exempt positions are prohibited from after-hours use of City equipment except when specifically authorized (refer to Overtime).

### *Maintain Personal Applicable Phones and Service*

Employees assigned a City cell phone who desire the convenience of a cell phone for personal calls beyond those allowed by this policy must carry and use their personal cell phones. Employees using City phones, whether cell or desk phones, for personal calls beyond the limits of permitted use are in violation of this policy and ORS 244.040(1) and must be able to verify applicable personal phones and service. Failure to provide proof, upon request, is a further violation.

### *Personal Cellular Phones and Other Personal Equipment at Work*

During work hours, employees are expected to devote their time and attention to performance of their job responsibilities. Use of personal cell phones and ECDs is limited to off-duty time, such as breaks and meal times, except when brief personal communications are necessary. Examples are for emergencies or brief calls to let family members or child care givers know about work-related issues (e.g. arriving home late or an unexpected meeting), or brief incoming, unexpected calls, such as from a doctor's office, mechanic, or child's school, that cannot be delayed to off-duty time.

Extended or frequent use of personally owned cell phones and ECDs while on duty is prohibited and may result in disciplinary action.

### *Cellular Phone or ECD Use in Vehicles, at Work Sites, or While Operating Equipment*

#### Safety

Using a cell phone or other ECD while driving can cause unnecessary and dangerous distractions. Except in the case of an emergency, employees who are driving City vehicles or personal vehicles on City business shall not use cell phones or ECDs while driving unless using a hands-free device that allows the employee to keep both hands on the steering wheel ORS 811.507(1)(a). Using a cell phone while operating a vehicle without a hands-free accessory is a violation of state law and this policy, unless a person is exempt under ORS 811.507(3). Police officers, while exempt from the statutory prohibitions, are expected to use sound judgment in relation to use of a ECD while driving a vehicle and to do so only as necessary in the performance of emergency duties; firefighters operating apparatus should not use and ECD as such cell phone use may be accomplished by the officer in the right seat. The City will provide a hands-free accessory for a City issued cell phone if the employee spends on-duty time operating a motor vehicle.

Employees should restrict the use of hands free devices while driving to matters of an urgent nature. Texting by hand while driving a City vehicle or driving on City business is prohibited under this policy, unless the communication is necessary to respond to an emergency or provide public safety services. To use a cell phone or ECD safely, employees are encouraged to pull over to the side of the road and stop the vehicle. This policy applies whether the employee or the City owns the cell phone or ECD.

## Emergencies

Employees are encouraged to use City cell phones to call for help or to help others in emergencies. For auto accidents, crimes in progress, or other serious emergencies where lives are in danger, call 911 and give the exact location and information to the fire, police or ambulance personnel. Employees are not expected to offer additional assistance beyond calling for help.

## Maintenance/Construction Equipment

DO NOT engage in the use of a cell phone while operating maintenance/construction type equipment. Even a hands-free cell phone will not be authorized while operating this type of equipment, unless the equipment has been properly stopped.

Work Sites. DO NOT engage in the use of a City or personal cell phone or ECD while at any work site during which the operation of such a device may be a distraction and/or may create an unsafe work environment.

## Guidelines for Use of Cellular Phones and ECD's

Cell phones and ECDs are a tool to enhance employee productivity and provide a higher level of service to our customers. Service costs relate to usage. Therefore, employees are expected to advance the public interest by being cost conscious in the use of City owned phones and ECDs. Employees should avoid using City issued cell phones when a desk phone is available.

## *Audits*

The Department Head shall keep a current record of which employees have been assigned City cell phones and ECDs and the reason for the assignment, and will monitor the use of this equipment by conducting monthly reviews of related billings to ensure compliance with this policy. The Finance and Information Services Departments may conduct random audits of cell phone billings to ensure compliance with this policy.

# Index

Administration of Personnel Program .....	8
Alcohol/Drug Policy .....	104
Americans With Disabilities Act (ADA) Policy .....	9
Attendance, Absenteeism and Punctuality.....	85
Benefits During Leave of Absence .....	74
Bereavement Leave .....	39
Bulletin Boards .....	95
Call Back .....	28
City Property & Equipment.....	115
Class Specification .....	15
Communications and Use of Social Media .....	91
Complaints .....	90
Conduct, Corrective Action, Discipline and Complaints.....	76
Corrective Action, Discipline, Dismissal and Appeal .....	86
Council- Staff Interaction Policy .....	14
Crime Victim Leave to Attend Criminal Proceedings .....	49
Criminal and Civil Court Record Investigations.....	13
Deferred Compensation .....	44
Department of Transportation - Federal Highway Administration (DOT/FHWA) Drug and Alcohol Policy ...	108
Department Rules .....	14
Disability Insurance .....	43
Donation of Blood.....	76
Driver's Licenses .....	104
Drug and Alcohol Testing Procedures .....	112
Economic Discipline Due Process and Appeal .....	88
Electronic Information Processing System and Electronic Mail.....	118
Employee Benefits .....	33
Employee Career Status .....	22
Employee Status .....	22
Employment Classifications .....	23
Employment Eligibility Verification .....	18
Employment References and Letters of Reference .....	12
Equal Employment Opportunity .....	10
Ethical Conduct .....	77
Family and Medical Leave .....	52
Harassment .....	81
Hiring Policies.....	15
Holidays.....	34
Hours of Work .....	28
Inclement Weather/Disasters .....	97
Information Services Policies and Procedures .....	125
Internet Usage.....	115
Introduction.....	8
Jury Duty and Witness Leaves.....	73
Layoff.....	24
Leaves of Absence .....	44
Leaves of Absence Without Pay .....	75
Medical/Dental/Vision Benefits.....	39
Merit Salary Increases .....	26
Military Leave .....	64
Nepotism .....	79
No Mandatory Meetings .....	95
Occupational Injury and Illness Policy (Workers' Compensation).....	66
Oregon Victims of Certain Crimes Leave Act/ Oregon Domestic Violence Leave .....	44

# Index, Continued

Orientation.....	22
Overtime.....	25
Pay Policies.....	25
Payroll Deductions .....	28
Performance Appraisal.....	23
Personal Appearance and Conduct .....	76
Personal Leave of Absence .....	44
Personal Vehicle Travel.....	32
Personnel Authority.....	9
Personnel Records.....	11
Phones and Portable Electronic Communication Devices (ECDs) .....	131
Political Activity.....	80
Pre-Employment Drug Screening Policy.....	85
Probationary Period .....	22
Promotion and Transfer.....	24
Receipt of Policy and Procedural Manual .....	137
Recruitment.....	15
Relatives and Members of Household .....	18
Residency.....	17
Responsibility Pay .....	27
Rest Periods for Expression of Breast Milk.....	28
Retirement System.....	42
Return-to-Work Program .....	71
Romantic Supervisory Relationships (Rescinded) .....	91
Safety .....	95
Safety and Health Policy .....	98
Salary Administration .....	25
Salary Advance .....	34
Salary Ranges.....	25
Selection .....	16
Sick Leave Donation Policy.....	37
Sickness and Disability .....	36
Smoking .....	103
Special Service Contracts .....	11
Stability Pay .....	27
Termination.....	24
Training and Travel.....	41
Travel Time.....	30
Unemployment Compensation .....	33
Use of Vehicles for City Business .....	103
Utility Credit and Allowance.....	44
Vacation Benefits .....	33
Veteran Hiring Preference Policy .....	16
Violence in the Workplace .....	96
Voice Mail.....	120
Whistleblower Protection Policy.....	93



## RECEIPT OF THE CITY OF ASTORIA PERSONNEL POLICY AND PROCEDURAL MANUAL

This acknowledges I have received a copy of the City of Astoria ("City") Personnel Policies and Procedures. The Personnel Policies and Procedures is designed as a guide for supervisors and Department Heads in the day-to-day administration of the City's personnel program. I understand that the City cannot anticipate and write personnel policies for every situation and any suggestions for improvement are welcome. It is to the benefit of the City and the community to encourage employee recommendations that benefit employee-employer relations and policies.

It is the responsibility of every supervisor to administer these rules in a fair and consistent manner. Whenever necessary, employees should be encouraged to review particular policies in detail. It is essential that all employees understand the policies and expectations set forth. **I understand it is my responsibility to read and understand the policies and expectations set forth in this Policy Manual within the first two weeks of my employment. If I have any questions about this Policy and Procedural Manual I understand that I should ask my supervisor for answers to my questions.**

These policies and procedures apply to all employees, including Department Heads and members of recognized employee bargaining units, unless contradicted by a collective bargaining agreement or superseded by a department policy which has been approved by the City as superseding policies herein, in which case the more specific sections of those shall control. Where there is a conflict between these policies and a collective bargaining agreement or other employment agreement or approved department policy, the applicable agreement will govern as applied to employees covered by the applicable agreement.

Subject to applicable laws, procedures and practices in personnel relations are always subject to modification by updates and changes dictated by law and other considerations. Changes will be distributed as they are adopted. Each employee, and particularly employee groups, supervisors and department heads, can assist in keeping the personnel program up-to-date by notifying the City Manager or Finance Director whenever problems are encountered or improvements can be made in the existing policies.

In any case of conflict between the Personnel Policy & Procedural Manual and a Collective Bargaining Agreement, the Collective Bargaining Agreement will prevail.

I understand that neither this Policy and Procedural Manual nor any verbal statements made by the City constitute an agreement or promise of continued employment and that the provisions of this Personnel Policies and Procedures may be changed at any time. I understand that they City, as an employer, reserves the right to terminate my employment at-will at any time and that I also have the right to terminate my employment at any time and, with at least two weeks prior notice to do so in good standing. I am also aware and understand that no one other than the City has any authority to enter into any agreement for employment on behalf of the City, or to make any agreement contrary to the foregoing, and no such agreement has been made.

\_\_\_\_\_  
Department Manager Name

\_\_\_\_\_  
Supervisor/Manager's Signature

\_\_\_\_\_  
Date

# Appendix

- 1.1 Personnel Action Form (PAF)
- 1.7 Guidelines for Providing Employment References
- 3.1 Performance Appraisal Format (Employee Performance Report)
- 3.6 Supervisors Guide to Corrective Action, Discipline, Dismissal and Appeal
- 4.12A Travel Approval and Advance Request
- 4.12B Request for Reimbursement of Travel Expenses (2 pages)
- 5.4A Request to Receive Sick Leave Donation Form (2 Pages)
- 5.4B Sick Leave Donation Form
- 6.1 Request for Leave of Absence Form
- 6.1 FMLA Package Information
- 6.7A Sample Return to Work Form
- 6.7B Modified Duty Job Description
- 8.1 Safety Committee Policy
- 8.8A Consent to Chemical Testing: Drug Use Questionnaire
- 8.8B Consent to Alcohol Breath Testing (Astoria Police Department)
- 8.8C Consent to Alcohol Breath Testing (General)
- 8.9A DOT Drug and Alcohol Policy & Procedures
- 8.9B DOT Drug and Alcohol Release Form



**CITY OF ASTORIA  
PERSONNEL ACTION FORM**

**ACTION:** \_\_\_\_\_

Employee		Employee No.		Job Title	
Address		Effective Date		Date of Hire	Department
Phone		Date Stability Pay		Time Sheet	W-4 Exemptions
Job Code		Occupational Code		W/C Code	Budget Code
Former Employee	M/S/R	Bargain Unit	Water Credit	Ret. W/H	Certification No.

**FIRE ONLY: \$0**

	SALARY			STABILITY			INCENTIVE/CERTIFICATION		
	Month	Year	Hour	%	Month	Year	%	Month	Year
From									
To									
	Job Title			Status		Range/Step	TOTAL		
							Month	Year	
From									
To									

**REMARKS:**

Employee's signature necessary in cases of voluntary demotion, transfer, or temporary assignment.

Reason for action: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby consent to this action without coercion or compulsion. \_\_\_\_\_  
Employee's Signature

The above personnel action is requested.

The above personnel action is approved.

\_\_\_\_\_  
Department Head Date

\_\_\_\_\_  
City Manager Date

Personnel \_\_\_\_\_ Finance \_\_\_\_\_ Data \_\_\_\_\_ Employee \_\_\_\_\_

## **Guidelines for Providing Employment References**

Oregon law provides protection for an employer who responds to a prospective employer's request for reference information about a former employee, as long as the information is requested by the prospective employer, is provided in good faith, and avoids any disclosures about the former employee which are protected, such as race, color, religion, national origin, disability, sexual orientation, age, etc.

Employers are not required to respond to reference requests. However, most employers rely on information from past employers to make good hiring decisions and therefore it is appropriate and desirable for us to respond to such requests in a manner which helps other employers do that, as we would want them to do for us.

The following guidelines are provided to help reduce any legal risks involved in giving employment references for both current and former employees.

A good test for the legality of a reference question is whether the question can be legally asked of the prospective employee. If not, the question is not appropriate for a reference seeker to ask or the reference provider to answer. An example of a question NOT legal to ask is *do you have any disabilities that would prevent you from performing this job?*

Be cautious about providing references over the phone. Arrange to provide the information in a return call or in writing, if possible, to verify that the person who contacted you has a legitimate business interest.

Provide an employment reference only if you have direct knowledge of an employee. This means generally, only a supervisor or manager should provide reference information.

The employment reference should be restricted to answering only the questions which are related to aspects of the employee's job performance about which you have specific knowledge. You should avoid giving negative information about an employee's job performance if you did not document it at the time the problem occurred and/or discuss it with the employee.

If asked about the employee's attendance record, you may provide verifiable information; however do not go beyond commenting on the facts of any work absences or give reasons for the absences; never disclose any information regarding disabilities or medical conditions.

Don't hesitate to contact Director of Finance and Administrative Services for assistance with providing employment references.

**CITY OF ASTORIA  
PERSONNEL OFFICE  
Equal Opportunity Employer**

**EMPLOYEE PERFORMANCE REPORT**  
(READ THE REVERSE SIDE BEFORE FILLING OUT)

WHITE - Personnel Copy  
CANARY - Department Copy  
PINK - Employee Copy

<b>EMPLOYEE NAME AND NUMBER</b>	<b>JOB CLASSIFICATION</b>	<b>DEPARTMENT</b>
---------------------------------	---------------------------	-------------------

<b>REASON FOR EVALUATION</b>	<b>RATING PERIOD</b>
<b>PROBATION</b> <input type="checkbox"/> <b>FINAL PROBATION</b> <input type="checkbox"/> <b>ANNUAL if</b> <input type="checkbox"/> <b>SPECIAL</b> <input type="checkbox"/>	<b>FROM:</b> _____ <b>TO:</b> _____

<b>SECTION A - ITEMIZED CHECK LIST</b>	<b>SECTION B - OVERALL EVALUATION</b>
EMPLOYEE'S IMMEDIATE SUPERVISOR SHOULD CHECK EACH ITEM IN THE APPROPRIATE COLUMN. REPORT MUST BE COMPLETED IN INK. ANY CHANGES MADE IN THE REPORT SUBSEQUENT TO THE EMPLOYEE'S SIGNING REQUIRE INITIALING BY THE EMPLOYEE AND PERSON MAKING THE CHANGE.	CHECK OVERALL EVALUATION WHICH MUST REFLECT AND BE CONSISTENT WITH ITEMIZED CHECK LIST. SPECIFIC WRITEN COMMENTS ARE REQUIRED.
DOES NOT APPLY    OUTSTANDING    ABOVE AVERAGE    SATISFACTORY    IMPROVEMENT NEEDED    UNSATISFACTORY	OUTSTANDING    ABOVE AVERAGE    SATISFACTORY    IMPROVEMENT NEEDED    UNSATISFACTORY

ALL EMPLOYEES	<b>COMMENTS:</b>
1. ATIENDANCE	
2. PUNCTUALITY	
3. PHYSICAL FITNESS	
4. SAFETY PRACTICES	
5. PERSONAL NEATNESS	
6. COMPLIANCE WITH RULES AND REGULATIONS	
7. COOPERATION	
8. ACCEPTANCE OF NEW IDEAS AND PROCEDURES	
9. APPLICATION OF EFFORT	
10. INTEREST IN JOB	
11. ACCURACY OF WORK	
12. JUDGMENT	
13. PUBLIC RELATIONS	
14. WRITEN EXPRESSION	
15. ORAL EXPRESSION	
16. EQUIPMENT OPERATION	
17. NEATNESS OF WORK	
18. PERFORMANCE WITH MINIMUM SUPERVISION	
19. PROMPTNESS IN COMPLETING WORK	<b>SUGGESTIONS FOR IMPROVEMENTS:</b>
20. DEPENDABILITY	
21. VOLUME OF WORK PRODUCED	
22. QUALITY OF WORK PRODUCED	
23. PERFORMANCE UNDER PRESSURE	
24. PERFORMANCE IN NEW WORK SITUATIONS	
25. IMPROVEMENTS SINCE LAST REPORT	
EMPLOYEES WHO SUPERVISE	
1. COORDINATING WORK WITH OTHERS	<b>MERIT/STABILITY INCREASE:</b>
2. ACCEPTANCE OF RESPONSIBILITY	
3. ESTABLISHMENT OF WORK STANDARDS	
4. TRAINING AND INSTRUCTING STAFF	
5. PLANNING AND ASSIGNING WORK	<b>ADDITIONAL PAGES ATTACHED</b>
6. FAIRNESS AND IMPARTIALITY TO STAFF	RATED BY _____ DATE _____
7. CONTROL OF STAFF	REVIEWED BY _____ DATE _____
8. ADEQUACY OF INSTRUCTIONS	DEPARTMENT HEAD _____ DATE _____
9. LEADERSHIP	I HAVE DISCUSSED THIS REPORT WITH MY SUPERVISOR. I UNDERSTAND MY SIGNATURE DOES NOT NECESSARILY MEAN I AGREE WITH THE EVALUATION.
10. APPROACHABILITY	
11. ABILITY TO GET WORK OUT	EMPLOYEE SIGNATURE _____ DATE _____
ADDITIONAL ITEMS	
O I WOULD LIKE TO DISCUSS THIS REPORT OR OTHER MATIERS WITH SOMEONE OTHER THAN MY RATING SUPERVISOR.	



# City of Astoria

## Travel Approval and Advance Request

Employee \_\_\_\_\_ Dates of Travel \_\_\_\_\_

Department \_\_\_\_\_ Purpose of Travel \_\_\_\_\_

**PLEASE SUBMIT REQUEST 10 DAYS PRIOR TO NEEDING THE DISBURSEMENT TO ALLOW FOR PROCESSING TIME**

### Conference/Training Information

Location: \_\_\_\_\_ Conf/Training Title: \_\_\_\_\_

Conf Fee: \_\_\_\_\_ Method of Payment: Check ( ) Credit Card ( ) Other ( )

Check Made Payable To: \_\_\_\_\_ Return Check To: \_\_\_\_\_

Mail Check To: \_\_\_\_\_

Budget #: \_\_\_\_\_

### Hotel Information

Hotel: \_\_\_\_\_ # Of Nights: \_\_\_\_\_ \$ Per Night: \_\_\_\_\_

Total Costs: \_\_\_\_\_ Method of Payment: Check ( ) Credit Card ( ) Other ( )

Check Made Payable To: \_\_\_\_\_ Return Check To: \_\_\_\_\_

Mail Check To: \_\_\_\_\_

Budget #: \_\_\_\_\_

### Travel Advance

Total Advance Requested: \_\_\_\_\_ Check Made Payable To: \_\_\_\_\_

Date Advance Needed: \_\_\_\_\_ Budget Number: \_\_\_\_\_

### Other Information


Employee: \_\_\_\_\_ Date: \_\_\_\_\_ Finance Dir: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_



# City of Astoria - Request for Reimbursement of Travel Expenses

Employee Name \_\_\_\_\_

Dates of Travel \_\_\_\_\_

DefJ\_artment \_\_\_\_\_

Purpose of Travel \_\_\_\_\_

Budget Numbers	Employee Paid Expenses Only
	(totals from page 2)
	Meals \$ _____
	odging _____
	Parking _____
	Registrations _____
	Car Rental _____
	Mileage _____
	Other _____
	Other _____
	Other _____
	Total Expenses \$ _____

Cash Advance	\$ _____
(Less Total Expenses)	_____
Balance Due City	+
(Balance Due Employee)	-

Please make sure that all receipts for non credit card expenditures are attached and accounted for. Attach credit card receipts to your monthly credit card statement.

Requests for reimbursement without proper documentation may be denied

I hereby certify that the travel indicated here was accomplished according to authorization; that information shown here is correct; that no part of compensation claimed was of a personal nature and that I am aware of the City's policies regarding travel and reimbursements.

Signed: \_\_\_\_\_  
 (Employee Signature) Date

Approved: \_\_\_\_\_  
 (Department Head Signature) Date

Ap\_E>roved \_\_\_\_\_  
 (Finance Director Signature) Date



# City of Astoria - Request for Reimbursement of Travel Expenses

Employee Name \_\_\_\_\_

Dates of Travel \_\_\_\_\_

Department \_\_\_\_\_

Purpose of Travel \_\_\_\_\_

	Date			Date			Date			Date			Total employee Paid	Total City Credit card
	Amount	Receipt Y/N	Paid With City CC	Amount	Receipt Y/N	Paid With City CC	Amount	Receipt Y/N	Paid With City CC	Amount	Receipt Y/N	Paid With City CC		
Breakfast														
Lunch														
Dinner														
Lodging														
Parking														
Registration														
Car Rental														
Totals														



Mileage								
Date	Vehicle	From	To	Starting Mileage	Ending Mileage	Total Miles	Rate	Amount
							Total	

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Dept Head Approval \_\_\_\_\_ Date \_\_\_\_\_



**CITY OF ASTORIA**  
**REQUEST TO RECEIVE SICK LEAVE DONATION**

**TO BE COMPLETED BY EMPLOYEE OR AUTHORIZED REPRESENTATIVE**

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Position Title of Employee

\_\_\_\_\_  
Department

I request permission to use donated sick leave. I have exhausted all earned leave credits (personal leave, vacation, sick leave, compensatory time, etc.) and I am not eligible for any other salary continuation benefits such as long-term disability benefits, retirement benefits, etc.

I have a non-occupational illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause me to go on leave without pay, or to leave City employment.

I understand that I must file with my supervisor and Human Resources a medical certificate from my health care provider verifying eligibility under these criteria. Human Resources will provide a copy of the certificate and the request to use sick leave donation for review. Human Resources will make a recommendation to the City Manager. The City Manager will either accept or deny the request.

I understand that I may receive a maximum of 520 hours (for employees working 40 hours per week) or 720 hours (for employees working 56 hours per week) of donated sick leave. If I exhaust the donated leave before I return to work, I may receive donated leave again upon approval. I understand that at no time may I have more than the maximum hours specified of sick leave at my disposal.

I understand that donated sick leave may not be used to extend my employment beyond the point it would otherwise end by operation of law, rules, or regulations. (For example: If the position the employee held was being eliminated and the employee would have been laid off, donated leave may not be used to extend his/her employment status).

I understand that when I am using donated sick leave, I am not on "hours worked status" and do not accrue personal holidays, vacation, or sick leave benefits nor do I earn pay for holidays; however, if I am otherwise eligible for City-paid health care benefits, I understand I will continue to receive those benefits while using the sick leave donation program. If currently contributing to my health care coverage, I will continue to do so.

I authorize the posting of notices for donations:

In my department only	D
In all City departments	D
Do not post	D

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

I have received a copy of the City of Astoria Sick Leave Donation Policy.

# EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

## Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

## Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

## Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

## Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

## Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
J-866-4US-WAGE (J-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor | Wage and Hour Division

# 9VHD

WHO Publication 1-120-Rev. iscd February 200



Oregon

Brad Avakian, Commissioner



# FAMILY LEAVE ACT

## NOTICE TO

### EMPLOYERS AND

The Oregon Family Leave Act (OFLA) requires employers of 25 or more employees to provide eligible workers with protected leave to care for themselves or family members in cases of death, illness, injury, childbirth, adoption and foster placement.

ORS 659A.150 to 659A.186

### When can an Employee take Family Leave?

Employees can take family leave for the following reasons:

- => **Parental Leave** during the year following the birth of a child or adoption or foster placement of a child under 18, or a child 18 or older if incapable of self-care because of a mental or physical disability. Parental leave includes leave to effectuate the legal process required for foster placement or adoption.
- => **Serious health condition leave** for the employee's own serious health condition, or to care for a spouse, parent, child, parent-in-law, grandparent, grandchild or same gender domestic partner with a serious health condition. NOTE: Does not include an employee unable to work due to a compensable Workers Compensation injury.
- => **Pregnancy disability leave** (a form of serious health condition leave) taken by a female employee for an incapacity related to pregnancy or childbirth, occurring before or after the birth of the child, or for prenatal care.
- => **Sick child leave** taken to care for an employee's child with an illness or injury that requires home care but is not a serious health condition.
- => **Bereavement leave** to deal with the death of a family member.
- => **Oregon Military Family Leave** is taken by the spouse or same gender domestic partner of a service member who has been called to active duty or notified of an impending call to active duty or is on leave from active duty during a period of military conflict.

### Who is Eligible?

To be eligible for leave, workers must be employed for the 180 day calendar period immediately preceding the leave and have worked at least an average of 25 hours per week during the 180-day period.

**Exception 1:** For parental leave, workers are eligible after being employed for 180 calendar days, without regard to the number of hours worked.

**Exception 2:** For Oregon Military Family Leave, workers are eligible if they have worked at least an average of 20 hours per week, without regard to the duration of employment.

### How much Leave can an Employee take?

- => Employees are generally entitled to a maximum of 12 weeks of family leave within the employer's 12-month leave year.
- => A woman using pregnancy disability leave is entitled to 12 additional weeks of leave in the same leave year for any qualifying OFLA purpose.
- => A man or woman using a full 12 weeks of parental leave is entitled to take up to 12 additional weeks for the purpose of sick child leave.
- => Employees are entitled to 2 weeks of bereavement leave to be taken within 60 days of the notice of the death of a covered family member.
- => A spouse or same gender domestic partner of a service member is entitled to a total of 14 days of 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.

### What Notice is Required?

Employees may be required to give 30 days notice in advance of leave, unless the leave is taken for an emergency. Employers may require that notice is given in writing. In an emergency, employees must give verbal notice within 24 hours of starting a leave.

### Is Family Leave Paid or Unpaid?

Although Family Leave is unpaid, employees are entitled to use any accrued paid vacation, sick or other paid leave.

### How is an Employee's job Protected?

Employers must return employees to their former jobs or to equivalent jobs if the former position no longer exists. However, employees on OFLA leave are still subject to nondiscriminatory employment actions such as layoff or discipline that would have been taken without regard to the employee's leave.

### FOR ADDITIONAL INFORMATION:

Employer Assistance . . . 971-673-0824  
 Portland . . . . . 971-673-0781  
 Eugene . . . . . 541-686-7623  
 Salem . . . . . 503-378-3292

[www.oregon.gov/BOLI](http://www.oregon.gov/BOLI)

BOLI  
 Civil Rights Division  
 800 NE Oregon, #1045  
 Portland, OR 97232

This is a summary of laws relating to Oregon Family Leave Act.

It is not a complete text of the law.



**THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION**

**Employees who have been denied available leave, disciplined or retaliated against for requesting or taking leave, or have been denied reinstatement to the same or equivalent position when they returned from leave, may file a complaint with BOLI's Civil Rights Division.**

**AUTHORIZATION TO DISCLOSE MEDICAL RECORDS/INFORMATION - Employee**

This authorization must be written, dated and signed by the patient or by a person authorized by law to give authorization.

1. To: Custodian of Records for: \_\_\_\_\_

\_\_\_\_\_  
[Employee's treating doctor(s) and address]

2. I, Employee Name, hereby authorize the use or disclosure of my health information as described in this authorization.

3. Specific person/organization (or class of persons) authorized to receive and use the information:  
PLEASE INSERT client address Attn: PLEASE INSERT client contact name, Title.

4. The information will be used on my behalf for the following purpose:

**To evaluate my medical impairment, job-related limitations, fitness for safe duty, and potential need for accommodation following Family Medical Leave.**

5. By initializing the spaces adjacent to the **bolded text** below, I specifically authorize the release of the following medical records, if such records exist:

— All hospital records (including nursing records and progress notes)

Diagnostic imaging reports

Clinician office chart notes

— Transcribed hospital records

Dental records

Medical records needed for continuity of care

Physical therapy records

Most recent five-year history

Emergency and urgency care records

Laboratory reports

Billing statements

Pathology reports

**X Other: Answers to my employer's questions regarding my medical certification and/or fitness for safe duty following Family Medical Leave.**

Please send the entire medical record (all information to the above named recipient). The Employer understands this record to be voluminous and agrees to pay all reasonable charges associated with providing this record. Please note that the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

\*Mental health information (other than psychotherapy notes as defined by 45 CFR § 164.501)1

\*Must be initialed to be included in other documents.

\_\_\_\_\_

- \*\*Drug/alcohol diagnosis; treatment or referral information: \_\_\_\_\_

\*\*Federal Regulation, 42 CFR part 2, requires a description of how and what kind of information is to be disclosed.

**This authorization is limited to the following treatment: For any serious health condition certified by my treating medical provider for Family Medical Leave purposes**

**..II. This authorization is limited to medical records for the following time period: From to present. (Note: Use the date FMLA was authorized to begin)**

This authorization is limited to a workers' compensation claim for injuries of \_\_\_\_\_ (date).

6. I understand that the information used or disclosed pursuant to this authorization may be subject to redisclosure and no longer be protected under federal law. However, I also understand that federal or state law may restrict redisclosure of HIV/AIDS information, mental health information, genetic testing information and drug/alcohol diagnosis, treatment or referral information.
7. I understand that I do not need to sign this authorization. Refusal to sign the authorization will not adversely affect my ability to receive health care services or reimbursement for services. I understand that the only circumstance when refusal to sign means I will not receive health care services is if the health care services are solely for the purpose of providing health information to someone else and the authorization is necessary to make that disclosure.
8. This authorization may be revoked in writing at any time. If the authorization is revoked, the information described above may no longer be used or disclosed for the purposes described in this written authorization. The only exception is when a covered entity has taken action in reliance on the authorization or the authorization was obtained as a condition of obtaining insurance coverage.
9. To revoke this authorization, please send a written statement to, PLEASE INSERT client contact name, Title, PLEASE INSERT client address and state that you are revoking this authorization.
10. I understand that after this information is disclosed, federal law may not protect it from further disclosure unless otherwise protected by law.
11. I understand that I am entitled to receive a copy of this authorization.
12. I have read this authorization and I understand it. Unless revoked, this authorization expires 180 days from the date of signing or shall remain in effect for the period reasonably needed to complete the request.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of patient)

DOB: \_\_\_\_\_

<sup>1</sup> "Psychotherapy notes" means notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual's medical record. "Psychotherapy notes" excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

{00300436.DOC; v I Revised 11/03}

NOTICE: This release is intended to comply with the Health Insurance Portability and Accountability Act (HIPAA) privacy regulations regarding authorizations, 45 CFR §164.508 and ORS 192.525(3).

**AUTHORIZATION TO DISCLOSE MEDICAL RECORDS/INFORMATION - Family Member**

This authorization must be written, dated and signed by the patient or by a person authorized by law to give authorization.

1. To: Custodian of Records for:

\_\_\_\_\_  
[Employee's treating doctor(s) and address]

2. I, \_\_\_\_\_, relative of Employee Name, hereby authorize the use or disclosure of my health information as described in this authorization.

3. Specific person/organization (or class of persons) authorized to receive and use the information: PLEASE INSERT client address Attn: PLEASE INSERT client contact name, Title.

4. The information will be used on my behalf for the following purpose:

**To evaluate my medical impairment, job-related limitations, fitness for safe duty, and potential need for accommodation following Family Medical Leave.**

5. By initializing the spaces adjacent to the **bolded text** below, I specifically authorize the release of the following medical records, if such records exist:

— All hospital records (including nursing records and progress notes)

— Transcribed hospital records

Medical records needed for continuity of care

Most recent five-year history

Laboratory reports

Pathology reports

— Diagnostic imaging reports

Clinician office chart notes

Dental records

Physical therapy records

Emergency and urgency care records

Billing statements

**X Other: Answers to the questions my relative's employer's has regarding my medical certification for Family and Medical Leave.**

Please send the entire medical record (all information to the above named recipient). The Employer understands this record to be voluminous and agrees to pay all reasonable charges associated with providing this record. Please note that the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

— \*Mental health information (other than psychotherapy notes as defined by 45 CFR § 164.501) 1

\*Must be initialed to be included in other documents.

\_\_\_\_\_

- \*\*Drug/alcohol diagnosis; treatment or referral information: \_\_\_\_\_

\*\*Federal Regulation, 42 CFR part 2, requires a description of how and what kind of information is to be disclosed.

**This authorization is limited to the following treatment: For any serious health condition certified by my treating medical provider for Family Medical Leave purposes**

**.X. This authorization is limited to medical records for the following time period: From \_\_\_\_\_ to present. (Note: Use the date FMLA was authorized to begin)**

This authorization is limited to a workers' compensation claim for injuries of \_\_\_\_\_ (date).

6. I understand that the information used or disclosed pursuant to this authorization may be subject to redisclosure and no longer be protected under federal law. However, I also understand that federal or state law may restrict redisclosure of HIV/AIDS information, mental health information, genetic testing information and drug/alcohol diagnosis, treatment or referral information.
7. I understand that I do not need to sign this authorization. Refusal to sign the authorization will not adversely affect my ability to receive health care services or reimbursement for services. I understand that the only circumstance when refusal to sign means I will not receive health care services is if the health care services are solely for the purpose of providing health information to someone else and the authorization is necessary to make that disclosure.
8. This authorization may be revoked in writing at any time. If the authorization is revoked, the information described above may no longer be used or disclosed for the purposes described in this written authorization. The only exception is when a covered entity has taken action in reliance on the authorization or the authorization was obtained as a condition of obtaining insurance coverage.
9. To revoke this authorization, please send a written statement to PLEASE INSERT client contact name, Title, PLEASE INSERT client address and state that you are revoking this authorization.
10. I understand that after this information is disclosed, federal law may not protect it from further disclosure unless otherwise protected by law.
11. I understand that I am entitled to receive a copy of this authorization.
12. I have read this authorization and I understand it. Unless revoked, this authorization expires 180 days from the date of signing or shall remain in effect for the period reasonably needed to complete the request.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of patient)

DOB: \_\_\_\_\_

I "Psychotherapy notes" means notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual's medical record. "Psychotherapy notes" excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

{00300436.DOC; v I Revised 11/03}

NOTICE: This release is intended to comply with the Health Insurance Portability and Accountability Act (HIPAA) privacy regulations regarding authorizations, 45 CFR § 164.508 and ORS 192.525(3).

**Return to Work Certificate**

<b>Name</b>		<b>Age</b>		<b>Phone</b>	
<b>Company name &amp; Address</b>				<b>Date of Injury or illness</b>	
<b>D</b>	Patient may return to work with no limitations or restrictions from:				
<b>D</b>	Patient may return to work on _____ with the below mentioned restrictions & limitations.				

<b>Limits &amp; Restrictions</b>	
<b>Duration of activity per day</b>	
<b>Lifting limitations &amp; restrictions</b>	
<b>Duration of standing activity</b>	
<b>Walking duration &amp; restrictions</b>	
<b>Seated activity &amp; restrictions</b>	
<b>Driving limits</b>	
<b>Activities to be specifically avoided</b>	
<b>Others</b>	
<b>Comments &amp; Notes</b>	

<b>Doctor's name &amp; signature</b>		<b>Address &amp; Contact details</b>	
--------------------------------------	--	--------------------------------------	--



# Modified Duty Assignment Form

Employee: -----Employee #: \_\_\_\_\_ Department: \_\_\_\_\_ Date of Injury: \_\_\_\_\_

We have received your medical release from \_\_\_\_\_  
(Doctor/IF facility) (Date)

We are pleased you are able to return to work. Your release form states you may return to work with the following medical restrictions:

---

---

Your department is able to accommodate the above restrictions, your assignment begins on:

\_\_\_\_\_ at \_\_\_\_\_ O.A.M and \_\_\_\_\_ end on \_\_\_\_\_  
(Star Date) (Time) O P.M. (End Date)

\*Not to exceed 90 days or until restrictions change or when employee is released to return to full duty by physician, whichever occurs first.

\*If employee exceeds 90 days, restrictions will have to be re-evaluated to see if reasonable accommodations can continue.

Full Time Hours Per Day o 7.5 o 8 o Part Time If Part Time, Percentage of Time \_\_\_\_\_

You will be paid your regular wage.

The description of modify duty are as follows

---

---

Participant's Responsibilities:

Employee:

- Work within the physical limitations set by the doctor. Also the physical restrictions apply to outside work activities (Example: home, exercise, etc.).
- You must take primary responsibility for your own safety and abiding with your physical restrictions.
- Let the supervisor know if I am having difficulties with any of the tasks I must perform.
- Tell the supervisor in advance if I must leave work for a medical appointment.
- Ensure the supervisor knows of any changes in restrictions and provide a copy of the work status report from the doctor to supervisor.

Supervisor/Coordinator:

- Communicate regularly with the employee regarding his/her progress.
- Monitor changes in restrictions.
- Ensure the employee works within the physical limitations set by the doctor.

We have read, fully understand, and agree to the duties of this assignment.

\_\_\_\_\_  
Employee's Signature Date

\_\_\_\_\_  
Supervisor Signature Date

\_\_\_\_\_  
Director of Finance & Date  
Administrative Svcs

\*Refusal to return to work in a Modified assignment may result in reduction or suspension of your disability benefits.

Section 1.01 Purpose. It is the policy of the City of Astoria to provide a safe and healthy work environment and to provide procedures to enforce and maintain such an environment for employees.

Section 1.02. Safety Committee. The City will maintain a city wide safety committee to assist department heads and the City Manager in the development and maintenance of a safe and healthy work environment. Some departments may choose to maintain a departmental safety committee. Such a committee will act in an advisory capacity to the City committee.

The committee shall act as an advisory board to the City Manager with the Human Resources Administrator acting as the liaison between the Safety Committee and the City Manager. The committee shall accept suggestions, reports, or concerns from employees via their employee representative or such information may be sent anonymously or signed to the Human Resources Administrator. The committee shall review City policies and procedures regarding safety and make written policies and procedures regarding safety and make written recommendations for changes to the appropriate department head. Such recommendations shall be responded to in writing by the department head to the Safety Committee secretary and in a timely fashion.

Section 1.03 Membership.

- (1) One member of each major work area shall be selected to a total of four employees.
- (2) At least two and up to four management representatives shall be selected. One of these shall be the Human Resources Administrator. Use of less than four must be agreed upon by the committee.
- (3) Each member shall serve two continuous years with staggered starting dates.
- (4) Work groups shall choose their own method of selection. Management representatives shall be appointed by the City Manager or designee.
- (5) Wages shall be compensated at the regular rate.

Section 1.04. Meetings.

- (1) Meetings shall be called at least once per month and are in addition to quarterly site inspections.
- (2) Minutes shall be taken and sent to committee members, department heads, and the City Manager.
- (3) Minutes shall be posted in both Fire Stations. Police, Public Works and Parks Shops, and City Hall.

- (4) A written agenda shall be prepared for each meeting.
- (5) A chairperson shall be elected by the committee to serve one year; likewise, the committee shall have a secretary to record and distribute minutes.
- (6) All records of the committee shall be kept for a minimum of three years.

Section 1.05. Inspections.

- (1) The work sites of Public Works, Police, Fire, Park Shops, Senior Center, Library and City Hall shall be inspected once per three months by the Safety Committee and a written record made of the inspection.
- (2) There shall be three inspection teams; Police/Fire; Public Works/Parks; and City Hall/Library/Senior Center. Inspections shall be done outside of regular safety meetings.
- (3) Inspections shall be based on checklists of safety related items and placed on the agenda for Safety Committee meetings.
- (4) The committee shall make written recommendations to supervisors and department heads who shall respond in writing in a timely fashion.
- (5) These recommendations shall be followed up at safety committee meetings and such follow-up shall be made part of the meeting minutes.

Section 2.01. Safety Responsibilities. It is the City's responsibility to work toward preventing accidents and injuries and to promote safety awareness among all employees. Supervisory employees must understand and accept accountability for the prevention of injuries to employees they supervise. All employees must understand and accept responsibility to work safely and to extend this concern for personal safety to co-workers and the public.

Section 2.02. Department Heads and Supervisors. The department head and supervisory staff lead, guide and direct the activities and procedures of assigned employees. They ensure that safety is included in every part of the job. They are responsible, to the best of their ability, for:

- (1) Developing the proper attitudes toward safety in themselves and those they supervise.
- (2) Ensuring all operations are done safely and rules are followed.
- (3) Providing training and procedures for operations. Conducting new employee safety orientation.

- (4) Reporting and investigating all incidents immediately.
- (5) Continually observing and evaluating work conditions and procedures to detect and correct unsafe conditions and practices.
- (6) Investigating and reporting all accidents and completing required reports promptly. Responding promptly to the Safety Committee's recommendations.
- (7) Ensuring that tools, equipment and protective devices are properly maintained and used.
- (8) Ensuring there is a good housekeeping program and a high standard of personal and operational cleanliness.
- (9) Encouraging employees' suggestions and following up on them.

Section 2.03. Responsibility of Employees.

- (1) Practicing approved, safe work procedures.
- (2) Following the provisions of the safety policy and department rules and regulations.
- (3) Immediately reporting to the supervisor all accidents, injuries and near misses that occur within the course of employment.
- (4) Promptly reporting to the supervisor or Safety Committee all unsafe practices and conditions observed that could lead to an accident.
- (5) Cooperating with the supervisor in investigating of accidents to identify correctable causes and to prevent recurrence.
- (6) Actively supporting and participating in safety training measures used in department safety programs.

Section 3.01. General Safety Rules. Safety rules establish a basic framework within which each of us can expect to work safely. They are important in assuring our safety and are for the protection of each and every one of us. Disregard or violation of safety rules or procedures is considered cause for disciplinary action. Your area or department may have additional safety rules.

- (1) All injuries, no matter how small, must receive proper treatment and be reported to the supervisor.
- (2) Report any unsafe conditions or practices to the supervisor.

- (3) Be responsible for good housekeeping by:
  - (a) Using proper trash receptacles;
  - (b) Picking up things that could cause slips and trips;
  - (c) Never allowing combustible materials (boxes, wood, cloth, etc.) to accumulate;
  - (d) Keeping the area in front of fire/safety equipment clear, for easy access;
  - (e) Keeping all aisles and doorways clear; and
  - (f) Assisting in making the work area clean, healthy, and safe.
- (4) Shut off power and lock or tag out the controls of any moving machinery before adjusting, cleaning, unplugging, or repairing the machine.
- (5) Only authorized personnel may ride in or operate any City motorized equipment. Authorized personnel are those persons who are City employees on official assignment or who have approval from the Department Head. The City seat belt policy shall be followed.
- (6) Defensive driving techniques shall be practiced at all times while operating City vehicles and equipment.
- (7) When motorized equipment is not in use, the engine must be turned off and keys removed from ignition, with the exception of emergency vehicles, or when the keys must be left on to flash emergency/warning lights.
- (8) Keep tools and equipment clean and in their proper place. Use the proper tools for the work you are doing and avoid worn out or defective tools.
- (9) When assigned to work in other departments or at other work sites, employees should become familiar with the safety hazards, rules, and practices for that area.
- (10) No malicious practical jokes and no horseplay shall be allowed.
- (11) Know the location and use of fire extinguishers.
- (12) Know the location of first aid kits.
- (13) ALL employees are required to follow safety instructions. If you are in doubt about the proper way to do a job, DON'T GUESS! Ask the supervisor.
- (14) Employees must follow the City's alcohol and drug policy, a copy of which is received upon hire.

- (15) ALL employees are required to use safety equipment such as safety glasses, goggles, respirators, gloves, ear protection, and other protective devices when it is essential to personal protection. The supervisor will instruct you on the proper equipment, how to use it, and where to get it. Shoes appropriate for the job and area are required. Hardhats, when required, shall be worn.
- (16) Mechanical guards are provided for your protection. These guards must be kept in place while equipment or machinery is in operation. When removal of a safety guard is necessary to make repairs, it must be replaced before the equipment is put back into service. A missing guard must be reported to your supervisor immediately.

Section 4.01. Safety Education and Training. Training and education are our responsibility and are to be provided for all employees. While there will be occasional all employee training, most often individual departments will provide training specific to their needs. The training listed below are suggestions and all the material will not need to be covered with every employee.

Section 4.02. Safety Training and Education Objectives.

- (1) To acquaint all employees with the hazards of the work area, the City and department rules, and the accident prevention program.
- (2) To provide an understanding of what accidents are; the contributing factors; and that accidents are preventable.
- (3) To inform employees of their individual responsibilities, contributions and benefits.
- (4) To advise employees of the job procedures and work methods you expect in your department.
- (5) To improve employee's knowledge and skills.

Section 4.03. Initial Training.

- (1) Initial training must insure that employees know the basics of the safety program, the specifics of the job, and the exposures of the work environment.
  - (a) Dangers involved with daily tasks, such as:
    - 1. Electrical
    - 2. Mechanical
    - 3. Pressure systems
    - 4. Hazardous materials
    - 5. Confined or enclosed spaces

- (b) Physical requirement of the job, such as:
    - 1. Lifting
    - 2. Carrying
    - 3. Pushing
  - (c) Hazardous work area identification; color coding, danger tags, guards, material safety data sheets, hazardous materials situations, etc.
  - (d) Proper ergonomics in placement and use of video display terminals and work stations.
  - (e) Applicable protective equipment and procedures:
    - 1. Clothing, shoes, gloves
    - 2. Eye and ear protection
    - 3. Safety shoes
    - 4. Helmet
  - (f) Location and use of emergency equipment:
    - 1. Fire extinguisher and alarms
    - 2. Electrical control switches for equipment
    - 3. Eyewash facilities
    - 4. Emergency showers
    - 5. First aid kit
    - 6. Closest phone
  - (g) How to report work-related injuries, illness, and hazards.
- (2) Training for job, equipment or procedure change: Every employee, despite skill or job requirements, will receive introductory safety instruction as needed when reporting for a new job.
- (3) Periodic Training: In periodic safety training sessions, whether in groups or with individuals, the following subjects may be discussed repeatedly.
- (a) City and department safety rules.
  - (b) The specific hazards in the department.
  - (c) The safe way to operate equipment and machinery.
  - (d) The safe way to do any special functions required on the machinery involved.

- (e) Quick and thorough reporting of injuries no matter how slight.
- (f) Reporting near misses.
- (g) Causes and effects of accidents.
- (h) Available safety equipment - where to get it and how to use it.
- (i) Emergency procedures.
- (j) Use and location of first aid supplies.
- (k) Fire prevention, location of extinguishers, and fire evacuation plan.
- (l) Role of safety committee.

You may think a person who has been employed for a long time needs little or no safety training. This can be a very costly mistake to the individual as well as the City. Most accidents are caused by somewhat simple actions. The skill of the employee or time on the job does not reduce the need for ongoing safety training.

Section 4.04. Good Safety Attitudes. Employees' attitudes toward accident prevention will be a reflection of management's example. Take the following steps to help employees develop the right "attitude".

- (1) The first day a new employee or experienced person is on the job, they should be given the safety rules and any special instructions about the department. Don't assume the new employee knows the safe way.
- (2) Always be on the alert for unsafe practices, unsafe conditions, unsafe tools and equipment. Correct each undesired condition when discovered, to the extent possible.
- (3) Use departmental employees to help investigate serious or potentially serious accidents. Investigating "close calls" can be helpful in forming proper attitudes and-preventing future accidents.
- (4) Decide who needs additional job instruction and see that the needs are met.
- (5) Enforce all safety rules consistently and be fair in applying discipline.
- (6) Insist on prompt reporting of all injuries no matter how small they seem.

Section 4.05. Principles of Accident Prevention. The quality of an accident prevention effort is important. The basic ingredients of an accident prevention effort are:



- (1) Planning work with safety in mind.
- (2) Safety indoctrination and job safety training.
- (3) Setting a good example.
- (4) Correction of unsafe acts and conditions.
- (5) Talking safety daily.
- (6) Proper accident investigation.
- (7) Safety publicity and promotion.

Keep safety simple but apply safety consistently. To be effective, safety must become everyone's job.

## CONSENT TO CHEMICAL TESTING: DRUG USE QUESTIONNAIRE

Each employee is requested to sign the following document:

I, \_\_\_\_\_, residing at \_\_\_\_\_  
do hereby give my consent to Columbia Memorial Hospital, or other such sampling facility or testing laboratory as designated by the City of Astoria "sampling facility or testing laboratory" to perform tests and examinations on samples of my blood and urine to identify the presence of drugs and other substances, and I consent to give such samples.

I give my consent to release the results of the tests and samples to the City of Astoria by the sampling facility or testing laboratory.

I understand and agree that any information acquired from the tests and examinations will be used to detect and prove possible violations of the City of Astoria's Drug and Alcohol policy.

I further understand that any misrepresentation or omission which I make herein may be cause for disciplinary action up to and including dismissal.

I have taken within the past 30 calendar days or am currently taking the following medications, drug (legal and illegal) and other substances.

---



---



---

\_\_\_\_\_  
Employee's Name - Please Print

\_\_\_\_\_  
Employee's Signature                      Date

\_\_\_\_\_  
Witness    Date

**CONSENT TO ALCOHOL BREATH TESTING  
(Astoria Police Department)**

Each employee is requested to sign the following document:

I, \_\_\_\_\_, residing at \_\_\_\_\_  
do hereby give my consent to Astoria Police Department as designated by the City of  
Astoria to perform an examination on my breath to identify the presence of alcohol, and  
I consent to give such sample.

I further give my consent to release the results of the tests and samples to the City  
of Astoria by the Astoria Police Department.

I understand and agree that any information acquired from the tests and  
examinations will be used to detect and prove possible violations of the City of  
Astoria's Drug and Alcohol policy.

I further understand that any misrepresentation or omission which I make herein  
may be cause for disciplinary action up to and including dismissal.

\_\_\_\_\_  
Employee's Name - Please Print

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**CONSENT TO ALCOHOL BREATH TESTING  
(Columbia Memorial Hospital)**

Each employee is requested to sign the following document:

I, \_\_\_\_\_, residing at \_\_\_\_\_  
do hereby give my consent to Columbia Memorial Hospital as designated by the  
City of Astoria to perform an examination on my breath to identify the presence of  
alcohol, and I consent to give such sample.

I further give my consent to release the results of the tests and samples to the City  
of Astoria by Columbia Memorial Hospital.

I understand and agree that any information acquired from the tests and  
examinations will be used to detect and prove possible violations of the City of  
Astoria's Drug and Alcohol policy.

I further understand that any misrepresentation or omission which I make herein  
may be cause for disciplinary action up to and including dismissal.

\_\_\_\_\_  
Employee's Name - Please Print

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**CITY OF ASTORIA  
DEPARTMENT OF TRANSPORTATION/FEDERAL HIGHWAY ADMINISTRATION DRUG AND  
ALCOHOL  
POLICY AND PROCEDURES**

I have received the City of Astoria's Drug and Alcohol Policy outlining the policy and procedures under the Department of Transportation - Federal Highway Administration under 49 CFR, Part 382. The policy and procedures are effective January 1, 1996.

\_\_\_\_\_  
Employee's Signature Print Name

\_\_\_\_\_  
Date

**CITY OF ASTORIA  
DEPARTMENT OF TRANSPORTATION/FEDERAL HIGHWAY ADMINISTRATION DRUG AND  
ALCOHOL  
WRITTEN RELEASE**

I, \_\_\_\_\_ give written permission for  
(agency) to release to the City of Astoria – Director of Finance and  
Administrative Services the following information under the Department of Transportation - Federal  
Highway Administration 49 CFR, part 382:

- Alcohol test result of 0.04 or greater;
- Positive controlled substance test results; and
- Refusals within previous 2 years.

This information is required no later than 14 calendar days after the driver is used in a safety-sensitive position for the first time.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Print Employee's Name

\_\_\_\_\_  
Date