

CITY OF ROSEBURG

PERSONNEL POLICIES



2018 Update

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INTRODUCTORY INFORMATION



Dear Fellow Employees:

On behalf of the City Council, all of our employees and the citizens of the City of Roseburg, I welcome you to our organization. Working for the City of Roseburg offers not only a job, but also a challenge and an opportunity to take part in providing the services that are enjoyed by all the citizens of this community. Their desire for these services is the reason for our being here; their needs are our deeds. We hope that your association with us will be rewarding and mutually beneficial.

This "Personnel Policies" document has been prepared to help acquaint you with some answers to questions about the operation of our municipal government. It may also serve as a reference manual for those employees who have been with us for some time.

In addition to these policies, all employees are covered either by a collective bargaining agreement, which shall be provided by your appropriate Union representative, or the Non-Represented Employees Handbook which is provided by the Human Resources Office to all affected employees. Please feel free to discuss the information in this document with your supervisor or the Human Resources Office.

Let's all work together to provide the best municipal service possible for the citizens of the City of Roseburg.

Sincerely,

C. Lance Colley
City Manager

CITY GOVERNMENT

Executive Branch - Mayor

The Mayor serves as the executive officer of the City and is elected to a two-year unpaid term of office by all City voters on a nonpartisan ballot. As the formal representative of the City, the Mayor presides over City Council meetings but has no vote except in case of a tie. The Mayor does have the power to veto; however that veto may be overridden by a three-fourths vote of the Council.

Legislative Branch - City Council

The City Council, Roseburg's legislative body, consists of the Mayor and eight Council members. Two Councilors represent each of the City's four wards. Voters in each ward elect their councilors to four-year unpaid terms of office on a nonpartisan ballot. Terms are staggered to provide for continuity. Ward maps are available in the City Recorder's Office.

Judicial Branch - Municipal Court

A Municipal Judge, appointed by the City Council, serves for an indefinite term as the presiding officer of the Court. The general laws of the state govern the Municipal Court's jurisdiction for justices of the peace and justice courts except as City ordinance prescribes to the contrary.

Administration - City Manager

The City Manager is appointed by the City Council as the administrative officer of the City and serves upon the direction of the Council. Under its general direction, the City Manager plans and directs the activities of all departments, including the appointment of department heads. These are the departments of the City:

- City Manager's Office
- City Recorder
- Community Development
- Finance and Management Services
- Fire
- Human Resources/Risk Management
- Police
- Public Works

Citizen Involvement

A number of groups are appointed by the City Manager, Mayor or the City Council to serve in an advisory capacity to them. Most of these commissions and committees are established by City ordinance and meet regularly; however, temporary advisory bodies are appointed to inform the City Manager or Council on specific issues. Those regular bodies are:

- Airport Commission
- Budget Committee
- Economic Development Commission
- Historic Resources Review Commission
- Parks & Recreation Commission
- Planning Commission
- Public Works Commission

SERVE THE COUNCIL

- ◆ Remember that the City Council is the legal representative of the corporate owners -- the public.
- ◆ Maintain professional rapport with members of the City Council and commissions.
- ◆ Give Councilors responses to questions pursuant to Council policies. When Councilors bring you a constituent's question or concern, treat it as a chance to:
 - A. explain part of the organization;
 - B. show how efficient the organization is;
 - C. admit if we've made a mistake and explain how we plan to fix it.
- ◆ Keep the Council informed about the strengths, capabilities, needs and limitations of City government and warn them in advance about issues that may be developing.
- ◆ Follow up on City Council and community priorities and get them into your organizational work plan.
- ◆ Expect City Councilors to engage in political actions separate from their role as councilors. Don't expect them to be City Councilors all of the time.
- ◆ Respect the contribution of others. Don't second-guess or criticize Councilors and commission members or citizens. Help them as much as possible.

STRIVE FOR EXCELLENCE AS PUBLIC EMPLOYEES

- ◆ Put the City's customers, the public, first.
- ◆ Keep informed about broad organizational issues and use the information in working with the City's customers.
- ◆ Remember, City employees represent all government, not just the City, to our customers.
- ◆ Be aware that all employees are accountable for the success of City government.
- ◆ Take care of the assets in the public trust: people, land, buildings, streets, equipment and money.
- ◆ Stay open to suggestions from the City's customers. Help people participate in City government; help them understand the process.
- ◆ Get to the bottom of any complaint, no matter who is making it. Make sure you're addressing the situation appropriately.
- ◆ Know the rules and the alternatives available in order to meet special needs. Each person must be recognized as an individual, if good service is to be given. Keep in mind, however, that the needs of the public body take precedence over individual needs.

STRIVE FOR EXCELLENCE AS AN ORGANIZATION

Plan and Review

Plan by:

- a. developing and updating mission statements;
- b. setting goals and objectives;
- c. forecasting needs;
- d. describing the work to be done in terms of specific products;
- e. scheduling work realistically and with consideration for the people doing it;
- f. keeping your own "to do" lists;

- g. regularly evaluating progress toward your goals and objectives;
 - h. changing plans when you need to if conditions change.
- ◆ Develop long-range plans for all parts of the organization and work your part of the plan.
 - ◆ Think strategically. Don't be surprised.
 - ◆ Analyze your plans and be open to new ideas.
 - ◆ Establish priorities and time frames.
 - ◆ Do not change merely for the sake of change.
 - ◆ Follow up on City Council and community priorities and get them into the organization's work plan.

Review by:

Periodically review and assess our performance:

- a. Where are we now? (situation)
 - b. Where do we want to be? (target)
 - c. How do we get there? (proposal)
 - d. Who is going to do what by when? (action plan)
- ◆ Examine and assess both individual and organizational effectiveness.
 - ◆ Quantify the product, not for absolute accuracy, but for effective planning (e.g. miles of streets, number of acres of parks).

Decision Making

- ◆ Participate in and promote the ownership of group decisions.
- ◆ Encourage open, honest communication.
- ◆ Support decisions once they are made. The time for disagreement is during the problem-solving process, not after.
- ◆ Participate actively in group decisions. Share viewpoints openly, even if they contradict the group.
- ◆ Follow through to make sure decisions are implemented.

Getting the work done together...productivity, teamwork, more teamwork

- ◆ Turn out a good product and take pride in what we do.
- ◆ Share information and ideas so teamwork can happen. Communicate!!
- ◆ Encourage productivity by creating a climate where all employees believe they will get a fair deal from the organization. Create positive employee-employer relations.
- ◆ Encourage a trusting, caring environment which respects the individual. Be sensitive to individual needs. If you have to say "no," say why.
- ◆ Try to manage your time and control your work pace and intensity. Be sensitive to the effects of work demands on yourself and other staff.
- ◆ Consult other people before acting.
- ◆ Seek to collaborate. Be willing to compromise, but be aware of values that cannot be compromised.

- ◆ See yourself and your department as part of a larger City organization when you serve the public. Consider the effects of what you do on the total organization, not just your department.
- ◆ Accept responsibility for the success of City government in general, as well as that of your own department in particular.
- ◆ Don't personalize the organization by saying "my....". Remember that you alone don't own the organization.

Confronting and resolving conflicts and problems

- ◆ Use conflict as a positive opportunity for change, and understand what part you play. Conflict is an inevitable and integral part of people working together.
- ◆ If you don't know what to do, get help. Don't let the conflict fester.
- ◆ State positive solutions instead of complaining about what's wrong.
- ◆ Remember that fixing a problem together is the best organizational development in the world.
- ◆ Use all the talents in the organization to solve problems.
- ◆ If there's a problem, help fix it. Don't blame people or search for who was at fault.

STRIVE FOR EXCELLENCE AS INDIVIDUALS

Encourage excellence in others

- ◆ Make this a stimulating place to work.
- ◆ Remember there are no "perfect" employees. The purpose of an organization is to fill in the gaps of each other's weaknesses and develop collective strength.
- ◆ Don't get caught up in non-productive personal behavior. Use facts and focus on the situation a behavior is causing, not the behavior itself.
- ◆ Remember that people use different skills in different ways and have different styles. Consider individual differences and strengths. Acknowledge the talent of others and listen to new ideas.
- ◆ Encourage promotions and transfers for individual growth. Help people with their individual professional development plans.
- ◆ Recognize people for their contributions.
- ◆ In everything you do, work toward making the organization become recognized for the excellence of the people who work here.
- ◆ Use praise; it's a more effective tool than blame.
- ◆ Remember that employees want to contribute to the organization.
- ◆ Encourage creativity; risk-taking is a part of being creative. (Not associated with compromising safety standards.)
- ◆ Treat other staff members as professionals.

Our excellence as professionals

- ◆ Keep growing, keep learning.
- ◆ Look for opportunities for professional growth and development -- for yourself and others.
- ◆ Be involved in professional and community organizations.
- ◆ Be on the cutting edge -- be aware of the state of the art in your field.

Our own excellence

- ◆ Be the best you can be.
- ◆ Speak for yourself. Share your ideas and feelings. Don't withhold important information.
- ◆ Respect the contribution of others. Don't second-guess or bad-mouth other staff or departments. Help them as much as possible.
- ◆ Balance job, family and leisure-time.
- ◆ Be an active listener. Try to understand what other people are really saying and feeling.
- ◆ Ask for help and give it.
- ◆ Don't use any language that demeans or labels another person.
- ◆ Use humor. Let's not take ourselves too seriously.
- ◆ Take good care of your personal health and safety.
- ◆ Take full responsibility for yourself and your choices.
- ◆ Treat everybody humanely. Respect individual and human rights.
- ◆ Be honest in self-appraisal. Encourage others to give you confidential feedback.
- ◆ Identify a personal growth partner with whom to exchange ideas, concepts, professional action plans and feedback.
- ◆ Be a role model for other staff.

SECTION 1 - DEFINITIONS

1.1 Definition of Terms

This definition of terms applies to the Personnel Policies and Procedures and the Nonrepresented Employee Handbook. Unless the context clearly denotes another meaning, the following terms are defined as follows.

Administrative Leave: time off to compensate exempt employees for additional hours worked.

Allocation: the assignment of an individual position to an appropriate classification on the basis of the level and type of knowledge, skills and abilities required and the work performed in the position.

Anniversary Date: the date of hire, until an employee is promoted. Upon promotion, the effective date of the promotion becomes the new anniversary date.

Calendar Year: twelve-month period beginning January 1 and ending December 31.

Caregiver for an Injured Service Member: An employee who is the spouse, son, daughter, parent or next of kin of a covered service member.

City: the City of Roseburg.

Class or Classification: a group of positions sufficiently similar in duties, authority and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to, all positions in the group.

COBRA: The Consolidated Omnibus Budget Reconciliation Act of 1985 which requires that employees and family members whose coverage under a group health plan would otherwise be terminated by reason of certain events be given the opportunity to elect an extension of that coverage on a self-pay basis for a limited time period.

Compensatory Time Off: time off from work to compensate a non-exempt employee for overtime worked, in lieu of cash.

Continuous Service: service unbroken by separation from City service, except that time spent by an employee on military leave will be included as continuous service. Time spent on other unpaid leaves in excess of thirty calendar days will not count as part of continuous service, except that employees returning from such leave or employees who were laid off or rehired from an on the job disability within three years of the date of injury will be entitled to credit for service prior to the leave.

Council: the City Council of Roseburg.

Covered Service Member: A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy,

is otherwise in outpatient status, on the temporary disability retired list, for a serious illness or injury that occurred while on active duty.

Days: calendar days, unless stated otherwise.

Demotion: an appointment of an employee from a position in one class to a position in another class having a lower maximum salary rate. A reclassification to a lower classification is not considered a demotion.

- A. Involuntary Demotion: the demotion of an employee as a disciplinary action.
- B. Voluntary Demotion: a demotion requested by an employee where the action is entirely voluntary on the part of the employee and not taken for disciplinary reasons.

Department Head: a person directly responsible to the City Manager for the administration of a department.

Disciplinary Action: imposition of certain personnel action (e.g. reprimand, warning, suspension, dismissal, demotion, etc.) as a result of conduct detrimental to the City.

Dismissal: involuntary termination of employment with the City for reasons attributable to the employee.

Domestic Partners: are 18 years or older; not legally married to anyone; each other's sole domestic partner living together in a spousal equivalent relationship; shared the same regular permanent residence for at least six months immediately preceding the date of the affidavit and intend to continue to do so indefinitely; financially interdependent and jointly responsible for "basic living expenses"; not related by blood so close as to bar marriage in the State of Oregon and are mentally competent to consent to contract when the domestic partnership began.

Domestic Partnership: two individuals of the same sex who have received a Certificate of Registered Domestic Partnership from the State of Oregon in compliance with Oregon laws or an affidavit of same.

Examination: the overall process of testing, evaluating or investigating the qualifications and abilities of applicants.

Exempt Employees: an employee who holds an administrative, professional or executive position as defined under the wage and hour laws of the Fair Labor Standards Act (hereafter referred to as FLSA).

Fire Protection Employee: any employee who

1. is employed by an organized fire department, pursuant to local ordinance, has been trained and has the legal authority and responsibility to engage in the prevention, control or extinguishment of a fire of any type and

2. performs activities which are required for, and directly concerned with the prevention, control or extinguishment of fires, including such incidental non-firefighting functions as housekeeping, equipment maintenance, lecturing and inspecting homes and schools for fire hazards.

Fiscal Year: twelve-month period beginning July 1 and ending June 30.

Full-Time Employee: an employee who is appointed to a position which has a schedule of forty hours per week; except for fire protection employees where full-time averages fifty-six hours per week. Full-time employees may be regular or temporary.

Harassment: Acts or words of a discriminatory, disruptive or threatening nature based upon an employee's characteristics such as race, religion, age (as defined statutorily), marital status, etc., all as defined by applicable Federal or State law.

Hours Worked: time spent in actual performance of assigned duties at the employee's assigned work location, including paid vacation, holiday or sick leave.

Immediate Family: persons related to an employee by blood, marriage or legal adoption as follows: employee's spouse, their children, their parents, their siblings, their grandchildren, the employee's grandparents or the spouse's grandparents.

Incumbent: Employee currently holding a classified position.

Layoff: a separation from the City due to changes in duties or a reorganization of positions, a position or service is abolished, there is lack of work or shortage of funds, or other appropriate reason which does not reflect discredit on an employee.

Leave With Pay: an authorized leave in a paid status.

Leave Without Pay: an authorized leave in a non-paid status.

Merit Salary Increase: an increase from one step to a higher step within the established salary range for the class when the employee has performed successfully.

Non-exempt Employee: an employee who is not employed in an exempt administrative, professional or executive position as defined under the FLSA.

OPSRP: retirement plan through the Oregon PERS System for employees hired after August 29, 2003.

Overtime: time worked in excess of 40 hours per week OR 56 hours per week for fire protection employees working 24-hour shifts. There may be additional definitions in individual bargaining unit contracts which will govern.

Part-Time Employee: an employee who is appointed to a position whose weekly hours are less than the hours established for full-time positions. Part-time employees may be regular or temporary.

Person With a Disability: Any person who has, or who has acquired a physical or mental impairment, has a record of such impairment or who is regarded as having an impairment, which limits one or more major life activities, such as self care, performing manual tasks, seeing, hearing, speaking, breathing and working on a temporary or permanent basis.

Personal Relationship: includes relatives, individuals who are romantically involved, dating or engaged in any other personal relationship that could give rise to an actual or perceived conflict of interest or appearance of favoritism.

Personnel Action: any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting status of employment.

Personnel File: A file maintained in the Human Resources Office which contains complete personnel records of all City employees.

PERS: Public Employees Retirement System.

Physical or Mental Impairment: Any physiological disorder, disfigurement or anatomical loss or limitation or any mental or psychological disorder acquired as a result of illness, accident or birth.

Position: a group of related duties and responsibilities requiring the full-time or part-time employment of one person.

Probation: a working trial period during which an employee is evaluated on the basis of actual job performance for fitness for the position. This is the final step in the competitive screening process.

Promotion: movement of an employee from a position in one class to a position in another class having a higher maximum salary rate.

Provisional Appointment: an appointment to a position, in the absence of qualified candidates for the class, of a person meeting the minimum qualifications of the class. This appointment is to continue only until the position can be filled through the normal process.

Qualified Person With a Disability: A person with a disability whose experience, education and/or training enable the person with or without reasonable accommodation to perform the essential functions of the job.

Reasonable Accommodation: The effort made to make adjustments for the disability of an employee or applicant by structuring the job or the work environment in a manner that will enable the person with the disability to perform the essential functions of the job. Reasonable accommodation includes, but is not limited to, modifying written examinations, making facilities accessible, adjusting work schedules, restructuring jobs, providing assistive devices or equipment, providing readers or interpreters and modifying work sites.

Reclassification: the allocation of a position to another class when the duties and responsibilities of the existing position have significantly changed.

Regular Employee: an employee who has satisfactorily completed a probationary period and is employed in either a full-time or part-time position.

Resignation: the termination of employment made at the request of the employee.

Ride-Along: an officially approved City sanctioned program for citizens to spend time in City vehicles with our employees to observe work activities.

Seniority: length of time in City service which begins on the date of employment. Resignation, retirement or dismissal cancels all seniority accrued.

Serious Illness: Serious illness as regards spouse and children in the home is defined as an illness requiring the employee to attend. Except for the employee's spouse and resident children, serious illness is defined as an illness requiring a person to be hospitalized in serious or critical condition and/or scheduled for major surgery or in intensive care. See definitions in Section 9, Family and Medical Leave.

Sexual Harassment: verbal comments, gestures or physical contact of a sexual nature which is not freely and mutually agreeable to both parties, or a hostile work environment.

Supervisor: any employee having authority in the interest of the City to hire, transfer, suspend, layoff, recall, promote, discharge, assign, evaluate, reward or discipline another employee, or having responsibility to direct other employees or adjust their grievances or effectively recommend such action. Indirect supervision is supervision at any level within a work section, division, department, where the supervisor has ultimate decision making authority over all the employees within a unit. Direct supervision is primary supervision of an employee.

Suspension: an involuntary absence without pay imposed for disciplinary purposes.

Temporary Employee: an employee hired for not longer than a six-month period. Temporary employees receive no fringe benefits except for Workers' Compensation.

Transfer: appointment to a position in the same or different class which has the same salary range provided, however, that the employee is qualified to do the work.

Undue Hardship: an accommodation that would be unduly costly, extensive or substantial or that would fundamentally alter the nature of operations. Even if a particular accommodation would impose undue hardship, the City must consider whether there are alternative accommodations that would not impose such hardship.

Work Week: The basic work week for City employees begins at 12:01 a.m. on Monday and ends at midnight on Sunday. An individual work week may be established for either a group of employees or an individual employee with the approval of the City Manager or his/her designee.

Working Day: for the purpose of these policies and procedures, Monday through Friday, excluding City recognized holidays.

SECTION 2. GENERAL PROVISIONS

2.1 Purpose

The City Council, City Manager and administration of the City recognize that a personnel system which recruits and retains competent, dependable city personnel is indispensable to effective and economical governing of the City.

The purpose of these policies and procedures is:

- A. To establish, develop and maintain for the City a system of personnel administration.
- B. To provide a fair and equitable system of personnel management in City government.
- C. To establish and maintain a uniform plan of classification.
- D. To develop a program of training, advancement and tenure that will make a career in City service attractive and encourage each employee to give their best service to the City.
- E. To promote high morale among City employees by providing good working conditions, consideration for their general welfare, opportunity for advancement and a basis of understanding of the conditions of City employment.

These policies establish those procedures which assure similar treatment for all employees and define the responsibilities, privileges and prohibitions which are placed upon all officers and employees of the City.

2.2 Application of Personnel Policies and Procedures

These personnel policies and procedures apply to all City employees except elected officials and those employees who may have a contractual agreement with the City Council. In the event of a conflict between these policies and any collective bargaining agreement, City ordinance, state or federal law, the terms and conditions of that agreement, rule or law will apply. In all other cases, these policies and procedures will apply.

In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these policies will be deemed amended in conformance with those changes.

The City Manager specifically reserves the right to repeal, modify or amend these policies at any time with or without notice. None of these provisions will be deemed to create a vested contractual right in any employee or to limit the power of the City Manager to repeal or modify these rules; neither shall these changes be made in a form contrary to established governing rules and laws relating to existing conditions/situations.

The City recognizes this section is not considered to be a waiver of any statutory right as regards a mandatory subject of bargaining.

2.3 Dress Code

In the interests of presenting a professional image to our customers, employees shall observe good habits of grooming and personal hygiene. Please dress conservatively and professionally in an appropriate manner for the work location. If there are any questions as to what constitutes proper attire within a given department, the supervisor or Department Head should be consulted. Employees that choose to do so are welcome to dress appropriately for the following events:

- A. Graffiti Weekend
- B. Halloween
- C. Other events as designated by the City Manager

2.4 Personnel Records/Employment References

- A. Personnel Records - Personnel Records are maintained on all City employees, are the property of the City and shall be retained by the City in accordance with the records retention schedules promulgated by the State Archivist. The records include, among other things, an employee's application, any examination materials, personnel action forms, performance appraisals, notes regarding disciplinary action(s), commendations or other counseling session and records relating to fringe benefits. Medical records are confidential and are not contained in the personnel files.

Access to the personnel file will be limited to the employee in the presence of an official of the Human Resources Office, management personnel of the City who have job related reasons for inspection of the file and the Staff of the Human Resources Office. Access will be available to bargaining unit representatives in cases where appropriate and allowed by statute. Access will not be granted to inspect pre-employment information, i.e. employment references. An employee may include a written statement of explanation or rebuttal to any material placed in the file. Copies of materials in the personnel file will, upon request, be provided to the employee subject to reasonable copy charges. No information will be placed in the personnel file without the employee being aware of it.

- B. Employment References - All requests for any information regarding past or present City employees will be directed immediately to the Human Resources Director. Because of the potential for liability, supervisors and managers should not respond directly to such requests for information.
- C. Public Records Law - Generally, public records are available for public inspection. ORS 192.410 to ORS 192.50, Public Records Law, outlines material that is exempted from public disclosure. This exemption includes most of the material in an employee's personnel file unless a public need is shown for its disclosure. Personnel records are the responsibility of the Human Resources Director and request to review records must be made in writing. A decision on the request to review records will be made promptly.

2.5 Emergency Closure

Emergencies such as severe weather, fires, etc., can disrupt City operations. In extreme circumstances this may require the closing of a City work facility. If the event occurs during nonworking hours, local media will be asked to broadcast notification of the closing.

When a decision to close is made AFTER the workday has begun, Department Heads will receive official notification from the City Manager or designee. Department Heads are then responsible for contacting their respective employees. In this situation, time off from scheduled work for the remainder of the workday will be paid at regular pay. When the decision is made BEFORE the workday has begun, the employee will be authorized to make up the time or use accrued paid time off leave, compensatory time or unpaid leave if no accrued leave time is available. This applies only to non-public safety positions.

In cases where extreme weather conditions make coming to work dangerous, employees may choose to not report to work. In such a case, the employee should provide timely notice to the supervisor. Nonexempt employees may either make up missed work time within the same work week or use compensatory time, paid leave or unpaid leave if no accrued leave time is available. Making up time is permitted in this situation with the approval of the supervisor.

An employee in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive pay in accordance with federal and state wage and hour laws.

2.6 Emergency Preparedness Plan

Both during and after a major emergency or disaster, City residents and businesses expect the City to provide some level of service. Depending on the severity of the incident, the level of service provided may be restricted to those activities that are directly related to life safety and response and recovery operations. To ensure some level of service is maintained during disaster and emergency operations, an employee may be assigned to staff a position in the City's Emergency Operations Center (EOC), augment other departments or perform normal work duties. Each employee is expected and required, as a condition of employment, to be available to respond during major emergencies and disasters and may be disciplined for failure to respond.

It is each employee's responsibility to become familiar with the Emergency Response Plan which is distributed in December and June of each year.

2.7 Employee Pictures

At the time of hire a photograph will be taken of each employee to be used for City of Roseburg identification cards. These photographs may, when appropriate, be placed on the City's website. In addition, candid photographs might be taken of employees at a variety of City sponsored events. Employee pictures, as described herein, are intended for internal use only and may not be downloaded, forwarded or reproduced.

2.8 Notary Public Services

City employees who serve as a Notary Public shall only provide Notary services for City related documents/customers during work hours. Requests received for Notary services unrelated to the City can be referred to the yellow pages of the telephone directory. This prohibition does not apply to the employee's own personal time.

2.9 Outside Employment

Permission to work at outside employment while in a standing of full employment with the City of Roseburg may be granted by the Department Head. Should the Department Head disapprove the request, the employee will not be allowed to work other than with the City of Roseburg. It should be understood that the Department Head or the City Manager may, at any time, revoke permission to hold outside employment. City Manager approval is necessary for Department Heads to work at outside employment. In order to be approved, the request for outside employment must be in writing and comply with the following requirements.

- A. In no way detract from the efficiency of the employee in his/her work.
- B. In no way be a discredit to City employment.
- C. Not take preference over extra duty required by City employment.
- D. Not involve the employee in a conflict of interest with his employment with the City.

As regards Fire bargaining unit employees no restriction will be placed on outside employment unless there is a valid conflict of interest or the outside employment adversely affects the employee's ability to perform their duties while on duty.

2.10 Parking

The City shall provide suitable parking spaces for use by employees within two blocks of the employee's work location.

2.11 Political Activities

No City employee shall simultaneously hold offices as an elected City of Roseburg official.

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

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is

not intended to restrict the right of City employees to express their personal political views.); or

- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

An employee's violation of this rule may constitute cause for dismissal from the service of the City.

SECTION 3. GENERAL POLICIES

3.1 Cellular Telephones/Smart Phone Usage

This policy applies to employee use of cell phones, smart phones (including iPhones, Androids, BlackBerries, and similar devices), PDAs, and similar telecommunication devices, all of which are referred to as “cell phones” in the Cell Phone/Smart Phone Usage Policy.

3.1.1 Cell Phones in General (both City-provided and personal cell phones)

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

Employees who use personal or City-provided cell phones may not violate City’s policies against harassment and discrimination. Thus, employees who use a personal or City-provided cell phone to send a text or instant message to another employee (or to a citizen or someone not employed by the City) that is harassing or otherwise in violation of City’s non-harassment and non-discrimination policies will be subject to discipline up to and including termination.

3.1.2 Employee Use of City-Provided Cell Phones

Cell phones are made available to City employees on a limited basis to conduct City’s business. Determinations as to which employees receive City-provided cell phones will be made on a case-by-case basis; employees are not guaranteed a cell phone. In some cases, the City may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City away from the office – see your Department Head or Human Resources for more information.

Employees who receive a cell phone from the City must agree to not use the cell phone for personal use except in emergency situations and must abide by all aspects of the Cell Phone/Smart Phone Usage Policy (including those policies applicable to personal cell phone use). Further, employees who receive a cell phone from the City must acknowledge and understand that because the cell phone is paid for and provided by the City, or subsidized by the City, any communications (including text messages) received by or sent from the cell phone may be subject to inspection and review if the City has reasonable grounds to believe that the employee’s use of the cell phone violates any aspect of the Cell Phone/Smart Phone Usage Policy or any other City policy.

Employees may not use City-provided cell phones to call 1-900, 1-976 or similar “pay per minute” services. Further, family and friends may not use an employee’s City-provided cell phones.

3.1.3 Cell Phones and Public Records

Keep in mind, City-related business conducted on City-provided or personal cell phones, may be subject to disclosure under Oregon’s Public Records laws.

3.1.4 Cell Phone Use While Driving

The use of a cell phone while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of hand-held cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the City.

Employees are prohibited from using hand-held cell phones for any purpose while driving on City-authorized or City-related business. This policy also prohibits employees from using a cell phone or other device to send or receive text or "instant" messages while driving on City business. Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call. Employees may use hands-free cell phones or devices to make business calls. Such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Public Safety employees may use their Mobile Data Devices for work related reasons while driving when necessary and can be performed safely. Violation of this policy will subject the employee to discipline, up to and including termination.

3.2 Commercial Driver

The City has an applicable Commercial Driver's License Drug and Alcohol Policy in their Safety Manual. Those employees and applicants required by their positions to have Commercial Drivers Licenses shall be subject to all Federal and State regulations relating to those positions. This includes pre-employment drug and alcohol testing, participation in a random drug and alcohol screening program and post-accident or reasonable suspicion testing as required. The City's Safety Manual contains the complete Drug and Alcohol Policy relating to Commercial Drivers' License use.

3.3 Conflict of Interest

Each employee has an obligation to conduct the City's business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City wishes to conduct its business. The purpose of these guidelines is to provide general direction so that employees act appropriately and, if needed, can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision or gains information that is not available to the public that may result in personal gain for that employee, or for a relative, as a result of the City's business dealings. For the purposes of these guidelines, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts or leases, it is imperative that disclosure be made to an officer of the City as soon as possible regarding the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business, but also when an employee or relative receives any “kickback”, bribe, substantial gift or special consideration as a result of any transaction or business dealings involving the City. However, unsolicited gifts such as flowers and candy are considered “de minimus” and are allowable under this policy as long as such gifts do not provide the employee with any personal gain.

Each employee is expected to report any actual or potential conflict of interest to the supervisor.

Contact the Human Resources Office for more information or questions about conflicts of interest.

3.4 Drug Free Work Place

(This policy does not apply to Police employees. Police employees shall refer to the appropriate section of their department procedures manual for their policy on this topic. Fire employees shall refer to their manual of operations for more specific departmental procedures.)

It is the City's intent and obligation to provide a drug-free, healthy, safe and secure work environment. To satisfy these responsibilities and to be in compliance with the Drug-Free Work Place Act of 1988, the City will maintain a work environment where employees are free from the effects of illegal drugs, alcohol or other job-impairing substances.

All employees are expected and required to report for work free from the influence of drugs or alcohol and in a mental and physical condition that promotes a productive, safe, healthy, secure and drug-free work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the work place is prohibited.

Employees who are taking prescribed medication that may affect the performance of their jobs are required to notify their supervisors of this before performing their assigned job. In the event there is a question of employee's ability to perform the essential functions of their job, the employee's attending physician's clearance may be required. Any medical information will be kept confidential, except as may be legally necessary to ensure municipal functions. Employees taking non-prescription, "over the counter" medications are also responsible to assure they do not affect their ability to perform their jobs. Prescription and non-prescription drugs are to be taken according to instructions.

The City recognizes drug/alcohol dependency as an illness and a major health concern. The City also recognizes drug/alcohol abuse as a potential health, safety and security issue. Employees needing help in dealing with drug and alcohol issues are encouraged to seek assistance from any supervisor or the Human Resources Office or the Employee Assistance Program.

Violations of this policy may result in disciplinary action, up to and including discharge. Such discipline shall be taken within thirty days of the City's knowledge of any such violation. (This time limit applies to Federal grant money employees.) The City shall investigate and take such action it deems necessary. In addition to disciplinary action or as a separate sanction, the City may require the employee to satisfactorily participate in a drug/alcohol abuse assistance or rehabilitation program.

The City may, in its effort to insure a drug-free work place, request that applicants for City employment submit to a routine drug screening and that current employees submit to a drug/alcohol screening if they have a reasonable suspicion the employee is under the influence of drugs/alcohol.

All employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute occurring in the work place. The report of a conviction must be made within five days after the conviction and will be made to the employee's Department Head. Failure to report a conviction as specified above may result in disciplinary action up to and including discharge. Within ten days of learning about such conviction, the City must notify the applicable federal agency which has provided a grant to the City. (This provision applies to those areas of employment dealing directly with Federal grant money.)

3.5 City Electronic Equipment

3.5.1 Purpose and Scope

The purpose of this policy is to establish procedures and guidelines that specify the ownership and control of information and management of the City's computer system and other electronic media sources, the City's right of access to the information contained therein and general use thereof. A further purpose is to ensure that electronic records and communications are maintained and stored according to the Public Records Law. Use of the City's electronic mail, internet, intranet and all computer equipment must also be consistent with the State Ethics statutes and Federal Copyright and Licensing laws.

The policy applies to all users of the City's computer system and electronic media sources which includes all computer terminals (whether on a network or stand-alone), software and hardware (programs, CPU's, memory devices and storage devices), and telephones. For purposes of this policy, computer records and communications include any data or information in any form processed or stored within the City's computer system or other source of electronic media whether generated directly or indirectly through use of such systems and equipment.

3.5.2 Ownership of Information/Data Stored

All information and data stored on City computer equipment and electronic media equipment is the property of the City. Individual Department Heads are custodians of the information and data stored on systems and equipment within their departments. All information stored on City systems and equipment is to be shared among employees and departments as needed to perform the City's services and central business functions. Unauthorized access to confidential data is a misdemeanor by state law and may be cause for disciplinary action up to and including termination under the City's Personnel Rules.

3.5.3 Secured Access to Criminal Information

City Responsibility. The City is legally responsible for adhering to the rules, security and regulations relating to information access, disclosure and dissemination, policies and procedures for use of the Criminal Justice Information System (CJIS), the National Crime Information Center (NCIC), the Oregon Criminal Offender Information System (OCOIS) and other computerized systems accessed via the Law Enforcement Data Systems (LEDS). Computer terminal areas wherein this information is visible must have adequate physical security to protect unauthorized personnel gaining access to the terminal equipment or stored data. All visitors to the terminal area must be accompanied by City personnel at all times and the terminals must be "locked-out" when it is not staffed.

Authorized Access Only. To ensure compliance with LEDS rules, only LEDS certified employees shall be allowed access to the computer equipment containing criminal justice information. In order to ensure this level of security, all deliveries, including mail, UPS FEDEX, etc. shall be completed in the lobby. If a delivery is large enough the delivery person must enter the office area, the delivery person will be escorted to the destination area. Contractors needing unescorted access to the building must be fingerprinted and cleared prior to being given unescorted entry to secured areas. All other contractors or persons needing access to office areas using LEDS shall have a criminal history check performed and require an escort while in the secured areas.

3.5.4 Usage Guidelines

The following guidelines apply to all computer records, electronic media sources and services which are accessed on or from City premises; accessed using City computer or other electronic media equipment, or via City-paid access methods; and/or used in a manner which identifies the individual with the City:

Electronic media may not be used to knowingly transmit, retrieve or store any communications which are discriminatory based on race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference or of a harassing nature, derogatory to any individual or group, obscene or X-rated, or of a defamatory or threatening nature. The City's equipment shall also not be used for "chain letters" or any other purpose which is illegal, against City policy, or contrary to the City's interest.

The City's computer system and all forms of electronic media and services, including internet access, e-mail, and voice mail used by City employees are to be used primarily for City business purposes, but may be allowed for personal use during scheduled breaks or lunches provided such use does not interfere with City business, productivity of the employee or conflict with the parameters set forth in the above Section. The City's equipment shall not be used for personal gain, outside business activities, political activity, fundraising or charitable activity not sponsored by the City or to promote personal, political or religious business or beliefs. Abuse or misuse of City electronic media/computer equipment, services or supplies shall be grounds for disciplinary action. Employees should be aware that use of a password does not give rise to any right of privacy and that "deleting" a record from their equipment does not necessarily mean that the record or communication has been eliminated from the City's system. The City reserves the right, at the City Manager's discretion, to monitor and review any employee's computer files and records, electronic records, messages and communications, and general usage of City equipment, to the extent necessary to ensure that electronic media, services and equipment are being used in compliance with this policy. The City has the right to use the results of such monitoring in any disciplinary action that may be necessary.

Employees must respect the confidentiality of other employees' electronic records, files and communications and may not attempt to read, "hack" into other systems, use other employees' log-ins, "crack" passwords, breach computer or network security measures, or monitor electronic files or communications of other employees or third parties except when explicitly directed by the City Manager as indicated above.

No e-mail or other electronic communications may be sent which attempts to hide the identity of the sender, or represent the sender as someone else or from another organization. All messages or information sent by an employee to one or more individuals via electronic media must contain statements that identify and attribute the message to the City. All communications sent by employees must comply with this policy and may not disclose any confidential or proprietary information regarding the City. The following message shall appear on all outgoing e-mail messages:

This e-mail and any files transmitted with it are confidential and intended solely for the individual or entity to which they are addressed. If you have received this in error, please notify the sender and delete this e-mail from your system. If you are not the named addressee, disclosure, distribution, copying or taking any action in reliance on the contents of this information is prohibited.

Electronic media and services shall not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other employees to access and use the system.

In order to insure the integrity of the City's computer systems and related warranties, caution must be used when loading or downloading data to City equipment. Employees shall not load or download programs, install any software or make any changes to the City's computer setups, without permission from the City Manager and

assistance from the City's Information Technology (IT) Manager. Use of personal programs and unlicensed programs is strictly prohibited and may be cause for disciplinary action up to and including termination under the City's Personnel Rules.

Employees obtaining electronic access to other agencies', companies' or individuals' files or materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

Employees shall not access information or services which will result in a subscription or user fee without authorization from the City Manager.

Employees shall not e-mail any City documents to their home, or any other outside computer system, without their Department Head's approval.

3.5.5 City-Wide Shared Directory

Documents and forms that are commonly used by most, if not all, departments, shall be maintained in the City's computer system under a "shared directory." Only documents that would need to be accessed by most departments will be placed in this directory; such documents include, but are not limited to, standard contract documents, maps, policy documents such as the City Policy & Procedures Manual, photographs, universal forms such as travel reimbursement and petty cash forms, the City budget, etc. No individual employee files or folders shall be maintained on this directory. The shared directory will be overseen by the Management Technician and the IT Manager.

3.5.6 Automated Public Records

Records created, manipulated or stored on any City computer system or in any form of electronic media are public records if they are sent, received, filed or recorded in pursuance of law or in connection with the transaction of City business, whether or not they are confidential or restricted in use. Purely personal messages, as well as unsolicited messages and advertisements (spam) are not public records under the retention/disposition aspect of the public records law, but may be accessible to the public under the access portion of the Law (ORS 192.410[4]). If an e-mail message is considered a public record, then it is subject to the retention requirements based on the content of the message. All e-mail communications other than those defined as a non-record by ORS 192 shall be retained as part of the email system, copied and filed in another electronic filing system; or printed and filed as a paper record in accordance with the City's records retention schedule. If an email is printed for retention purposes, the entire message with all header information intact (i.e. date and date, routing information etc.) and all attachments must be printed and retained. Non-record email communications may be deleted when read. Computer backup tapes and disks, regardless of hardware platform, are also public records, subject to disclosure. This includes backup tapes of "casual communications" systems such as voice mail and E-mail. Electronic records and communications, like any other public record, must be available upon request, to any member of the public, unless the record or communication is by law exempt from disclosure. If presented with a request for a computerized/electronic record, all employees should consult with the City Recorder to

determine proper disclosure. The City's Records Retention Schedule should be consulted before disposing of any electronic records regardless of the format.

3.5.7 User Identification/Passwords

The City's computer systems have been designed to ensure data integrity therefore information stored in certain critical files can be changed only by authorized personnel. All employees, however, have a role in data integrity via their use of identification numbers and passwords. Each employee using the City's computer system shall be assigned an individual identification number and password. Passwords should be simple but not common or obvious (such as your own name). The City IT Manager shall act as the City's primary computer security liaison to all City departments and as such, shall maintain a security file containing all assigned employee identification numbers and passwords. Department heads shall assign one employee to act as the department's IT Committee liaison who shall, in turn, work with the City's IT Manager and all other departmental representatives. Passwords should not be disclosed to anyone other than the City's IT Manager. Only the IT Manager is authorized to change an assigned identification number or password. Employees shall not use unauthorized codes or passwords to gain access to others' files.

3.5.8 Software Acquisition & Application

No software shall be purchased without the City Manager's authorization. Application of software must be in accordance with the conditions specified in the license issued to the subject software as any other application is illegal. Making a copy of software for use by another person without paying the vendor is a form of stealing called "software piracy". Some software licenses allow the software to be installed on a Local Area Network (LAN) server and used by several people at one time. Software piracy is a felony if there are more than 10 illegal copies or the illegal copies are valued at \$2,500.00 or more. Employees must make every effort to avoid the possibility of software piracy occurring within the City's computer system.

3.5.9 Hardware Acquisition & Maintenance

No computer hardware shall be purchased without the City Manager's authorization. As part of the City's computer systems maintenance policy, employees must make every reasonable effort to ensure they do not introduce a software virus into the City's computer system. A virus is a hidden series of instructions that mischievously alters data or program files stored in a computer. The most common source of a virus comes from installing copied software (share-ware) or downloading software from a bulletin board on the Internet. Another source is using disks of unknown origin. Therefore, if someone makes a public information request and wants the record on disk, employees are to use a City-supplied disk rather than a disk provided by the requestor. The cost of the disk may be recovered from the requestor.

3.5.10 Internet Access

The City has internet access through Douglas FastNet. The City controls its own website at www.cityofroseburg.org, with an employee from each department designated to enter and update information on the City's website.

For further information, refer to individual IT policies, when applicable.

3.5.11 Voice Mail

Voice mail is used for our customers' convenience – not the employees' convenience. Voice mail messages are the property of the City and are also subject to Oregon's Public Records Law (ORS 192.410 to 192.505). Inappropriate or offensive messages are prohibited. Staff should never record information that might be embarrassing if overheard by others.

Voice mail is a business communications tool. The following policies and procedures apply to the use of that tool:

- A. Voice mail will be activated only for specific line usage (job line, zoning request line) or after a caller has talked to an individual and given permission to be transferred to a voice mail line.
- B. The system will not be used to become inaccessible; employees should answer all telephone calls when available.
- C. Use the system to exchange information, not merely to automate telephone tag.
- D. Respond to messages promptly.
- E. Employees should use greeting recordings to inform callers about their schedule. For example, record a new or alternate greeting when an employee is going to be out a day or more.
- F. Greetings: Voice mail greetings should be as brief as possible, yet shall include the following items:
 - 1. employee's name and department;
 - 2. a brief statement advising the caller that they may leave a message after the tone;
 - 3. an indication as to when the employee is expected to be available.

3.6 Employee Recognition

The City recognizes that retaining experienced employees and recognizing employee and team efforts to continually improve their performance is a direct benefit to the City and to the public. This policy is designed to enhance and acknowledge both length of employee service and dedication to effective, efficient and excellent work performance by employees. The

policy applies to all regular full and part-time City employees, as funding allows and unless otherwise addressed by, or in conflict with, a collective bargaining agreement.

A. Goals: The goals the policy is designed to accomplish and reflect are:

1. Motivating employees to consistently work toward and sustain excellent work performance.
2. To assist employees to understand and keep in mind the value of each employee's work in relationship to the City's mission to provide services to the citizens of Roseburg in a cooperative, professional, cost effective manner.
3. To support and encourage both employee retention and dedication.
4. To encourage constructive and positive feedback among colleagues.

B. Recognition Criteria: In order to fulfill the goals of the policy, the following criteria will be used to grant an appropriate form of employee recognition.

Outstanding Customer Service

Can apply to all employees including those who serve external customers (citizens, service providers) and internal customers (other employees and departments). Outstanding customer service can be:

1. Providing service that is notably outstanding on a regular basis.
2. Volunteering for, and successfully completing, an extra or emergency assignment while still efficiently maintaining their own workload.
3. Producing a work product of exceptionally high quality under tight deadlines.
4. Consistently displaying an exemplary, helpful attitude toward customers.
5. Going the extra mile, voluntarily, to provide customer service above and beyond the expected level.
6. Always willing to lend a hand and support internal or external customers.
7. An innovative idea may qualify for recognition if an employee's personal initiative and creativity generates new or improved work procedures that.
 - a. Saves staff time;
 - b. Solves an unusual, difficult problem;
 - c. Saves money;
 - d. Creates a new source of revenue;
 - e. Greatly enhances employee work safety;
 - f. Contributes consistently to a friendly, supportive, respectful workplace atmosphere.

- C. **Methods of Providing Recognition:** Departments are encouraged to involve their employees in nominating potential recipients and should foster methods that allow for peer and customer recognition and nomination. Recognition can be:
1. Immediate thanks and praise from the direct supervisor for a job well done.
 2. Thanks and praise in the department from co-workers and customers.
 3. Thanks and praise from the Department Manager.
 4. Letters of appreciation or commendation from the Department Manager and/or City Manager to be copied to the employee's personnel file.
 5. At the City Manager's discretion, employees may be commended to the City Council.
 6. Co-workers may alert Department Managers to qualifying acts of notable cooperation between departments.
 7. Items of small personal value may be given to employees such as water bottles, key chains, pins, etc., that are signified by markings of the City of Roseburg.
 8. City funded lunches at a \$15.00 limit per person to celebrate and recognize appropriate team and individual contributions as defined in this policy.
- D. **Funding:** Departments are encouraged to budget for potential employee recognition events to be celebrated department-wide. The City Manager Department will budget for retirement and City wide recognition costs.
- E. **Years of Service and Retirement Awards:** The City will continue to give years of service pins in increments of five years of service. Department Managers are to award these pins to their department employees.

Employees retiring from the City, not leaving City service involuntarily or to take another job, may be recognized at an event planned by their department. Departments may buy non-lavish cakes and non-alcoholic refreshments to be shared at a small, internal retirement party. Employees retiring from City service with 20 or more years of service will be recognized at a City Council meeting and will receive a City purchased retirement watch. With employee approval, employees retiring with 25 or more years of service will be recognized with their watch and a small City-wide reception at a City Council meeting.

An annual City-wide employee appreciation event may be held if a sufficient number of employees volunteer to plan the event and a majority of employees attend such an event. Quarterly "potlucks" and barbecues in various City locations will be held on a rotating department basis. Such department activities will be scheduled as departments volunteer or as assigned by the City Manager.

In all cases of recognition, departments are encouraged to have an all-City e-mail sent celebrating the recognition.

In all instances, this policy will be coordinated through and with the City Human Resources Director. A Committee to assist in this process may be appointed by the Director as needed.

3.7 Equal Access to Services (ADA)

It is the policy of the City to make all services and facilities of the City of Roseburg available to all its citizens regardless of any disability. It is the intent of the City and this policy for the City to comply with the Americans With Disabilities Act. Please contact the City ADA Coordinator (currently the Human Resources Director) for additional information or to request grievance information. Contact the Human Resources Director, City of Roseburg, 900 SE Douglas, Roseburg, OR 97470; (541) 492-6866. This applies to citizens and City of Roseburg employees.

Requests will be reviewed on a case-by-case basis, and each request will be answered. Individuals may grieve alleged ADA violations as provided in the grievance procedure.

Reasonable Accommodation/Modification is any change or adjustment to a program, service or activity that permits a qualified applicant or participant with a disability to participate in the program, service or activity offered by the City of Roseburg. An accommodation/modification will be provided if it does not impose undue hardship or fundamentally alter the nature of the program, service or activity.

If a reasonable accommodation/modification is made, any associated cost is borne by the City of Roseburg. There is no charge to the applicant or participant.

3.7.1 ADA Grievance Procedure

The City of Roseburg has adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act.

Complaints should be addressed to: John VanWinkle, ADA Coordinator, City of Roseburg, 900 SE Douglas Avenue, Roseburg, Oregon 97470 - (541) 492-6866, who has been designated to coordinate ADA compliance efforts. Oregon Telecommunications Relay Service 1-800-735-2900 (TDD users).

- A. A complaint regarding access or discrimination should be filed in writing. It must contain the name and address of the person filing it and briefly describe the alleged violation of the regulations. Alternative means of filing complaints such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.
- B. A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation.

- C. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation shall be conducted by the ADA Coordinator or designee. This procedure anticipates informal but thorough investigations, affording all interested persons and their representative, if any, an opportunity to submit evidence relevant to the complaint.
- D. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued within 30 calendar days by the ADA Coordinator. Where appropriate, this response shall be in a format accessible to the complainant.
- E. If the complaint cannot be resolved to the satisfaction of the complainant by the ADA Coordinator, it shall be forwarded to the City Manager within 20 days of receipt of the ADA Coordinator's decision. Testimony and documents may be provided to the City Manager in person or in writing as the City Manager may decide. A written final decision on the ADA grievance shall be provided by the City Manager within 30 days of the hearing date.
- F. The ADA Coordinator shall maintain the files and records of the City of Roseburg relating to the complaints filed.
- G. The right of a person to a prompt and equitable resolution of the complaint filed, hereunder, shall not be impaired by the person's pursuit of other remedies, such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- H. These rules shall be construed to protect the substantive rights of interested persons to meet the appropriate due process standards and to assure that the City of Roseburg complies with the ADA and implementing regulations.
- I. Time lines referred to above concerning the scheduling of hearings may be extended if, after reasonable effort and justification, the hearing cannot be conducted within the 30-calendar day limitation period.
- J. All decisions shall be sent by regular mail to the complainant within 30 calendar days of the date of the hearing and shall be retained in the program file. Phone notification shall also be made in cases involving visually impaired individuals.
- K. This grievance and appeal process may be modified by the ADA Coordinator in order to assure equal access to programs, services and activities for people with disabilities.
- L. Nothing in this grievance process is meant to be used for any personnel, EEO or labor agreement grievance procedure for the City of Roseburg. Contact the City of Roseburg Human Resources Department for information regarding Title I grievances.

- M. At any stage of the ADA grievance process, the complainant may choose to be represented by an attorney or other representative, but the complainant shall bear all costs of such representation.

3.8 Equal Employment Opportunity

The following EEO Policies apply to all employees. Members of management and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with Human Resources at any time if they have questions relating to the issues of harassment or discrimination.

The City provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veterans status, marital status, or any other status protected by applicable federal, Oregon, or local law. This policy applies to all aspects of the employment relationship – including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

3.9 Harassment and Discrimination

The City prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City-related or sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of the City's employees. This policy also provides protection to City employees who are unlawfully harassed during working hours by individuals who are not employed by the City, such as elected officials, members of the community, and vendors.

3.9.1 Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

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

Examples of conduct that could give rise to sexual harassment may include but are not limited to unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or

propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display of sexually suggestive objects or pictures in the workplace; or discriminatory treatment based on sex.

3.9.2 Other Forms of Prohibited Harassment

Other forms of prohibited harassment under City policy and Federal and Oregon law include 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 applicable law.

Such harassment may include verbal or physical conduct that denigrates or shows hostility towards an individual because of any protected status, such as jokes, pictures (including drawings), epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to a protected class, or written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

3.9.3 Complaint Procedure

Each member of Management is responsible for creating an atmosphere free of discrimination and harassment. Further, all employees are responsible for respecting the rights of their coworkers and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the Management Team, or Human Resources, at any time if they have questions relating to the issues of discrimination or harassment.

If an employee believes that he or she has experienced any harassment or discrimination, the employee is expected and required to bring the matter to the attention of his or her immediate supervisor as soon as possible. If an employee believes that it would be inappropriate to discuss the matter with his or her immediate supervisor or if the employee is uncomfortable discussing the issue with his or her supervisor, the employee may bypass the immediate supervisor and report the matter directly to any manager or supervisor, including Human Resources.

In addition, any employee who observes any conduct that he or she believes constitutes harassment or discrimination, or who receives information about these types of incidents that may have occurred, must immediately report the matter to any manager or supervisor, including Human Resources.

3.9.4 Investigation

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

3.9.5 Protection Against Retaliation

The City prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy, has reported (in good faith) harassing or discriminatory conduct directed at others, or has participated in an investigation of such conduct. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

3.9.6 Confidentiality

All complaints under this policy will be treated as confidentially as is possible under the circumstances and as is consistent with the City's need to investigate and respond to the complaint.

3.10 Code of Ethics

The successful operation and reputation of the City of Roseburg is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

In general, the use of good judgment, based on high ethical principles, will guide employees with respect to lines of acceptable conduct. If a situation occurs where it is difficult to determine a proper course of action, the matter should be discussed openly with the employee's immediate supervisor and, if necessary, with the Department Head for advice and consultation.

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

Applicable Statutes of the law are:

"Public Official" is defined in ORS 244.020(15) to include any person serving in a governmental capacity for the State of Oregon or any of its political subdivisions as an officer, employee, agent or otherwise.

ORS 244.010(1): "The Legislative Assembly hereby declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this Chapter."

ORS 244.040(1): "Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office."

Employees may not solicit nor receive a promise of future employment with the understanding that the promise of employment will influence their official actions.

Employees may not accept, either directly or indirectly, any gift, gratuity, loan or anything else of value if it arises or is offered due to City employment if the acceptance might tend to improperly influence the action of the employee in the conduct of City business.

Employees may not receive, during a calendar year, gifts with an aggregate value over \$50.00 from any source with a legislative or administrative interest in the employee's position.

Any gifts directed to the City or a department in general may be accepted with the City Manager's approval.

The Oregon Supreme Court has identified the broad policy of Oregon's ethics law as ensuring that "government employees do not gain personal financial advantage through their access to the assets and other attributes of government."

As far as City operations, this provision excludes any gain for City employees, relatives or members of their household as a result of City contractual agreements or other transactions that are not available to the general public. There may be limited instances in which marketing incentives available to other than public employees can also be made available to City employees. These should be reviewed on a case by case basis with assistance of the City Attorney.

Each employee should follow this policy carefully and check with their supervisor immediately if there are any questions.

3.11 Identify Theft

In compliance with the 2007 Oregon Consumer Identity Theft Protection Act, the City of Roseburg has adopted an Identity Theft Policy. Employees should refer to the Administrative Policy & Procedure Manual available in each department.

3.12 Infectious Disease

The City of Roseburg is committed to maintaining a healthy and safe work environment for all employees as well as providing support for individual employees who may be facing the trauma of a life threatening or catastrophic illness. This policy also applies to HIV and Arc conditions, as well as the anxiety among employees about the possibility of working with someone who has become infected. The City of Roseburg shall provide a work environment in compliance with the standards set by the:

- A. Federal Occupational Safety and Health Administration
- B. Oregon Occupational Safety and Health Administration
- C. Federal Centers for Disease Control
- D. State Health Division as it applies to the workplace.
- E. Current policies and procedures applying to all disabilities and existing medical benefits or employee policies covering sickness and disability.

- F. Infection control guidelines will be made available to all employees.
- G. First aid kits will be available in all work locations.
- H. Training in infectious disease control may be made available to all employees.
- I. Specific safety guidelines will be developed by and adhered to by individual departments as their work activity dictates.
- J. Should employees not subject to OSHA Infectious Disease Control requirements be exposed to hepatitis or other identified infectious disease as a result of a work activity, post-exposure vaccinations will be made available and shall be paid for by the City.

3.13 Religious Freedom Act

Pursuant to the Oregon Workplace Religious Freedom Act, absent undue hardship, no employer may impose an occupational requirement that restricts the ability of an employee to wear religious clothing, to take time off for a holy day or to take time off to participate in a religious observance or practice. An employee must be permitted to use accrued vacation leave or other leave available to the employee for the purpose of allowing the employee to engage in the religious observance or practices of the employee.

3.14 Right to Search

(This policy does not apply to Police employees. Police employees shall refer to the appropriate section of their department procedures manual for their policy on this topic.)

Employees may be provided desks, cabinets and lockers for their use and convenience during work. In some cases employees may hold the key to locks or may be permitted to put personal locks on desks, cabinets or lockers. Notwithstanding this fact, employees should remember that all lockers, cabinets and desks remain the sole property of the City. The City reserves the right to open and inspect desks, cabinets, or lockers, as well as any contents, effects or articles that are found in desks, cabinets or lockers. Such an inspection can occur at any time, with or without advance notice or consent. The City may remove personal locks from desks, cabinets or lockers to accomplish an inspection. Such an inspection may be conducted during, before or after working hours by any supervisor or manager designated by the City. This policy shall also apply to City provided equipment and shall include, but not be limited to, computer disks and programs, computer terminals, electronic and written mail and storage areas. Employees should have no expectation that any property or effects kept on City property will remain private, regardless of whether the property is provided to the employee for his/her personal use. The City is not responsible for any articles that are placed or left in a locker or desk that are lost, damaged, stolen or destroyed.

As to Fire bargaining unit employees, City shall allow a shop steward or union representative to be present, whenever possible, if City has reason to search an employee's locker. (Transferred from the Former Weapons Policy).

3.15 Tobacco Policy

The City of Roseburg has a philosophy of good health and a safe work place. In keeping with this philosophy, it is important that the work place and office environment reflect the City's concern for good health. Smoking and/or the use of tobacco in any form (this includes e-cigarettes and smokeless or "chew") is therefore not permitted inside offices or any work areas or vehicles. Employees who wish must limit their tobacco use to break and meal periods. Use of tobacco is only permitted outside of the enclosed work premises and within specifically designated areas. Smoking is not allowed within ten feet of an entrance, exit, windows that open and/or ventilation intakes of all workplaces and public facilities.

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

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

3.16.1 Employee Reporting Options

Employees who wish to report potential 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 Human Resources. Supervisors and managers are required to inform the City 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.

3.16.2 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 disclosure must relate to the conduct of a coworker or supervisor

acting within the course and scope of his or her employment. The disclosure must have been made to either: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

3.16.3 Policy Against Retaliation

The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful.

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 City employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of 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 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.

3.17 Workplace Violence Prevention

The City is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City has adopted a “Zero Tolerance” policy with respect to violence in the workplace. All violent behavior is considered inappropriate in the workplace, on both the part of the employee and the customer, and it will not be tolerated.

Workplace violence is defined as any act of physical, verbal or written aggression by an individual or by a group that occurs in the workplace or arises out of work activity that causes or could cause a reasonable person to be in fear of imminent bodily injury, or that causes or could cause the destruction of property. This definition will be construed to include the infliction of bodily injury or the attempt to inflict bodily injury; harmful physical contact or the attempt to make harmful physical contact; and the abuse or destruction of property or the attempt to abuse or destroy property. When the terms “violence” or “violent behavior” are used here, they are intended to include verbal threats, written threats, and behavior that intimidates or causes fear, announce or alarm on the part of a reasonable person.

Bringing a deadly weapon to work or carrying a deadly weapon while at work is strictly and specifically prohibited. This prohibition does not apply to an employee authorized to carry weapons as part of their job responsibility, such as police officers. “Deadly weapon” means a device, instrument or object that is specifically designed for causing death or serious physical injury. This prohibition applies to each employee, other than a sworn police officer, who has

a concealed weapon permit. This prohibition extends to vehicles brought to work and parked on City property whether owned, leased, rented or borrowed. This prohibition does not apply to personal defense devices such as personal attack alarms, tasers, stun guns or to chemical defense sprays such as pepper spray or mace, provided these devices are only used for personal defense.

All violent acts and threats are to be reported, even if the threat is retracted. It is not helpful to allow a violent or threatening individual to continue with this behavior, because the potential of that behavior deteriorating increases over time.

It is up to all employees to assist in the identification and resolution of threatening or violent behavior. Preventing and de-escalating violence is not solely a management responsibility.

Taking reprisal action against any person because that person reported a violent incident, furnished information or participated in any manner in an investigation is prohibited.

In all cases involving violence, the first priority of employees in dealing with the situation is to protect themselves, their co-workers and the public.

A. Dealing With Violence in the Workplace

If it is reasonable to believe that someone is acting in a manner that is immediately dangerous to himself or herself or another person, then immediate action should be taken. The following steps should be taken:

- Do not attempt to control the violent person.
- Leave the immediate danger area and go to a safer area. Call 9-1-1 for emergency police assistance. Tell the 9-1-1 dispatcher that there is an immediate danger and provide the location, description of the suspect and a summary of the situation.
- Notify co-workers and management of the danger.

If a person is making threats but the person is not presently violent, or no immediate danger is apparent, then the employee perceiving the threat or having knowledge of the violence should:

Notify the immediate supervisor or supervisor on duty. If no supervisor is available, then the Department Head, the Human Resources Director or the City Manager should be notified.

Try to keep away from the threatening person, if possible, pending the results of an investigation.

If it is not possible to keep away from the threatening person, then the affected employee should develop contingency plans for self-defense and emergency escape routes.

Threatening or violent behavior from customers is not acceptable. Employees are directed to record threats in writing as soon as possible after the threat is communicated. Thereafter, the employee is to immediately notify the supervisor of the

threat and follow the procedure described above. Violent behavior on the part of customers towards City employees and property will not be tolerated. Persons exhibiting violent behavior will be asked to stop and/or leave immediately. If such a person fails to leave immediately, employees are to request emergency police assistance by calling 9-1-1 (after obtaining an outside line).

Upon receipt of a report of workplace violence where an employee is the alleged perpetrator, the supervisor will immediately begin to investigate the report and take immediate corrective action, if appropriate. The Human Resources Director will be notified of any action taken as soon as possible. The Human Resources Director, or designee, will supervise the completion of the investigation of the incident. Where criminal wrongdoing is apparent, the matter will be reported to the Police Department.

The City has an interest in the personal life of an employee only as it may affect the City or the employee's job performance. If an employee's personal activities interfere with the employee's job performance or with the ability of other City employees to perform their job functions, then the City has the right to regulate, control or prohibit that behavior. With respect to domestic violence, the City may become involved and take action if or when the violent behavior takes place while the employee is on the job. Incidents of domestic violence at work will be reported and investigated in the same manner as other violent incidents. At the request of an employee, the City may make provisions to shield or protect an employee from abuse while at work through prudent temporary measures.

Department Heads will immediately forward any report of workplace violence to the Human Resources Director. The Human Resources Director, or designee, will conduct an internal investigation. If criminal behavior is reported, the Police Department will be asked to investigate. During the internal investigation, confidentiality will be maintained to the extent possible. However, during an investigation, it is often necessary to make the employee or the customer against whom the allegation has been made aware of the complaint in order to ascertain the facts. In addition, other employees, supervisors and customers who may have witnessed or have knowledge of the incident will usually need to be interviewed. The Human Resources Office will keep a confidential written record of the steps taken during the investigation.

At the conclusion of the investigation, the Human Resources Director will determine the action or actions to be taken, if any. A written summary of the steps taken in the investigation and the results of the investigation will be made and kept in a confidential manner by the Human Resources Office. As appropriate, the reporting party will be informed of any actions to be taken as a result of the investigation.

The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Director before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

SECTION 4. CLASSIFICATION

4.1 Purpose

The classification plan is, in effect, an occupational inventory of positions. It is fundamental to personnel administration since it makes possible standardization of class titles for purposes of personnel record keeping, employment testing, pay administration and related personnel administration objectives.

4.2 Class Specifications

The classification plan consists of a class specification for each class of positions. The specification includes the title of the class, a statement of typical duties and responsibilities and the desirable qualifications an applicant should possess to perform the work. Positions that are similar with respect to duties, responsibilities, authority and level of work are included within the same class.

Class specifications are descriptive and not restrictive. They are intended to indicate the kinds of duties that may be assigned to any position allocated to the class, while still providing supervisors the flexibility of making work assignments. The use of a particular expression or illustration as to duties will not be held to exclude others not mentioned that are of similar kind or quality, nor will any specific omission necessarily mean that such factor is not included.

All employees will receive a copy of the job description upon hire or placement into a new position.

4.3 New Positions

A Department Head may request City Manager approval to create a new position in their department. After City Manager approval of the position, the Department Head will send to or describe to the Human Resources Director a detailed description of the duties and responsibilities of the position and a statement of the suggested qualifications for the position. After reviewing this information, the Human Resources Director shall compose a job description and may allocate the position to an existing class or, if there is no appropriate class, prepare a new class specification. This new class specification, along with minimum and maximum salary levels will be submitted to the City Manager for consideration and approval of salary range.

No person may be appointed or promoted to fill any position until the classification plan has been amended to provide therefor.

4.4 Reclassifications

Whenever a Department Head wants to make any substantial changes in the duties, authority or responsibilities of a position, they must have City Manager approval to proceed. If approval is received, written notice of the proposed changes must be submitted to the Human Resources Director for determination of the effect, if any, on the classification of the position. The City Manager or Human Resources Director, upon his/her own initiative or at the request

of a Department Head or employee, may review the duties of any position to determine if the classification is proper.

If the duties of a position have changed materially so as to necessitate reclassification, the position will be allocated to a more appropriate class, whether new or already created, in the same manner as originally classified and allocated.

Reclassification of positions will not be used to avoid restrictions surrounding demotions and promotions.

Reclassifications will have the following effect on employee status:

- A. Reclassification to a Higher Salary Range. When a position is reclassified to a class that carries a higher salary range and the incumbent meets the qualifications established for the class, probationary status in the new class will be given. If the incumbent does not meet the necessary qualifications, the rules governing transfer, demotion or layoff will apply.
- B. Reclassification to the Same Salary Range. When a position is reclassified to another class that carries the same salary range, or there is a change in title or description that does not constitute an upgrading or downgrading of the class, the incumbent will retain the same probationary or regular status in the new class. Any exception to this rule must be based on a finding that the new class requires knowledge, skills or abilities which the incumbent does not possess.
- C. Reclassification to a Lower Salary Range. When a position is reclassified to a class that carries a lower salary range, the incumbent will retain the same probationary or regular status in the lower class. The employee will be placed on the promotion list in the same manner as provided for demotion.

4.5 Maintenance of the Classification Plan

The City Manager or Human Resources Director, when directed by the City Manager, is responsible for maintaining the classification plan through periodic reviews. Based on these reviews, the City Manager may establish new classes or make revisions to current classes.

Department Heads are responsible for notifying the Human Resources Director of any unusual changes in positions. An employee may also request of the Department Head or the Human Resources Director that his/her position be reviewed to determine whether it is properly classified. The Human Resources Director will make the necessary investigation of any such request and any changes in job classification will be documented in written form.

The City Manager may abolish or consolidate any office, position or class in the City and layoff, transfer, demote or reclassify the employee(s) holding affected positions. Individual bargaining unit contracts or nonrepresented employee handbook may address this for specific groups.

SECTION 5. APPOINTMENTS

5.1 Announcement of Vacancies

Upon prior approval of the City Manager, the Human Resources Office shall publicize notices of employment opportunities with the City. At its discretion, the City may post vacancies and recruit for candidates internally only, externally only or both internally and externally. The City will comply with any collective bargaining agreements which require that internal candidates receive preference for seniority or some other specified basis.

The City may choose to advertise in writing, by posting notices and by using available media and/or the Internet at the City's discretion.

The vacant position may be filled by either a transfer or promotion of a City employee or recruitment of a new employee.

All information regarding recruitment shall come from the Human Resources Office.

5.2 Applications

The City of Roseburg's application form shall be provided by the Human Resources Office. Applications will be provided in person, by mail or are downloadable from the City's website. Applications will not be faxed or e-mailed to applicants. Applications shall only be accepted for specific, advertised and available positions. Resumes will not be accepted in any circumstance. Applications faxed or e-mailed to the City are not acceptable. Assistance in completing applications is available for those requiring ADA accommodation. The Human Resources Office shall be responsible for the recruitment process, with input from the Department Head on testing and establishing criteria and the candidates eligible for consideration.

The Human Resources Office shall review the applications to ascertain the applicants' qualifications for the position.

Rejected applications shall be kept by the Human Resources Office in accordance with the records retention schedule promulgated by the State Archivist and the Equal Employment Opportunity Commission. The Human Resources Office will prepare the appropriate notification to all rejected applicants.

5.3 Reasonable Accommodations

The City is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and discrimination laws. The City is also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

5.3.1 Accommodations

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

5.3.2 Requesting an Accommodation

The ADA and Oregon's disability discrimination laws provide protections to people with disabilities in employment. In recognition of the barriers to full participation faced by this group, and in compliance with the ADA/Oregon law, accommodations may be implemented to the extent that they are not an undue hardship for the City.

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

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

If the applicant or employee wishes to challenge a decision of the City, they have access to the ADA grievance procedure.

5.4 Employment of Relatives/Associates

Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative, or with whom they are involved in a personal or business relationship. For the purposes of this section:

Personal relationship - Includes marriage, dating or any other intimate relationship beyond mere friendship.

Relative - The spouse of the employee, any children of the employee or of the employee's spouse, and brothers, sisters, half-brothers, half-sisters, sons-in-law, daughters-in-law, stepparents, stepchildren or parents of the employee or of the employee's spouse, or any individual for which the employee has a legal support obligation.

Supervisor - Individual responsible for salary administration, evaluation, transfer, promotion, supervision, discipline, adjustment of grievances or recommendation on any personnel action.

If this occurs, one of the employees must transfer to another department or work unit. If no openings exist or if a job transfer will not rectify the situation, one of the employees must resign within one year. If one of the individuals does not resign, the City Manager or the Manager's designee will decide which employee to terminate based on merit, seniority and the best interest of the City.

5.5 Appointments

The qualifications of an application for a position in the classified service shall be ascertained on the basis of one or more of the following:

- A. Information the applicant supplies on the application form;
- B. Written, performance or physical tests or examinations;
- C. Requirements for certification under state law;
- D. Interview;
- E. Background investigation;
- F. Other related requirements.

The initial offer of employment may come from the Department Head or the Human Resources Office. The Human Resources Office shall, thereafter, arrange for the post-offer physical. The final offer of employment will be confirmed in writing by the City Manager upon successful completion of the post-offer physical.

5.6 Provisional Appointment

Any vacancy that cannot be filled may be filled by a provisional appointment. A provisional appointee's tenure shall terminate as soon as the position to which (s)he has been provisionally appointed can be filled by appointment of a qualified person.

5.7 Emergency Appointment

In an emergency that threatens life or property, the City Manager may, without complying with the provisions of these rules, employ, for not more than 120 calendar days, such persons as necessary to meet the emergency.

5.8 Service Credit

A regular employee, other than one who is laid off or rehired from an on the job disability within three years of the date of injury, who separates from City service and subsequently returns to City employment will not regain previously accrued service credit.

5.9 Probationary Period

All new, promoted or transferred employees and re-employments shall serve a probationary period as part of their evaluation process in the new job. During this period the employee shall demonstrate fitness for the duties to which the employee is appointed by actual performance of the duties of the position.

The City reserves the right to terminate any new employee at any time within the probationary period if, in its sole discretion, the City finds the employee unsuitable for any reasons. While in the probationary period, the employee does not have the right of appeal.

5.10 Promotions

To be eligible for promotion, a person must meet the minimum requirements of the higher level position and must have a current satisfactory performance rating. When a vacancy occurs, all qualified personnel are eligible to apply and will be given equal opportunity for the position.

If, during the probationary period, the employee does not qualify in the new position for reasons other than misconduct or delinquency, the employee may be reinstated to the former position. Individual bargaining unit contracts or the nonrepresented employee handbook may address this for specific groups.

5.11 Transfers

An employee may be transferred from one position to another position, with the recommendation of the Department Head and the approval of the City Manager, provided such transfer is at the same salary level and minimum qualifications are met.

A voluntary transfer, if approved by the City, can be made at the same salary level or lower, provided minimum qualifications are met with Department Head and City Manager approval.

5.12 Temporary Assignment

The City retains the right to temporarily assign any qualified employee to a position in any department to meet the temporary specific needs of the City.

5.13 Demotion

The City Manager may approve demotion of an employee, in terms of pay or rank or both:

- A. For an unsatisfactory performance rating.
- B. For failure to satisfactorily complete a probationary period.
- C. For disciplinary reasons after complying with the procedures for discipline contained in these rules.
- D. To a vacant position in lieu of layoff, with the employee's consent; provided the minimum requirements are met for the lesser position.
- E. A voluntary demotion to a position with less pay provided the minimum requirements are met.

At least two weeks before a nondisciplinary demotion becomes effective, written notice will be given to the employee.

SECTION 6. COMPENSATION

6.1 Transfer

When an employee is appointed to a position in a different classification which has the same pay range or to a different position in the same classification, the rate of pay will remain the same.

6.2 Step Increases

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

Eligibility for step increases will normally occur after one-year of service in each step. However, upon satisfactory job performance, step increases may be granted after completion of a six-month period in step 1 and step 2. Step increases are made upon the recommendation of the employee's immediate supervisor, the Department Head and approval of the City Manager.

For new hires, a Department Head may request an exception to the rules regarding the entry salary step where circumstances warrant such action. Such requests must be in writing and be only for those employees who have demonstrated outstanding service and work qualifications. All such requests must contain complete justification by the Department Head and be approved by the City Manager or the City Manager's designee.

6.3 Pay Period

Employees are paid on the Finance Department's last workday of the month. The City offers a direct deposit option.

6.4 Payroll Changes

Upon hire, all employees must complete a Form W-4 so the City can withhold the correct income tax from payroll. New W-4 forms must be completed in the event of a name or status change, i.e. marriage, divorce, addition/deletion of dependents.

The Human Resources Office must be notified immediately of any personal changes, i.e. marital status, address, telephone, etc.

Department Heads must notify the Human Resources Office of any changes in job status so the Personnel Action Form can be completed.

Personnel Action Forms must be completed and forwarded to the Finance Department by the 10th of the month of the change. Circumstances for which the Human Resources Office must be notified to prepare appropriate payroll changes include, but may not be limited to:

- ◆ Addition/deletion of incentive pay (certification/degree)
- ◆ Addition/deletion of special assignment pay
- ◆ Change in work hours
- ◆ Cost of living adjustment
- ◆ Demotion
- ◆ Leave of absence (unpaid)
- ◆ Merit increase
- ◆ Promotion
- ◆ Termination

6.5 Payroll Distribution

Payroll checks will be distributed only to the employee. Those employees utilizing the direct deposit option will receive a record of their payroll activity. Any exceptions to the distribution must be provided for in writing. The employee must notify the Finance Department as to who is designated to receive a specific check. "Blanket" authorization for any and all checks will not be accepted.

6.6 Authorization for Overtime

All overtime worked by non-exempt employees must be approved by the immediate supervisor in advance of being worked; however, in the case of emergencies, the employee must notify the supervisor as soon as possible of the need to work overtime. Employees will report actual time worked to their supervisors during the pay period in which the overtime was worked. Departments should set their own policy for manner of reporting that serves their scheduling needs. This will be strictly adhered to.

Failure to comply with these reporting provisions or non-exempt employees who work overtime without proper approval will be subject to disciplinary action.

SECTION 7. ATTENDANCE

7.1 Hours of Work

Employees are expected to be at work on their normally scheduled work days unless they have received prior approval from their immediate supervisor. An employee who is absent from work for two consecutive working days without authorization, except for an unavoidable situation, will be considered to have abandoned his/her job as of the last day of active employment. Because of overtime requirements, non-exempt employees will not begin work early or leave late without prior approval of their supervisors.

7.2 Meals and Rest Breaks

Thirty to sixty minutes shall be provided each employee during their scheduled work shift as a meal break. Such time is the employee's own and not reimbursable as wages. The employee must be relieved of all duties during meals periods except in narrow situations where the City can show that exceptional and unanticipated circumstances prevent the employee from being relieved of all duties.

A 15 minute break (rest period) shall be allowed all employees during each half of a scheduled shift as the same are determined to the operating requirements of each division by the supervisor. Breaks are usually at or near the job site.

Any inability of the City to provide regularly scheduled meal and rest periods must be based on the ordinary nature of the work the employee performs.

7.3 Rest Breaks for Nursing Mothers

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.

7.3.1 Notice

An employee who intends to express milk during work hours must give their supervisor 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.

7.3.2 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.

SECTION 8. BENEFITS

8.1 Retirement

The City participates in the Oregon Public Employees Retirement System (PERS) and Oregon Public Service Retirement Plan (OPSRP). Member's Handbooks are available from PERS which describe these programs in additional detail.

Normally, an employee becomes a member of PERS after completing six months of uninterrupted work for the City. If a newly hired employee is already in PERS, contributions begin immediately. At this time, the City pays a percentage of the employee's wages into the system. This amount varies from year to year. In addition, there is currently an employee's contribution of 6% which is also currently paid for by the City.

When an employee decides to retire, written notice should be provided to the Department Head at least 30 days prior to the intended retirement date. There is no mandatory retirement date for City employees, with the exception of police officers and firefighters who are required to retire upon their 70th birthday.

PERS counselors will provide complete information on the provisions of this system.

8.2 Extended Health Benefits

In compliance with COBRA (The Consolidated Omnibus Budget Reconciliation Act), the City offers employees and family members whose coverage under a group health plan would otherwise be terminated by reason of certain events, the opportunity to elect an extension of that coverage on a self-pay basis for a limited time period. This information is included in the Personnel Policies to insure all employees are informed, in a summary fashion, of their rights and obligations under COBRA. Employees and if applicable, their spouses, should read this section carefully.

Federal law requires that the City give employees and their families, at their own expense, the opportunity to continue their health care coverage when there is a "qualifying event" that would result in a loss of coverage under an employer's plan. Depending on the type of qualifying event, "qualified beneficiaries" can include the employee covered under the group health plan, a covered employee's spouse, and dependent children of the covered employee.

Qualifying Events include,

- End of employment
- Reduction in hours of employment
- Death of employee
- Divorce or legal separation
- Enrollment in Medicare
- Loss of dependent child status

Continuation coverage is the same coverage that the Plan gives to other participants or beneficiaries under the Plan who are not receiving continuation coverage. Each qualified beneficiary who elects continuation coverage will have the same rights under the Plan as

other participants or beneficiaries covered under the Plan, including special enrollment rights. Specific information describing continuation coverage can be found in the Plan's summary plan description which can be obtained from the Human Resources Director.

In the case of a loss of coverage due to end of employment or reduction in hours of employment, coverage may be continued for up to 18 months. In the case of losses of coverage due to an employee's death, divorce or legal separation, the employee's enrollment in Medicare or a dependent child ceasing to be a dependent under the terms of the plan, coverage may be continued for up to 36 months. The maximum period for continuation for employee termination is 18 months. Maximum continuation period for other circumstances, i.e. divorce or death, is 36 months.

Continuation coverage will be terminated before the end of the maximum period if any required premium is not paid on time, if a qualified beneficiary becomes covered under another group health plan that does not impose any pre-existing condition exclusion for a pre-existing condition of the qualified beneficiary, if a covered employee enrolls in Medicare, or if the employer ceases to provide any group health plan for its employees. Continuation coverage may also be terminated for any reason the Plan would terminate coverage of a participant or beneficiary not receiving continuation coverage (such as fraud).

If the maximum period of coverage is 18 months, the following sub-paragraphs apply:

- A. If continuation coverage is elected, an extension of the maximum period of 18 months of coverage may be available if a qualified beneficiary is disabled or a second qualifying event occurs. The Human Resources Office must be notified of a disability or a second qualifying event in order to extend the period of continuation coverage. Failure to provide notice of a disability or second qualifying event may affect the right to extend the period of continuation coverage.
- B. *Disability:* An 11-month extension of coverage may be available if any of the qualified beneficiaries is disabled. The Social Security Administration (SSA) must determine that the qualified beneficiary was disabled at some time during the first 60 days of continuation coverage, and the Human Resources Office must be notified of that fact within 60 days of the SSA's determination and before the end of the first 18 months of continuation coverage. A copy of the SSA's determination must be provided. All of the qualified beneficiaries who have elected continuation coverage will be entitled to the 11-month disability extension if one of them qualifies. If the qualified beneficiary is determined by SSA to no longer be disabled, the Human Resources Office must be notified of that fact within 30 days of SSA's determination.
- C. *Second Qualifying Event:* An 18-month extension of coverage will be available to spouses and dependent children who elect continuation coverage if a second qualifying event occurs during the first 18 months of continuation coverage. The maximum amount of continuation coverage available when a second qualifying event occurs is 36 months. Such second qualifying events include the death of a covered employee, divorce or separation from the covered employee, the covered employee's enrolling in Medicare, or a dependent child's ceasing to be eligible for coverage as a dependent under the Plan. Human Resources must be notified within 60 days after a second qualifying event occurs.

Each qualified beneficiary has an independent right to elect continuation coverage. For example, both the employee and the employee's spouse may elect continuation coverage, or only one of them. Parents may elect to continue coverage on behalf of their dependent children only. A qualified beneficiary must elect coverage by the date specified on the Election Form provided at the time of qualification. Failure to do so will result in loss of the right to elect continuation coverage under the Plan. A qualified beneficiary may change a prior rejection of continuation coverage any time until that date.

In considering whether to elect continuation coverage, the employee and/or qualified beneficiaries should take into account that a failure to continue group health coverage will affect future rights under federal law. First, the right to avoid having pre-existing condition exclusions applied by other group health plans if there is more than a 63-day gap in health coverage may be lost; election of continuation coverage may help avoid such a gap. Second, the guaranteed right to purchase individual health insurance policies that do not impose such pre-existing condition exclusions will be lost if continuation coverage is not obtained for the maximum time available. Finally, take into account that there are special enrollment rights under federal law. COBRA eligible individuals have the right to request special enrollment in another group health plan for which they are otherwise eligible (such as a plan sponsored by a spouse's employer) within 30 days after group health coverage ends because of the qualifying event. The same special enrollment right exists at the end of continuation coverage if COBRA continuation coverage is selected for the maximum time available.

Generally, each qualified beneficiary is required to pay the entire cost of continuation coverage. The amount a qualified beneficiary may be required to pay may not exceed 102% of the cost to the group health plan (including both employer and employee contributions) for coverage of a similarly situated plan participant or beneficiary who is not receiving continuation coverage (or, in the case of an extension of continuation coverage due to a disability, 150%).

If continuation coverage is elected, payment for continuation coverage need not be sent with the Election Form. However, first payment for continuation coverage must be made within 45 days after the date of election. (This is the date the Election Notice is post-marked, if mailed.) If first payment for continuation coverage is not received within that 45 day period, continuation coverage rights under the Plan will be lost.

The first payment must cover the cost of continuation coverage from the time coverage under the Plan would have otherwise terminated up to the time first payment is made. The employee or qualified beneficiary is responsible for making sure that the amount of the first payment is enough to cover this entire period. Contact the Human Resources Office to confirm the correct amount of the first payment.

Payment will be required for continuation coverage for each subsequent month of coverage. Under the Plan, these payments for continuation coverage are due prior to the first day of each month. The Plan will not send periodic notices of payments due.

Under the Plan, when group health coverage ends, employees and beneficiaries have the right to enroll in an individual health insurance policy, without providing proof of insurability. The benefits provided under such an individual conversion policy may not be identical to

those provided under the Plan. This right may be exercised in lieu of electing continuation coverage, or this right may be exercised after the employee has received the maximum continuation coverage available.

This section may not fully describe continuation coverage or other rights under the Plan. More information about continuation coverage and rights under the Plan is available in the summary plan description or from the Plan Administrator. A copy of the summary plan description is available from the Human Resources Office.

For more information about rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at www.dol.gov/ebsa.

In order to protect the rights of family members, employees should keep the Plan Administrator informed of any changes in the addresses of family members. Employees should also keep a copy, for their records, of any notices sent to the Plan Administrator.

8.3 Retiree Coverage

Currently, under State of Oregon legislative action, City employees who retire and their eligible dependents, are entitled to continuation coverage at the retiree's expense under the City's medical coverage until they are eligible for Medicare. Continuation of dental and vision coverage is not subject to the Medicare limitation. Coverage will be the same policy as afforded active employees. The retirees and dependents are responsible for the payment of the monthly medical premium to the City's Payroll/Benefits Technician before the first of every month. Retirees must declare their intention to remain on the City's health plan at the time of retirement.

8.4 Worker's Compensation

The City of Roseburg is currently self-insured for the cost of on-the-job injuries and illnesses. These costs are paid from a dedicated fund with an excess insurance policy in addition. Claims are handled by a third-party administrator. This firm is authorized to receive, investigate and adjudicate claims submitted by City employees. Volunteers are not covered by this program except for Police Reserve Officers.

The City has an active mandated Safety Committee and a safety and health program coordinated by the Committee. When necessary and advisable, the City contracts with a safety professional to manage the written safety program and to provide expert assistance in preventing and minimizing workers compensation claims and their severity. Forms and requirements for reporting claims and injuries are contained in the Safety Policy. All employees are required to follow safety guidelines and claims reporting policies. Any questions on this program shall be handled by the Human Resources Director.

In the event an employee suffers a work related illness or injury and such illness or injury is found to be compensable, the City's obligation to pay under this provision is the difference between compensation received through the workers' compensation carrier and the employee's net salary. Sick leave accrual will not be deducted as a result of this provision. Neither will sick leave accrue during this time. Such compensation shall continue until the

employee is able to return to work, or is declared permanently disabled and unable to return to work. Employees shall be required to report their workers' compensation earnings to the City when they receive them, to allow the City to properly compensate the employee to their net pay, minus legal deductions.

Overlap With Other Laws

The City will account for other leave and disability laws that might also apply to an employee's situation, such as COBRA, the ADA and FMLA or OFLA. If, after returning from a workers' compensation leave, it is determined that an employee is unable to perform the essential functions of their position because of a qualifying disability, the employee may be entitled to a reasonable accommodation, as governed by the Americans with Disabilities Act and/or applicable Oregon laws covering disabilities in the workplace.

A. Light Duty Provisions

This policy applies to illness or injury which has taken place on or off the job. In the event all light duty assignments cannot be accommodated, those who have sustained an on-the-job injury shall take precedence in light duty tasks over those incurred off the job.

The intent of this policy is to facilitate the healing process for employees' injuries to decrease time loss and to take advantage of the skills and abilities of the employees who are unable to do all of the tasks of their regularly assigned position.

When an employee is unable to perform the regular duties of his/her position, due to an injury or illness, he/she shall be assigned to a light duty position.

The employee shall provide a doctor's statement that he/she is unable to perform his/her regular duties. A job description with essential functions will be provided to the employee's physician. A release for physician's information on physical capacities, duration of treatment expected and prognosis as pertains to that particular illness or injury is to be provided to the City and will be signed by the employee.

Job descriptions and required activities will be provided to the attending physician to assure proper assignments for light duty.

Light duty assignment will be determined by the Department Head and Human Resources Director and will be assigned as appropriate within any department of the City. If, in the opinion of the doctor, the employee is not capable of the assigned work, the employee may be assigned to another available light duty assignment. This may be in any suitable task beneficial to the City of Roseburg that can be safely performed by the employee.

When on light duty, the work week schedule shall be 40 hours. When an employee is unable to work the full schedule, by virtue of the extent of the illness or injury, a part time schedule can be arranged to meet the employee's physical capacities as determined by the attending physician.

There will be no charge of sick leave for attendance at a doctor's office, or for therapy due to the injury or illness which is job related and the subject of an accepted workers compensation claim. Sick leave provisions will apply in the event the illness or injury is not an on the job injury. However, light duty participants are encouraged to schedule physical therapy or medical appointments around the modified work schedule as much as practical, preferably at the beginning or end of assigned work hours. Verification of appointments with medical providers may be requested.

Time worked under light duty assignments will be considered as any other time worked in determining seniority.

Employees on light duty will only be eligible for overtime at the specific instruction of their supervisor.

In the event any shift employee remains on light duty beyond 30 days from the first day of light duty assignment, the accrual rate for benefits shall be amended to the 40-hour rate. Upon return to regular shift-duty assignment for fire protection personnel, accrued benefits shall be recomputed at an equivalent rate.

In any event, light duty assignments are not expected to extend beyond 90 days unless full recovery is expected. In that event, a full medical report and prognosis for full recovery shall be provided by employee's attending physician. The decision to continue light duty shall be made by the Department Head based on this medical opinion. If a full recovery is likely or expected by the attending physician, the light duty may extend to a maximum of 15 months. If eligible for temporary PERS/OPSRP disability at the 90 days, employee may opt to use that benefit.

In every instance, this policy shall be coordinated and supervised by the Department Head with cooperation from the Human Resources Office and Finance Department. All supervisors and employees shall assist in the full recovery and re-integration of co-workers into light duty and regular assignments as much as possible.

Light duty is intended as a temporary assignment only. No regular position will automatically be created to accommodate light duty restrictions on employees' activities.

A doctor's release will be required stating the employee is capable of returning to regular duty.

Bargaining unit members shall also refer to any Light Duty provision in their current collective bargaining agreement.

8.5 Employee Assistance Program

The Employee Assistance Program (EAP) is designed to help employees and their household's members with free, confidential, short term counseling services for personal problems. If a client's problems require specialized or long-term services, the counselor will refer to appropriate community resources. EAP is offered in an effort to maintain employee

productivity, retain valued employees and assist in restoring their general well being. The program accomplishes its goals through early identification and intervention with troubled staff. Typical situations EAP provides assistance with are: marital, parenting, alcohol/drug/substance abuse, financial, stress, depression and grief.

The EAP also offers assistance in identifying and accessing local resources for various employee needs. These include elder and childcare and other self-help organizations available for non-crisis related issues.

8.6 Deferred Compensation

A deferred compensation program is available through payroll deduction at the employee's expense.

8.7 Regular Part-Time Employee Benefits

Where applicable, regular part-time employees, working more than twenty hours per week, shall accrue benefits in an amount proportionate to that which would be accrued under full-time employment. Such employees averaging 20 to 29 hours per week shall receive 50% of the applicable benefits. Those employees averaging 30 to 39 hours per week shall receive 75% of the applicable benefits. Maximum accruals are also prorated based upon the number of hours normally worked. If the employee wishes to receive insurance benefits, City participation in the payment of premiums for such coverage shall be prorated on the same basis. The balance of the premium is the employee's responsibility. These employees shall have a pay rate established for their classification and shall be eligible for annual cost of living increases only.

(Bargaining Unit members shall refer to the appropriate provisions in their current collective bargaining contract for their policy on this topic.)

8.8 Additional Coverages

Employees may be eligible, upon application to the insurance carrier, to purchase life insurance coverage at higher limits than the basic City paid policy. The decision whether or not to offer coverage rests solely with the participating insurance company. If coverage is offered, employees must pay the applicable additional premium in the preceding month.

Certain City employees are also eligible to purchase additional amounts of Accidental Death and Dismemberment coverage solely at the insurance carrier's discretion. The premiums must be paid to the City in advance of each month of coverage.

SECTION 9. LEAVES OF ABSENCE

9.1 Oregon Victims of Domestic Violence, Sexual Assault and Stalking

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 similar paid time off while on this type of leave.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of 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 employee's supervisor or Human Resources as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

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

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

9.2 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 his or her supervisor as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, the City 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.

9.3 Military Leave

Military leave shall be granted in accordance with Federal regulations and Oregon Revised Statutes. The following is our understanding of the statutory requirements:

- A. Military Leave With Pay: An employee who has been employed by the City for six months or more immediately preceding an application for military leave, and who is a member of the National Guard or of any reserve components of the armed forces of the United States, is entitled to a military leave of absence for a period not to exceed fifteen calendar days in any one training year for annual active duty. (One training year is the period of time during which the particular unit of the National Guard or a reserve component holds 48 consecutive assemblies for drill and instruction.). Such military leave will be granted without loss of pay or other leave and without impairment of merit ratings or other rights or benefits to which entitled. Military leave with pay will be granted only when an employee receives bonafide orders to active or training duty for a temporary period. Military leave will not be paid if the employee does not return to work immediately following the expiration of the period for which ordered to duty. Military leave with pay shall not be granted to employees entering the military service for extended and indefinite periods of active duty. Employees are required to keep the Department Head advised concerning a probable call to active military training duty.
- B. Military Leave Without Pay: An employee is entitled to a military leave of absence without pay during a period of service with the armed forces of the United States. Upon honorable discharge, the employee will be returned to a position in the same class as the last held position, at the prevailing salary rate for such class, without loss of seniority or employment rights. If the City has abandoned the position which was occupied prior to the date of the leave or if it is established that the employee is not physically qualified to perform the duties of the former position by reason of such service with the armed forces, the employee will be reinstated to a suitable position at the nearest appropriate level of pay to the former class. Employees must make application for reinstatement within 90 calendar days and must report for work within six months following separation from active duty. The City may require proof of performance of military service, of honorable discharge or such other proof deemed necessary. Where an employee voluntarily re-enlists, or extends the period of military service, the military leave will be cancelled.

- C. Medical, dental and vision insurance coverage shall be made available to the dependents of City employees who may be deployed, as a result of the employee's participation in bona fide reserve units, at no premium cost to the dependents or employee, for the period of deployment, up to six months maximum.

9.4 Family Medical Leave

The City of Roseburg recognizes that employees need support in balancing their work with personal and family responsibilities. The following outlines the City's policies in compliance with the Federal and State of Oregon leave laws. Not every detail of those laws can be included, but the City will administer this policy in accordance with all legal requirements. Requests for benefits under these laws will be reviewed on a case-by-case basis in accordance with enacted laws and any valid published City policies. HIPAA privacy regulations will be followed where applicable.

In any event, employees must use the appropriate forms to apply for coverage under leave provisions. Such forms may be obtained from the Human Resources Director. In addition, the Medical Leave Report must be completed for all leaves for recordkeeping purposes. Actual leave usage should be shown on this form. Employees shall note all applied for and any granted leave shall be charged to the statutory maximums as described in this policy. These forms should be submitted to the employee's supervisor and forwarded to the Human Resources Office.

Failure to provide the required forms and documentation may cause the City to deny the leave.

9.4.1 Overview

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, policies and collective bargaining agreements govern the employee's and the City's rights and obligations, not this policy.

FMLA and OFLA are not optional. The law requires the City to provide the leaves of absence under FMLA and OFLA and their respective entitlements, even if an employee would prefer to not take FMLA/OFLA leave.

Employees seeking further information should contact Human Resources. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in employee work areas, which are incorporated here by reference.

9.4.2 Definitions

Child/Son or Daughter

For purposes of OFLA, “child” includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the “child” can be any age; for all other types of leave under OFLA, the “child” must be under the age of 18 or over 18 if incapable of self-care.

A “son or daughter” is defined by FMLA as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age or is 18 years of age or older and “incapable of self-care because of a mental or physical disability” at the time FMLA leave is to commence. FMLA also provides separate definitions of “son or daughter” for FMLA military family leave that are not restricted by age – see below.

Eligible Employee

OFLA – To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

OMFLA – For purposes of Oregon Military Family Leave Act leave, the employee need have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under the Uniformed Services Employment and Reemployment Rights Act (USERRA) who seek OMFLA leave; see Human Resources for more information.

FMLA – Employees are eligible for FMLA leave if they have worked for a covered employer for at least one year (which may be based on separate stints of employment) and for 1,250 hours during the 12 months preceding the date leave is to begin. They must also be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Leave under Oregon and federal law will run concurrently when permitted.

Family Medical Leave

This includes all of the types of leave identified in the section below, entitled “Reasons for Taking Leave,” unless otherwise specified.

Family Member

- For purposes of FMLA, “family member” is defined as a spouse, parent or a “son” or “daughter” (defined above).
- For purposes of OFLA, “family member” includes the definitions found under FMLA and also includes a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

Serious Health Condition

“Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Other conditions may meet the definition of a “serious health condition”; see Human Resources for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

9.4.3 Reasons for Taking Leave

Family Medical Leave may be taken under any of the following circumstances:

1. Call to Active Duty Leave: Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.
2. Employee’s Serious Health Condition Leave: To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
3. Family Member’s Serious Health Condition Leave: To care for a family member with a serious health condition.

4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.” This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.

9.4.4 Length of Leave

In any One-Year Calculation Period, eligible employees may take:

- Up to twelve (12) weeks of Parental Leave, Serious Health Condition Leave (employee’s own or family member), Sick Child Leave, or Call to Active Duty Leave;
- In some cases, an additional twelve (12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
 - In some cases, employees who take the entire twelve (12) weeks of OFLA Parental Leave will be entitled to an additional twelve (12) weeks of Sick Child Leave.

When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the servicemember. During the One-Year Calculation Period in which Servicemember Family Leave is taken, an eligible employee is entitled to a combined total of 26 weeks of FMLA Leave (some of which may include other types of FMLA-specific leaves of absence).

9.4.5 One-Year Calculation Period

The 12-month period during which leave is available (one-year leave calculation period) will be measured forward from the day of the first FMLA leave taken by the employee. A second 12-month period will commence with the first day of the first leave taken by the employee following the initial 12-month period.

When State OFLA leave is available before the employee is eligible for FMLA leave or the reason for the first leave qualifies for State leave but does not also qualify for FMLA, the one-year leave calculation period will begin with the first State leave taken by the employee. Thereafter, a new leave calculation period will begin with the first day of FMLA qualified leave for FMLA calculations

9.4.6 Intermittent Leave

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without their express consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of City operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the City and the employee. City approval is required to take intermittent leave or work a reduced schedule in the case of leave for the birth of a child or placement for adoption or foster care of a child under the age of 18.

9.4.7 Employee Responsibilities – Notice

Employees must provide at least 30 days' advance notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave). If 30 days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

For Call to Active Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

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

If circumstances change during the leave and the leave period differs from the original request, the employee must notify their supervisor within three business days, or as soon

as possible. Further, employees must provide written notice within three days of returning to work.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with normal call-in procedures. Employees who fail to comply with the City's leave procedures may be denied leave, subject to discipline, or the start date of the employee's Family Medical Leave may be delayed.

9.4.8 Certification

Generally speaking, employees must provide sufficient information for the City to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Servicemember Family Leave.

Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Additionally:

1. Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting sick child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.

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

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

9.4.9 Fitness-for-Duty Certification

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification (fitness-for-duty certification) from their health care provider stating that the employee is able to resume work.

9.4.10 Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

9.4.11 On-the-Job Injury or Illness

Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify for FMLA Leave if the injury or illness is a “serious health condition” as defined by applicable law.

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a “serious health condition” as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

If the employee’s serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers’ compensation time-loss benefits.

9.4.12 Benefit Status and Accrual

Generally, family medical leave will be unpaid. However, an employee may use accrued sick leave for his or her own serious health condition (including illness or injury related to pregnancy or childbirth) or parental care. An employee may use any accrued vacation leave for all other types of leave. Where accrued paid leave is available, it must be used for family medical leaves before any unpaid leave is taken.

An employee will retain credit for seniority, pension plan, sick leave and vacation earned prior to their leave, except for the amount of sick leave and vacation time used during the leave. The employee will not be eligible for holiday pay during the leave, unless the day before or the day after the holiday is covered by paid vacation. The employee will not accrue vacation pay during any part of their leave in which he or she is absent without pay.

9.4.13 Benefits Continuation

While an employee is on family medical leave required under Federal law (FMLA qualified leave), and if the employee is otherwise qualified, the City will continue employee benefits, including group medical insurance, for up to 12 weeks provided the employee pays his or her portion of the premiums. The employee will be asked to authorize payroll deductions for any employee contributions for benefits while on leave. In certain situations, the City reserves the right to recover any premiums paid on the employee’s behalf for group medical insurance during family medical leave. For example, if after a leave the employee decides not to return to work for reasons other than a serious medical

condition of the employee or a family member or other circumstances beyond the employee's control, the City reserves the right to recover those premiums paid on the employee's behalf for medical insurance during unpaid leave.

9.4.14 Job Protection

Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

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

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

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

SECTION 10. TRAINING

10.1 Philosophy

The City encourages and promotes training opportunities so that employees may be more effective and efficient at their jobs. The Human Resources Director will assist Department Heads in establishing and meeting the training needs of their departments. Evidence of participation in such training programs will be included in the employee's personnel file if forwarded to the Human Resources Director.

10.2 Attendance

Employees required to attend training outside of their normal work schedule will be reimbursed for training hours in accordance with state and federal regulations.

Decisions concerning attendance at seminars, conferences, conventions or other meetings at City expense will be made by the Department Head within budget limits. Any questions Department Heads may have should be referred to the City Manager.

10.3 Expenses

Cost for approved employee development activities including fees, lodging, meals and travel will be paid by the City.

Whenever possible, a City vehicle should be used while traveling on City business. If a City vehicle is not available, mileage will be reimbursed at the current IRS rate. If, however, a City vehicle is available and the employee elects to use his/her own vehicle, reimbursement shall be 70% of the current IRS rate. Employees should contact the Public Works Department to secure a City vehicle.

Department Head approval for each meal is required. Receipts are not required when the per diem rate is used. The City's current per meal per diem, as set by the City Manager is \$9.00 for breakfast, \$11.00 for lunch and \$19.00 for dinner. If an employee is out of town overnight and will need each meal, the per diem for each individual meal will be paid. Employees must leave prior to 7:00 a.m. to receive the breakfast per diem and return after 6:00 p.m. to receive the dinner allowance.

In accordance with IRS per diem rules, if an employee is out of town for only one day (leaves and returns the same day) the employee shall receive the meal per diem allowance for only working meals (meals at which City related business is conducted or continued). Otherwise meal reimbursement will be a taxable benefit and shall run through payroll. If meals are provided at the event the employee is ineligible for a per diem for those meals.

A travel report form provided by the Finance Department must be completed and approved by the Department Head in order to receive reimbursement.

SECTION 11. PERFORMANCE APPRAISAL

11.1 Purpose

The overall purpose of performance appraisal is to provide an accurate representation of an employee's work performance. The performance appraisal will be utilized to provide feedback to the employee on past performance, to establish goals for future performance and to assist in making personnel decisions.

11.2 Procedure

Performance appraisals will be completed annually on a regularly scheduled basis, and prior to completion of the probationary period and prior to the month the employee is eligible to receive a merit increase so that employees are annually appraised at a minimum, and more often, when appropriate. Either the employee or supervisor may initiate a performance appraisal. The original performance appraisal will be placed in the employee's personnel file. The Department Head or the immediate supervisor will review the performance appraisal with each employee.

If an employee has been on approved leave for a period in excess of thirty calendar days, the employee's performance appraisal will be postponed until the employee has returned to work and completed as many days of continuous employment as the length of the leave without pay.

Performance appraisals will be signed by the Department Head and the employee. The employee's signature does not necessarily indicate that the employee agrees with the evaluation, but that the evaluation has been reviewed with the employee. Any disagreement with the review should be addressed in writing by the employee indicating the specific areas of disagreement. These comments will be placed in the employee's personnel file along with the performance appraisal.

SECTION 12. SAFETY

12.1 Policy

The management of the City of Roseburg has a sincere concern for the welfare and safety of its employees and the public it serves. It is the City's policy to work to prevent accidents and to ensure that employees are provided safe and healthful working conditions, free from recognized hazards.

Department Heads, supervisors and employees are responsible for guarding the safety of themselves, other employees and the public. Employees are encouraged to offer safety suggestions and contribute to a safer working environment. Employees are encouraged to be representatives to the City Safety Committee or to communicate regularly with their department representative. Employees are to observe all safety practices governing their work. It is the employee's responsibility to learn applicable safety regulations and to use safety equipment and/or personal protective equipment as set forth by regulations. Failure to comply with the responsibilities set forth above will be grounds for disciplinary action up to and including termination.

City policy is clearly outlined in the City's Safety & Health Manual and Training Program which is available to all employees in their workplace.

SECTION 13. VEHICLE USAGE

13.1 Vehicle Use

City owned vehicles are provided for business purposes of the City. Assignment of vehicles shall be at the discretion of the City Manager in accordance with the operational needs of the City and for specific, justified needs arising because of work conditions. All operators shall follow all these guidelines when operating City vehicles.

Operators of City vehicles shall be only City officials and employees at least 18 years of age. Other persons, such as contract employees, volunteers or others may receive permission to drive City vehicles. This requires Department Head approval after consultation with the City Manager.

City vehicles and equipment shall be operated only by persons who possess a valid Oregon driver's license with an acceptable driving record. Permission to drive City vehicles may be withdrawn from:

- A. Persons with unacceptable driving histories;
- B. Those deemed physically incapable of driving; and/or
- C. Persons using City vehicles for non-approved purposes or whose conduct in connection with the use of a City vehicle is not in the best interest of the City or brings discredit to the City.

The primary responsibility of every driver is to drive defensively, no matter what the environment. Employees shall manage their environment so as to minimize distractions. Use of some of the tools that help employees accomplish their jobs, such as maps, two-way radios, cell phones and mobile data terminals, have contributed to auto collisions throughout the country. In accordance with State law, the use of mobile communication devices (text messaging or wireless two-way communication device) is prohibited while driving. Specific exemptions include

- A. Authorized Public Safety Employees
- B. Those 18 years old or older may use a cell phone with a hands-free device.
- C. Use of a device to summon emergency help if no other person in the vehicle is capable of doing so.

While operating City vehicles, operators shall not pick up hitchhikers. City Manager and Department Head approval will be necessary for transportation of non-employees. Police employees should follow their department guidelines for transportation of detainees, arrestees or other appropriate categories. Operators of pool vehicles shall complete the vehicle trip record at the completion of each trip. It is the responsibility of the user of each pool vehicle to be sure the gas tank is filled and the vehicle returned to the storage lot clean for the next user. Employee users shall clean windshield and rear window glass and empty any debris inside the car. Public Works shall arrange for regular car washing service. Pool vehicles shall be reserved through the Public Works Department. The City assumes no responsibility for payment of any parking or traffic fines that may be issued to drivers of City vehicles.

13.2 Vehicle Assignment Criteria

A City-owned vehicle may be assigned to or used by an employee on a continuous basis only when such assignment is authorized within the provisions of the following rules:

- A. Ready Standby Status. An employee may be assigned regular use of a city vehicle while working under this status during those periods of time when, by virtue of said employee's job responsibilities, the employee is directed by a Department Head to be immediately and continuously available for off-duty call out, and due to the tasks which must be performed following call out, must proceed directly from home to a remote job location to perform such duties which require the use of a City-owned vehicle.
- B. Continual and Intermittent Odd Hour Duty. A City-owned vehicle may be authorized for assignment or use on a regular odd hour basis under this category during those periods of time when job related tasks are such that no straight eight hour day work schedule is practical and such off hour duties cannot be satisfactorily performed without the assigned use of a City-owned vehicle.
- C. The continual use of a City-owned vehicle as a conveyance to and from work is not sanctioned without prior approval from the City Manager.
 - 1. The Internal Revenue Service considers such use as taxable income. Therefore, all non-business use shall be charged to the user at the current rate as may be determined by the IRS.

13.3 Seat Belts

When operating a City vehicle or while driving a personal vehicle on City business, an employee must use the seatbelt/safety restraint device and require any passengers to do the same. Any employee who does not use safety restraints/seatbelts will be subject to disciplinary action.

13.4 Drivers' Licenses

Any employee whose work requires driving City vehicles must possess a valid Oregon driver's license, with an acceptable driving record. Any employee who does not hold a valid Oregon driver's license will not be allowed to operate a City vehicle until such time as a valid license is obtained. Employees must immediately report any suspension, revocation or restriction of driving privileges to their immediate supervisor. Inability to drive a City vehicle may subject the employee to reassignment, discipline up to and including termination, or amended duties as the case may require.

13.5 Fuel

City of Roseburg vehicles shall be fueled at the Public Works facility on Diamond Lake Boulevard. In the event fuel must be purchased out of town, such purchase must be made with cash, City business credit card, or a non-awards credit card. A receipt must be obtained for out of town fuel purchases and forwarded to the Finance Department with a Credit Card Expense Report or with a Travel Report for reimbursement to the employee.

13.6 Employees' and Volunteers' Operation of Personal Vehicles on City Business

With Department Head and City Manager approval, employees may need to use their personal vehicles on City business. This should likely occur when a City vehicle is not assigned to the operator, nor is a pool vehicle available (See Expenses 10.3) or when use of a personal vehicle is more convenient or cost effective. Employees are required to follow Oregon law regarding financial responsibility and vehicle liability insurance. In the event an employee uses his or her own vehicle for City business, liability coverage is not provided for the employee under the City automobile insurance policy. Coverage for property damage to the employee's vehicle, personal injury protection coverage and uninsured or underinsured motorist coverage are not available under the City policy for the employee's personal vehicle use. The Employee's own automobile policy will apply.

13.7 Ride Along Policy

Ride alongs are brief, infrequent opportunities for members of the public to experience the work of various City departments. In every instance, a ride along release form will be completed in advance. Safety, appropriateness and continuity of service delivery shall be the overriding concerns for these occurrences. Ride alongs are available to employee family members, but only subject to the provisions of this policy and when not disruptive to department operations.

13.8 Accident Reporting Policy

If involved in an accident while operating a City vehicle, or the employee's own vehicle on City business, employees shall take the following steps:

- A. Stop.
- B. If anyone is injured, arrange for emergency response.
- C. If within City limits request that City of Roseburg Police respond to the scene and file a report. Call the proper police jurisdiction if in another area and ask that a report be filed.
- D. Obtain complete information (with assistance of the police) from the other parties including insurance information on other vehicles.
- E. Notify immediate supervisor as soon as possible.
- F. Cooperate with investigating authorities. Furnish information required, but do not attempt to elaborate on the circumstances concerning the accident or explain conduct relating to the accident.
- G. Arrange for removal of the vehicle if it cannot be operated. If vehicle cannot be operated, it may be taken to the Public Works facility on Diamond Lake Boulevard until estimates are secured.

- H. Upon returning to work, fill out all reports required by the City's insurer. If the operator was injured and cannot file the report, then the operator's immediate supervisor shall file the report.
- I. Completed accident report forms, shall be forwarded to the Human Resources Office.
- J. If an employee is driving his or her own vehicle on City business and a claim is filed directly against the individual employee, the employee must request in writing that the City offer a defense for the claim. Employees must not ignore any notice of claims or assume the City has been notified separately.