

# CITY OF BAKER CITY



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By Resolution #3804

# EMPLOYEE HANDBOOK

City of Baker City Employee Handbook  
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## **I. Introduction**

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Welcome to the City of Baker City and congratulations on your appointment as a City employee. You are now a part of the family of employees dedicated to serving the citizens of this great community. We view your appointment as mutually beneficial to you and the City. The City benefits by attracting well-trained, competent, and motivated employees. You and your highly qualified fellow employees enable the City of Baker City to continue to improve on its commitment to quality service.

As a member of this family, you benefit by having the opportunity to use and acquire new skills that will promote your personal and professional development. Additionally, the City offers competitive wages and an outstanding fringe benefits package, which includes comprehensive medical/dental insurance, paid leaves of absence, and a retirement plan.

In return, the City expects you to uphold our public service obligation by performing your job to the best of your abilities. This includes responsibly carrying out assigned duties, working in full cooperation with your fellow employees, complying with ordinances and established policies, maintaining ethical conduct, and above all, promoting courteous and friendly public relations. We at the City are proud of the rich tradition of providing well managed, cost-effective and accessible municipal services to Baker City residents and your job as an employee is to continue this tradition of excellence in making Baker City a great place to live and work.

It is the mission of the City of Baker City as an employer to develop, implement and support programs and processes that add value to the City of Baker City and its employees, leading to improved employee welfare, growth and retention, while committed to City of Baker City's goals, its management and prosperity for its citizens and employees.

## **II. History**

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In 1864 there were just three cabins within the urban boundaries of present Baker City. In 1864, attorney Royal A. Pierce laid claim to a portion of today's downtown area and platted it. Within a year, Center Street, which is now Main Street, had a saloon, a couple of hotels, a livery stable, a variety store/post office, a blacksmith shop, and several other buildings.

In 1868 the County Seat moved from the town of Auburn, which was located about five miles southwest of Baker, to Baker City. In 1870 the first county courthouse was constructed, however it burned down in 1885. A new brick courthouse replaced it in 1909.

In 1874, the legislature approved Baker City's first charter, which set up a board of five trustees. In 1887, Baker City adopted a "strong mayor" charter with blacksmith and farm implement dealer Syrenus B. McCord. He was elected the City's first mayor along with five councilmen. For years City hall was a barn-like building with council chambers on the second floor and fire wagon and horses on the first. Not until late 1909 did Baker City start paving downtown streets, which until then were either muddy or dusty.

Several fires ravaged Main Street buildings over the years. The most disastrous was the 1887 fire that destroyed all structures on the west side of the 1700 block of Main. Before the year was out, all those frame buildings were replaced by brick ones, which still stand, except those on the south end torn down in 1934 to make room for a gas station.

As Baker City grew in population - 300 in 1870, 1,200 in 1880, 2,600 in 1890, 6,600 in 1900--all the downtown frame buildings were replaced by buildings constructed of brick and native tuff stone quarried at Pleasant Valley. The most impressive brick building still standing on Main Street is the elegant Geiser Grand Hotel, which the Warshauer brothers, Jake and Harry, constructed in 1889. It went by the name Hotel Warshauer until purchased by the Geiser family about 1900.

The first Baker City public school was a two-story frame building for grades 1-12 located in the 2000 block of 4<sup>th</sup> Street. It was replaced in 1889 by a three-story brick building.

Some prominent early Baker City citizens: entrepreneur William H. Packwood, a member of the Oregon Constitutional Convention in 1857, came to Baker County in 1862 and remained until his death; James W. Virtue, a native of Ireland, served as sheriff 1866-1870 and was Baker County's first banker and a political power broker; German native Sigmund Heilner, founder of the Neuberger-Heilner store, was a successful Baker City businessman from 1872 until his death; native-born Harvey K. Brown was sheriff 1902-1906, presided over the only legal hanging in Baker County in 1904, and was assassinated outside his Baker City home in 1907; William Pollman started in Baker City as a butcher in 1889, became a successful banker, and was elected mayor in 1906; the Baker Middle School building is named for Helen M. Stack, a Baker City teacher and high school principal 1889-1913.

### **III. About this Employee Handbook**

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This Employee Handbook is a guide to our employment provisions and expectations. It outlines many of the programs and benefits that affect all employees of Baker City. Nothing in this Handbook is meant to limit the discretion of Baker City in managing and supervising employees and we reserve the sole discretion and right to amend, delete, or otherwise revise the Employee Handbook at any time with 15 days' notice. Although these policies and procedures apply to all Baker City employees, in situations involving conflict between the law, a collective bargaining agreement (CBA), or individual department policy manuals and these rules, policies, and procedures, the law, CBA language, or departmental policy manuals shall supersede.

Baker City may add to the policies in this handbook or revoke or modify them from time to time. Baker City will try to keep the manual current, but there may be times when policy will change before this handbook can be revised. Proposed changes to the handbook will be communicated to employees prior to implementation. Please be aware that any oral statements or representations cannot change or alter the provisions of the Employee Handbook. All previously issued handbooks as well as policies, memos, and verbal or written agreements that are in conflict with its provisions and any inconsistent policy or benefit statements will be superseded as of that date. While this Handbook is distributed to all employees of Baker City, certain employment policies and practices may be different or will not apply to those working in exempt positions per the Fair Labor Standards Act (FLSA), part-time positions, on-call, or temporary positions.



By its nature, this Handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications or exceptions to the general policies and procedures of Baker City. The information provided in this Handbook is based on the belief that common sense, good judgment, respect and consideration for the rights of others are paramount to our ability to serve our residents and ourselves. We have tried to anticipate many questions, but in no way do we believe that this document will provide every answer. For that reason, if an employee has any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice, address specific questions to the department supervisor or manager. For the purposes of this Handbook, “manager” means either a manager or supervisor.

Baker City recognizes that employees differ in their skills, goals, perceptions, and values. Conditions and conflicts may arise because of that diversity; and those conditions and conflicts may not be sufficiently addressed within this Handbook. When that occurs, the Baker City management team will endeavor to make decisions that are fair and equitable; while at all times ensuring that the best interests of Baker City are served.

Some subjects described in this Handbook such as benefit plan information are covered in detail in official policy documents.

Employees should refer to these documents for specific information, since this Handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies or coverage documents are controlling.

Employees are encouraged to offer suggestions for improvement to this Handbook, procedures, employment practices or working conditions. Please read through this Handbook carefully. Employees may want to share it with family members so that they will also understand the work environment.

If an employee has any concerns regarding employment with the City, please discuss this with the department supervisor or manager. We want every employees experience to be challenging, rewarding, and enjoyable while working for the City.

**Neither this Handbook nor any other organization document other than an applicable collective bargaining agreement, confers any contractual right, either express or implied, to remain in Baker City’s employ. Neither does the Handbook guarantee any fixed terms and conditions of your employment. Baker City is an ‘at-will’ employer, which means that your employment is not for any specific time and may be terminated by Baker City, or you may resign with or without reason or notice at any time.**

**Any language contained within this document that is in conflict with a negotiated collective bargaining agreement, shall not be compulsory.**

## **IV. What is Expected of Employees**

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### **A. Customer Service**

Local government is a service industry, it exists for one purpose only, and that is to provide service to our citizens. City employees are the vital link between our citizens and

municipal services. While interacting with citizens employees should act as though they are competing for their patronage rather than simply “doing a job.” In other words, treat citizens as customers. As a representative and ambassador to our customers, employee actions, behavior and attitude should project a positive image of the City.

Please always keep in mind the following:

- Customers are the most important persons in our business.
- Customers are dependent on us and we are dependent on them.
- Customers are NOT an interruption in our work; they are the purpose of it.
- Customer satisfaction is paramount.
- Customers deserve the most courteous and attentive treatment possible.
- Customer’s favorable opinions of one of us are a positive reflection on all of us.

## **B. Code of Ethics**

City employees have a special responsibility to act on behalf of the public good and to ensure that the public's trust in government is respected. Public service requires a continual effort on behalf of employees to guard against conduct that is not only illegal but also conduct that could appear inappropriate or a conflict of interest to a reasonable observer even if the conduct is not against the law. Just because an action is legal doesn't necessarily mean it is right or good. Conduct which is or could appear dishonest, inappropriate, appear to enrich the employee, their families or their businesses, or to be a conflict of interest to an observer will undermine the public trust and is prohibited. Each employee is expected to report any actual or potential conflict of interest to their supervisor. Examples of conduct which are prohibited include but are not limited to:

- No employee may use the employee’s employment in any way to obtain financial gain for the employee’s household or family or any business with which the employee or member of the employee’s household or family are associated;
- No employee may use information received because of City employment for private gain if that information is confidential or normally not available to the general public or has not otherwise been dispersed by the City;
- No employee may solicit private business from other employees for personal gain while on duty, while wearing a uniform or insignia that identifies them as City employees, while in a City vehicle, or while on City premises;
- Employees may not take any action on behalf of the City, the effect of which would be to the employee’s private financial gain or loss, without first notifying the employee’s department director in writing of the potential conflict of interest;
- City employees shall not serve on City policy boards or committees except as specifically provided by ordinance or as required to perform as part of their official City duties.
- City employees may not use City time to participate in matters of personal interest; and
- When giving testimony unrelated to their assigned City responsibilities, City employees will identify themselves as private citizens and not use information or facts that are confidential or normally not available to the general public. .

The code of ethics is intended to convey the general expectations of what is considered to be appropriate conduct for a City employee. Employees are required to report any potential conflict of interest to their manager or the department director. If a situation

occurs where it is difficult to determine the proper course of action, the matter should be discussed openly with the immediate supervisor, and if necessary, with the department director for advice and consultation.

Information on these laws is available at the Oregon Government Ethics Commission website, <http://www.oregon.gov/OGEC/>.

All City employees are considered public officials and are subject to the State of Oregon's Government Standards and Practices (ethics) laws. The City will comply with these and all applicable laws and regulations and expects its directors, managers, supervisors, and employees to conduct business in accordance with the letter, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, City employees are encouraged to not accept personal gifts. State law does provide certain guidelines for the receipt of gifts as a public employee and the City requires its employees to comply with those standards. Pursuant to ORS (Oregon Revised Statutes) Chapter 244, Government Standards and Practices, the following restrictions apply to the acceptance of gifts or gratuities:

Receiving entertainment gifts is acceptable only: when the entertainment is experienced in the presence of the provider; when the value of entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250 in any one calendar year.

Gifts, gratuities, loans, fees, or any other items of significant value, may not be solicited by City personnel, or accepted either directly or indirectly, if the acceptance could be considered to influence directly or indirectly the actions of said personnel, or any other person, in any matter of City business.

Gifts exchanged between co-workers for occasions such as birthdays and holidays are not prohibited.

Unsolicited awards for professional achievement may be accepted.

Employees shall not accept any special favors, gifts, or gratuities resulting from or related to employment with the City unless otherwise specified in this policy.

A department director may allow acceptance of non-monetary gifts of nominal value (e.g., under \$50) which are available to be shared by all employees in a nonbiased or nondiscriminatory manner or on behalf of an area nonprofit public service agency.

Any person who observes unlawful or improper action(s) by a City employee is expected to report them. The matter should be reported to the employee's immediate supervisor. If the supervisor appears to be involved in the improper action, or for any other reason, the report can be made to the department director, City Manager, or Human Resource Manager. If the improper action(s) involves the City Manager, the report can be made to the Mayor.

Some employees may own property in the City resulting in the employee having to interact with the City regarding the employee's non-employment interests. Other situations, such as traffic violations or parking tickets, may arise in which the employee as an individual has to communicate with the City as an individual outside the employment context. Being an employee does not affect the employee's relationship with the City in the non-employment context in any manner. A person who is an employee shall be treated the same as any other person in these situations, and employees shall not seek special treatment from the City. An employee may not use the

person's status as an employee or information obtained as an employee to gain an advantage that non-employees could not obtain. A person who is at lunch or other recognized break is not considered "on the job".

In the event an employee seeks a permit or otherwise interacts with the City on personal business, and the employee may be in a position to take action in the employee's official capacity or the employee's department is likely to be involved, the employee shall inform the employee's supervisor immediately. The supervisor shall take steps to ensure that the employee is screened from participation in any official process related to the employee's personal business and that the employee has no access to information that non-employees would not have access to. Screening shall include a requirement that there be no communication with the affected employee that would not occur if the person involved were not an employee.

### **C. Conduct and Appearance**

The City is committed to providing efficient, courteous, friendly service to its citizens and embodying the highest standards of public service. Each employee in his or her position represents the City to the public; therefore, it is the obligation of every employee to be safe, courteous, friendly and efficient in the performance of their duties, to treat all those encountered in the course of work professionally and with dignity, and to present a well-groomed personal appearance and dress consistent with their job assignment.

The City is also committed to promoting a work environment based on mutual trust, acceptance, productivity and respect for the dignity of every member of the City staff. We are committed to opposing behavior that detracts from the ability of each employee to perform at his/her highest level to fulfill the mission of the City. Employees have the responsibility of working cooperatively with co-workers to create and maintain a positive work environment. This includes respecting the individual rights of others.

Employees of the City shall maintain the ethical standards required of a public employee, and shall insure that off the job conduct does not impair their effectiveness on the job. The expected standard of conduct for all employees in the City service shall be in the public interest as opposed to individual interest. In addition, each employee shall exhibit care and responsibility with public property and shall strive to reduce costs of materials and services in the performance of their duties.

The continued employment of every employee shall be conditioned on good behavior and satisfactory performance of duties. Examples of appropriate behavior in the workplace include, but are not limited to:

- Presenting a cooperative and professional image;
- Treating others with respect;
- Working effectively with others and functioning as part of a team;
- Being flexible to accept changes in a positive manner; and
- Communicating effectively in a constructive, respectful manner including the proper use of tone and volume.

Failure to meet the expected standards of conduct and appearance shall be grounds for disciplinary action, up to and including termination. Causes for disciplinary action include, but are not limited to, the following:

- Improper use of an employee's position for personal gain;
- Inappropriate use of information gained from employee's job;
- Inefficiency or incompetence;
- Misuse or abuse of City or public funds, or theft or misappropriation of the property of others;
- Failure to report for duty ready, physically able, with or without reasonable accommodation, and appropriately attired to work;
- Actions which are violations of ethical standards;
- Acts of discrimination or harassment based on disability, race, color, national origin, religion, sex, sexual orientation, veteran's status, military status, retaliation for opposing unlawful employment practices, association with members of a protected class, marital status, injured worker status, non-supervisory family relationships, or any other protected class, regardless of whether that harassment is targeted specifically at the employee;
- Acts of retaliation against employees for any reasons;
- Neglect of duty or negligence of duty causing risk of personal injury to the employee or any other employee or a member of the public or causing risk of damage to property;
- Insubordination toward or rude and aggressive behavior or communication toward a supervisor, Department Director, City Manager, City Councilor, the public or a fellow employee;
- Failure to establish and maintain an effective working relationship with the employee's supervisor and/or co-workers;
- Solicitation of a contribution, response or action in the name of the City designed to further a political or charitable cause while on duty;
- Acceptance of gratuities or gifts in violation of State ethics laws or City policy;
- Theft of, damage caused by negligence, improper or unauthorized use of City vehicles, equipment or property;
- The use of intoxicants or illegal use, possession, distribution or sale of controlled substances on the job or on City premises or reporting for work under the influence of intoxicants or controlled substances;
- Habitual or excessive absence or tardiness or abuse of sick leave privileges;
- Absence from duty without authorization or failure to follow department notification procedures regarding absence or tardiness;
- Violation of safety rules or policies; damage caused by negligence or negligence in the care and handling of City property;
- Conviction of a felony or conviction of any crime where the conviction would impair effectiveness as a City employee or bring discredit or reproach on the City or department involved (all situations will be evaluated on a case-by-case basis);
- Dishonesty;
- Fraud or misrepresentation in securing employment;
- Use of City time, property or equipment for personal purposes without supervisory approval, subject to reasonable interpretation and enforcement. For example, the occasional making or receiving of personal phone calls would not be a violation of this standard; however, the use of a computer on or off duty time to carry on an

outside business would be. Stopping at a restaurant in a City vehicle, if reasonable on the way to or from meetings or field work assignment, would not be a violation; taking one to a doctor's appointment would be;

- Fighting, use of force, intimidation, abusive language or mannerisms, or other conduct that is unprofessional or inappropriate behavior in the workplace or worksite;
- Possession of firearms or lethal weapons except for police officers and others authorized to carry firearms;
- Willful violation of any provision of City ordinances, rules or policies, or any provision of department/s rules and regulations;
- Other conduct unbecoming public service or reflecting discredits on the City or any department.

#### **D. Attendance and Punctuality**

To maintain a safe and productive work environment, the City expects its employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the operation of the City. In instances when the employee cannot avoid being late or is unable to work as scheduled, they should immediately notify their supervisor of the anticipated tardiness or absence within one hour of the beginning of their shift.

Poor attendance and excessive tardiness are disruptive. Unless excused, either may lead to disciplinary action, up to and including termination. The ability to attend work regularly is a job requirement.

#### **E. Political Activities**

*Official Position-Campaigning.* Employees may not use their official authority or position with the City to further the cause of any political party or candidate for nomination or election to any political office.

*On-Duty Activity.* Oregon law (ORS 260.432(2)) forbids any City employee while on the job from soliciting money, influence, service, or other article of value or otherwise aiding and/or promoting or opposing any political cause or the nomination or election of any person for public office, the gathering of signatures on an initiative, referendum or recall petition, or the adoption of a measure or the recall of a public office holder.

*Off-Duty Activity.* During the term of their employment, a City employee may not hold any elective office that creates a conflict of interest between the duties of that employee and the prospective duties of the elective office. An employee may obtain prior written approval of the City Manager before filing as a candidate for an elective office. Failure to obtain prior written approval may be deemed by the City to constitute a voluntary resignation if the employee is elected to that position and the City determines that the election to the position creates a conflict of interest. Nothing in this rule is intended to restrict the political actions or activities of employees outside of their regular working hours.

#### **F. Outside Employment**

No employee shall accept or retain paid outside employment, whether part-time, temporary or permanent, without prior written approval of the department director. Each



change in outside employment shall require separate approval. A leave of absence will not be granted to accept outside employment.

The department director shall approve outside employment when the employment is compatible with their City employment, does not detract from the efficiency of the employee's City work, does not conflict with the interest of the City nor discredits the City, and/or does not constitute an appearance of impropriety. An employee cannot be a contractor or a sub-contractor on City projects, where the work performed is similar to the employee's City job. Extra duty required by City employment will have preference over outside employment.

An employee's private business may not be conducted during work hours. An employee may not use City equipment, materials, facilities or time in the conduct of outside employment. Employees may not market or solicit outside employment business during work hours or on City property without prior written approval of the department director.

Under no circumstances may City equipment or resources be used in outside employment. The department director may at any time revoke permission to hold outside employment.

#### **G. Cost Consciousness**

Every employee of the City is expected to practice economy in all City duties. Failure to do so is not in the best interests of the City.

#### **H. Personal Appearance**

Each employee is responsible to present a proper, professional appearance whether in the office or other site, City vehicle, or while conducting City business. Personal hygiene as well as good taste and good judgment in personal attire are expected. The City may require employees within a department to wear uniforms. In the event good judgment in personal attire is not exercised, the Department Head may establish a reasonable dress code, or ask the employee to leave the workplace until properly dressed or groomed. The employee will not be compensated for this time away from work. Employees should consult their supervisor if they have questions as to what constitutes appropriate appearance for their position.

#### **I. Appearance of Work Areas**

One of the City's objectives is to provide and maintain clean, safe and healthy work conditions. It is the responsibility of each employee to maintain a safe, neat work area and insure that all working documents, desks, cabinets and equipment are secure at the close of the work shift.

#### **J. Identification Card**

The identification card (ID) identifies individuals as a current employee or volunteer of the City. The ID card is the property of the City and must be carried at all times while on service. This card must be presented upon request of proof of employment or volunteering by anyone; failure to do so, or lending this card to anyone, is considered misuse and may subject the holder to disciplinary action.

Lost and stolen cards must be reported promptly to their supervisor. This card is void upon termination or interruption of employment and/or volunteering services and it must be returned to their supervisor and/or Human Resource Manager.

## **V. Terms of Employment**

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It is the goal of the City to fill employment vacancies with the most qualified applicants based on abilities and performance, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to age, disability, race, color, national origin, religion, sex, sexual orientation, veterans' status, military status, association with members of a protected class, marital status, injured worker status, union participation, non-supervisory family relationships, or any other protected class or work relationship. Preference may be given based on veteran or military status as allowed by law.

Our policy is to always try to select the most qualified person for each available job; we recognize current employees' experience and familiarity with the City as an important qualification, and we encourage current employees to apply for openings in which they are interested. Usually, an employee must have completed the initial probationary period before transferring to a new position, and to be eligible for a transfer, an employee must be free of any disciplinary action within the last two years.

Employees may from time to time be temporarily transferred or assigned to perform work outside of their regular job classification, schedule, shift or department. Depending upon the circumstances, when transferred, an employee may be subject to a corresponding wage adjustment.

### **Hiring of Relatives**

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

## **VI. New Employees, Promotions, and Transfers**

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### **A. New Employee Orientation**

In order to help an employee fit into the City's operations, and to ensure new employees quickly have a productive and satisfying employment relationship, managers are responsible for ensuring that all new employees are scheduled for a general orientation organized by the Human Resource Manager within the first month of employment. An employee's manager may provide a detailed job-specific orientation.

### **B. Probationary Period**

The probationary period is used to assess a new employee's ability to perform the essential job functions. Completion of the probationary period does not alter an employee's at will status.



New employees are hired into a probationary training period which generally lasts 180 days. The probationary period is an extension of the employee selection process. During this period, an employee is considered to be in training and under observation and evaluation by their manager. Evaluation of adjustments to work tasks, conduct and other work rules, attendance and job responsibilities will be conducted during the probationary period. The probationary period gives an employee the opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if their knowledge/skills/abilities (KSAs) and the requirements of the position match. It is also a chance to decide if we meet an employee's expectations as an employer.

At the end of the probationary period, a decision about an employee's employment status will be made. If they successfully complete the probationary period, they will be moved to regular status. If an employee's KSAs border on satisfactory, but fall short of expectations, the probationary period may be extended if there is reason to believe that their KSAs will improve within a reasonable amount of time. If expectations are not met or demonstrated, and/or KSAs are not satisfactory, it is unlikely that employment will be continued.

Employment may be terminated at any time and for any reason during the probationary period at the discretion of the City Manager, his designee or the employee, should either party regard it as necessary or appropriate. Completion of the probationary period does not alter the "at will" employment relationship, except for those employees subject to a collective bargaining agreement. Employees will accrue, but not be eligible to use, vacation leave benefits during this period, unless specifically agreed upon in advance by the department manager or City Manager.

Departments may require longer periods of probation and probation may be extended based on performance.

### **C. Promotions and Transfer Training Period**

The City encourages upward mobility and will consider employees for promotions as opportunities develop, or vacancies occur. The annual performance evaluation is an excellent time for an employee to discuss career interests with their manager.

If an employee is promoted or transferred to a new position, they must complete a reasonable period of training to determine the suitability of the placement and their ability to satisfactorily perform the required work. If it is determined that the job change is unsatisfactory during this period, the employee may be returned to their original job; assigned to another vacant position, or may be terminated. If an employee is placed in a job other than their original job, the pay and benefits may also be adjusted.

The City will endeavor to fill each new and vacant position with the most qualified person for the job. Whenever possible these positions will be filled from within the City workforce. Vacancies may be filled by promotion or transfer from within, re-employment of persons laid off, demotion in lieu of lay-off, and hiring from the outside.

All new and vacant positions, except for entry level positions, will be advertised in-house to each department within the City workforce. All interested employees must complete an application and submit it on time. This does not apply to certified fire and police positions.

#### **D. Employment Classifications**

The status of each employee's position is placed into distinct classifications for benefits and other employment conditions and to aid in a better understanding of employment relationships within The City.

The following status definitions apply:

1. Probationary Period - Newly hired or promoted employees within the probationary period.
2. Benefits-eligible - Qualified employees who are hired into regular full-time or regular part-time (as defined below) positions. Temporary, On-Call, and Regular Part-Time-No Benefit (NB) employees do not receive benefits or compensation other than wages unless required by law.
3. Regular Full-time - An employee who has successfully completed the probationary period and is regularly scheduled to work 40 hours or more per week. Benefits-eligible.
4. Regular Part-time - An employee who has completed the probationary period and is regularly scheduled to work at least 25, but less than 40, hours per week. Employees will receive a pro-rated contribution based on hours worked.
5. Regular Part-time NB - An employee who has completed probationary period and is regularly scheduled to work less than 25 hours/week. No benefits unless required by law.
6. Temporary - An employee who is hired for a specified period of time. Generally, temporary employees will not work more than 599 hours during a calendar year. An example would be seasonal Public Work employees. No benefits unless required by law.
7. On-Call - An employee who does not have a set schedule and works only when called upon. Generally, On-Call employees will not work more than 599 hours during a calendar year. No benefits unless required by law.
8. Regularly Scheduled - Calculated as the average number of hours per week, when averaging a calendar year.

Positions are further classified according to federal and state wage and hour laws into the two additional categories of exempt and non-exempt as is defined in the paragraphs which follow. Management will make the appropriate designation regarding the status for each new position or when a position changes substantially. If an employee is uncertain as to their status, they should ask their manager for clarification.

Exempt - An employee who is exempt from the overtime pay requirements under federal and state laws. Exempt employees generally include managers, supervisors, and

professional staff who are paid a salary and whose duties and responsibilities allow them to be exempt under federal and state law.

Non-exempt - An employee whose job duties do not meet federal/state definitions for “Exempt” status.

## **VII. Non-Discrimination and Retaliation**

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### **Complaint Process**

All employees of the City have the responsibility to follow and carry out the policies outlined in this section. Management provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations. Employees are expected to bring any questions, issues or complaints to the attention of their manager. If an employee believes they have been discriminated or retaliated against or harassed, or if they witness or suspect any violation of the City’s policies, they should report the matter immediately to any member of management or to the department manager, or Human Resource Manager. If the complaint is in regard to an alleged violation of these policies by the City Manager, the complaint may be directed to the City Council. The City will not retaliate against an employee for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

The City will conduct a prompt and impartial investigation of the reported conduct. In addition, the following general principles apply:

- When an investigation confirms the allegations in the complaint, appropriate corrective action will be taken as provided in these policies, up to and including discharge.
- The affected employee and the employee(s) accused of the misconduct will be informed of the results of the investigation.
- Failure to cooperate with an investigation may lead to disciplinary action up to and including termination of employment.
- Information provided by individual employees during the course of an investigation will be kept confidential to the extent possible under the law and made available only on a need to know basis.

### **A. Equal Employment Opportunities**

The City is an equal opportunity employer, and as such, we consider individuals for employment according to their abilities and performance. Employment decisions are made without regard to age, disability, race, color, national origin, religion, sex, sexual orientation, veteran status, military status, association with members of a protected class, marital status, injured worker status, union participation, non-supervisory family relationships, or any other protected class or work relationship recognized under Oregon and Federal laws and regulations.

### **B. Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) and Oregon law protects individuals with physical and mental disabilities. Individuals still need to be “qualified” for the job, and not pose a “direct threat” to themselves or others.

Individuals may be protected under the ADA if any of the following conditions exist:

- They currently have a physical or mental impairment that substantially limits a major life activity.
- They have a record of such an impairment, physical or mental, that substantially limits a major life activity or;
- They are perceived to have such impairment.

The City offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but are still able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are defined as the fundamental non-marginal duties of the position being held or sought by a disabled individual. A job function is essential if the position exists for the performance of the function, there are only a limited number of employees available to perform it, or the function is so highly specialized that an expert must be specially hired to perform it.

Reasonable accommodation may be available to employees and applicants, as long as the accommodation doesn't cause undue hardship for the City. Individuals protected by the ADA should discuss their need for possible accommodation with their manager, or City Manager, and Human Resource Manager.

### **C. Harassment**

The City prohibits harassment based on age, disability, race, color, national origin, religion, sex, sexual orientation, veteran's status, military status, retaliation for opposing unlawful employment practices, association with members of a protected class, marital status, injured worker status, union participation, non-supervisory family relationships, or any other protected class recognized under Oregon or federal law, regardless of whether that harassment is targeted specifically at the employee.

#### **Sexual Harassment**

Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or non-verbal communication or physical conduct of a sexual nature where:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission or rejection of such conduct by an individual influences any employment-related decisions affecting the individual; or

- The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The conduct prohibited may be verbal, visual or physical in nature. It may be directed by a manager to a subordinate, subordinate to manager, manager-to-manager or co-worker-to-co-worker. It includes unwelcome sexual advances, requests for sexual favors, physical touching, or the granting or withholding of benefits (e.g. pay, promotions, time off) in response to the sexual conduct. More subtle forms of prohibited behavior, such as offensive posters, cartoons, caricatures, comments and jokes, language or innuendoes, hugging, or kissing may also constitute sexual harassment when they create or contribute to a hostile or offensive work environment.

### **Other Forms of Prohibited Harassment**

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

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

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

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

### **Qualifying Veterans**

The City provides qualifying veterans and disabled veterans preference in employment in accordance with ORS 408.225-408.238. For the preference to be applied, veterans must have received an honorable discharge from military service, successfully complete the initial application screening, and meet the minimum qualifications of the applied for position. To qualify for disabled veteran preference, applicants must submit proof of veteran status and proof of their veterans' disability rating from the Department of Veterans' Affairs. Applicants must submit proof of veteran status (DD214/DD215) at the time the application is submitted.

Eligible veterans will have five points added to their overall score and eligible disabled veterans will have ten points added to their overall score (based on a 100-point scoring method). In the case of a tie, preference will be given to a veteran over a non-veteran.

### **G. Reporting Improper or Unlawful Conduct — No Retaliation**

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

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

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

#### Employee Reporting Options

In addition to the City’s Open Door Policy (see page 25), employees who wish to report improper or unlawful conduct should first talk to his or her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor’s response, you are encouraged to speak with \_the Human Resources Manager. Supervisors and managers are required to inform the \_Human Resources Manager about reports of improper or unlawful conduct they receive from employees.

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

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

#### Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City’s violation of law will have an “affirmative defense” to any civil or criminal charges related to the disclosure. For this defense to apply, the employee’s disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his or her employment. The disclosure must have been made to: (1) a state or

federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Baker City; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

#### **Policy Against Retaliation**

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

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

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

#### **G. Open-Door Policy**

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

#### **H. Meeting Participation**

From time to time the City will require employees to attend work related meetings either on or off premises. These meetings will be used to disseminate information, train, or instruct personnel on work related matters. Per ORS 659.785, the City does not take adverse employment action against employees who choose not to attend City sponsored meetings where the City's "position" regarding religious or political matters, will be presented. An employee may not be disciplined, discharged, or otherwise penalized for refusing to attend or participate in such meetings.



## **I. Religious Accommodation**

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business.

An employee whose religious beliefs or practices conflict with his/her job, work schedule, with the City's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation should submit a request for the accommodation to his/her manager. The request should be in writing and include the type of religious conflict that exists and the employee's suggested accommodation.

The manager and employee will meet to discuss the request and the decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, the parties may discuss alternative accommodations or the employee may appeal the decision using the policy set forth in these personnel rules.

With management approval, an employee may use vacation or compensatory time for religious activities; if accrued leave is not available, then an employee may request to take unpaid leave.

**J.**

**K.**

## **VIII. Work-Place Privacy and Confidentiality**

The City recognizes our employees' right to privacy. In achieving this goal, the City adopted these basic principles:

- The collection of employee information typically is limited to information the City needs for business and legal purposes.
- Personal information and information in confidential records ordinarily will not be disclosed, except as permitted or required by law, or as authorized by the employee.
- Verification of employment dates, job title, and wages may be provided without written approval.
- Internal access to employee records will be limited to those employees having an authorized need-to-know.
- Employees are permitted to review their personnel file, except for background screening information, and they may correct inaccurate factual information or submit written comments in disagreement with any material contained in their personnel records.



- All employees have a responsibility not to accidentally disclose information about employees through overheard conversations, mislaid documentation, and faxes, e-mails and hard copies of correspondence sent to a wrong destination. Unauthorized communication of confidential information is regarded as a serious matter.
- The City’s IT provider maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored in the City’s electronic systems.
- All employees are required to follow these principles, as well as any other City policy or practice related to confidential information. Violations of this may result in corrective action, up to and including termination.

**A. Entity**

Oregon law provides that, “Every person has a right to inspect any public record of a public body in this state.” “Public body” includes cities and counties and other public entities, such as the City of Baker City. Although there are some exceptions (such as personnel files), most records in a public body are available to the public for inspection. It is the intent of the City to be responsive to requests for public records. Employees are to forward all requests for public information to the City Recorder.

**B. Background Screening**

The City stores background screening information in access-protected files. This file is not considered part of an employee’s personnel file, so it is not available to employees for review.

**C. Medical Records**

The City stores employee medical records in access-protected folders, separate from master personnel files.

Generally, employees “own” their medical information, which means that without the employee’s permission, the City does not inform other employees of an individual’s medical condition(s).

**D. Personnel Records**

The City maintains personnel files for each employee. Access to these files is on a need-to-know basis and is restricted to authorized persons only.

Authorized persons are any individuals in a direct line of supervision over the employee, as well as the Human Resource Manager, and the individual to whom the file applies. The employee may also give written permission for an otherwise unauthorized individual to view his/her file.

Information in the personnel files may be treated as exempt from public disclosure as provided in ORS Chapter 192. Information which cannot be treated as confidential under the law includes: name, job title, salary, and dates of employment with the City. Other information in the files may be subject to public disclosure by order of a court or tribunal of

competent jurisdiction. Records pertaining to I-9 verification, medical records, and victims of domestic violence are considered confidential and shall be maintained by the Human Resource Manager in confidential files separate from the personnel file.

Certifications and training related to employment will be maintained by the City. The Human Resource Manager will work with each department to ensure training and certification is documented and filed appropriately in either the personnel file or the department's training records.

#### **E. Change in Personal Data**

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

- Name
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only)
- Address
- Telephone number
- Dependents
- Person to be notified in case of emergency
- Other information having a bearing on employment
- Tax withholding

#### **F. Social Security Numbers**

Social security numbers may not be printed on materials that will be mailed, unless an employee has requested the mailing and all but the last four digits have been removed. This does not apply to records required by state or federal law (examples: W2s, 1099s, etc.).

Also, social security numbers may not be printed on a card used to access products or services, nor will the City publicly post or display employees' Social Security numbers, such as on a website.

If computer files containing this personal information have been subject to a breach, then the City will notify all affected employees as soon as we are reasonably able to do so.

#### **G. Communications**

Conversations: Please be careful when discussing confidential information about employees in public areas, where it might be overheard; or when talking on the telephone.

Written information: Please use care not to leave written information about employees where unauthorized persons can view it. This includes leaving confidential documents sitting in printer trays or placing such documents in open recycling bins. Please send internal "mail" in sealed envelopes, marked "confidential."

## **IX. Communications and Software Systems**

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The City systems, equipment, hardware, software and other information (hereinafter referred to as “systems”) in any form are considered an asset of the City and thus must be properly used and adequately protected. This includes the transmission of information over computer communication networks.

Systems include but are not limited to, computers, software, electronic mail (e-mail), copiers, fax machines, telephones, cell or smart phones, voice mail, surface messengers, communication tools, various on-line services, social networks, internet access and browsing, and protected health information. All of these systems are operated and managed based upon this policy.

The City-provided systems are intended to be used primarily for business purposes. Without manager’s approval, an employee is not allowed personal use of the City’s systems. Any approved personal use must not interfere with normal business activities, involve solicitation, be associated with any for-profit outside business activity, or potentially embarrass the City.

The City reserves the right to monitor employee use of our systems at any time. Employees should not consider their usage of the City systems to be private. Within the bounds of current and future laws, the City reserves and intends to exercise the right to review, audit, intercept, access, and search any of these systems at will, monitor data and messages within them at any time for any reason, and disclose selected contents without notice or other restrictions. Messages sent through these systems remain the property of the City. All data and messages maintained on City systems may be subject to public records law and disclosed to the public upon lawful request.

Any improper use or violation of this policy may result in disciplinary action up to and including discharge. Any violation of this policy should be brought to the attention of the department manager.

### **A. Communication Courtesies**

Employees are reminded to be courteous to other users of the system and to always conduct themselves in a professional manner. Some examples of inappropriate systems use includes, but is not limited to: installing non-business software; sending chain letters or other material that can be construed as spam; playing games; displaying sites with inappropriate sounds or visuals; transmitting obscene, harassing, offensive or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; and displaying, downloading, or distributing sexually explicit material.

Only authorized employees may communicate on the Internet on behalf of the City. Employees may not express opinions or personal views that could be misconstrued as being those of the City.

Any information posted on the City's internet or intranet sites must first be approved by the respective department manager.

## **B. Copyrights**

Any software or other materials downloaded into the City's computers may be used only in ways consistent with the licenses and copyrights of the vendors, authors or owners of the material. The City honors all licenses, copyrights, patents, restrictions and terms and conditions associated with commercial proprietary computer software. Systems users are not authorized to use, copy, modify, or transfer purchased computer software in whole or in part except as expressly provided in the applicable software license, contract or purchase agreement. "Pirating" (making unauthorized copies of software or music) is a violation of federal copyright law. Any approved material that is posted should obtain all proper copyright and trademark notices if applicable.

Applications developed while employed by or under contract with the City are the property of the City and not the developer.

## **C. Electronic Mail System**

E-mail messages are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Employees should write e-mail communications with no less care, judgment, and responsibility than they would use for letters or internal memoranda written on City letterhead.

Please be aware that even when a message is erased through e-mail it is still possible to retrieve and read that message. Even though the City reserves the right to retrieve and read any mail messages, those messages are to be treated as confidential by other employees and accessed only by the intended recipient. We expect that employees will respect others' privacy, and unless authorized to do so, will not retrieve or read electronic messages not intended for them. The use of passwords for security *does not* guarantee confidentiality. All passwords must be disclosed to the IT Coordinator. Again, personal use of e-mail may occur, but is to be kept to a minimum, and it must be approved by an employee's manager before it is sent.

## **D. Baker City Computers: Software Installation**

In an effort to protect the integrity of our systems, all software used on City computers must be registered with the IT provider. Personal or downloaded software may only be installed after written authorization from the IT provider has been received. A complete virus check of all such software must be made immediately before it is installed on any City computer. A virus check must be made on any disk or files originating from outside the City prior to its use in City computers. Copying or transferring of City-owned software may be done only with the written authorization of the City Manager.

## **E. Telephone Usage (Landline)**

The City recognizes that employees must occasionally make and/or receive personal telephone calls. Such calls must be held to a minimum and should impact work as little as possible. Unauthorized use of the telephone, including charging long distance calls to the City, may result in corrective action, up to and including termination.

**F. Telephone Usage (Cellular)**

Cell phones assigned to City employees, volunteers and officials are intended to provide for the efficient conduct of business related to the City. Personal calls (outgoing and incoming) will be allowed infrequently, for limited duration, and only in instances of family emergencies when a landline telephone is not reasonably available. These phones remain City property and will be on the service plan provided by the City.

Employees issued City cell phones shall have no expectation of privacy while using City-issued devices. The City may audit and monitor phone calls, text and email messages, internet, and other usage.

As with telephone usage (see E. above) employees should keep personal cellular calls to a minimum and should impact work as little as possible. The City may provide a monthly cellular telephone allowance to employees in designated positions who regularly make City business calls while away from the office. In addition, the City may provide a one-time reimbursement to help offset the cost of purchasing a cell phone.

Employees receiving a cellular telephone allowance must use the allowance to obtain a reliable cell phone and reliable cell phone service. The allowance and any reimbursement will be considered part of the employee's official compensation and will be reported as taxable income. The cell phones, because they are the property of the employee, may be used for both personal and City business. Cell phone expenses over and above the amount of the allowance will not be covered by the City and will be considered the employee's responsibility. The City may annually determine the amount of the cellular telephone allowance.

Employees should not store confidential or work-related information on personal cellular phones unless authorized by a supervisor and protected by a password.

**Reporting Lost or Stolen Cellular Phones**

If a personal or City-issued cellular phone stores email addresses, phone numbers or other work or private information about other employees, customers, or clients, or sensitive or confidential workplace information and is lost or stolen, report the loss to a supervisor immediately.

**Cellular Phone Safety**

Oregon law and the City prohibit the use of cellular phones, including text messaging, voice communication, navigation, entertainment, or accessing the internet during the following work-related activities:

- While operating a moving vehicle unless a hands free device is used (please note, the use of a speaker phone is not considered a “hands-free” accessory);
- While operating or being in close proximity of heavy, dangerous, moving machinery; or
- Where use of a cell phone may place employees at risk of injury.

## **G. Social Networking and Blogging**

The City takes no position on any employee’s decision to start or maintain a social media blog or participate in other social networking activities. However, it is the right and duty of the City to protect itself from unauthorized disclosure of information. The City’s social networking policy covers City-authorized social networking and personal social networking and applies to all employees (see Authorized Social Networking and Personal Blogging/Social Networking below).

### **General Provisions**

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook, Instagram and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with.

Unless specifically instructed, employees are not authorized and therefore restricted from speaking on behalf of the City. Employees are expected to protect the privacy of other employees and clients and are prohibited from disclosing personal employee and nonemployee information and any information to which employees have access through work. This policy does not prohibit employees from exercising their rights under applicable employment relations laws.

### **Authorized Social Networking**

Authorized social networking is social networking or blogging on behalf of the City which has been authorized by the City. Authorized social networking and blogging is used to convey information about City services, promote and raise awareness of City activities and events, and issue or respond to breaking news or negative publicity.

The goal of authorized social networking and blogging is to become a part of the community conversation and promote web-based sharing of ideas and exchange of information. When social networking, blogging or using other forms of web-based forums, the City must ensure that use of these communications maintains our integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

### **Personal Blogs/Social Networking**

The City respects the right of employees to write blogs and use social networking sites, and does not want to discourage employees from self-publishing and self-expression. The City does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

If an employee chooses to identify themselves as a City employee, please understand that some readers may view the employee as a spokesperson for the City due to their content including text and images. Because of this possibility, we ask that employees state that their views expressed in their blog or social networking area are their own and not those of the City, nor of any person or organization affiliated or doing business with the City.

### **Employer Monitoring**

Employees are cautioned that they should have no expectation of privacy while using the internet at work, subject to lawful access to public postings. Postings can be reviewed by anyone, including the City of Baker City. The City reserves the right to monitor comments or discussions about the City, its employees, and clients.

Employees are cautioned that they should have no expectation of privacy while using City equipment or facilities for any purpose, including authorized blogging.

### **H. Voice Mail System**

The voice mail system is the property of the City and has been provided for use in conducting the City's business. All communications and information transmitted by, received from, or stored in this system are the City's records and the property of the City. This voice mail system is to be used for City business only, and use of the system for personal purposes is discouraged.

Employees have no personal privacy rights pertaining to any information stored in, created, received, or sent over, the voice mail system. The City, in its discretion as owner of the voice mail system, reserves and may exercise the right at any time to monitor, access, retrieve, and delete any message stored in, created, received or sent over the system for any reason, and without the permission of any employee. Employees are not authorized to retrieve or listen to any voice mail messages that are not sent to their personal attention. Any exception to this policy must receive prior approval from the department manager.

### **I. Archiving Electronic Communications**

Employees must follow federal and state law with regards to archiving electronic communications. Generally, employees should follow the same archiving timeframes for electronic records, as they would for paper records.

#### **Typical public records examples:**

- Policies and directives
- Correspondence or memoranda related to official business
- Work schedules and assignments
- Agendas and minutes of meetings
- Drafts of documents that are circulated for comment or approval
- Any document that initiates, authorizes, or completes a business transaction
- Final reports or recommendations

#### **Typical non-public records examples:**



- Personal messages or announcements
- Copies of extracts of documents distributed for convenience or reference
- Announcements of social events
- Messages received via listserv
- Spam

Please refer to the City's Records Retention Schedule for specific information.

**J. IT Information Security Policy**

In addition to the requirements below, this policy may also apply to electronic information that is required to be compliant with the federal Health Information Portability and Accountability Act (HIPAA) and has been secured according to HIPAA guidelines.

**Purpose**

Technology resources are critical assets of the City. These policies have been designed to help ensure the confidentiality, integrity, and availability of the City's technology resources, protected health information, and in particular, information and the systems used to store, process and access the information.

**Scope and Applicability**

These policies apply to anyone with access to the City's systems, protected health information or technology resources, including, but not limited to, all employees, contractors, consultants, customers, vendors, business associates, and temporary staff. It is the responsibility of each individual to comply with policies and protect property and proprietary or confidential information.

**K. General Information Security Policy**

The City information must be protected in a manner commensurate with its sensitivity, value, and criticality.

Security measures must be employed regardless of the media on which information is stored (paper, overhead transparency, electronic, etc.), the systems that process it (microcomputers, mainframes, networks, voicemail systems, etc.), or the methods by which it is moved (electronic mail, face-to-face conversation, etc.). Such protection includes restricting access to information based on a "need-to-know" basis.

**L. Responsibilities**

Individuals accessing the City's technology resources must comply with information security policies, standards, guidelines, and procedures.

**M. Access Control Mechanisms and Individual Accountability**

Individuals at all levels are responsible for the secure operation of their activities. All system users must take reasonable actions to guarantee this security, maintained mainly through access control mechanisms (user IDs and passwords). Individually assigned user IDs and passwords must not be shared.



Requests for access to technology resources require documented management (or designee) approval as well as any other required approval and user agreements (depending upon the information classification and owner/approver's requirements).

Documents and/or data created by a user should not be stored on the local drive of the computer they are using, but on the appropriate network drive to allow for greater security and regular backup. Information stored on a computer's local drive may not be backed up. If an employee is unsure what constitutes the "local drive," please contact the IT provider.

**An employee who is away from their computer for an extended period of time (meetings, lunch, etc.) is required to log off or otherwise secure their computer.**

### **Virus Prevention**

Anti-virus software with up-to-date virus definitions must be actively in use on all workstations connected to the City's technology resources. Software, utilities and files from outside sources, including the Internet, must be scanned using virus detection software prior to use or installation on the City's technology resources if not certified virus-free by the vendor.

### **Communications and the Internet**

Firewalls (hardware/software security interfaces between the internal network and the outside Internet) and other methods may be used to control, filter and monitor Internet access. Subscriptions to services designed to block access to inappropriate web sites also may be used. Internet use will be actively monitored and reports may be provided to management.

### **Remote and External Access Controls**

Any and all remote or external access to the City's technology resources will be provided through a centrally administered remote access control system, or other approved secure connection.

Connection via the Internet for purposes of electronic commerce requires special attention to security and privacy issues in order to protect our business and that of our members. Installations of such remote access systems or other external connections require the approval of the Information Technology Provider.

Remote computers connected to the City's technology resources must be actively protected by anti-virus software approved by the City's IT Manager.

## **N. Supplemental Information Security Policy**

### **Overview and Purpose**

This policy is intended to relay the importance of security and protecting cardholder data. It is to provide a supplemental information security policy which complies with the Payment Card Industry (PCI) Data Security Standard (DSS).

## **Scope**

This policy applies to all employees, volunteers, elected officials, contractors, vendors and systems of the City that utilize the City's information systems.

## **Supplemental Technology Use Policy**

Usage of employee-facing technologies such as remote access, electronic media, internet, Personal Digital Assistants (PDAs) and wireless will adhere to the following:

- No unauthorized equipment can be brought in and set up to the City's network. This includes, but is not limited to modems, computers, smart phones, tablets, or other wireless devices.
- Wireless devices must be set up securely by establishing secure accounts/passwords and /or disabling server set identifier (SSID) broadcasts.

The IT Coordinator or designee will be assigned with security responsibility which includes the oversight of all purchases of computer and technology hardware and software.

## **Policies to Protect and Manage Cardholder Data**

The importance of protecting cardholder data is paramount. This policy establishes the City of Baker City's policy for the secure handling of sensitive cardholder data including but not limited to magnetic strip data, Primary Account Numbers (PAN's), expiration date, and service code. Allowing data theft or destruction, inadvertently sharing confidential information, infecting system networks with viruses, misuse of company resources, allowing the theft of company property, and allowing the compromise of private or confidential company or client information are all very real examples of what might result from a security compromise.

- 1) Strong cryptography and security protocols, such as SSL, TLS or IPSEC, are to be used to safeguard sensitive cardholder data during transmission over open, public networks.
- 2) All sending of unencrypted Primary Account Numbers by end-user messaging technologies (i.e., email, instant messaging, and chat) are strictly prohibited.
- 3) Access to system components and cardholder data is limited to only those authorized individuals whose job require such access or have a need-to-know. This authority is granted by senior management and reviewed annually.
- 4) All paper that contains cardholder data is to be identified and physically secured in a locked area. No electronic cardholder data will ever be stored.
- 5) Strict control is to be maintained over the internal or external distribution of any kind of media that contains cardholder data; media is classified and clearly marked as confidential. Media is sent by secured courier or other delivery method that can be accurately tracked.
- 6) Management approval is to be obtained prior to moving any and all media containing

cardholder data from a secured area.

7) Strict control must be maintained over the storage and accessibility of media that contains cardholder data.

8) Media containing cardholder data is to be destroyed when it is no longer needed for business or legal reasons. Paper materials are to be shredded, incinerated, or pulped so that cardholder data cannot be reconstructed. The general rule is that media containing cardholder data will be destroyed when over 180 days old. Exceptions to the rule must be approved by senior management.

### **Information Technology Incident Response Plan**

In the event of a security breach, virus, or other electronic/information emergency, please contact the IT Coordinator immediately.

### **Policy Maintenance and Awareness**

Review of this policy will be conducted on an annual basis or as changes to the environment occurs. These security policies will be formally reviewed with all employees, volunteers, elected officials or other individuals that utilize the City's information systems from time to time. A copy of this policy will be made available on the City's website at [www.bakerCity.com](http://www.bakerCity.com).

### **O. Policy Exceptions**

Exceptions or waivers to these policies require the approval of the City Manager. Appropriate documentation providing business justification for non-compliance is required, as well as full documentation of the business and technical reasons for granting the waiver. The City Manager will notify the IT provider of all approved exceptions.

### **O. Contact Information**

Questions about this policy or related information security concerns should be directed to the City Manager or the IT provider.

## **X. Performance Management and Appraisal**

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To ensure a meaningful performance evaluation system upon which the City can monitor the effectiveness of our organization and its operations, employees receive annual performance evaluations once a year and at the end of their probationary period. Performance may be tracked and stored electronically by the City. A manager or employee may acknowledge the performance evaluation by electronic signature.

The objectives of our annual performance management and formal appraisal process are:

- To ensure that each person in our organization knows how he/she is performing against established performance standards;
- To determine how well the City managers are performing in assisting employees with work performance and objectives;

- To ensure communication and two-way feedback;
- To provide a consistent, objective, and fair method for making compensation decisions;
- To identify areas where an employee may need more training;
- To provide a tool for career planning; and,
- To provide a record of employee performance and contributions.

Managers are accountable for providing employee development actions designed to improve and enhance employee performance, such as:

- Reasonable employee training, including computer software proficiencies;
- Assigning, directing, controlling and reviewing employee work;
- Assisting employees in correcting deficiencies; and,
- Objectively evaluating employee performance during the evaluation period.

The performance appraisal program is intended to be participatory, involving an employee's input as much as that of their manager, thereby helping employees to contribute to the growth and improvement of the City. Employees are encouraged to:

- Inquire about their performance from time to time;
- Accept additional responsibilities and show initiative;
- Review opportunities for advancement within the organization;
- Ask for assistance in developing a goal-oriented path for advancement; and
- Learn about training available to assist in improving skills.

Performance evaluations serve as one factor in decisions related to employment, such as training, job assignments, employee development, promotions, and retention. Written reports identify specific performance levels, acknowledge the merit of above standard performance, and prescribe the means and methods for correcting performance deficiencies to the required level of performance.

## **XI. Corrective Action**

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The City has high performance expectations because we strongly believe that everyone benefits when we all work together and conduct ourselves in a manner that mutually reflects the best interests of co-workers and our organization. It is the philosophy of the City to take corrective action measures when needed for the purpose of correcting performance deficiencies or to deal with violations of policies and work rules.

Employees will be informed by their manager of any corrective action that is necessary as soon as possible after any performance problem has been identified. The manager will discuss the situation and explain the policy and the necessity of corrective action to avoid other disciplinary actions.

Although one or more corrective action measures may be taken in connection with a particular performance problem, **no formal order will be followed**. Corrective action may include any of a variety of actions depending on the circumstances and severity of the particular situation.

Corrective action may be taken at the discretion of management and may include, but is not limited to, the following examples:

- Verbal counseling, which will be confirmed in writing for an employee's personnel file.
- Mandatory participation in training and/or counseling.
- Written warning, which will be placed in an employee's personnel file.
- Suspension, which will be confirmed in writing for an employee's personnel file. Suspension is normally used to remove an employee from the premises during an investigation, or as a disciplinary action. This may be paid or unpaid. If an employee is suspended, it will be documented in their personnel file.
- Discharge.

The corrective action process will not always commence with a verbal counseling or include a sequence of steps. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or subsequent offense. Consideration may be given to the seriousness of the offense, intent and motivation to change the performance, and the environment in which the offense took place.

The above are *only examples* of possible corrective action(s) that may or may not occur.

## **XII. Pay Administration**

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The City values quality employees and is committed to compensating employees for their efforts and results. It is our intent to provide a competitive compensation package that will attract, retain and motivate employees. It is also our intent that policies and pay practices be administered consistently throughout the City.

The pay of a new employee may be established based on the pay level of current employees in the same or similar positions, and the new employee's previous experience, education, and skills.

Employees may be eligible for future pay increases based on the Council's approved budget and performance.

### **A. Paydays**

Employees will be paid monthly. Employees shall be paid on the last Friday of each month or as determined by the City Manager.

**B. Payroll Deductions**

Certain mandatory and elective deductions are made from employee pay, and are noted on the paycheck stub. Only those deductions mandated by law or those authorized by the employee in writing are made, provided such deductions are not otherwise prohibited by state regulations.

**C. Salary Advances**

As a matter of policy, an employee may elect to receive partial pay on the 15<sup>th</sup> day of each month. In no case will an employee be able to draw more than fifty percent of the employee's net monthly earnings.

**D. Delivery of Paychecks**

Each payday the employees paycheck will be electronically deposited to an account they designated or mailed/hand-delivered. No paychecks will be delivered to any person other than the employee except upon an employee's written request to do so. **The City strongly encourages all employees to participate in electronic deposit.**

**E. Method of Payment**

A statement of earnings and deductions showing gross earnings, deductions and the net salary amount will accompany each paycheck or notice of direct deposit.

**F. Employee Withholding Allowance Certificates Form W-4**

Employees are required under Federal law to furnish the organization with a valid Employee Withholding Exemption Certificate (W-4) at the time of hire. Employees may request additional withholding for state and/or federal taxes. If they fail to provide a W-4, the City is required by law to withhold at the S-0 rate, until a W-4 is provided. Each year in January the City requires all employees to submit a current W-4 form prior to the end of the January pay period.

**G. Timekeeping for Non-exempt Employees**

Non-exempt employee pay is calculated from reported hours as approved by their manager. The time record is formal documentation of the exact time worked. It should be completed daily and reviewed at the end of each week for completeness and accuracy. It must be completed and approved at the end of each weekly pay period. Failure to complete time records may be grounds for discipline.

The manager, or their designee, will review and approve time records each week. If an error is to be corrected or time clarified, the employee should notify his/her manager during the review process. Employees should never allow someone else to make entries on their time record. Willfully falsifying a time record may be grounds for corrective action, up to and including termination.

**H. Time Records (Leave Requests) for Exempt Employees**

Employees classified as exempt must complete time records; exempt employees are expected to complete and certify leave request forms and submit the requests to their manager for approval; any absence from the office should be coordinated with managers.

## **I. Final Paycheck**

While we request that employees provide the City at least 10 working days advance notice prior to departure when resigning or retiring from the organization, if an employee provides us with at least 48 hours' notice (excluding holidays and weekends) they will receive their final paycheck on the last day worked. If less notice is given, the final paycheck will be provided within five business days or on our next regularly scheduled payday, whichever occurs first. If an employee is discharged the final paycheck will be paid no later than the end of the next business day per ORS 652.140(1). Final paychecks will include all wages earned through the last workday plus payment for accrued comp hours and vacation hours up to 240 hours, or according the maximum limit as set forth by a collective bargaining agreement (excluding PERS) that are due and payable at separation. Checks can be picked up at City Hall or mailed to the current home address if requested in writing by the terminated employee. If the employee wishes to have the final check electronically deposited, it must be requested in writing.

Exempt employees who terminate employment prior to the last day in the pay period in which they terminate, will be paid a portion of their monthly salary based on hours worked divided by hours in the pay period. Exempt employees, who normally are scheduled to work less than 40 hours per week, will be paid their normal pro-rated holiday hours for any holidays that fall during the final month of employment with the City.

## **XIII. Hours of Work and Work Schedules**

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### **A. Baker City Office Hours**

The City has established regular working hours to promote a productive work environment that will best serve our members. The general office hours at the City are 8:00 a.m. to 5:00 p.m., Monday through Friday.

The normal workday is eight hours. The normal work week is 40 hours. If an employee is a non-exempt employee, they should not begin work before their normal starting time nor continue working beyond the normal quitting time without advance approval from their manager.

The manager schedules specific work hours for individual employees. Typically, employees will work from 8:00 a.m. to 5:00 p.m., with one hour for lunch. Changes to work schedules may be made on an individual basis (work hours/work days) based on business necessity, at the discretion of the manager. The department manager will attempt to notify employees of any changes in workdays or work week schedules one week in advance of the effective date of change. Management reserves the right to modify schedules consistent with the needs of the organization.

Hours worked for the City are compensable and include all of the time that an employee is required to be on duty. Travel time and training or meeting time are considered hours worked under specific conditions outlined under wage and hour laws, or by City policy.



Employees should consult with their manager regarding these conditions. These provisions do not apply to exempt positions.

## **B. Meal and Rest Periods**

Oregon law requires a paid rest period of not less than 10 minutes for every segment of four hours worked in one work period. The City allows its employees to take 15-minute, paid rest break for every four hours worked. This time must be taken away from the employee's work area in addition to and separately from required meal periods.

Meal periods of not less than 30 minutes (unpaid) must be provided to non-exempt employees who work 6 or more hours in one work period. No meal period is required if the work period is less than 6 hours. Additional meal periods are required to be provided to employees who work 14 hours or more.

Ordinarily, employees are required to be relieved of all duties during the meal period. Under exceptional circumstances, however, the law allows an employee to perform duties during a meal period. When that happens, the employer must pay the employee for the whole meal period.

The meal period should be taken between the third and sixth hours worked. Non-exempt employees are not permitted to work through a meal period unless approval from a manager is obtained prior to the scheduled meal break. If non-exempt employees are required to work during their meal period, they will be paid for their meal time. If an employee frequently works through a meal and/or rest period, without manager approval, the employee may be subject to disciplinary action.

## **C. Overtime**

Employees may be required to work overtime. Except in emergency situations, prior approval must be obtained from their manager before working overtime hours. Managers are to ensure that no unauthorized overtime hours are worked. The City complies with the provisions for overtime for non-exempt employees, as outlined in the Fair Labor Standards Act and State wage and hour laws. Managers and employees will make every effort to keep the hours worked, to the regular 40 hour work week. This may be accomplished by flexing the hours worked during the week (Tuesday through Monday), with the manager's approval. This may enable the employee to maintain his/her regular hours in the week and reduce the accumulation of overtime. If scheduling adjustments cannot be made during the week, comp time may be granted (refer to Compensatory Time below). However, managers should attempt to avoid accumulated overtime by employees.

Employees who work unauthorized overtime may be subject to discipline, up to and including termination.

Unless otherwise stated by contract, overtime is calculated on the basis of hours actually worked *in excess of 40 hours* in a work week. Sick leave, vacation leave, and holidays are not counted as hours worked.



**For non-exempt employees whose regular work week consists of fifty-six (56) hours:**

- a) The work cycle shall be 27 days pursuant to section 207(k) of the FLSA. Employees assigned to regular firefighting duty shall work a 56-hour week, with 24 hours on duty and 48 hours off duty regardless of days of the week or holidays.
- b) All time worked in excess of the regular twenty-four hour (24) shift shall be paid to the next half hour at 1 ½ times the employee's regular hourly rate. This rate shall be determined by dividing the employee's annual salary by 2912 hours.
- c) Employees called to work on their normally scheduled day off shall be paid at their overtime rate for hours worked with a two hour minimum.
- d) For purposes of this section, with the exception of sub-section (3) above, overtime shall be paid to the next half hour.
- e) An employee has the option to take any overtime as compensatory time off in lieu of cash payment as long as it does not hinder the operation of the Fire Department. Compensatory time off may be accumulated up to a maximum of 72 hours, and shall be scheduled by agreement between the chief and employee involved. No compensatory time off shall be scheduled if it requires scheduled overtime.

**D. Compensatory (comp) Time**

In lieu of paid overtime, comp time will be computed at 1.5 times the overtime hours, with prior agreement (refer to Overtime above). Employees are encouraged to work with their manager to schedule and use comp time within 60 days of when it is accrued. Employees can accrue up to 40 hours of comp time before having to use it or sell it unless otherwise allowed through a collective bargaining agreement. At the discretion of their manager, employees who have accrued less than 40 comp hours may be able to choose whether to receive paid cash or accrue comp time. Employees, who have more than 40 hours, may be "cashed out" for hours greater than 40 within budgetary limits. When an employee is separated from employment with the City, any remaining comp. time is payable to the employee.

**E. Social and Recreational Activities**

Participation in all off-duty social or recreational activities such as picnics and holiday parties is entirely voluntary. Participation or nonparticipation will not have any effect on employee wages, hours, working conditions or employment opportunities.

**XIV. Employee-Incurred Expenses and Reimbursement**

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The City will pay all actual and reasonable business-related expenses incurred in the performance of an employee's job responsibilities. All such expenses incurred must be pre-approved by the employees manager before reimbursement will be made.

Expense reports must be supported by evidence of proof of purchase (e.g., receipts) and are to be submitted **within three weeks** of the expense being incurred or the employee risks

forfeiting their payment or reimbursement. Meal receipts must be itemized and denote for whom the meal was purchased and the purpose of the meeting.

**A. Driving While On Business**

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

The City may verify the validity of an employee's driver's license and/or driving record. Once employed with the City, reports will be received automatically from the Department of Motor Vehicles (DMV). The reports notify the City when there are transactions on an employee's driving record.

While on City business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs do not interfere with their ability to drive while on business. Operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status as soon as possible.

**B. Mileage Reimbursement**

Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the U.S. General Services Administration (GSA) which can be found at: <http://www.gsa.gov/portal/content/100715>

Other related expenditures (e.g., parking) are also reimbursed upon submission of receipts on an expense report approved by management.

*Any traffic citations, including parking tickets, are the responsibility of the employee and will not be reimbursed by the City.*

**C. Educational Workshop Travel & Meal Reimbursement Policy**

Baker City governance policies encourage employees to avail themselves of training and educational opportunities in support of their functions on behalf of the City.

The following guidelines apply with respect to registration, travel, accommodation, meals, and other approved expenses in connection with seminars, workshops, or other educational events attended by the employee at the request of the City, approved by the City, or authorized by the department manager as mandatory training programs.

The City may reimburse an employee for courses taken at an accredited educational institution and which in the opinion of the City Manager are related to the employee's present position in City service and potential development with City service. To be eligible for reimbursement an employee must complete and maintain the course with a "B" or better. Employees should be aware that, due to budgeting restraints, the City is under no obligation to approve any or all employee requests.

**D. Registration/Accommodation**

Designated City staff will, if requested, make the necessary registration and room arrangements, and complete/submit class registration/fee requests.

The City will pay employee registration fees and charges for accommodation at the single room rate. If a spouse/significant other accompany an employee, the City will not be responsible for their additional registration and accommodation costs.

If the employee chooses to stay at the house of a family member or friend, no reimbursement for accommodations or meals will be made for lodging or meals taken in other than a commercial restaurant, hotel, motel, or bed and breakfast. Employees should avoid the appearance of a conflict of interest in using a bed and breakfast or other commercial or semi-commercial business owned by a relative except when such accommodations are clearly available to the general public at all times and at rates comparable to or less than other generally available commercial establishments.

No allowance is authorized for gratuities or repayment to any party for donation, special, or in-kind services provided to employees unless specifically authorized in GSA per diem schedules.

**E. Travel**

If requested, designated City employees will make arrangements for travel to authorized workshops and seminars. If travel plans include a spouse/significant other, or involve an additional excursion in conjunction with attendance at an authorized workshop or seminar, the individual employee may find it more cost-effective and efficient to make their own bookings.

The City will pay for the cost of travel by employees to approved training and educational workshops and seminars. GSA rates will be used in the case of a private vehicle and actual coach class airfare for airline travel. Employees are encouraged to use City owned vehicles for travel whenever available. Spouses/significant others may accompany employees to these events but the City will not be responsible for any of their associated travel or accommodation costs.

**F. Meals**

The City will reimburse employees for reasonable costs associated with meals and incidental expenses associated with attendance at events/activities as a Baker City representative at the GSA per diem rate. Reimbursement for meals and lodging can be found at the following web site: <http://www.gsa.gov/portal/category/100120>. The amount provided

for incidental expenses may be used if needed to increase the daily allowance for breakfast, lunch or dinner.

If meals are included as part of the conference, workshop, or seminar program attended, the City will pay the charged rate for those meals. If meals are provided as part of the program and are being paid for by the City, employees who elect to eat elsewhere will not normally be reimbursed for the cost of that meal.

The City will not usually pay for meals of spouses/significant others, unless the meal is associated with a City group function where the attendance of the employee is required and it is appropriate to bring a spouse/significant other.

The City will not pay for the consumption of alcoholic beverages. The City will pay for reasonable costs associated with meals in the course of City business under the following circumstances:

- a. The meal is associated with travel requiring an overnight stay.
- b. The meal is consumed with one or more City member officials, member representatives, or individuals in a business relationship with the City.
- c. The meal is part of an occasional departmental event approved in advance by the appropriate manager.

No allowance is authorized for gratuities or repayment to any party for donation, special, or in-kind services provided to employees unless specifically authorized in GSA per diem schedules.

#### **G. Attendance**

If the City is paying registration, travel, meals, and accommodation costs for attendance at the workshop, seminar, conference etc., employees are expected to attend scheduled work sessions and related activities and take advantage of the opportunity to learn in both formal and informal settings.

Employees are encouraged to report back on their learning experience for the benefit and development of other staff.

## **XV. Employee Benefits**

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The City strives to provide excellent, equitable and cost-effective benefits for employees in recognition of the influence employment benefits have on the economic and personal welfare of our employees. The total cost to provide the benefit programs described in this handbook is a significant supplement to pay and should be viewed as additional compensation.

Policies, provisions and procedures that govern the City's benefit programs apply to all benefits-eligible employees, whether status is exempt or non-exempt, unless otherwise provided in a particular benefit plan.

Some benefits begin on the first of the month following date of hire. Unless a new employee had previously worked for a public employer, there may be a six-month waiting period for PERS contributions. Some benefits may accrue during the employee's probationary period, but eligibility to use the benefit will not occur in most cases until they obtain regular status, or meet other conditions of employment specified in the handbook or contained in the benefit policy/plan booklets.

Generally, employees who work less than 25 hours/week are not eligible for any benefits or compensation beyond wages. The exception to the "No Benefits" policy is Bereavement Leave, sick leave, and if needed, workers' compensation leave. Bereavement Leave and Sick Leave will be pro-rated according to the number of hours regularly worked, for employees who work less than 40 hours per week.

**A. Benefit Plan Documents**

Employees will be provided with Summary Plan Descriptions for the City's benefit programs. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents will govern. All of these official documents are readily available from the City Human Resource Manager for review.

**B. Health/Dental/Vision Insurance Benefit**

The City currently offers health insurance coverage for all benefits-eligible employees and their dependents are eligible to participate in the plan. Employees will be provided with information about the plan during orientation. Health benefits begin the first of the month following date of hire. Employees are asked to review the summary plan description for answers to questions they may have. Any need for further information should be referred to the City Human Resource Manager.

**C. Eligibility**

The health insurance plan provides benefits-eligible employees (working 25 hours/week or more in regular positions) and their eligible dependents with medical, dental, and vision care insurance benefits. Eligibility begins the first of the month following date of hire. Employees working in benefits-eligible positions are provided with a health insurance plan for themselves, their eligible dependents, and their same-sex domestic partners (note that the domestic partner of an insured employee is eligible for coverage if the domestic partnership meets all of the coverage criteria). The children of covered domestic partners are eligible under the same terms and conditions as children of enrolled employees. Questions regarding the criteria for determining eligibility for domestic partners, the employee's premium payment portion, and other questions relating to this benefit, can be addressed by contacting the Human Resource Manager.

Part of the City's health insurance coverage is the Healthy Benefits program, which provides a valuable package of services to the employee and eligible family members to help them achieve or maintain optimum health. City employees are encouraged to participate in wellness programs/resources offered via a healthy benefits program, the medical insurance carrier programs, etc.

**D. Premium Contribution**

Employees contribute to the cost of their coverage based on their regular work schedule and the coverage level they select.

**E. Pre-Tax Account**

The City provides pre-tax options to benefits-eligible employees for dependent care expenses, medical and dental services, and employee insurance premiums. A brochure explaining the details of the program is available from the Human Resource Manager.

**Health Savings Account (HSA) and Health Reimbursement Arrangement (HRA)**

Effective upon implementation of the CIS HDHP-1 plan on January 1, 2014, the City will establish a HSA or HRA VEBA for each eligible employee and contributions shall be made in accordance with collective bargaining agreements and as determined by the City Council.

**F. Other Benefits**

**Workers' Compensation**

Employees will be insured under the provisions of the Workers' Compensation Program for "accepted" injuries and illnesses sustained while performing work for the City. The City uses an external claims adjuster to process employee claims, and to determine the compensability of a claim.

**Accident and Injury Reporting**

All job-related injuries or illnesses must be reported to the employees manager within 24 hours, regardless of severity, using the Incident Report form. A copy of the incident report will be given to the Human Resource Manager and effected employee within 24 hours.

If an employee sustains a job-related injury or illness that resulted in medical care beyond first aid, and if the employee wants to apply for workers' compensation benefits, an 801 form must be completed (available in the personnel office). In the case of serious injury, the employees reporting obligation will be deferred until circumstances reasonably permit a report to be made. Failure to report an injury or illness may affect or delay the payment of any benefits and could result in fines and penalties for the City. In addition, failure to report an injury or illness within 24 hours may result in discipline up to and including discharge.

**Early Return-to-Work Program**

The City's Return-to-Work program provides guidelines for returning employees to work at the earliest possible time after they have suffered an **on-the-job injury or illness** that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-

Work Program is intended to be transitional work, to enable employees to return to their regular job in a reasonable period of time.

The Return-to-Work program for job related injuries consists of a team effort by managers, injured employees and their treating physicians, City management, and the workers' compensation claims staff.

Through this team effort, the City hopes to help its employees recover and return to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

### **Benefits Continuation (COBRA)**

If otherwise qualified, the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under their employer's health plan. Eligibility is initiated when a "qualifying event" would normally result in the loss of eligibility (e.g., work separation, death of an employee, a reduction in an employee's hours, leave of absence, an employee's divorce or legal separation, or a dependent child who no longer meets eligibility requirements).

Under COBRA, the employee or beneficiary pays the full cost of coverage at the group rates, plus a 2% administrative fee. Employees will receive a written notice describing rights and obligations granted under COBRA when the employee becomes eligible for coverage under the City's insurance plan.

### **Long-Term Disability**

The City provides a long-term disability (LTD) benefit plan to help employees working in benefits-eligible positions (refer to Employee Classifications) cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure continuing income for employees who are disabled and unable to work, but it is not intended to fully replace the employee's wages. LTD coverage begins on the first of the month following date of hire and is subject to all the terms and conditions of the agreement between the City and the insurance carrier. LTD benefits are offset by amounts received under Social Security, PERS, other retirement income, or workers' compensation for the same time period.

### **Life Insurance**

The City provides insurance on the lives of all full-time employees appointed to the classified service against both occupational and non-occupational related death, commencing on the first of the month following date of hire in an amount equal to one and one-half times that employee's annual salary, to a maximum benefit of \$100,000.

Also, additional voluntary life insurance may also be purchased and will be deducted from the employee's monthly salary. Voluntary coverage may be subject to medical underwriting by the life insurance company.



### **Accidental Death and Dismemberment (AD&D) Insurance**

The City provides AD&D insurance coverage in the same dollar amount as the City-paid life insurance coverage, for employees working in benefits-eligible positions, who suffer accidental death or dismemberment. Employees are eligible for coverage the first of the month following date of hire.

### **Long Term Care**

Voluntary long term care insurance may be purchased for employees and eligible family members; the premium for each type of coverage will be deducted from an employee's monthly salary. After the first opportunity for enrollment, coverage will be subject to medical underwriting by the long term care insurance company. All coverage for eligible family members is subject to medical underwriting.

### **Unemployment Insurance**

The City provides unemployment compensation through the State of Oregon Unemployment Insurance Fund as provided for under state law.

### **Employee Assistance Program (EAP)**

This free, confidential service is provided to benefit eligible employees through the City's insurance provider. These services may extend to the employee's covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the Human Resource Manager.

### **PERS (Public Employees' Retirement System) Benefit**

As participants in the PERS system, an employee's designation as a Tier I, Tier II, or OPSRP member will depend on their prior PERS service and PERS rules.

Employees will become a PERS member after working six full calendar months for a PERS-covered employer in a qualifying position requiring at least 600 hours per calendar year period. That six month "waiting period" cannot be interrupted by more than 30 consecutive working days. The effective date of membership is the first day of the month after the employee has met the requirement.

The City makes contributions to PERS on an employee's behalf. The contribution made by the City is dependent on agreements negotiated between the City and the Employee Group. The first contribution is an amount based on the actuarial requirements for funding City employee pensions. It is a percentage of payroll set by PERS. The amount may be different for each designation (Tier I, Tier II, OPSRP), and changes every other year.

When an employee becomes a PERS member, they will fill out a Designation of Beneficiary form to name someone to receive their benefits should they die before refunding or retiring. The "Standard Designation" on the Designation of Beneficiary form directs an employee's death benefits to their surviving next of kin.

### **Deferred Compensation (Section 457 (b) Plan)**

As a supplement to PERS retirement, benefit eligible employees may elect to participate in a Deferred Compensation program. The City has several 457 (b) plans to choose from

including pre-tax and after-tax (Roth) plans. Contributions to these plans are withheld from the employee's monthly paycheck. Employees are eligible to participate, beginning with their first paycheck.

### **Vacation Leave Benefit**

All benefits-eligible employees are eligible for vacation. Benefits-eligible employees who regularly work less than 40 hours receive pro-rated benefit accruals. All accruals begin at the date of hire, and after completion of probationary period, accruals are credited as Vacation Leave and may be taken with manager approval. No vacation time will be authorized during the probationary period, unless approved by the City Manager.

Vacation is accrued at the following rates: employees with less than six years of service with the City accrue 12 days; employees with between six and twelve years of service accrue 15 days; employees with between 12 and 16 years of service accrue 18 days; employees with over sixteen years of service accrue 24 vacation days. Battalion Fire Chiefs of the Baker City Fire Department will accrue 16 (24 hour) days of vacation per year. The City Manager, Public Works Director, Police Chief, Fire Chief, Building Official, Finance Director, Human Resource Manager and Community Developer shall accrue 24 vacation days regardless of their length of service.

Vacation time is intended to provide time away from work for rest and recreation. The vacation accrual cannot exceed a maximum of 240 hours with the exception of the Battalion Chiefs of the Baker City Fire Department. They may accrue up to 450 hours of vacation time. Any vacation that would have accrued over the maximum will either be cashed out immediately or the employee will take time off. When this total is reduced below the maximum allowable, the benefit will begin accruing again. No vacation is accrued while the employee is on a leave of absence without pay. The City Manager may allow accrual over 240/450 hours on a case by case basis.

Upon separation of employment, employees who have completed 6 months of employment will be paid for unused vacation time that has been earned through the last day of work with a cap of 240 hours.

Vacation leave is paid at the employee's base pay rate at the time vacation is taken. In the event that available vacation is not used by the end of the calendar year, employees must carry unused time forward to the next calendar year with a cap of 240 hours. Vacation leave balances are accumulated and deducted based upon the time period used to calculate the employee's paycheck. Changes to an employee's balance are not reflected until the forms have been processed through payroll, which includes any needed adjustments.

Any employee wishing to use vacation time should request vacation hours as early as possible so that arrangements for coverage can be made. We encourage all employees to be aware of the critical times for their work groups (i.e. open enrollment, renewals, annual conference) during the year, and to avoid taking any routine or expected time off during these periods. Requests for vacation time are to be submitted electronically through the timecard system. Vacation time will usually not be granted for periods longer than two (2)

weeks, unless approved by the City Manager. Every attempt will be made to grant each request; however, no guarantees can be offered.

An employee may sell up to a maximum of 80 hours of vacation leave back to the City. The sell back will be allowed twice a year provided six months has elapsed from the previous sale.

### **Paid Holiday Benefit**

The City will grant paid holiday time off to all benefits-eligible employees. If a holiday falls on a Saturday, it will be observed the Friday prior; if falling on a Sunday, it will be observed the Monday following. At the City Manager's discretion, early time-off may be given to employees working the day prior to a City holiday. Unless otherwise stipulated, spontaneous leave such as this will not benefit the vacation banks of employees already using paid leave when such time-off is awarded. The City observes the following holidays in accordance with the State of Oregon observance:

1. New Year's Day
2. Martin Luther King Day
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day
8. Thanksgiving Day
9. Friday after Thanksgiving Day
10. Christmas Day
11. Any day designated by the President of the United States or by the Governor of the State of Oregon

### **Sick Leave Benefit**

The City of Baker City provides eligible employees with sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law. Benefits-eligible employees will receive one sick day for every month of service. Employees who are not benefits-eligible will accrue paid sick leave at the rate of 0.0333 hours per one (1) hour worked up to a maximum of 40 hours per year. Paid sick leave will begin to accrue on the employees first day of employment and can be taken the 91st day. Sick leave is accumulated on the last workday of the month. Employees must be in an active pay status on the last day of the month to accumulate sick leave for that month. Sick leave can be used beginning on the first day of the second pay period after employment. Sick leave may run concurrently with Oregon Family Medical Leave, federal family and medical leave and other leave where allowed by law. Employees with questions about this policy may contact the Human Resources Manager. Please also refer to the Oregon Sick Leave Law poster located on all employment boards and is incorporated here by reference.

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

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.

•“Family member” means the eligible employee’s grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner’s child or parent; the employee’s stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee’s biological, adoptive or foster parent or child.

2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.

3. If the employee, or the employee’s minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon’s domestic violence leave law (ORS 659A.272).

4. In the event of certain public health emergencies or other reasons specified under Oregon’s sick leave law.

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

If an employee has been ill or injured, has missed time from work, and has a release from their doctor to return to temporarily modified work, the City must be contacted two (2) business days before working in a temporarily modified job. The City will determine whether employees may return to work in a temporarily modified job.

If an employee misses more than four (4) consecutive days work, they may be required to provide a release from their doctor before returning to work.

Please refer to the ADA policy if an injury or illness requires accommodation to perform essential job functions.

Time for routine doctor or dentist appointments should be charged to sick time unless other arrangements have been made with management. Employees are encouraged to schedule such appointments to occur outside of work hours.

Employees must use accumulated sick leave in conjunction with income protection plans or other sources of disability income to achieve full pay for as long as possible. However, at no time can the combination of these exceed normal earnings.

Sick time accumulated will not exceed 1440 hours for non-represented fire department employees and 960 for all other non-represented employees. Sick leave benefits will stop accruing once the maximum has been reached. When this total is reduced below the maximum allowable, the benefit will begin accruing again. The City Council adopted

Resolution #3046 to remove the ceiling of 960 accrued sick hours for retirement benefit purposes for non-represented employees.

Employees are expected to notify their manager of absence due to illness or injury at the beginning of each workday during their absence. Exceptions to this include a serious accidental injury, hospitalization, or absences for an extended amount of time that are known in advance.

In certain situations a Medical Release Statement and Fitness for Duty Examination may be requested for review before an employee returns to work.

Please refer to the FMLA/OFLA section of this handbook, for sick leave use when on FMLA/OFLA leave.

**Unused sick leave is not paid upon termination.**

Sick leave is not accumulated while an employee is on a leave of absence without pay. In the case of a work-related accident or injury, an employee may use sick time to offset any hours not paid through Workers' Compensation, or to offset the reduction in regular pay until accumulated sick time is used. However, at no time can the combination of these exceed normal earnings, nor can employees use more sick time than they have accumulated.

Employees who are found to have abused the City's sick leave policy may be subject to disciplinary action, up to and including termination.

**Gym Membership**

The City offers directors the option of a paid employee-only gym membership. The value of this membership is included in the employees' wages and is subject to payroll taxes and reporting.

**Workers Compensation Time Loss Injury and Sick Leave**

If an employee is injured on the job and his/her workers' compensation claim is accepted, the employee may request that the City pay the employee the difference between time loss wages received under workers' compensation and his/her regular salary rate.

The dollar value paid by the City will be converted to the employee's hourly wage rate and charged on an hourly basis against the employee's accrued leave. Wages paid by the City for a leave period covered by workers' compensation will be paid first from accrued sick leave. Upon exhaustion of the employee's sick leave, the employee may choose to use his/her vacation or compensatory leave. Upon exhaustion of the employee's sick leave, vacation leave or compensatory time, the City's supplemental payments will stop.

If an employee has received accrued leave from the City while waiting for a time loss payment, then he/she must reimburse the City any pay overages.

If the employee does not request leave use, then it will be assumed that the employee does not want to use his/her leave accruals, and no accruals will be paid.

If the workers' compensation claim is denied, all future use of accrued leave for the time loss event will revert to the leave policies as written in the Employee Handbook.

### **Vacation Leave Donation and Use**

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

In order to qualify for a leave donation, an employee must meet the eligibility requirements of the Family Medical Leave Act and/or the Oregon Family Leave Act.

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability insurance, or other supplemental income is not eligible to receive donated leave.

Donated hours must not be processed in an amount greater than that which is approximately necessary to cover the employee's next occurring pay period.

If otherwise qualifying, donated leave may be used to provide paid Family & Medical Leave that would otherwise be unpaid, but may not extend the length of Family & Medical Leave entitlement.

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

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

- Provide documentation for a non-work related seriously disabling illness or injury, as certified by a physician.
- Have exhausted all vacation, sick, and compensatory accrued leave and not be on, or eligible for, disability leave or pay.
- Have worked one full year at the City and have received satisfactory performance evaluations.

### **The Donating Employee:**

- Must complete and submit a designated form indicating the desire to donate to the City Manager and the manager will either approve or disapprove the donation.
- May donate up to a maximum of 40 hours of vacation time per calendar year, but must retain a minimum of 40 hours vacation leave.

Any decision by the City Manager regarding Vacation Leave Donation will be binding. Donated time is calculated using the number of hours donated, the donator's hourly wage, and the recipient's hourly wage.

## **G. Other Leaves of Absence**

The City recognizes that our employees may encounter many situations that require a temporary but extended absence from work. We offer several different types of leaves of absence for that purpose.

The type of leave may determine which employees are eligible and what procedure is to be followed in requesting and obtaining the leave. The effect of the leave on benefit accruals, benefits and reinstatement rights also vary according to the type of leave an employee is requesting. Each of these types of leave are discussed below.

### **Leave Without Pay**

The City requires employees to exhaust all accrued leave before requesting leave without pay. Leave without pay may be approved based on workload and business necessity, for limited duration, by the City Manager. Examples might include unpaid religious holidays or an extended medical leave. Maximum duration allowable would not exceed one year. All requests will be considered on a case-by-case basis. Instances of leave without pay may affect an employee's annual performance appraisal date. The City has the right to make such a change, and may do so at the discretion of the City Manager.

### **Bereavement Leave**

Employees who wish to take time off due to the death of an immediate family member should notify their manager immediately. For purposes of bereavement leave, "immediate family member" is typically defined as spouse, domestic partner, child, parent, spouse's or domestic partner's child, parent, sister, brother, grandchild or grandparent. Up to three (3) days of paid bereavement leave will be provided to benefits-eligible and certain other employees if they have successfully completed their initial probationary period. Bereavement leave is calculated on the base pay rate at the time of leave, and will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with supervisory approval, use any available sick leave for additional time off as necessary, or for attendance at funerals of individuals who do not meet the criteria of "immediate family member." The three days of paid bereavement leave is in addition to the 14 days of unpaid leave "eligible employees" may take for bereavement purposes under OFLA.

### **Military Leave**

Military leave is granted to all employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law. Generally, advanced notice is required before taking military service or training leave.

### **Jury or Witness Duty**

When an employee is notified or subpoenaed to serve as a witness or juror, they may obtain a leave of absence.



- Length of leave - Jury or witness duty leave is available for the period of time covered by the initial subpoena or court order and any involuntary extensions.
- Request procedure – An employee must notify their manager as soon as they receive the notice or as soon as is practicable in order for arrangements to be made to cover their position. If requested, the employee is expected to provide the City with a copy of the subpoena or notice.
- Pay while on leave – Employees who receive compensation for civil duties while on leave shall report and turn over to the City any payment received for such duties. The employee will be compensated for the difference between the civic pay received and the regular rate of pay during the time they are serving as a jurist.
- Status of benefits - Benefits are not affected by jury or witness duty leaves.
- Reinstatement - Employees will be reinstated to the same position they held at the time their leave commenced, subject to the City’s general reinstatement policy. When not in court, the employee is expected to report to work during regular work hours. If requested, the employee must supply proof of their court appearance or jury service.

### **Crime Victim Leave Policy**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault. “Immediate family member” includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

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

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

### **Domestic Violence Leave and Accommodation Policy**

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

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

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

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

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

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

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

### **Requests for Reasonable Safety Accommodation**

The City offers reasonable safety accommodation to employees who are victims of domestic violence, sexual assault, stalking, or criminal harassment. When an employee requests a reasonable safety accommodation, the City will engage in discussions with the employee about the nature and scope of a reasonable safety accommodation that will best address the particular safety concern affecting the individual employee.

Requests for leave and reasonable safety accommodation may only be limited or denied when the employee's leave would create an undue hardship on the City's operations.

An employee who wishes to take leave under this policy must provide certification as provided in ORS 659A.280(4) that the employee or dependent child is a victim of domestic violence, sexual assault, stalking, or criminal harassment.

Where feasible, the employee will provide reasonable advanced notice of the intent to take leave.

A reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, paid or unpaid leave, changed work station or telephone number, workplace facility or work requirement in response to actual or threatened domestic violence, sexual assault, stalking, or criminal harassment.

### **Records and Confidentiality**

In accordance with ORS 659A.280(5), all records and information kept by the City regarding an employee's request for, or use of, leave and/or a reasonable safety accommodation under this rule will be kept confidential and may not be released without the express written permission of the individual, unless otherwise required by law or required for litigation. Documents provided to the City regarding the leave will be maintained in a confidential, locked file separate from employee personnel files.

## **XVI. Vacation/Sick/Compensatory Leave Reporting**

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All City employees (exempt and non-exempt) are required to report any vacation or anticipated sick leave to their department manager or designee in advance of the time off.

### **Reporting Leaves**

All City employees are required to submit all leave requests, for sick, vacation, and/or compensatory leave, to their manager. The manager is responsible for authorizing or declining requests and communicating this back to employees.

When exempt employees plan to take, or have taken, one full day or more of vacation time in conjunction with "exempt leave" (e.g., leave at noon on a Thursday, take a full day off on Friday, and return to work Monday morning) the Thursday is counted as vacation time and would likewise be reported/deducted.

An employee is considered to have resigned if he/she fails to report to work for two consecutive working days without notifying his/her supervisor.

## **XVII. Family Leave and Information**

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### **A. Family and Medical Leave: Federal Family Medical Leave Act (FMLA)/Oregon Family Leave Act (OFLA)**

The following is a summary of Family and Medical leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave of absence for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or used Family and Medical leave. In all cases, applicable Oregon and federal laws, rules, and policies and collective bargaining agreements govern the employee's and the City's rights and obligations, not this policy.

Employees seeking further information should contact the Human Resources Manager. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted on the employee boards, which are incorporated here by reference. Leave under Oregon and federal law will run concurrently when permitted.

The FMLA/OFLA policy allows a leave of absence for an employee, and/or their family members, as defined by law, with a “serious health condition.” Leave may also be granted for pregnancy disability, the birth or adoption of a child, the placement of a foster child, the care of a sick child with/without a “serious health condition,” for the care of a spouse, parent, child, grandparent, grandchild, parent-in-law, same-sex domestic partner, or someone with whom the employee has an “In Loco Parentis” relationship who has a serious health condition; and in some circumstances, leave may be available for military families. In addition, leave is provided to employees to enable them to take up to 26 weeks of protected leave in a 12-month period for the care of a spouse, child, parent or next of kin of a covered service member or veteran who has a serious injury or illness. An employee must be eligible under the FMLA/OFLA to receive the defined benefits.

Employees experiencing non-work related injuries or illnesses that are short-term in duration (6 months or less), are not allowed to return to work until released by a doctor once they have missed more than four (4) days.

## **B. Eligibility**

FMLA – Employees must meet three requirements to be eligible for FMLA coverage. Employees must:

- have been employed by the City for a total of at least 12 months (does not need to be consecutive);
- have worked at least 1,250 hours during the 12-month period immediately preceding the family medical leave; and
- work for an entity employing 50 or more employees within a 75-mile radius.

OFLA – Employees are eligible for OFLA-covered leaves if they have been employed by the City for at least 180 days (26 weeks) before the first day of the family medical leave; and have worked an average of 25 or more hours per week for the City as of the day before the request for family medical leave is made. This average will be calculated over the 180 days preceding the request for leave. However, for the purpose of taking leave in the event of the birth or adoption of a child or the legal placement of a foster child, an employee does not need to have met the hours requirement. For leave related to a spouse being called to active duty, the employee must have worked an average of 20 or more hours per week for the City.

## **C. Qualifying Event**

Under federal law (FMLA), employees are entitled to take family medical leave in the following situations:

1. When the employee is unable to perform the essential functions of the job because of a serious health condition, including pregnancy-related conditions. In some situations, additional leave may be available for pregnancy-related disability; and/or
2. In the event of the birth or adoption of a child under the age of 18 (including the legal placement of a foster child under the age of 18) within twelve (12) months of the event; and/or

3. To care for a spouse, parent, or child under the age of 18 who has a serious health condition or a mentally/physically impaired child aged 18 or over; and/or

Additionally, under Oregon law (OFLA), employees are entitled to take family medical leave in the following situations:

1. To provide home care for a child under the age of 18 with a non-serious health condition, provided another family member is not willing and able to care for the child; and/or
2. To care for a child regardless of age, grandparent, grandchild, parent-in-law, same-sex domestic partner, or child or parent of a same-sex domestic partner who has a serious health condition.

#### **D. Federal Military Family Leave**

Qualifying Exigency Leave for Families of National Guard and Reserves:

The National Defense Authorization Act for 2008 (NDAA) amends FMLA to allow military family members (spouse, son, daughter, or parent) of people who are on, or about to go on active duty, leave entitlement to manage their affairs (“qualifying exigency”).

For purposes of qualifying exigency leave, family members of covered military members called to active duty may take leave for one or more of the following qualifying exigencies: (1) to address any issues which arise from the military member learning of a call or order to duty seven or less calendar days prior to deployment; (2) to attend military events or sponsored family support programs; (3) to arrange for alternative childcare or school attendance, attend childcare or school meetings, or provide childcare on an urgent immediate need basis when necessitated by the call to duty; (4) to make or update financial and legal arrangements to address the military member’s absence, or to serve as the military member’s Representative in obtaining, arranging or appealing military service benefits; (5) to attend counseling (not provided by a health care provider) for oneself, the military member, or child of the military member; (6) to spend time (up to 5 days of leave for each instance) with a military member on temporary rest and recuperation leave; (7) to attend post-deployment activities, and (8) any other events which employer and employee agree arise out of the military member’s call to duty, qualify as an exigency, and agree as to the timing and duration of leave.

**Military Caregiver Leave:** The NDAA FMLA amendments also allow up to 26 weeks of unpaid FMLA caregiver leave for a service member who incurs a serious illness or injury in the course of active duty. This leave is called “Service Member Family Leave” (SMFL). A caregiver may be the spouse, son, daughter, parent or next of kin (defined as nearest blood relative).

For this leave only, a “serious injury or illness” is defined as any injury or illness incurred in the line of duty that “may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating.” This means that the SMFL serious health condition may not meet the definition of other FMLA serious health condition.

### **Oregon Military Family Leave (OMFLA)**

Employees who work an average of 20 hours per week, regardless of how long the employee has worked for the City, may be eligible for this leave. The OMFLA provides spouses of armed service members with 14 days of unpaid leave each time an employee's spouse is deployed for military service. In order to take this leave, the employee must give notice to the employer within five days of receiving official notice of the spouse's deployment. The 14 days count against the employee's 12-week OFLA allotment for the year; this means the days are included in, not in addition to, the 12 weeks of family leave available under Oregon's Family Leave Act (OFLA). Benefits and Compensation may be continued during OMFLA leave. Upon completion of OMFLA, an employee is eligible to be restored to employment in the position held at the beginning of the leave. No retaliation or discrimination may occur because an employee has requested OMFLA leave.

### **E. Workers' Compensation**

Workers' Comp and OFLA: OFLA automatically begins if an employee, who is on workers compensation time loss, refuses an offer of light-duty employment.

### **F. Designation of Leave**

Usually, leave under the federal Family and Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA), run concurrently. There are some situations where this may not be the case. The FMLA/OFLA leave year for purposes of calculating leave, is a rolling (backward) twelve-month year. If an employee or their family member's circumstances qualify for FMLA/OFLA protection, hours missed cannot be cause for discipline or retaliation.

Military family members using leave for any "qualifying exigency," do not receive an additional 12-weeks leave. The leave is subject to the same 12-week limitation as most other FMLA/OFLA situations.

If an employee does not request FMLA/OFLA, the City will designate the leave as FMLA/OFLA after 3 consecutive work days missed, due to a qualifying condition. Please remember the Sick Leave policy for absences of more than four (4) days: *"If an employee misses more than four (4) consecutive days work, they may be required to provide a release from their doctor before returning to work."*

The time off may be taken in full, intermittent, or reduced time increments, to the extent allowed by law. Full, intermittent, or reduced time will be determined after the City reviews the physician's recommendation and the applicability of FMLA/OFLA laws. Due to the complexity of the laws, please contact the Human Resource Manager for more information.

### **G. Length of Leave**

The City uses a "rolling" 12 month period, measured backward from the date an employee uses leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Typically, an eligible employee is entitled to as much as 12 weeks of FMLA/OFLA leave in any one-year period. However, there are some circumstances that may entitle an employee to additional leave; for more information, please contact the Human Resource Manager.

Employees will be required to provide a status update every 30 calendar days should leave extend past four weeks.

#### **H. Certification and Request Procedure**

- 1) Certification of the need for family medical leave is required. In the event of a personal health condition or that of a family member, the certification must be provided by a medical professional within fifteen (15) days of the request for family medical leave. Failure to provide required medical certification may delay the start of family medical leave or may cause the denial of family medical leave. The employee may be required to furnish the City with periodic medical reports as frequently as every thirty (30) days and to complete the full recertification process every six (6) months.
- 2) In the event of a request for parental leave to care for a newly adopted child or a newly placed foster child, the employee is required to provide verification from the agency representative regarding the adoption or placement of the child.

In situations where the need for medical leave is foreseeable, employees are expected to give 30 days written notice. The employee must complete and deliver the Notice for Family Medical Leave form and the Health Care Provider Certification as soon as possible, but no later than 15 days from the requested leave date. If the employee is unable to bring this information to the Human Resource Manager, the employees Manager may complete and submit the necessary paperwork on the employees behalf, with their permission.

In unanticipated or emergency situations where there is no opportunity to give notice, employees must notify their supervisor verbally within two working days of the emergency situation. The required paperwork must be completed and returned as soon as is practical. Notice may be provided by a family member or other individual when an employee is unable to provide notice.

#### **I. Pay While on Leave**

Employees will be required to use any accrued vacation, sick leave, comp time, or other paid leave available to them during their family medical leave. They may choose which type of accrued leave they want to use. When all accrued leaves (vacation, sick, comp time) are exhausted, the balance of the eligible leave time will be unpaid, except as required by law.

When OFLA leave is also covered by FMLA and the employee takes intermittent leave in blocks of less than one day, the City may reduce the employee's salary for the part-day absence, as the law allows.



Full or partial absences for exempt employees may be deducted accordingly from available leave balances. Once all accrued leave is exhausted, full day absences may be deducted from salary, as the law allows. Paid and unpaid leave combined usually will not exceed 12 weeks.

**J. Benefits While on Leave**

The City will continue the employee’s health coverage under any “group health plan” through the end of the month in which the FMLA/OFLA leave began. Employees wishing to maintain health insurance during a period of approved FMLA/OFLA leave will be responsible for bearing the cost of coverage they paid prior to the beginning of the FMLA/OFLA leave. Please see the Human Resource Manager for more information regarding health insurance coverage while on approved FMLA/OFLA leave.

Vacation and sick leave, will not accrue during periods of unpaid FMLA/OFLA leave.

**K. Medical Release**

Employees returning from family medical leave taken for their own health condition will be required to provide a medical release to their supervisor or Human Resources Manager two (2) business days prior to returning to work indicating they are able to return to work and whether there are any restrictions.

**L. Reinstatement**

At the end of FMLA/OFLA leave, employees are entitled to return to their former job, reinstated with all rights and benefits, pay and other terms and conditions of employment. If their job position has been eliminated, they are entitled to return to an equivalent position with all rights and benefits, pay and other terms and conditions of employment. An employee may be required to present a certificate from the health care provider in order to return to work. The City may require an employee to participate in a fitness-for-duty exam (at no out of pocket expense to them) if it is related and consistent with business necessity. Working a reduced number of hours may be permitted, if approved by the City, and only if such leave is determined to be medically necessary and supported by medical documentation.

**Baker City’s point of contact for filing an FMLA complaint: Human Resource Manager**

**XVIII. Expression of Breast Milk**

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If feasible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not feasible, the employee is entitled to take reasonable time as needed to express breast milk.

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

If an employee takes unpaid rest breaks, the City may, at the discretion of the employee’s supervisor, allow the employee to work before or after her normal shift to make up the

amount of time used during the unpaid rest periods. The City will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this rule.

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

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

#### Notice

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

#### **Storage**

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

## **XVIII. Employee Health and Safety**

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The City is committed to providing our employees with a safe and healthy work environment. To accomplish this goal, both management and employees must diligently undertake efforts to promote safety. Safety is everybody's responsibility!

The City, through its Safety Committee, develops and implements safety rules and regulations contained in the Safety Manual. The manual as well as safety committee meeting minutes can be found on the employee page of the City's web site as well as employee bulletin boards. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. The City will educate employees as to hazards of the workplace and train employees as to such hazards and the proper and safe method to perform job tasks.

Employees are expected to give their full-time skill and attention to the performance of their job responsibilities utilizing the highest standard of care and good judgment. They are also expected to follow all safety rules and regulations at all times including the use of protective

clothing and equipment, attendance at all training sessions related to their job, and follow the directions of warning signs or signals and/or directions of supervisory personnel.

Safety rules and regulations may be issued or modified from time to time; notices of these changes typically are communicated via company email.

#### **A. Drug-free Workplace**

The City works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to the City's reputation.

The City expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job 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 coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

#### **Prohibited Conduct – Alcohol**

Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or the safety of City employees or others is prohibited. This prohibition does not apply to employees engaged in law-enforcement work.

The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.

#### **Controlled Substance**

Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees is prohibited. (This prohibition does not apply to employees engaged in law-enforcement work.) Employees may not have any detectable

amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on City property or on City time.

The conduct prohibited by this rule also includes consumption of any such substance outside of work hours.

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

Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia onto City property is prohibited. This prohibition does not apply to employees engaged in law-enforcement work.

Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property. This prohibition does not apply to employees engaged in law-enforcement work.

### **Prescription Drugs and Medical Marijuana**

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

Employees must inform their supervisor about any prescription drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. If an employee's use of such prescription drugs could adversely affect City operations or safety of City employees or other persons, the City may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited (on or off duty) under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as the City will not agree to allow an employee to use medical marijuana as an accommodation. (see "Americans with Disabilities Act Policy)."

### **Reasonable Cause Testing**

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours, or has used drugs or alcohol in violation of this policy, the City may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, psych neurological examinations and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the employee or the employee's designee.

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

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

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

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

### **Post-Accident Testing**

Employees are subject to testing when they cause or contribute to accidents that damage a City vehicle, machinery, equipment or property or result in an injury to themselves or another person requiring offsite medical attention.

### **Search of Property**

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

### **Employee Refusal to Test/Search**

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action. An employee who refuses to cooperate with any and all tests, or inappropriately manipulates any test, required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

### **Crimes Involving Drugs and/or Alcohol**

Employees shall report: any criminal arrest or conviction for drug or alcohol-related activity within five days of the arrest or conviction; entry into a drug court or diversion program; or loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL). Failure to report as required will result in disciplinary action up to and including termination.

### **Drug and Alcohol Treatment**

The City recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City is willing to help such employees obtain appropriate treatment. An employee who believes that they have a problem involving the use of alcohol or drugs should ask a supervisor or the Human Resource Manager for assistance. The City will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and the City to the extent its existing benefits package covers some or all of the program costs. Although the City recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such

problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of City policy is discovered, the employee's willingness to seek the City's or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

### **Discipline and Consequences of Prohibited Conduct**

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement. A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address their substance abuse issue and/or performance or safety issues. The Last Chance Agreement shall be written to inform the employee of the problems noted with their performance and to specify the performance required for the employee to achieve in order to continue to be employed by the City. Violation of the provisions of a Last Chance Agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

### **Confidentiality**

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

## **B. Tobacco in the Workplace**

The City complies with all laws prohibiting smoking in public buildings. The City believes that smoking is a danger to health and is a cause of material annoyance and discomfort to those who are present. As a result, smoking is prohibited anywhere, except designated areas on the premises. Smoking is prohibited in or within 10 feet of City vehicles. Obvious use of smokeless tobacco is prohibited within public view and disposing of smokeless tobacco on City property, other than waste receptacles, is also prohibited. If smokeless tobacco is disposed of in sinks and/or toilets, all evidence of the substance must be removed.

## **C. Workplace Violence**

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

Should, situations occur which present a risk of harm to employees and others, all employees have an obligation to report any incidents that pose a risk of harm to employees or others associated with the City or which threaten the safety, security or financial interests of our organization. Employees should make such reports directly to the City Manager or Human Resource Manager.



All information related to the reports, including the name of the reporting employees, will be kept as confidential as possible under the circumstances. The Human Resource Manager or designee will notify the reporting employee of any action it takes in response to the report.

The City may conduct an investigation of a current employee where the employee's behavior raises concerns about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. An employee investigation may include investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voice mail systems and computer systems.

#### **D. Employee Right to Know/Written Hazard Communication Program**

The City provides a Hazard Communication Program so that all employees will be aware of chemical hazards in the workplace. By becoming knowledgeable about this information, employees can help prevent injuries and illnesses from chemical exposure. For additional information, please ask the department manager.

The following safety precautions have been taken to prevent injuries and illnesses from chemical exposure.

##### **Container Labeling**

The City's Loss Control or Safety Committee Representative will verify that all containers received for use will:

- Have a clear label of its contents.
- Note the appropriate hazard warning.
- List the manufacturer's name and address.

##### **Safety Data Sheets (SDS)**

In each of the City's departments, are either the paper documents or electronic access information to obtain a SDS. If an employee is unable to locate a SDS, they should contact their department manager.

#### **E. Fleet Safety Program**

These rules are published for the information and guidance of employees of the City. To drive safely is the duty of every driver. This means driving defensively, anticipating the mistakes, actions, recklessness or absentmindedness of pedestrians or other drivers, and being prepared at all times to do everything possible to prevent an accident.

The City's operation requires alert drivers who conduct themselves and their vehicles at all times in a manner that will reflect credit on the City and the driver. Drivers are required to observe all rules and procedures outlined in this manual at all times.

**NO JOB IS SO IMPORTANT, NO SERVICE SO URGENT THAT WE CANNOT TAKE  
THE TIME TO PERFORM IT SAFELY!**

In order to maintain an efficient and orderly operation, it is necessary that we have certain rules which everyone is expected to follow. An employee must familiarize themselves with these rules and operating procedures, and consult their supervisor if any of them are not clear.

**Qualifications:** To qualify as a driver of the City's vehicles; drivers must meet the following conditions:

- Must be at least 18 years of age.
- Must have in effect a current liability insurance policy if operating a personal vehicle on City business.
- Must have knowledge of, and adhere to rules, state and municipal traffic laws and regulations whenever driving City vehicles.
- Must have in possession while driving vehicles: a valid Driver License.
- Be approved by their supervisor to drive on City business.

Typically, in order to be eligible to drive, an employee must meet the following criteria. Accidents and citations involving off-duty driving in a personal vehicle count for the purpose of these rules.

Employees must report to their supervisor any change in driving status. Failure to report a suspended license and other "prohibited" action may result in disciplinary action, up to and including, termination.

No major violations in the previous three years. Major violations include:

- Driving under the influence of alcohol or drugs
- Driving while license is suspended or revoked
- Leaving the scene of an accident
- Reckless driving
- Road rage incidents
- Other similarly serious violations

No more than three minor violations in the previous three years. Minor violations include:

- Speeding 20 MPH or less over the posted limit
- Failure to obey a traffic control or signal
- Improper lane change
- Failure to signal
- Failure to yield the right of way
- Failure to wear a seat belt
- Cell phone or texting violations
- Other similar violations

No more than two at-fault accidents in the previous three years. All accidents are considered at-fault unless proven otherwise.

The City subscribes to Oregon DMVs “DAVE” account which provides updates when an employee’s Driver License is modified.

**Accident Review: All vehicle accidents will be reviewed by the City’s Safety Committee to determine preventability.**

- A preventable accident is any accident in which the driver failed to do everything they could have reasonably done to prevent the accident.
- A non-preventable accident is one in which the driver did everything they could reasonably have done to foresee the conditions leading to the accident and took suitable safeguards.
- The involved driver will be advised of the decision and may be subject to a driving performance review with management. For law enforcement this will quite often be accompanied with disciplinary sanctions.
- The determination of a preventable accident may be appealed to the City Manager.

**How to Determine Preventability**

This guide is to be used by the City Safety Committee in determining if an accident is preventable or non-preventable:

- A PREVENTABLE accident is any accident in which the driver failed to do everything they reasonably could have done to avoid it.
- A NON-PREVENTABLE accident is an accident in which the driver did everything they reasonably could have done to foresee the things that caused the accident and guard against them.

**Courtesy**

An employee is expected to show every courtesy and consideration toward other drivers and pedestrians. An employee’s conduct while driving must be such that it will in no way reflect adversely upon the City.

**Personal Use of City Vehicles**

The City prohibits the personal use of vehicles unless approved by a supervisor as outlined in the City’s policy and procedure handbook.

**Vehicle Appearance**

The City vehicles need to be kept as clean as possible. State law prohibits smoking in public vehicles. Eating in vehicles should be kept to a minimum.

### **Suggestions**

The City will appreciate any suggestions that may improve its safety, service, and working conditions to make its operation more efficient and safe.

### **Moving Violations**

Employees will be responsible for all speeding, traffic violations and parking violations.

### **Cell Phone and Texting**

Oregon law prohibits the use of cell phones while driving, unless employees are using a “hands-free accessory.” Please note, the use of a speaker phone is not considered a “hands-free accessory”. Texting or other cell phone use is prohibited while driving, and under Oregon law, touching a cell phone or related device while driving may be unlawful.

### **Passengers**

Non-employee passengers will not be permitted to travel in city vehicles unless approved by the City Manager prior to departure. All passengers must wear seat belts.

### **Inspections**

A pre-trip inspection will be made at the start of each shift to ensure vehicles are in a safe operating condition. A post-trip inspection should be made at the end of each shift to effectively report any damage or concern at the completion of the trip.

### **Safe Driving**

Employees should be defensive drivers. A defensive driver is defined as, “One who is careful to commit no driving errors themselves, who makes allowance for the lack of skill or improper attitude on the part of the other driver, and who does not allow hazards of weather and road conditions or the action of pedestrians and other drivers to involve themselves in an accident. Keeps continually on the alert, recognizes an accident-producing situation far enough in advance to apply the necessary preventive action, and concedes the right-of-way when necessary to prevent an accident.”

### **Speed**

The maximum speed limit is the “posted speed limit.” At all times speed shall be reasonable and prudent with due consideration given to weather, other traffic, conditions of the road and intersecting side roads of highways and City roads.

Adhering to the posted speed limit is important in terms of traffic citations, reduced insurance rates, reduced maintenance cost, increased tire life and fuel conservation.

### **Striking Fixed Objects**

While handling a vehicle on the highway, in City traffic, and at loading and unloading spots, striking any fixed object such as abutments, parked cars, loading docks, overhead pipes or hydrants is classified as the fault of the driver.

### **Proper Backing**

Walk around the vehicle to see that nothing is behind or in front of the vehicle before driving away. If there are two people present, one person should stand in a safe position behind the vehicle to spot while backing up.

### **Passing or Meeting a School Bus**

When approaching a school bus, drivers should be on guard at all times for signals of intention to either discharge or pick up school children. They should be on the alert for the actions of these school buses. It is illegal to pass, in either direction, a school bus that is stopped to pick up or discharge passengers. The only exception to this rule is when the roadway is divided by a barrier.

### **Pedestrians**

Drivers must always be aware of pedestrians. Pedestrians may walk on either side of the road, they can cross at intersections, and they can pop out from behind a parked car on a busy City street. Drivers should never take it for granted that pedestrians see them.

### **Vehicle Accidents and Incidents**

**EMPLOYEES MUST REPORT EVERY ACCIDENT TO THEIR SUPERVISOR WITHOUT EXCEPTION, NO MATTER HOW MINOR. AN EMPLOYEE SHOULD:**

- In case of an accident, contact their supervisor as soon as possible. Be specific about location, time, extent of injury and damage, and where they can be reached.
- If they cannot make contact with their supervisor, they should write a brief note and provide the note to their supervisor at the first opportunity. They should not leave the vehicle unattended except in an extreme emergency.
- Park safely and set out warning devices.
- Prevent the moving of injured persons unless absolutely necessary.
- Be sure to get the names and phone numbers of all witnesses. If a witness refuses to give their name, record the license number of their vehicle. Regardless of the facts, admit nothing, promise nothing, and **DO NOT ARGUE**. Give their name, the City's name and offer to show them their driver's license.
- Have pictures taken of the accident scene if possible. Do not move or allow any vehicles to be moved until someone arrives who can verify or witness the position of the vehicles, length, and position of the skid marks, and lights on the vehicles if at night.
- Stay at the scene of the accident until instructed by a police officer to proceed.
- If an employee is involved in an accident with an unattended vehicle, they must stop and try to locate the owner. If they cannot locate the owner, they must place a note in or on the vehicle giving their name and the City's name and address.
- Gather as much of the information listed below to complete an accident report:
  - a) Location, time, and date.
  - b) Make, model, type and license of other vehicles involved.

- c) Registered owner of other vehicle(s) involved.
- d) Driver's name, age, address, and license number of the other vehicle involved.
- e) All occupants' names and addresses in other vehicles involved.
- f) Names and addresses of all possible witnesses.
- g) Name of police station to which accident was reported.
- h) Name and DPSST numbers of the police officers at the scene.
- i) Name of the insurance company which covers the other vehicles involved.
- j) Names and addresses of persons injured and the extent of the injury.
- k) Names of fire and/or medical personnel on scene.

### **Seat Belts and Other Safety Policies**

All passengers and drivers are required to wear seatbelts while operating or riding in a vehicle. The driver of the vehicle is responsible for enforcing the use of seatbelts by all occupants. Other vehicle occupants share in this responsibility because seatbelts are proven tools for reducing deaths and minimizing injuries from motor vehicle collisions. An exception to this policy may be passengers transported by a Baker City Police Officer.

Drivers are to comply with all motor vehicle traffic laws while operating a vehicle on business, including laws relating to driving while intoxicated or driving under the influence of alcoholic beverages, illegal substances or medications. Drivers are prohibited from overloading and/or overcrowding the vehicle.

### **Equipment Protection and Maintenance**

It is the driver's responsibility to make sure vehicles are well-maintained and in safe running condition. Frequent inspections must be conducted. Inspect the vehicle before starting out on the road. Priority Items to check are:

- Brakes – inadequate brakes are no excuse for an accident
- Steering
- Windshield wipers
- Tires
- Wheels
- Lights (headlamps, brakes, makers, signals, reflectors, etc.)
- Mirrors
- Warning devices
- Glass (for cracks and defects)
- Horns
- Under vehicle for oil and water leaks

### **F. City Insurance Claim Reporting**

Any potential insurance claims against the City will be filed with the City's Finance Director by the respective supervisor or department manager. The information should be made available within 24 hours of the City's department becoming aware of a potential insurance claim. A potential claim can be identified as a public loss, an injury, and/or property damage that has been sustained. Notification to the Finance Director will include accident reports, photos, and any other documentation of the incident.

Immediately upon becoming aware that a public loss has occurred, or that injury or damage has been sustained, the responsible department will conduct an investigation, and submit a written report to the City Manager within two (2) business days. The report shall include the following information: Name, address and phone number of the claimant or employee, nature of loss or injury, location of incident, description of the damaged property, employee(s) involved, accident report, and any police reports.

A SAIF 801 form will be completed for all employment related injuries requiring medical attention, beyond first aid. If an injured employee is unable to complete the SAIF 801 form, their immediate supervisor shall complete it on their behalf. All injuries will be reported to the employee's supervisor within 24 hours. Injuries that go unreported may result in discipline up to and including termination. The completed SAIF 801 form will be filed with the Human Resource Manager. A SAIF incident report will be completed for all injuries, including those that require only first aid, potential injuries, and near misses. The incident report will be filed with the Human Resource Manager, and a copy will be given to the effected employee within 24 hours of the event. A post-accident/incident investigation will be conducted immediately following the reportable event by the supervisor of the effected employees.

#### **G. Baker City Return-to-Work Policy**

Note: This policy is not designed as a substitute for reasonable accommodation under any applicable federal or state laws, such as Americans with Disabilities Act, The Rehabilitation Act of 1973, or other applicable laws.

##### **Objective**

The City has developed a return-to-work policy. Its purpose is to return workers to employment at the earliest date following any injury or illness. The City's desire is to speed recovery from injury or illness and reduce insurance costs. This policy applies to all workers and will be followed whenever appropriate.

The City defines "transitional" work as temporary modified work assignments within the worker's physical abilities, knowledge, and skills.

Where feasible, transitional positions will be made available to injured employees in order to minimize or eliminate time loss.

For any business reason, at any time, we may elect to change the working shift of any employee based on the business needs of this organization. The physical requirements of transitional or temporary work will be provided to the attending physician. Transitional or temporary positions are then developed with consideration of the worker's physical abilities, the business needs of the City, and the availability of transitional work.

##### **In Case of an On-The-Job Accident**

If an employee has a work-related injury and is missing time from work, contact the Human Resource Manager immediately. Unreported work related injuries or illness may result in disciplinary action up to and including discharge.

##### **Transitional Temporary Work Assignment**



The City will determine appropriate work hours, shifts, duration, and locations of all work assignments. The City reserves the right to determine the availability, appropriateness, and continuation of all transitional assignments and job offers.

### **Communication**

It is the responsibility of the worker and supervisor to immediately notify the Human Resource Manager of any changes concerning a transitional or temporary work assignment. The Human Resource Manager will then communicate with the insurance carrier and attending physician as applicable.

### **Accident Reporting – Employee Responsibilities**

An accident is any unplanned event that disrupts normal work activities and may or may not result in injury or property damage. All work-related accidents, injuries, and near misses must be reported immediately to the Human Resource Manager.

### **Worker's Physical Condition**

If professional medical treatment is sought, the worker should inform the attending physician that the City has a return-to-work program with light duty/modified assignments available.

The worker should obtain a Release to Return-to-Work form and completed Job Description form (if available) from the Human Resource Manager. This should be provided to the treating physician and should be returned to the Human Resource Manager following the initial medical treatment.

### **Worker Able to Return to Work**

If the attending physician releases the worker to return to work, as evidenced by completion of a Release to Return-to-Work form and Job Description Form, the form(s) must be returned to the Human Resource Manager two (2) business days prior to light duty/modified work. The worker must report for work at the designated time.

The worker cannot return to work without a release from the attending physician.

If the worker returns to a transitional/temporary job, the worker must make sure that they do not go beyond either the duties of the job or the physician's restrictions. If the worker's restrictions change at any time, they must notify their supervisor at once and give the supervisor a copy of the new medical release.

### **Worker Unable to Return to Work**

If the worker is unable to report for any kind of work, the worker must call in every 30 calendar days to report medical status. The department director may relieve an employee of this requirement.

While off work, it is the responsibility of the worker to supply the Human Resource Manager with a current telephone number (listed or unlisted) and an address where the worker can be reached.

The worker will notify the Human Resource Manager within 24 hours of all changes in medical condition.

### **Accident Reporting – Supervisor Responsibilities**

If an accident occurs, but does not require professional medical treatment, the supervisor should immediately be informed so that an accident analysis can be completed. If first-aid treatment is needed, it should be sought on-site. The accident analysis and incident report/801 must be completed and filed with the Human Resource Manager within 24 hours of the injury by the employee's supervisor.

If an accident occurs which requires professional medical treatment, the worker should follow the emergency response plan. The worker must fill out a workers' compensation 801 form as soon as possible if the worker wants to apply for workers' compensation benefits.

Other information will be forwarded as soon as developed including: Name of worker's attending physician, completed Release to Return-To-Work form from attending physician and medical documentation, if appropriate, completed transitional/modified or regular Job Description, and job offer letter and responses.

The Human Resource Manager will notify the insurance carrier of any changes in the worker's medical or work status as soon as possible.

### **Medical Treatment and Temporary/Transitional Duty Physical Condition**

A Release to Return-to-Work form and a completed Job Description form (if available) will be provided to the worker to take to the attending physician for completion and/or approval.

At the time of first medical treatment the Release to Return-to-Work form must be completed and returned to the Human Resource Manager. If one is not, the Human Resource Manager will request one from the attending physician.

The completed Release to Return-To-Work form will be reviewed by the Human Resource Manager. A temporary/transitional job description form will be prepared from information obtained from the attending physician for review and approval.

### **Job Offer Letter**

Upon receipt of a signed temporary/transitional job description form from the attending physician, a written job offer letter will be prepared by the City. It will be mailed by both regular and certified mail to the worker's last known address or presented to the worker.

The letter will note the doctor's approval and will explain the job duties, report date, wage, hours, and report time duration of transitional work assignment, phone number, and location of the transitional assignment.

The worker will be asked to sign the bottom of the job offer letter indicating acceptance or refusal of the offered work assignment.

Copies of the job description, work releases, and job offer letters will be forwarded to the insurance carrier.

### **Supervisor**

The supervisor will monitor the worker's performance to ensure the worker does not exceed the worker's physician release. The supervisor will monitor the worker's recovery progress through regular contact to assess when and how often duties may be changed. The supervisor will assess the company's ability to adjust work assignments upon receipt of changes in physical capacities.

## **H. Emergency Action Plan**

All employees are required to review the Emergency Action Plan “EAP,” which will be provided to all new employees during their orientation. Current employees may review the EAP located within respective departments.

## **XX. Fraud and Financial Irregularity Policy**

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### **Purpose**

The City has a stewardship responsibility over all resources entrusted to it. The City is committed to compliance with laws and regulations to which it is subject and expects the highest standards of moral and ethical behavior from all of its employees, volunteers, elected officials, consultants, contractors and vendors. The City’s internal controls are designed to prevent and detect inappropriate activity; however, in the event these controls are circumvented, this policy is designed to encourage all employees and others to report fraudulent acts or irregularities in a timely manner.

### **Scope**

This policy applies to all City employees, volunteers and elected officials as well as consultants, contractors and vendors. All City employees, volunteers, elected officials, consultants, contractors and vendors should be knowledgeable of this policy.

### **Definition of Fraudulent Activity or Financial Irregularity**

An act, misstatement, or omission of information that is intentional and detrimental to the financial interests of the City. The following prohibited activities may include but are not limited to the following:

**Accounting and Financial Reporting Irregularities:** Deliberate misstatement of revenues, expenses, assets, liabilities, and net assets. Financial reporting assumptions in violations of generally accepted governmental accounting standards. Purposely misreporting transactions to conceal the true accounting picture of the City or any department of the City. Accounting and financial reporting errors known to management that they have failed to correct.

**Conflict of Interest and Purchasing Ethics:** Using a City position for personal financial gain. The Oregon State Ethics Law (ORS 244) establishes guidelines for public officials. Examples may include an employee contracting with a vendor who is a family member or giving, receiving, or soliciting gifts or items of value from a vendor; selling confidential information.

**Misuse of City Assets and Waste:** Using City resources for personal use, and spending or allocating resources significantly in excess of reasonable need. Examples may include using a City-owned car for personal travel, making routine personal long distance calls on City phones, using City-owned copy machines for personal business operation, and incurring unnecessary costs as a result of inefficient or negligent practices, systems or controls.

**Payroll and Time Abuse:** Inappropriate reporting of hours and wages. Examples include not recording time away from work (leave) and reporting hours that were not worked – including overtime.

**Theft or Conversion of City Property:** Act of unlawfully taking City assets such as cash or equipment and converting them for personal use or selling them for personal gain.

**Purchasing and Expenditures:** Purposeful, unauthorized, or falsified purchases or expenditures for personal gain or in violation of funding restrictions. Examples may include purchases of computers for personal use, falsified travel reimbursements, abuse of procurement card for the use of personal expenses, purchasing of alcohol with public funds.

**Falsification of Contracts, Reports of Records:** Altering, fabricating, destroying, misrepresenting, or forging contracts or documents for personal gain or unfair advantage. Examples include forging the signature of a City official on a legal document and claiming ineligible dependents on health care coverage.

**Improper Disclosure of Confidential Records:** Disclosure of confidential personal data which may lead to identity theft. One example includes the loss of computers containing social security numbers obtained from City databases.

**Other Financial Matters:** Improper accounting or financial practices, not categorized above, which lead to a financial detriment to the City.

#### **A. Suspected Fraudulent Act or Financial Irregularity**

Is a reasonable belief or actual knowledge that a fraudulent act or financial irregularity is occurring or has occurred.

##### **Responsibilities**

All employees, volunteers, elected officials, consultants, contractors, and vendors shall report known or suspected fraudulent acts or financial irregularities as follows:

- Matters involving employees (other than the City Manager), volunteers, and contractors must be reported to the appropriate department manager, Human Resource Manager or to the City Manager.
- Matters involving the City Manager must be reported to the Mayor or the City Attorney. Upon receipt of such a report by the Mayor, the Mayor shall notify the City Attorney and the Vice Mayor. Upon receipt of such a report by the City Attorney, the City Attorney shall notify the Mayor and the Vice Mayor.
- Matters involving an elected official must be reported to the Mayor, the Vice Mayor or the City Attorney; provided, if the matter involves either the Mayor or the Vice Mayor, see below. Upon receipt of a report by either of the foregoing individuals, the person receiving the report shall notify the others and the City Manager, unless the matter involves either the Mayor or the Vice Mayor, in which case the person whom the matter

involves will not be notified.

- Matters involving the Mayor must be reported to the City Manager, the City Attorney or the Vice Mayor. Upon receipt of a report by either of the foregoing individuals, the person receiving the report shall notify the others.
- Matters involving the Vice Mayor must be reported to the City Manager, the City Attorney or the Mayor. Upon receipt of a report by either of the foregoing individuals, the person receiving the report shall notify the others.
- Matters involving the City Attorney must be reported to the City Manager or the Mayor. Upon receipt of such a report by the Mayor, the Mayor shall notify the Vice Mayor. Upon receipt of such a report by the City Manager, the City Manager shall notify the Mayor and the Vice Mayor.

Reports of known or suspected fraudulent act or financial irregularity received from persons other than those who are covered by this policy will be forwarded to the appropriate officials, as provided above, and investigated as provided in this policy.

#### **B. Investigation and Follow-Up**

Upon receipt of a report of known or suspected fraudulent acts or financial irregularities, the person or persons receiving the report will take the following steps:

If the matter involves an employee (other than the City Manager) or volunteer, the matter shall be investigated and addressed as provided in the Employee Handbook Section VII.

If the matter involves a consultant, contractor, vendor or the City Attorney, the City Manager shall make an initial review and, if the report is verified, the matter shall be dealt with in accordance with the applicable provisions of any contract or other legal remedies to which the consultant, contractor, vendor or attorney is subject. If the matter involves a violation of any criminal law or ordinance, and if the City Manager determines that there is good cause to proceed, the City Manager shall refer the matter to the appropriate law enforcement officials.

If the matter involves an elected official, the City Manager, the Mayor, the Vice Mayor and the City Attorney shall make an initial review and evaluation of the report (provided, that if the matter involves either the Mayor or the Vice Mayor, the person involved shall not participate in any investigation) and, if they determine there is good cause to proceed, shall (1) if the matter involves a violation of the Oregon Government Ethics Laws or any rule, regulation or order of the Oregon Ethics Commission, refer the matter to the Oregon Ethics Commission; and (2) if the matter involves a violation of any criminal law or ordinance, refer the matter to the appropriate law enforcement officials.

An initial review of any matter reported above concerning the City Manager, an elected official, or a consultant, contractor, vendor or the City Attorney need not require a full investigation with review of evidence and interview of witnesses, but shall be limited in

scope to the determination whether or not there is good cause to proceed, and shall be conducted, as far as possible, in such a manner as not to taint, impair or prejudice any subsequent ethics or criminal investigation. The person or persons who receive a report of a matter and who conduct an initial review may notify the person against whom the report has been made; but they need not do so if there is reason to believe that such notification could taint, impair or prejudice a subsequent ethics or criminal investigation, lead to the destruction or loss of evidence, or for other good cause.

If an investigation determines that there has been some irregular conduct or misconduct, but that such irregularity or misconduct does not merit referral to law enforcement officials or the Oregon Ethics Commission for further investigation and prosecution, the person or persons conducting the investigation, as provided above, may recommend appropriate corrective action. All investigations are considered part of the audit process and the working papers will be kept confidential, in accordance with and subject to state law and administrative rules.

All persons will cooperate with the investigative process under this policy and with law enforcement agencies and the Oregon Ethics Commission in the investigation of any complaint under this policy. Unless otherwise directed or authorized, all persons involved in an investigation under this policy will keep the investigation, and all information relating to the investigation, confidential. If a party conducting an investigation under this policy is contacted by the subject of the investigation, or a person on the subject's behalf, the person contacted will respond that he or she is "not at liberty to discuss this matter."

### **C. Protection of Persons Making Good Faith Reports**

Employees who identify themselves and make a good faith report of a known or suspected fraudulent act or financial irregularity are protected from retaliation, in accordance with the law. The City shall take steps to maintain confidentiality for persons reporting suspected financial irregularities to the extent possible under the law. The Oregon Whistleblower Law defined in ORS chapter 659A protects employees disclosing fraud in good faith.

### **D. Direct Reports to Law Enforcement Officials or Oregon Ethics Commission**

Nothing in this policy shall prohibit any person from reporting any known or suspected fraudulent act or financial irregularity directly to the appropriate law enforcement officials or the Oregon Ethics Commission; and an employee who makes such a direct report shall be entitled to the protection of the Oregon Whistleblower Law according to the terms thereof.

### **E. Distribution**

All City employees, volunteers and elected officials will be given a copy of this policy. All newly hired employees and newly appointed volunteers will be provided with a copy as part of their orientation and required to provide written acknowledgment upon receipt of the policy, which will be retained by the Human Resource Manager. A copy of this policy will be made available to contractors, vendors, consultants or other interested parties via the City's website at [www.bakerCity.com](http://www.bakerCity.com)

## **XXI. Separation from Employment**

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Separation from employment with the City occurs when an employee voluntarily resigns, retires, is laid off, or is discharged.

### **A. Resignation**

If an employee chooses to resign or retire, it is anticipated that they will give the City as much notice as possible – preferably a minimum of two weeks. When giving the two-weeks’ notice, vacation, personal, or sick days should not be used in lieu of notice. If an employee does not give two-weeks’ notice of their intent to leave the City, the employee will not be eligible for re-employment at a later date.

Employees who miss two or more consecutive work days without contacting their immediate supervisor are typically considered to have resigned from employment, unless extenuating circumstances prevented the employee from reporting the absences.

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

Employees must return all City property, including phones, computers, identification cards, credit cards, keys, and manuals, to their Manager on or before their last day of work. The employee may only withdraw a resignation at the discretion of the City Manager.

### **B. References**

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

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

### **C. Job Elimination, Reduction in Work Hours or Staff**

It is the City’s desire to avoid circumstances that require a reduction in hours or staff, but we also recognize that situations may arise where the City may need to make such reductions. Depending upon the circumstances, the City may respond in a variety of ways, including offering a voluntary reduction in hours or days of work, reducing the work hours or days of work, reducing expenses by other means, or by a reduction of the workforce. Some, but not all of the factors that may be considered for any reduction-of-hours, or staff, are:

- The City’s financial health, or anticipated financial health;
- Department, location, or job;
- Job knowledge, skill and ability to do the required work;
- Possession of licenses, registrations and or certifications required by the job;
- Demonstrated willingness to go the extra mile for the City, coworkers and customers; and,
- Efficiency of the City’s operation.



Evaluation of these factors is at the discretion of the City Manager with input from managers. After receiving an explanation of the layoff procedure, the employee(s) will be given a letter describing the conditions of the layoff, such as effects on benefits, the possibility of re-employment, and any outplacement services, etc.

If practicable at the time of lay-off, the City may provide outplacement services on a limited basis. The City may also provide re-employment services to affected employees laid off through no fault of their own, for a period of up to six months from the date of lay-off. The order of recall may be determined using the above factors. An employee who is not re-hired during that period will be separated from employment.

#### **D. Exit Interview**

An exit interview may be scheduled with the Human Resource Manager or designee, when an employee leaves the City. This gives the departing employee an opportunity to offer constructive feedback, positive comments, or address any unresolved issues prior to leaving. This also allows the City to solicit the employee's candid opinions, as well as suggestions, for improvement at the City. We encourage departing employees to participate in an exit interview when they separate from employment; we value all opinions and suggestions received throughout this process.

Prior to the last day of employment, the exiting employee will be provided with information to help ease the transition, such as, benefit continuation rights and responsibilities.

## **XXII. Concluding Thoughts**

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The City looks forward to your participation on our team. The success of the City depends on the cooperation and contribution of all City employees. The City wants to continue to provide a workplace that is professional, healthy and conducive to a positive work environment.

**Acknowledgment of Receipt of the Employee Handbook  
Adopted by Resolution #3804 July 24, 2018**

Each employee is expected to acknowledge the receipt of this handbook by signing an acknowledgement of receipt in the following form. The signed form will be placed in the employee's personnel file.

1. I have received a copy of the Baker City Employee Handbook; or I have viewed the Employee Handbook that is located on the employee section of Baker City's Web Site.
2. I understand that I am responsible for becoming and remaining familiar with the policies, procedures, requirements, and other information contained in both the handbook and on the company intranet and to ask my manager for clarification of any information I do not understand.
3. I understand that unless stated in an employment contract or collective bargaining agreement, the City has the right to change, modify, add to, substitute, eliminate, interpret, and apply in its sole judgment, the policies, rules, and benefits described in this handbook. I understand that I will receive notice of any significant change(s), and that the City may require an additional signed acknowledgement from me to indicate that I am aware of the changes.
4. I understand that this handbook is not a contract of employment or a guarantee of specific treatment in specific situations. Except for any supplemental safety policies and rules that apply to employees in certain jobs or work areas, or otherwise stated in an express, individual, written employment contract or applicable collective bargaining agreement, I understand that this handbook supersedes all prior handbooks, policies, and understandings on the subjects contained in it.
5. Unless otherwise stated in a written employment contract, or applicable collective bargaining agreement, I understand that my employment relationship with the City of Baker City is at-will – either the City or I can terminate the relationship at any time, with or without reason or notice.

I understand that the City Manager of the City of Baker City is the only individual authorized to make changes in the policies, rules, and benefits described in this handbook and that all such changes must be in writing to be valid. I also understand that the council is the only entity who will ever have the authority to enter into an employment contract, and that all such contracts must be express, individual, in writing and signed by both parties to be valid.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (please print)