

CITY OF INDEPENDENCE

PERSONNEL POLICY MANUAL



ADOPTED BY

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EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Federal, State and local statutes make it unlawful to discriminate in employment because of age, disability, race, color, national origin, religion, sex, sexual orientation, veteran status, military status, association with members of a protected class, marital status, injured worker status, non-supervisory family relationships, union participation, or any other protected class or work relationship. All employment requirements mandated by State and Federal laws and regulations are observed. Employment decisions are made based on the candidate's abilities and performance.

The City of Independence follows federal Affirmative Action guidelines to ensure that none of our personnel policies or practices discriminate against any individual on the basis of age, disability, race, color, national origin, religion, sex, sexual orientation, veteran status, military status, association with members of a protected class, marital status, injured worker status, non-supervisory family relationships, or any other protected class or work relationship.

If you have any questions about equal employment opportunities, please contact the Human Resources (HR) Manager.

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) are comprehensive federal civil rights laws that specifically protects individuals with ADA/ADAAA covered physical and mental disabilities. Individuals still need to be "qualified" for the job, and not pose a "direct threat" to the health or safety of other employees, customers, or the public.

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

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

Episodic or in remission conditions may meet the definition of a disability if it would substantially limit a major life activity when active.

Temporary, non-chronic impairments of short duration, with little or no residual effects usually are not considered disabilities under ADA/ADAAA. Examples of, but not limited to, impairments that typically would not meet the ADA/ADAAA definition of a disability: common cold, seasonal or common influenza, joint sprain, minor and non-chronic gastrointestinal disorders or broken bones that are expected to heal completely.

The use of ordinary eyeglasses or contact lenses that are intended to fully correct visual acuity or eliminate refractive error, typically are not considered disabilities under ADA/ADAAA.

Pregnancy is not considered an impairment under the ADA/ADAAA.

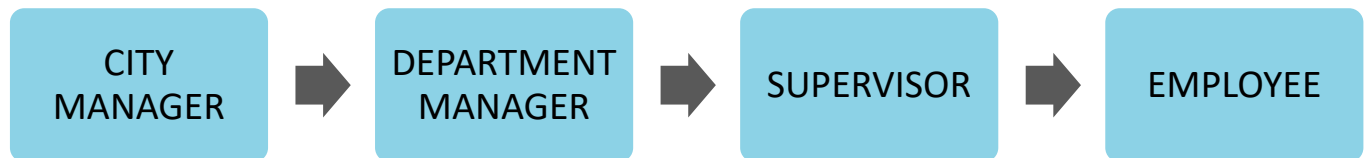
Individuals who currently engage in illegal use of drugs are excluded from ADA/ADAAA protection.

The ADA/ADAAA also prohibits discrimination on the basis of an individual's relationship to someone (parent, sibling, child, spouse/significant other, etc.) with a disability.

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

Reasonable accommodation may be available to employees and applicants, as long as the accommodation doesn't cause undue hardship for the City of Independence and the individual's condition does not pose a direct safety threat to himself/herself, coworkers, or the public. Individuals protected by the ADA should discuss their need for possible accommodation with their department manager or Human Resources (HR) Manager.

CITY HIERARCHY



PERSONNEL RULES

Where the context so requires, the singular or first person references herein shall also be construed to mean the plural, the feminine and the masculine.

EMPLOYMENT RELATIONSHIP

As an employee of City of Independence, you are engaged in an “at will” employment relationship. This means that either you or City of Independence may terminate the employment relationship at any time with or without reason or notice. Our at-will provision extends to all employees unless otherwise exempted by a collective bargaining agreement.

The Separation of Employment and Discipline guidelines are subordinate to the employment at-will policy. In the event of a conflict between the handbook, Collective Bargaining Agreement (CBA), or law; the CBA or law will prevail.

No one other than the City of Independence's City Manager has the authority to enter into any employment agreement contrary to the provisions outlined in this Handbook and the Handbook cannot be altered except in writing and signed by the City of Independence's City Manager. The City of Independence is also not bound by any oral promises concerning your length or conditions of employment.

SECTION I. DEFINITIONS

A. Regular Employee

An employee who has worked in a budgeted position for six months of continued service, has successfully completed the trial service period, and has received proper certification when it is required for the position, either on a salary or hourly wage, exempt or non-exempt.

- Regular Full-Time. A Regular Employee who is regularly scheduled to work 40 hours or more per week.
- Regular Part-Time. A Regular Employee who is regularly scheduled to work less than 40 hours per week.
- Regular On-Call. A Regular Employee who does not have a set schedule and works only when called upon. Generally, will not work more than 599 hours during a calendar year.

B. Temporary Employee

An employee exempt or nonexempt, who is hired for less than a 12 month period, or for a position of longer duration, but with special conditions. This classification shall include those who work full time on assignments of non-recurring nature; and those who work part time less than 12 months.

Any position whose duration is longer than 24 months, regardless of special conditions, shall be considered a regular employee.

- Temporary Full-Time. An employee who is hired for a specific period of time, and regularly scheduled to work 40 or more hours per week.
- Temporary Part-Time. An employee who is hired for a specific period of time, and regularly scheduled to work less than 40 hours per week.
- Temporary On-Call. An employee who is hired for a specific period of time, does not have a set schedule and works only when called upon. Generally, will not work more than 599 hours during a calendar year.

C. Exempt Employee

Exempt employees are determined by the rules provided by the State of Oregon and the Fair Labor Standards Act. Employees and positions which are determined to be exempt shall not

be paid overtime or compensatory time. Exemption determination shall be made by the City Manager in accordance with both Federal and State exemption tests, applied equally to all departments.

D. Nonexempt Employee

Nonexempt employees perform work other than executive, administrative or professional, as determined by the City Manager in the exemption test for an exempt employee.

E. Department Manager

Refers to Director-level position responsible for oversight of a particular department.

F. Supervisor

Refers to position that is responsible for direct supervision of departmental employees, and works under direction of the Department Manager.

SECTION II. EMPLOYMENT REQUIREMENTS

A. Application of Rules

The Personnel Policy Manual shall apply to all employees of the City of Independence. For those employees covered by a Collective Bargaining Agreement (CBA) or other employment contract, the CBA or contract will prevail for any provisions that expressly conflict with this manual.

B. Hiring

1. All appointments to vacancies shall be made solely on the basis of abilities and performance. These qualities shall be determined through careful and impartial evaluation of the following:

- The applicant's level of training relative to the requirements of the position for which he/she has applied;
- The applicant's level of education relative to the requirements of the position for which he/she has applied;
- The applicant's physical fitness relative to the requirements of the position for which he/she has applied;
- The results of an oral interview; and
- Whenever practical, the results of a competitive written examination or demonstration test, which shall be a fair and valid test of the abilities and aptitudes of applicants for the duties to be performed.

2. No question in any test or in any application form provided by any Department Manager or designee shall be so framed as to attempt to elicit information concerning protected status under the law.

3. Background checks will be performed on all finalists for any position with the city of Independence, including current employees transferring to a position with additional

background requirements. These may include any combination of the following: References check, prior employment, educational history, driving record and current license status, and criminal history. Background checks performed are dependent upon the position applied for, and will be performed prior to final offer of employment.

The City may require a financial history and/or medical examinations of selected employee groups as a condition of employment. Applicants for positions within these selected groups will be notified of this requirement during the job interview, and the medical examination will be arranged by the HR Manager after a conditional offer of employment has been made.

Job descriptions will include background check requirements specified for that position.

4. Any job applicant or employee may be required to take a physical and/or psychological examination and fitness test. In cases where a physical examination is deemed advisable, the City shall pay the cost of the examination. In cases where a fitness test is required, it will be administered by the City. Results of the physical examination shall be provided to the applicant and the Department Manager or designee. Such results will be treated as confidential information and released only to the Department Manager or designee, and in the cases of medical emergency, to necessary individuals providing medical attention.

C. Qualifications

To qualify for employment with the City of Independence, applicants must supply acceptable proof for work eligibility within the United States. There will be no discrimination as to any protected class, unless based upon a bona fide occupational qualification.

D. Residence

Residence of employees within the corporate limits of the City is encouraged but not required, except as provided in the City Charter. Employees living outside the City limits will not be allowed to live at such a distance from the City as to seriously impair their accessibility in case of emergency need of their services. Refer to individual job descriptions or relevant collective bargaining agreements for specific requirements.

E. Family Relationship

“Immediate family”, for purposes of this section, is a parent, grandparent, child, or sibling.

No person may be employed by the City of Independence who is a member of the immediate family:

- of the immediate supervisor;
- of the City Manager;
- of the Mayor or City Council;
- who is an applicant for a position in which he/she would be receiving supervisory, appointment or grievance adjustment authority over a member of the individual’s family or in a position of being subject to such authority which a member of the individual’s family exercises; or

- of any city employee, if it would cause the employer to disregard a bona fide occupational requirement reasonably necessary to the normal operation of the City.

F. Trial Service Period

“The Trial Service Period” is used to assess a new employee’s ability to perform the essential job functions. Completion of the Trial Service Period does not alter an employee’s at-will status.

New Employees

All original appointments shall be tentative and subject to a trial service period of six consecutive months, or as defined by the position, whichever is longer. Uncompleted trial service periods may be extended by the Department Manager. Employees during this period serve at the discretion of the City and are not entitled to the grievance procedure. Trial service period employees may be terminated prior to the completion of their trial service period without cause.

Promoted Employees

All regular employees who are promoted shall serve a trial service period for the new position to which they are promoted, of six consecutive months or until he/she receives proper certification when it is required, whichever is longer. During this trial service period, the promoted employee may be demoted to his/her previous position without the right to appeal; however, the employee may not be terminated from employment without the rights granted regular employees, including the right to use the grievance procedure as specified in Section XII. C of these rules.

SECTION III. PAY PLAN

A. Pay Plan

The City shall adopt a pay plan which designates the minimum and maximum monthly or hourly pay rate for each position in the City. The City shall review this schedule periodically, reviewing the plan with regards to inflation rates, market rates, budget constraints and changes in position duties and responsibilities. The plan will designate annual merit step increases such that each position can receive a six month, 12 month, and annual thereafter, until reaching the top step of the range.

B. Starting Salary

Generally, all new, regular employees will start at the first step of the appropriate salary schedule. In instances where a new employee has experience or skills that are above those required for a starting employee, it is possible to hire above the minimum salary. The department manager and City Manager will examine the credentials of an employee who may be considered to start at other than step one. If an employee starts at other than the first step of the salary scale, merit increases will not be considered until after the employee has worked for 12 months.

C. Increases

Salary increases are not automatic, but will be based on merit and as funds are available. Each position has a pay range of minimum to maximum steps that will serve as a basis for making the final decision on increases. Each department manager is expected to conduct an annual performance evaluation for all employees and consider if an employee is eligible for a salary increase.

D. Compensation Studies

To ensure that pay and benefits are reasonable, compensation studies will be made on a periodic basis. The resultant information will be considered and when applicable salary ranges and benefits will be changed by the City Manager. The collection of data will be by the City Manager or his/her designated representative. Department managers shall notify the City Manager when conditions warrant a study of special cases.

E. Overtime/Comp Time

Overtime is calculated according to BOLI requirements. See your supervisor or the HR Manager for current language.

Non-exempt employees.

The scheduled workweek for all full-time nonexempt employees shall not exceed 40 hours. Any work over 40 hours must be approved by the Department Manager or designee and will be compensated according to State and Federal overtime laws. Compensation will be through additional pay or compensatory hours at 1.5 times the normal rate. Overtime is discouraged, and any non-emergency overtime must be approved in advance by the Department Manager.

At the Department Manager's discretion based on available budget, the employee may receive compensatory time off ('comp time') at the rate of 1.5 hours for each overtime hour worked. Unless required to do so by their immediate supervisor, employees will not work their scheduled lunch hour and earn compensatory time. Employees will be permitted to use comp time within a reasonable period after requesting such time off, except when such time off would disrupt the operations of the department.

Compensatory time is not to accumulate over 80 hours. Employees are responsible for requesting time off to prevent over-accumulation. In those instances when an employee has not scheduled compensatory time off and the accumulation has exceeded 80 hours, the Department Managers may schedule adequate comp time off to bring the total accumulation below 80 hours.

Exempt employees.

An average work week for exempt employees consists of 40 hours/week.

F. Longevity Pay

1) Employees with the following years of continuous service will receive a longevity incentive percentage of base monthly salary subject to not having received an unsatisfactory evaluation for the prior evaluation year. In the event an employee does receive an unsatisfactory evaluation, the monthly incentive will discontinue until such time as a satisfactory evaluation is received. In such instance, the benefit will resume without retroactivity.

- 10 years (120 months), 1% base monthly wage, not cumulative to other tiers
- 15 years (180 months), 2% base monthly wage, not cumulative to other tiers
- 20 years (240 months), 3% base monthly wage, not cumulative to other tiers

(for example, at 20 years, employee only receives a 3% incentive and the incentive is NOT included in base salary)

2) Transition - Those employees with existing longevity incentives will be asked to choose one incentive or the other, but not both. Those employees whose salaries are currently “red-lined” due to implementation of January 2014 Salary Survey results will not have access to this benefit until such time as their salaries are no longer red-lined due to growth of the salary scale.

SECTION IV. BENEFITS

A. Insurance Coverage

Regular and trial service employees scheduled to work 32 or more hours per week, unless otherwise approved as a condition of employment, are eligible for group health, dental and life insurance coverage through the group insurance plan adopted by the City. The insurance coverage will go into effect on the first day of the month following the first full calendar month worked from the date of hire, or as outlined in an insurance provider contract with the City.

Insurance coverage will end on the last day of the month in which an employee’s job ends, regardless of any lump sum vacation pay-off. The level and type of coverage provided is subject to change.

B. Public Employees Retirement System (PERS)

The City participates in the PERS system as a covered employer. As a regular employee that meets PERS participation requirements, you will be included with the City’s PERS program. If so qualified, the City will contribute an amount equal to six percent of the employee’s salary into a PERS account in the employee’s name. In addition, the City will contribute a percentage, as determined by PERS and based on the employee’s salary, to a PERS account from which the employee can withdraw in accordance with PERS policy. PERS rules and policies are subject to change at any time. For information regarding PERS, you may contact the HR Manager or the PERS office at 503.598.7377.

SECTION V. ATTENDANCE

A. Hours of Work

The regularly scheduled hours and days of work shall be established by each Department Manager. On occasion, it may be necessary to alter the regularly scheduled hours and days of work. Regular hours may differ in each City Department and will be published by that department manager. When the work schedule is altered, employees are required to attend work in accordance with the new schedule.

The hours during which City offices and departments shall be open to the public will be determined by the City Manager. The hours of work for individual positions shall be determined by the Department Manager, with the approval of the City manager, to meet the needs of the City.

The schedule will normally provide for a work week of forty (40) hours, from 12:00:01 a.m. Sunday, to 12:00:00 a.m. Saturday (“Standard Workweek”). Other work schedules may be established to meet the needs of specific City services.

B. Inclement Weather/Emergency Closing

Except for regularly scheduled holidays or furlough days, the City of Independence will be open for business on Mondays through Fridays during normal business hours. Normal business hours for the Independence Library and Heritage Museum may differ. The City recognizes that there may be circumstance beyond its control, such as inclement weather, national crisis, or other emergencies, that may make one or more of our locations inaccessible. On such occasions, one or more of the city’s locations may be closed for all or part of a regularly scheduled workday. In such an event, the City Manager (or designee) will make a decision and will endeavor to notify all managers for the purpose of contacting employees; you may also contact your manager. To access the City’s closure information, please go to the City’s website at <http://www.ci.independence.or.us> or call the main phone line at 503-838-1212.

In the event of extreme inclement weather conditions, it is recognized that each staff member’s ability to safely reach the office may be different. Staff who cannot report to work in such circumstances should contact their manager. To the extent that staff cannot reach the office they may telecommute with supervisor approval. Safety and a Trust-worthy approach should be your guide. Those employees unable to report to the office or telecommute will use accrued vacation, admin or comp time for working hours missed.

For the purposes of this section, those positions that are able to telecommute are identified in their job descriptions.

C. Holidays

1. All regular full-time employees shall be entitled to 8 hours of holiday pay for each holiday listed below. Regular part-time employees, working 20 hours per week or more, shall be entitled to 4 hours of holiday pay for each holiday.

New Year's Day - First day of January

Martin Luther King Day - Third Monday in January

President's Day - Third Monday in February

Memorial Day - Last Monday in May

Independence Day - July 4

Labor Day - First Monday in September

Veteran's Day - November 11

Thanksgiving Day - Fourth Thursday in November

The day after Thanksgiving - The Friday following the fourth Thursday in November

Christmas Day - December 25

In addition, all regular full-time employees will receive one (1) 'floating' holiday, to be used within the year they are earned.

For employees working the Standard Workweek, if a holiday falls on a Sunday, the following Monday will be observed. If a holiday falls on a Saturday, the previous Friday will be observed. For non-standard workweeks, the Department Manager will schedule an equivalent time off.

When an authorized holiday falls on an employee's day off, the employee may observe the holiday on another day within the same calendar month, to be scheduled with their supervisor. Holidays which occur during vacation or sick leave shall not be charged against such leave.

Employees whose duties are necessary to maintain essential City services may be required to work on holidays. They will receive compensatory time off for the time worked.

2. Exceptions. Full-time, regular, non-represented police department employees will receive the same holiday benefit as may be stated in any currently adopted Police Association collective bargaining agreement, in lieu of holiday policy stated in Section V, C.1. above.

D. Absent without Leave

Any unauthorized absence of an employee from duty shall be deemed to be absent without pay and may be grounds for disciplinary action by the department manager. Any employee who is absent for two consecutive days without authorized leave shall be deemed to have resigned. Such absence may be excused, however, by the department manager and covered by a subsequent grant of leave with or without pay when extenuating circumstances are found to have existed.

E. Dress Code

The City of Independence encourages each employee to take pride in their appearance, presenting themselves to the public and co-workers in a clean and professional manner. A specific dress code may be adopted by each Department Manager.

SECTION VI. LEAVE OF ABSENCE

A. Authorization for Leave

No leave of absence with or without pay shall be granted unless a request is submitted by the employee in writing and approved by the department manager or City Manager in accordance with the following rules. Written approval of leave shall be obtained prior to the beginning of leave periods, except as may be otherwise provided in the following rules, and no payments for leave of absence shall be made until leave has been properly approved.

B. Accrual Period

When a new employee is hired between the 1st and 14th of the month, they will be granted full leave benefits for that month (including sick, vacation, and holiday). Employees who are hired on or after the 15th will not receive any leave benefits until the following month.

Employees who resign on the 14th or earlier in the month will not accrue any benefits during that month. Employees that work beyond the 15th will receive full benefits for that month (including sick, vacation, and holiday).

C. Vacation Leave

General Policy.

It is the intent of the City that all regular employees shall be entitled to a vacation from duty and service with pay after 6 months of continuous work for the City. Vacation shall be taken at such time, in the case of department managers, as the City Manager may approve; and in the case of the other regular employees entitled thereto, as the managers of their respective departments may approve.

Temporary employees shall not be eligible for vacation.

Accrual.

Regular employees who work a 40-hour week shall earn vacation at the following rate:

Length of Service Amount:

After 6 months worked	-	40 hours given
7 - 60 months worked	-	8 hours earned each month
61 - 120 months worked	-	10 hours earned each month
121 - 180 months worked	-	12 hours earned each month
181 - 240 months worked	-	14 hours earned each month
241 + months worked	-	16 hours earned each month

Other regular, part-time employees shall earn vacation based on a prorated basis, comparing their regular scheduled workweek to a normal 40-hour workweek. These employees will receive vacation hours based on the length of service and average number of hours worked per week during the prior month. This calculation will include hours worked, vacation hours used, and sick leave hours used.

Vacation hours will continue to accrue while an employee is on paid leave (vacation, comp time, sick leave, etc.), but does not accrue while on unpaid leave.

Accumulation of Vacation.

Employees are required to take and use their vacation hours equal to ½ of accrued vacation earned during a calendar year (January through December). Example: an employee with over five (5) years of service shall earn 10 hours each month or 120 for the year. They shall be required to use at least 60 hours during that Calendar year in which they earned 120 hours. Unused vacation time may accrue to a maximum of not more than 240 hours of accrued time if employed less than 10 full years. If employed more than 10 years employees may accrue 320 hours of vacation. Determination of maximum allowed accruals shall be made as of December 31st of each calendar year. At this point in time, any accrued, but unused vacation time in excess of the allowed accrual shall be lost.

Scheduling Vacation.

Department managers shall establish staff schedules to provide vacation leave for employees at regular annual periods, and employees shall take vacation leave at the time scheduled. Such schedules may be amended by the department manager to meet work emergencies or grant requests of individual employees. In establishing regular schedules, department managers shall give due consideration to the desires of individual employees within limits of work requirements of the department. Holidays that occur during vacation shall not be charged against such leaves.

Vacation Pay out

Employees that are not covered by a collective bargaining agreement may elect to convert vacation time into pay as described below. Any request for vacation pay out must be done on a vacation pay out form. For any hours requested for pay out, there must be an equal number of vacation hours taken, before the request, during the same calendar year. Converted vacation time will be paid to the employee at their current regular hourly rate.

Years worked	Maximum hours available for pay out
5-9	40
10-15	60
>15	80

Termination

Upon termination of employment, all accrued vacation shall be paid.

D. Sick Leave with Pay

General Policy.

Sick leave shall be granted for the following reasons:

- personal illness or physical incapacity resulting from causes beyond the employee's control;
- enforced quarantine of the employee in accordance with community health regulations;
- employees affected by pregnancy, childbirth, adoption of minor child and related medical conditions or occurrences;
- illness of household family member;
- illness of non-resident family member, limited to 3 days per six month period; for the purposes of this section, a non-resident family member is defined as a parent, grandparent, child, sibling, mother-in-law, father-in-law, daughter-in-law, son-in-law or grandchild who is not a household member.
- attendance at health care provider appointments, inclusive of household family member.

An employee qualifying for sick leave shall inform his/her immediate superior of the fact and the reason before the beginning of the scheduled work hours or as soon after as possible, and failure to do so may be cause for denial of sick leave with pay for the period of absence.

Absence for a fraction or a part of a day that is chargeable to sick leave in accordance with these provisions shall be charged proportionately in an amount not smaller than one hour.

Holidays and other normal days off during the week shall not be charged against sick leave. Sick leave with pay in excess of three consecutive working days may require presentation of a written statement by an appropriate physician, stating that the employee's condition prevented him/her from performing the duties of his/her position. Additionally, the department manager or City Manager may require said statement for sick leave taken for less than three days.

A regular employee who is terminated from his/her position for reasons that are not discreditable to him, may, if re-appointed within six months, have available for his/her necessary use any unused sick leave existing at the time of his/her termination. Under no circumstances shall any employee who is terminating employment be paid for any accrued sick leave.

Employees who are granted a leave of absence with pay for any purpose shall continue to accrue sick leave at the regular prescribed rate.

Sick Leave Accrual.

- Regular Full Time employees shall accrue sick leave at the rate of eight hours leave for each full calendar month of the employee's service (12 days per year).
- Regular Part Time employees shall accrue sick leave based on a prorated basis, based on the employee's scheduled workweek.
- Temporary employees shall not be eligible for paid sick leave.

E. Absence Paid by Workers' Compensation Insurance Carrier

In most cases, sickness or injury incurred as a result of employment is compensable under the industrial accident laws of the State of Oregon. When an employee on leave receives disability payment under the Industrial Accident Laws, such employee shall receive, and there shall be paid to such employee, the difference between the disability payment under such code of laws and his/her full regular salary from that employee's accrued sick leave bank.

When the employee's accrued sick leave is depleted, the employee may be allowed to use any or all of his/her leave accruals. Once all leaves are depleted, the employee shall receive only monies from the workers' compensation insurance carrier.

When an employee receives a check from the workers' compensation insurance carrier, he/she shall report to the Human Resource office the amount of the payment and the period for which the payment is made. Payroll shall then prepare an additional check in favor of the employee for the difference between the time loss check and his/her normal monthly salary (provided the employee has sufficient accrued sick leave). In no case shall the workers' compensation insurance carrier's check be endorsed over to the City.

F. Family and Medical Leave

It is the City's policy to comply with all applicable state and federal laws dealing with family and medical leave, parental leave, and pregnancy leave. When state and federal laws overlap, the City will apply the more generous provisions of each applicable statute, as required by law.

In general, in circumstances in which the Federal Family Medical Leave Act (FMLA) or the Oregon Family Leave Act (OFLA) apply, an eligible employee may take leave for up to 12 weeks within any 12-month period for their own serious condition; for the birth or adoption of a child; for the placement of a foster child; for the care of a child with a non-serious health condition; for the care of a spouse, parent, child, grandparent, grandchild, parent-in-law, same-sex domestic partner, or someone with whom the employee has an "In Loco Parentis" relationship who has a serious health condition; and for an exigency leave related to a spouse, child or parent of a covered service member who is on active duty or called to active duty. The City of Independence will abide by the provisions of FMLA and OFLA, as applicable. Contact the HR Manager for more information.

In addition, leave is provided to employees to enable them to take up to 26 weeks of protected leave in a 12-month period for the care of a spouse, child, parent or next of kin of a covered service member or veteran who has a serious service connected injury or illness. An employee must be eligible under the FMLA to receive the defined benefits.

Eligibility

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

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

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

Qualifying Event

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

- When the employee is unable to perform the essential functions of the job because of a serious health condition, including pregnancy-related conditions. In some situations, additional leave may be available for pregnancy-related disability; and/or
- In the event of the birth or adoption of a child under the age of 18 (including the legal placement of a foster child under the age of 18) within twelve (12) months of the event; and/or
- To care for a spouse, parent, or child under the age of 18 who has a serious health condition, or a mentally/physically impaired child aged 18 or over; and/or
- To care for a spouse, parent, child or next of kin who is a covered service member or veteran who has a serious injury or illness incurred or aggravated while on active duty (leave must begin within
- 5 years of the veteran leaving military service); and/or
- For an exigency leave related to a spouse, child or parent of a covered service member who is on active duty or called to active duty.

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

- To provide home care for a child under the age of 18 with a non-serious health condition, provided another family member is not willing and able to care for the child; and/or

- To care for a child aged 18 or over, grandparent, grandchild, parent- in-law, same-sex domestic partner, or child or parent of a same-sex domestic partner who has a serious health condition; and/or
- To spend time with a spouse who is a covered service member after being notified of a call to active duty and during leave from deployment.

All requests for Family/Medical Leave must be in writing using the Employee Leave Request Form provided by the City, which is provided on the shared drive, or can be obtained from the HR Manager.

Employees must provide all information required by the form. Employees must give at least 30 days' notice if the leave is foreseeable, or as soon as practical if the leave is unforeseeable. In circumstances when the need for leave is unforeseeable, oral requests for leave must be confirmed in writing within three working days.

Certification

Requests for leave to care for a seriously ill family member must specify the reason for the medical leave of absence, the relationship of the employee to the person needing care, the health condition of the family member necessitating the leave, the date on which the employee first learned of the serious health condition, the anticipated length of the leave not to exceed 12 weeks, and the availability of other family members to provide care, or the reasons why other family members are not available to provide care.

Certification of the need for family medical leave is required. In the event of a personal health condition or that of a family member, the certification must be provided by a medical professional within fifteen (15) days of the request for family medical leave. Failure to provide required medical certification may delay the start of family medical leave or may cause the denial of family medical leave. The employee may be required to furnish the City with periodic medical reports as frequently as every thirty (30) days and to complete the full recertification process every six (6) months. A return-to-work certification may also be required.

In the event of a request for parental leave to care for a newly adopted child or a newly placed foster child, the employee is required to provide verification from the agency representative regarding the adoption or placement of the child.

Intermittent or Reduced Schedule

A. Serious Health Conditions - If medically necessary, family medical leave may be taken on an intermittent or reduced schedule. Details of the proposed schedule should be verified by the certifying medical professional. Employees should discuss the need for intermittent leave with the employer. The employer may require updated medical certifications during intermittent leave periods.

B. Parental Leave - Intermittent leave or a reduced schedule are not allowed upon the birth or adoption of a child, except to accommodate the required legal process leading to the adoption of a child or the placement of a foster child.

Family and medical leave may be taken in increments of a day or more or in one continuous block of time. In certain circumstances, employees may be allowed to take leave in increments of less than a full day. A separate written notice is required for each increment of leave requested. Employees will be notified in writing whether a leave request has been approved.

The 12-month period during which leave must be used will be measured forward from the date an employee's first family and medical leave begins. Leave will be counted against the employee's federal or state leave entitlement, or both, when appropriate. Family and medical leave is normally time off without pay. However, unless otherwise approved, employees will be required to use all accrued paid leave as allowed by law, in the following order: sick leave, compensatory time and vacation.

The City will continue the group health insurance coverage for employees on leave under the Federal Family Medical Leave Act for up to (twelve) 12 weeks. These employees must continue to pay their share, if any, of the insurance premiums. Employees on leave provided only by state law may continue health insurance coverage during the leave at the employees' own expense. Employees on leave without pay must pay their portion of their health insurance premiums by the 15th of each month (if they are required to pay a portion normally). Premiums should be paid to the Finance Department.

Employer Designations

The City will designate leaves of absence as covered under FMLA and/or OFLA, even when not requested by the employee, if the reason for the absence is a qualifying purpose under one or both of the laws regulating these leaves of absence.

Concurrent Designations

When the qualifying purpose of the leave is covered under both FMLA and OFLA, the leave will be designated concurrently toward the time allowed under both laws.

Reinstatement

Employees returning from family medical leave will be reinstated to the same or an equivalent position with equivalent benefits, pay and other terms and conditions of employment, unless their former positions have been eliminated for bona fide business reasons. Employees will not be discharged or discriminated against because they take leave provided by state or federal law. Employees will be returned to work without loss of seniority, pension plan service credit, or other benefits that had been earned at the start of the leave, reduced by any vacation or other paid leave used by the employee during the leave.

Medical Release

Employees returning from family medical leave taken for their own health condition may be required to provide a medical release to return to work prior to or upon return indicating they are able to return to work and whether there are any restrictions.

G. Military Leave

Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

Military leave of absence shall be granted to a regular employee during a period of active duty with the Armed Forces of the United States. Military leave is non-compensable; an employee may elect to use any accrued vacation or comp time during such leave. Vacation and sick leave accrual shall not continue while an employee is on military leave.

The employee shall, upon honorable discharge from such service, be returned to a position in the same class as his/her last held position, at the salary rate prevailing for such class, without loss of seniority or employment rights.

If it is established that he/she is not physically or mentally qualified to perform the duties of his/her former position by reason of such service, he/she shall be reinstated in other work that he/she is able to perform at the nearest appropriate class to his/her former class. Such employees shall make application for reinstatement within 90 days and shall report for duty within six months following separation from active military duty. Failure to comply shall terminate military leave. If an employee voluntarily re-enlists, his/her military leave shall be deemed canceled.

Oregon Military Family Leave Act (OMFLA)

Per ORS 659A.090-.099, the OMFLA provides employees with protected time off from work to spend time with a spouse or domestic partner who has been called to active duty or notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. The leave is counted as leave taken under the OFLA.

For OMFLA military leave, employees are entitled to take up to 14 days per deployment. OMFLA leave is not required to be taken in one uninterrupted period, it may be taken intermittently. This time is counted under the OFLA entitlement.

The 14 days of unpaid leave are individual days which the employee would work if on the normal schedule. An employee seeking OMFLA leave is required to give the employer notice of the intention to take leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, or as soon as is practicable in situations where official notice is provided less than five days from commencement of the leave. The employee must provide a photocopy of the service member's orders.

H. Funeral Leave

A regular employee may be granted up to three days' funeral leave with pay per calendar year for the following reasons: death in his/her immediate family. For the purpose of taking funeral leave, immediate family includes: parent, grandparent, sister, brother, child, grandchild, spouse, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepparent, stepchild, same-sex domestic partner or family members who stand in similar family relationships to the employee requesting the leave.

Request for such leave must be made to the Department Manager and must establish reasonable justification for the approval of the request. Such requests should be made in advance whenever possible. If an emergency arises and prior approval is not possible, the employee should use vacation time and have funeral leave approved upon return.

An employee may be granted up to an additional two days of funeral leave; such days shall be assessed against the employee's accumulated sick leave. Any further additional leave may be granted by the department head, and shall be assessed against the employee's vacation and/or comp time accruals.

At the option of the employee, any additional leave may be regarded as leave without pay.

I. Bereavement Leave

Employees who have worked for the City for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of bereavement leave per death of a family member, up to a maximum of 12 weeks in a 12-month period (determined by a rolling twelve-month period measured backward from the date an employee uses any bereavement leave) to make arrangements necessitated by the death, to attend the funeral or memorial service, or to grieve. For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner, child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner or spouse. This bereavement leave is allowed under the Oregon Family Leave Act (OFLA) and is included in an employee's 12 weeks per year allowed under that Act. It is not in addition to the 12-week leave allotment allowed.

Employees who wish to take bereavement leave must inform organization within 60 days of receiving notification of a Family Member's death. Although prior notice is not required, oral notice must be provided within 24 hours of beginning leave. Written notice must be provided to the employer within three days of returning to work. Employees are required to use any available leave during the period of bereavement leave.

J. Other Leaves of Absence with Pay

Any regular, trial service period or temporary employee shall be granted a leave of absence with pay for:

- service with a jury;
- appearance before a court, legislative committee or judicial body as a witness in response to a subpoena or other direction by proper authority. It shall be the responsibility of the employee receiving the payment to notify the City of the amount in all the above mentioned cases.

K. Hardship Leave

Donations. Employees may request paid leave donations from other employees to meet an emergency need, under the following conditions:

- The condition of the requesting employee justifiably warrants time off.
- The employee receiving the donated time must have already used all of their available accrued time off. This includes compensatory, vacation, holiday and sick time.
- Employees offering time may donate their accrued sick time to another employee, but all donated sick time must be matched with an equivalent amount of accrued vacation time from the donor.
- Employees donating time may not donate more than 20 hours of sick time, per situation or event.
- Donated time (including sick, or vacation) will be credited on an hour-for-hour basis, without consideration of the value based on the employee's salary.
- Excess donated time will be credited back to the donating employees, based on the percentage of original donation.
- The employee cannot use donated leave to extend leave beyond the amount of protected leave guaranteed under the federal Family and Medical Leave Act and/or the Oregon Family Leave Act.

L. Admin Leave

Employees in exempt positions are granted 40 hours of administrative leave per year. This leave is not cashable and expires on June 30 of each year. This leave may be taken in hourly or daily increments and at the discretion of the employee.

M. Crime Victim Leave

The City of Independence provides leave to employees who are victims of domestic violence, sexual assault, stalking, or criminal harassment, or the parents or guardians of a minor child or dependent who is a victim, so they can meet the health and safety needs of themselves or their minor child or dependent while maintaining their employment status. Employees involved in domestic or non-work related situations that may pose a risk to the workplace are encouraged to inform their supervisor or City Manager as soon as practicable.

City employees are entitled to take a reasonable amount of paid or unpaid leave to address domestic violence, sexual assault, stalking, or criminal harassment in accordance with the provisions of ORS 659A.272. To be eligible for leave under this rule, employees must have worked for the City for an average of 25 hours or more per week for at least 180 days (6 months) immediately prior to the date the employee takes leave for an authorized purpose. An “authorized purpose” includes seeking legal or law enforcement assistance or remedies; seeking medical treatment for or recovering from injuries; obtaining counseling or services from a victim services provider; or relocating or taking steps to secure a safe home for the employee or minor child.

Employees shall charge leave for absences under this policy to accrued leave balances in accordance with applicable City of Independence rules and collective bargaining agreements. When applicable, such leave shall also be designated as FMLA and/or OFLA.

Requests for Reasonable Safety Accommodation

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

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

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

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

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

Records and Confidentiality

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

SECTION VII. CLASSIFICATION

A. General Policy

The City uses position classifications as a guide toward “Equal pay for equal work”. The classification plan defines the nature of a position in the City. Job titles are so defined that equal work can be identified no matter in which department it falls. There are three aspects of position classification:

- It has been grouped in a class with positions of approximately the same difficulty and responsibility for purposes of pay range development.
- It has a class title—a descriptive name as an identifier—which is used in all personnel, budgetary, appropriations and financial records.
- A class specification or job description descriptive of responsibilities and duties of the positions, with skills, education and experience desired.

The specification takes into consideration the requirements of the job, not abilities. The position specification is merely descriptive and explanatory of the work to be performed. It may not include all duties. Unless the nature of the demands upon position significantly change, the job specification will not change. The City Manager is responsible for keeping the classification up to date through periodic studies of the position and others similar to it. Based on these studies, recommendations are made that a new position be established or that old ones be modified.

B. Reclassification Within a Department to an Existing Position

In the event the duties of an employee are indefinitely and materially changed, the department manager shall write the City Manager stating the changes made and give reasons why the change should result in a reallocation of the employee from one class to another. Upon examination of the request, the City Manager shall either deny or grant the request. Employees transferred to higher classes will receive the minimum salary of the new class.

In the event the employee is presently making more than, or as much as, the minimum for the new class, he/she shall receive the same amount as his/her present salary or an increased amount as determined by the department manager and the City Manager.

Employees transferred to lower classes will continue to receive their present salary provided it does not exceed the maximum of the lower class. If it does, the employee will receive the maximum salary of the lower class. Employees promoted to a new class will receive merit increases in the same manner as new employees.

C. Promotion/Transfer to an Existing Vacancy

It is the City Policy to encourage promotion from within the City organization. When a vacancy occurs, first opportunity will be given to City employees presently in classes requiring less responsibility, provided they are qualified to perform the duties of the vacant position. Notification of the vacancy shall be given to the HR Manager who will furnish the department information to City employees in lesser classes located in other departments. When an employee is transferred, the department manager of the department filling the

vacancy shall notify the HR Manager of who is being transferred, from what department, the new position and the recommended salary of the employee in the new position.

Employees transferred to higher classes will receive the minimum salary of the new class. In the event the employee is presently making more than, or as much as the minimum for the new class, he/she shall receive the same amount as his/her present salary or an increased amount as determined by the department manager and the City Manager. Employees transferred to lower classes will continue to receive their present salary provided it does not exceed the maximum of the lower class. If it does, the employee will receive the maximum salary of the lower class.

D. Creation of New Positions

Whenever a new position is proposed to be created in a department, the department manager shall file a written notice with the City Manager. Such notice shall contain a detailed description of the duties and responsibilities for the position and a statement of suggested minimum entrance qualifications for the position. After analyzing the statement, the City Manager may allocate the position to an existing class.

If there is no appropriate class, the City Manager shall prepare an appropriate class specification, including minimum and maximum salaries, and submit it to the City Council for consideration.

SECTION VIII. NON-DISCRIMINATION AND RETALIATION

A. Anti-Harassment Policy

It is the intent of the City to provide a work environment that is free from discrimination and harassment. Unlawful harassment includes harassment based on religion, national origin, race, color, age, sex, sexual orientation, disability, injured worker status, marital status, veteran's status, military status, association with members of a protected class, union participation, non-supervisory family relationships, and any other basis prohibited by law regardless of whether that harassment is targeted specifically at the employee. Unlawful harassment in the workplace on the part of any employee is prohibited and any employee found to have engaged in unlawful harassment will be subject to disciplinary action.

Examples of harassment include (but are not limited to) telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's speech, accent or disability create a hostile work environment and will not be tolerated at the City.

Sexual Harassment

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

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.

- Submission or rejection of such conduct by an individual influence any employment-related decisions affecting the individual; or,
- The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

Complaint Process

It is the supervisor's responsibility to see that unlawful harassment does not occur in the work-place. Any employee who believes he/she is the subject of unlawful harassment should report the complaint to the department Manager or City Manager. If the complaint is against the City Manager, the employee should notify the Mayor or a City Council member for appropriate investigation and action.

- A. The City will not retaliate against you for filing a complaint in good faith or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers even if accusations are not substantiated.
- B. The City will conduct a prompt and impartial investigation of the reported conduct.
 - Where investigations confirm the allegations, appropriate corrective action will be taken as provided in these policies, up to and including discharge.
 - The affected employee will be informed of the results of the investigation.
 - Failure to cooperate with an investigation may lead to disciplinary action up to and including the possible termination of employment.
 - Information provided by individual employees during the course of an investigation will be kept confidential to the extent possible under the law and made available only on a need to know basis.

Whistleblower

The City does not discriminate against employees who report in good faith alleged violations of state or federal laws, rules, or regulations.

It is the responsibility of all City employees to report violations or suspected violations of applicable laws, rules, and regulations. Employees should share their concerns, suggestions, or complaints with someone who can properly address them. Typically, concerns should be shared with a supervisor, department Manager, or the City Manager. This policy in no way limits an employee's right to engage in rights protected by the Public Employees Collective Bargaining Act.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

No Retaliation

Discrimination or retaliation against employees who report in good faith alleged violations of applicable laws, rules, or regulations shall not be tolerated. Any employee who believes that he or she has been subjected to discrimination or retaliation for whistleblowing, or that a violation of this policy has occurred, should immediately contact the department Manager or City Manager. The City shall conduct an investigation regarding the complaint maintaining anonymity and confidentiality to the greatest extent possible. Appropriate corrective action will be taken if warranted by the investigation.

C. Genetic Information Non-discrimination Act (GINA)

Pursuant to the federal Genetic Information Nondiscrimination Act of 2008 (GINA), the City respects all employees' privacy in their genetic information and enforces a strict policy of nondiscrimination on the basis of genetic information. The City will not discriminate, harass, or retaliate on the basis of genetic information regarding any aspect of employment. The City does not discriminate against applicants or employees based upon either the employee's or the employee's family genetic information; nor does the City use genetic information in employment decisions.

According to the Equal Employment Opportunity Commission, genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e., an individual's family medical history).

Family medical history is included in the definition of genetic information as it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.

Employees are encouraged not to disclose any genetic or family medical history in the workplace. Any such information that is inadvertently disclosed to the City will be kept in a file separate from the employee's personnel file.

Once a condition manifests itself, the GINA no longer applies. More detailed information about GINA is available on the EEOC poster placed on the employee bulletin board.

Genetic information and Wellness Programs: Employees may be asked to sign voluntary waivers, in which, the employee acknowledges that his/her genetic information will only be provided to licensed health care professionals or board-certified counselors involved in the wellness program. There is no penalty for non-participation.

D. Employment Eligibility Verification

In conformity with the Immigration Reform and Control Act of 1986 (IRCA), we hire only those who are eligible to work in the United States. Verification documentation is required of all new hires, and employees are expected to inform the City immediately if their eligibility changes.

After an individual is employed by the City (as allowed by law), the City may choose to use the federal E-Verify program to validate social security numbers, or may use other methods for verifying social security numbers.

Expired documents are not valid documents for I-9 purposes.

E. Veteran's Preference in Hiring

All things being equal, the City may give preference to veterans, when making hiring decisions; the City does not discriminate against individuals based on current or prior military service.

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

Applicant Screen for Interview Selection Systems: When an interview is a component of the selection process for a position or an eligibility list, all eligible veterans who meet the minimum qualifications for the position and submit application materials that show sufficient evidence of skills transferrable from their military experience shall be interviewed. However, this section does not apply to interviews conducted as part of the process of selecting a candidate for a position from a previously established eligibility list.

The following is one example of how preference might be given for a non-scoring selections process—if applicants are ranked through evaluation of either materials submitted and/or an oral interview, preference might be granted by moving any qualified veteran up one rank from where they initially placed prior to applying the preference. This process would clearly apply preference and allow for a clear documentation trail to demonstrate the application of preference for each eligible veteran.

F. Meeting Participation

From time to time the City will require employees to attend work related meetings either on or off premises. These meetings will be used to disseminate information, train, or instruct personnel on work related matters. Per ORS 659.785, employees cannot be required to attend employer-sponsored meetings or communications with the employer or the agent, representative, or designee of the employer if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters (political party affiliation, campaigns for measures or candidates). An employee may

not be disciplined, discharged, or otherwise penalized for refusing to attend or participate in such meetings.

G. Religious Accommodation

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

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

The supervisor and employee will meet to discuss the request and the decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, the parties may discuss alternative accommodations, or the employee may appeal the decision to the City Manager. The appeal shall be made within 10 working days of the date of the supervisor's decision. The City Manager shall issue a decision within 30 calendar days from receipt of the appeal. [Note: LGPI took this "appeal" process from your grievance process.]

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

H. Domestic Violence

The City does not discriminate against employees who are victims of domestic violence, sexual assault, stalking or criminal harassment.

No person may refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, sexual assault, stalking, or criminal harassment.

No person may discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation, or other terms, conditions or privileges of employment because the employee is a victim of domestic violence, sexual assault, stalking, or criminal harassment or because the employee requests leave or reasonable safety accommodation under the provisions of this rule.

I. Retaliation

If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you should report the matter immediately to any member of management, to the City Manager, or HR Manager. If the complaint is in regard to an alleged violation of these policies by the City Manager, the complaint may be directed to the Mayor. The City will not retaliate against you for filing a complaint or cooperating in an

investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

The City will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and The American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity.

A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws (even if the accusations are not substantiated), reporting a safety hazard or violation, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge. Adverse actions include termination, refusal to hire, denial of promotion, threats, unjustified negative evaluations and/or references, and reassignment leading to less desirable work conditions.

Any act of retaliation by a manager and/or coworker may result in serious adverse disciplinary action up to and including termination. Any staff member may file a complaint with the City Manager, the HR Manager or the Mayor if he/she feels that they have experienced retaliation in any form.

SECTION IX. OUTSIDE EMPLOYMENT

A. General Policy

It is the City's Policy to discourage employees, working for the City on a full-time basis, from engaging in additional employment from another source. However, in certain situations, occasional and part time work outside City employment will be allowed, wherein the hours and days of work do not conflict with City employment, and if prior approval has been received from the City Manager or Department Manager.

B. Approval may be granted if:

- it is not incompatible with the employee's City work;
- it does not substantially detract from the efficiency of the employee in his/her City work;
- there is no conflict of interest between the City work and the outside work;
- it is not discreditable to his/her City employment; and
- it is clear to the employee that in any situation wherein extra duty will be necessary in his/her City work, that such extra duty will be in preference to his/her outside work, and that such extra duty hours will not conflict with his/her outside work.

C. Definition

Outside time work shall be defined as any work for another employer or self-employment, for which pay is received whether by salary, wages, commission, or by a sale and which work is carried on in addition to full time City employment; regardless of the number of hours worked.

D. Exceptions

Any employee of the City who is hired on a part time basis will not fall under the provisions of these rules on outside employment.

SECTION X. MISCELLANEOUS POLICIES

A. Travel

Occasionally, department managers and other employees will be required to travel on City business. The City will reimburse the employee for any reasonable lodging, meals and other expenses, including mileage reimbursement if required to use a personal vehicle in traveling out of town. The rate for such mileage reimbursements will be at the current official IRS rate. Prior to traveling, approval of the trip will be required from the City Manager, or the appropriate Department Manager or Supervisor. As soon as possible upon return, expense sheets shall be filled out by the employee, approved by the department manager and forwarded to the City Manager's office. See "Independence Expense Reimbursement Policy", for complete policy provisions, which is on file with the HR Manager and on the city's shared network drive.

B. City Tools and Equipment

Every tool has its proper use. In the case of City equipment, this use is limited to City purposes. Employees will be responsible for the care of all City equipment and supplies which aid them in the performance of their duties. Any equipment breakage or loss must be reported to their immediate supervisor at once.

Cell Phone Policy

The City will provide cell phone access in one of two methods:

- For employees that require a cell phone for communication during shift work, a City Specified Cell phone and plan will be provided during their shift. It may or may not be an expectation for them to keep the phone with them 24 hours a day. This decision will be at the discretion of the Department Manager.

For this job requirement, the City will bear all costs associated with the Cell phone and the employee will not be allowed by this policy to use the phone for personal use.

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

- For employees that have a less specific need for cell phone access to the City Hall as part of a 24 hour non mandatory requirement as approved by the City Manager, shall receive an allowance to be paid by the city as established by administrative policy. This amount will be added to their check as regular income and taxed accordingly. For this allowance, the employee will be required to carry and respond to their cell phone on a 24 hour basis, for purposes of communication with the City as may be required.

The employee will be responsible for purchasing their cell phone, purchasing their plan and will have the phone available for personal use.

In order to qualify for this allowance an employee needs to fill out the required form and receive approval from the City Manager.

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

Cell Phone Safety

The City of Independence prohibits the use of cell phones, including text messaging, during the following work-related activities:

- While operating a moving vehicle unless a hands-free device is used;
- While operating or being in close proximity of heavy, dangerous, moving machinery; or
- Where use of a cell phone may place employees at risk of injury.

Reporting Lost or Stolen Cell Phones

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

Use of Technology During Work Hours

During work hours, employees should only participate in business pertaining to City of Independence. However, the City of Independence consents to incidental personal use of Independence-owned and personal computer systems and telecommunications devices during work hours as defined in the Hours of Work policy. The term “incidental” as used in this context means infrequent, of limited duration, and does not interfere with work responsibilities. Ultimate determination of whether something is considered incidental is at the sole discretion of the City of Independence. The only sure way to avoid violating this policy is to refrain from any personal activity during work hours.

Employee communications, both business and personal, on City of Independence computer and telecommunications systems are not private. Users should be aware that the data they create on City of Independence systems is the property of the City of Independence and usually can be recovered even though deleted by the user.

Personal Education

The City may reimburse an employee for the amount of tuition for courses directly related to the employee’s work and which are conducted outside the employee’s regular working hours, provided that:

- The department manager has approved the reimbursement for attendance at the class prior to registration;
- Funds for such expenditures are available in the current budget;

- The employee submits evidence of satisfactory completion of the course; and
- The employee is not receiving reimbursement for tuition from any other source.

Normally, the cost of textbooks and technical publications required for such courses shall be the responsibility of the employee. If the City purchases any of the textbooks and publications for such courses, said textbooks and publications shall become the property of the City.

Prepayment of up to 50% for classes/tuition may be granted at the discretion of the Dept. Manager or City Manager, with the balance reimbursed upon successful completion of the course. The employee will be required to sign an agreement related to this provision.

D. Arrests

The arrest of an employee, whether on or off-duty, shall be reported to his/her supervisor, within 24 hours or the first working day following the incident. Failure to report to work constitutes an unauthorized absence (See Section V. Attendance, para. D. Absent without Leave), and is grounds for disciplinary action. Failure to report the arrest to the supervisor within 24 hours or on the first working day following the arrest is grounds for disciplinary action.

The supervisor, in consultation with the City Manager, shall take appropriate measures to protect the employee, city, staff or citizens.

E. Work Place Privacy and Confidentiality

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

- The collection of employee information typically is limited to information the City of Independence needs for business and legal purposes.
- Personal information and information in confidential records ordinarily will not be disclosed, except as permitted or required by law, or as authorized by the employee.
- Verifications of employment dates, job title, and wages may be provided without written approval.
- Internal access to employee records will be limited to those employees having an authorized need-to-know.
- You are permitted to review your personnel file, except for exceptions listed below (such as background screening information), and you may correct inaccurate factual information or submit written comments in disagreement with any material contained in your personnel records.
- All employees have a responsibility not to accidentally disclose information about employees through overheard conversations, mislaid documentation, and faxes, e-mails and hard copies of correspondence sent to a wrong Destination. Unauthorized communication of confidential information is regarded as a serious matter.
- The City of Independence's IT Department maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored in City systems.

- All employees are required to follow these principles, as well as any other City policy or practice related to confidential information. Violations of this may result in corrective action, up to and including termination.

Entity

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

Background Screening

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

Medical Records

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

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

Personnel Records

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

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

Information in the personnel files may be treated as exempt from public disclosure as provided in ORS Chapter 192. Records pertaining to I-9 verification, medical records, and victims of domestic violence are considered confidential and shall be maintained by the City in confidential files separate from the personnel file. Information which cannot be treated as confidential under the law includes: name, job title, salary, and dates of employment with the City of Independence. Other information in the files may be subject to public disclosure by order of a court or tribunal of competent jurisdiction.

Change in Personal Data

Since personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current can be important to you with regard to pay, deductions, benefits and other matters.

If you have changes in any of the following items, please notify the HR Representative to assure that the proper updates/paperwork are completed as quickly as possible:

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

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

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

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

Communications

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

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

F. Ethics

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

Employees who violate the Ethics Policy or who create an equally detrimental impact on the organization may be subject to disciplinary action up to and including discharge.

We at the City of Independence are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts or strict definitions of conflict of interest. If you are coming to the City of Independence from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector.

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

Conflict of Interest

City employees shall avoid situations that create, potentially create, or give the appearance of creating a conflict with the mission or objectives of the City of Independence; or could cast doubt upon objectivity between personal interests and the interests of the City.

Disclosure

City employees are required to report any potential conflict of interest to their supervisor, Department Manager, or the City Manager.

Acceptance of Gifts, Gratuities, Fees

Acceptance of certain types or forms of gifts is viewed as a conflict of interest.

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

Significant value is any gift with a market value of \$50. Under no circumstances are gifts to exceed \$50 per calendar year from any one source.

If you have questions about whether an activity meets the City of Independence's or Oregon's ethical standards, please talk with your manager.

G. Prohibited Political Activity

The restrictions imposed by the law of the State of Oregon (ORS 260.432(2)) on your political activities are that "No public employee may solicit money, influence, or otherwise promote or oppose any political committee, or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

It is therefore the policy of the City of Independence that employees may engage in political activity outside of working hours in a manner that does not suggest that the City endorses the political view.

H. Social Media Policy

The purpose of the social media policy is to ensure that social media is used by the City and City Personnel to obtain or convey information that is useful to, or that will further the goals of the City.

The policy is applicable to social media use by all City Personnel for City business as well as to personal use of social media by City Personnel while on the job or while acting in their official capacity.

Use of Social Media by City Personnel is also subject to other applicable City policies (for example, technology use policies, harassment policies, etc.).

CITY OF INDEPENDENCE ADM 2.03: Social Media Policy

ADOPTED: January 31, 2012

2.03.01 Purpose

The purpose of this social media policy is to ensure that social media is used by the City and City Personnel to obtain or convey information that is useful to, or that will further the goals of the City.

2.03.02 Scope

This policy shall apply to all City officers, employees, and volunteers (collectively, “City Personnel”). Failure to abide by these Social Media Policies may result in discipline up to and including termination as described in the City’s Personnel Policies.

2.03.03 Applicability

This policy is applicable to social media use by all City Personnel for City business as well as to personal use of social media by City Personnel while on the job or while acting in their official capacity. Use of Social Media by City Personnel is

also subject to other applicable City policies (for example, technology use policies, harassment policies, etc.).

2.03.04 Definitions

“Blog” means a self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for “Web log.”

“Page” means the specific portion of a social media website where content is displayed.

“Post” means content a user shares on a social media site or the act of publishing content to the site.

“Social Media” means a category of internet based resources that integrate user-generated content and user participation. Social Media includes but is not limited to the following technologies:

- Blogs
- RSS feeds
- Microblogging sites (Twitter, Nixle)
- Social networking sites (i.e. Facebook, Myspace, LinkedIn)
- Social bookmarking sites (i.e. Digg, Delicious)

- Event Sites
- Internet Radio
- Internet Video or Photo share sites (i.e. YouTube, Flickr)

2.03.05 POLICY: Use of Social Media for City Business

1. City Personnel are permitted to use social media to conduct City business, including but not limited to dissemination of information about the City, City operations, City programs, and emergency communications.
2. All social media sites created by City Personnel for City business are subject to approval by the City Manager (hereinafter referred to as “Administrator”), or the Administrator’s designee.
3. In order to comply with the retention requirements of the Oregon Public Records Law (ORS Chapter 192 and OAR 166-200-0005 et seq), it is the policy of the City that City Personnel may not post original content to social media sites unless that content is preserved and retained according to Oregon Public Records Law.
4. The Oregon Public Records Law and relevant City records retention schedules apply to all content posted to the City’s social media sites. The City shall preserve content posted to the City’s social media site (including content posted by City Personnel, as well as content posted by members of the public). The content will be retained for the period required by the relevant records retention schedule and maintained in a format that preserves the integrity of the original record, is easily accessible, and is allowable under the Oregon Records Retention Law.
5. Use of social media sites by City Personnel may not violate the Oregon Public Meetings Law (ORS 192.610 through ORS 192.710).
6. Only City Personnel designated by the Administrator are authorized to post information to the City’s social media sites. The Administrator or the Administrator’s designee will monitor the content posted to the City’s social media sites by City Personnel to ensure that the posted content adheres to all applicable City policies. Information posted on the City’s social media sites by City Personnel must be consistent with the City’s mission, vision, values, goals, and other applicable City policies.
7. City Personnel representing the City through social media must conduct themselves at all times as representatives of the City. Failure to do so may result in discipline as described in the City’s Personnel Policies. Posts on the City’s social media sites by City Personnel must reflect the views, policies and positions of the City. When posting information to the City’s social media sites City Personnel are responsible for complying with all applicable federal, state, and local laws, regulations, and policies, including but not limited to laws governing copyright, public records, free speech, and privacy.
8. Social media should be used for information distribution only. City Personnel are not permitted to engage in dialogue or online discussions with visitors to City social media sites, except as following:

- City Personnel may direct visitors with questions and/or requests for additional information to make such requests via e-mail, mail, in person, or by telephone;
- City Personnel may respond to questions using generalized answers; or
- City Personnel may use social media sites to refer users to the City's official website, <http://www.ci.independence.or.us>, or the City's e-mail system for forms, documents, online services, and other information necessary to conduct business with the City.

9. The following forms of content will not be allowed on City controlled social media sites:

- Content that violates the terms of use of the social media site;
- Content unrelated to the purpose of the site;
- Profane language or content;
- Content that promotes, fosters, or perpetuates discrimination on the basis of membership in a protected class;
- Content, the disclosure of which, would violate any federal, state, or local law;
- Sexual content or links to sexual content;
- Solicitations of commerce;
- Content that would violate the ownership interest of another party;
- Illegal conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public services, including but not limited to: personal information relating to City residents, confidential or sensitive City information, and information that may tend to compromise the safety or security of public buildings, public utilities, public transportation systems, police, fire, or other emergency services and public infrastructure; and Links to:
 - Candidate sites or sites advocating a position on City or other election issues;
 - Corporate commercial sites with the exception of announcing new businesses openings for a limited duration; or
 - Individual personal pages or websites.

10. The City reserves the right to monitor City controlled social media sites and to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law.

11. The City will prominently post the following disclaimer on any City social media site that allows the public to post content to the site:

Comments posted to this page will be monitored. The City reserves the right to remove inappropriate comments, including comments that:

- contain profane language or sexual content;
- threaten or defame any person or organization;
- violate the legal ownership interest of another party;
- promote illegal activity;
- promote commercial services or products;

- compromise the safety and security of the public or public services;
- perpetuate discrimination on the basis of membership in a protected class; 8) are not topically related to the particular post.

Comments posted to this site by a user other than the City represent the views of that user only and do not reflect the views or policies of the City. The City does not support or endorse comments made by users other than the City.

12. Pursuant to ORS 260.432, while on the job, during working hours, City Personnel may not post content to the City's social media sites that promotes or opposes:

- any political committee;
- the nomination or election of a candidate;
- the gathering of signatures on an initiative, referendum or recall petition;
- the adoption of a measure; or
- the recall of a public office holder. Any political posts made by City Personnel while not on the job during working hours should clearly state that the views expressed in the post are the personal views of the individual and are not supported or endorsed by the City.

13. City personnel may not remove any content from a City social media site without prior approval from the Administrator or the Administrator's designee.

14. Any content removed from a City social media site must be retained in accordance with City records retention policies and the Oregon Public Records Law.

15. Administration of City controlled social media sites:

- All new social media sites proposed for City use will be approved by the Administrator or designee.
- The Administrator or designee will maintain a list of City-owned social media sites which are approved for use by City Personnel.
- The Administrator or designee will maintain a list of all the
- City's social media sites, including login and password information.
- The Administrator shall be informed of any administrative
- changes to existing social media sites.
- The Administrator must be able to immediately edit or remove
- content from the City's social media sites.

16. The City reserves the right to terminate any City social media site at any time without notice.

17. The City's social media use will be reviewed periodically to assess effectiveness, evaluate performance, and provide suggestions for changes or improvements. The Administrator or designee will perform this review.

18. This policy will be evaluated and revised regularly to maintain compliance with state records retention requirements and applicable City policies.

2.03.06 POLICY: Use of Social Media for Personal Business

1. Use of Social Media for personal business by City Personnel must comply with all applicable City policies.
2. When using Social Media for personal business, City Personnel may not imply that the content posted is endorsed by the City. For example, City Personnel should not use the City's logo on their personal social media accounts, and posts should be made in the individual's personal capacity, not in his or her capacity as City Personnel.

2.03.07 POLICY: Confidentiality of Information

1. City Personnel must adhere to all applicable City policies concerning confidentiality when using social media. City Personnel may not discuss or otherwise disclose confidential information (including photographs) acquired as a result of their relationship with the City, including but not limited to:

- Information exempt from disclosure under the Oregon Public Records Act, ORS 192.410 through ORS 192.505;
- Information related to legal matters or litigation;
- Information where the disclosure of which would violate any federal, state, or local law; and
- Information made confidential or exempt from disclosure under state or federal or local law.

2.03.08 POLICY: Use of City Equipment

In keeping with the City's Personnel Policies, City Personnel have no expectation of privacy in their communications when those communications utilize City- owned equipment, including City-issued computers, cellular phones, smart phones, tablets and personal digital assistants (PDAs). Use of City-owned equipment is subject to investigation and audit by the City at any time and without notice.

2.03.09 Evaluations and Revisions

This policy will be evaluated and revised regularly to maintain compliance with state records retention requirements and applicable City policies.

2.04.10 Acknowledgment

Each employee must acknowledge receipt of this policy by signing the 'Acknowledgement of Receipt of the Social Media Policy'.

I. Alcohol/ Impairment Policy

Prohibited Conduct

This policy shall apply to all employees and volunteers of the City. However, in the event that other City policies, such as Police Department policies, pertain to the same subject matter, those policies shall control. The City is a Drug Free Workplace. The following conduct is strictly prohibited and may result in disciplinary action up to and including termination:

- Possession, sale and/or use of drugs¹ on City of Independence premises to perform work duties, while on duty, while in a City uniform, while operating any City vehicle or machinery, or while operating a personal vehicle in connection with the performance of City of Independence business;
- Failure to notify City of Independence of an arrest or conviction involving or related to any criminal drug or alcohol statute within two days of the arrest or conviction;
- Being impaired by alcohol during work hours, while in City of Independence provided clothes or on City of Independence premises, while operating a City of Independence vehicle or machinery (or while operating a personal vehicle in connection with the performance of City of Independence business), or while performing job functions other than at the employee's home; or
- Being impaired by or under the influence of drugs while on duty, on City of Independence premises, on City of Independence work time, while in City of Independence-provided clothes, while on City of Independence business, or while operating a City of Independence vehicle or machinery (or while operating a personal vehicle in connection with the performance of City of Independence business).

Prescription Medication and Medical Marijuana

An employee who uses prescription or over-the-counter medication that would impair or negatively affect the employee's ability to effectively or safely perform the job, or that may affect the safety or well-being of others, must notify the HR Manager of such use immediately before starting or resuming work. This includes, without limitation, medical marijuana. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other possible means of accommodating the disability in the workplace. (See "Disability Accommodation Policy," above.) If an employee fails to notify a supervisor as required under this section, that employee may be subject to drug testing or to discipline (up to and including termination) in conformance with this policy.

¹ As used in this policy, "drug" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.

Testing

City of Independence reserves the right to:

- Subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and/or alcohol test;
- Test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- Discipline or discharge employees who test positive or otherwise violate this policy;
- Test employees after an on-the-job accident; and
- Randomly and without notice, test employees who work in safety-sensitive positions or must maintain a commercial driver's license as a requirement of their job.

The phrase "reasonable suspicion" (or any variation) used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee's job performance and/or professional judgment or reasoning is more likely than not impaired by drugs or alcohol.

Circumstances which can constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

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

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

An employee whose initial laboratory screening test for drugs yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the HR Manager. The letter of notification shall state the particular substance identified by the

laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

Search of Property

When reasonable cause exists to believe an employee has violated provisions of this policy regarding possession, sale or use of controlled substances or alcohol, City of Independence may search certain City property in the possession of the employee or used by the employee including but not limited to lockers, bathrooms, toolboxes, vehicles, cabinets, and desks. Employees have no expectation of privacy in City property, equipment or supplies used by employees. Although the City will usually inform an employee before searching, Employee consent is not required to search common areas or to search such property. Supervisors will usually ask another employee to observe the search.

Employee Refusal to Test/Search

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

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

Crimes Involving Drugs and/or Alcohol

Employees whose job duties require driving, possession of a Commercial Driver's License, the operation of heavy equipment or potentially dangerous machinery, or who are employed to fulfill a public safety role shall report the following within two days:

- any criminal arrest or conviction for drug- or alcohol-related activity;
- entry into a drug court or diversion program; or
- loss or limitation of driving privileges.

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

Drug and Alcohol Treatment

City of Independence recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. City of Independence participates in an Employee Assistance Program through its insurer to help such employees obtain appropriate treatment.

An employee who believes that he or she has a problem involving the use of alcohol or drugs should ask a supervisor or the HR Manager for information about available programs.

City of Independence will work with an employee to identify available benefits and benefit programs. The City's existing benefits package may cover some or all of the program costs.

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

Confidentiality

Subject to any disclosure requirements under the Oregon public records law, information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or City of Independence is prohibited unless written authorization is obtained from the employee or subpoenaed by a court of competent jurisdiction.

SECTION XI. SEPARATION FROM EMPLOYMENT

A. Resignation

Voluntary resignation must be by written notice to the department manager at least two weeks in advance, stating reasons for leaving. Inadequate notice may affect a person's right to future reinstatement with the City. Improper resignation will become a matter of permanent record.

B. Layoffs

If there are changes of duties in the organization, lack of work or lack of funds, the City Manager may lay off employees; however, the City Manager shall make every reasonable effort to integrate those employees into another department by transfer.

When layoffs are required, they shall be made on relative merit and shall only give consideration to seniority in the City service where the employees' qualifications and abilities are relatively equal.

C. Discharge

All employees are hired at the City for an indefinite period of time, and may be discharged at any time, with or without reason or notice unless otherwise exempted by a collective bargaining agreement. Our philosophy and general practice is to provide employees who have completed the initial introductory period [see Note under Trial Service Period] of employment with an opportunity to correct minor performance and conduct problems before discharge is implemented. Some of the ways the City offers you an opportunity to correct performance and conduct problems are verbal counseling, written warning, and suspension without pay for a designated period of time, and dismissal. (See the "Corrective Action" section of this manual.)

Before reaching a final decision to discharge an employee, the City typically follows “due process,” which means the affected employee will be told in writing why termination is being considered, and the employee will be offered an opportunity to respond to the written notice.

However, nothing in this section guarantees the city will provide progressive discipline prior to discharge. The city maintains its rights as an at-will employer.

D. Exit Interview

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

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

E. Return of City Property

The employee must return all City property in possession by the last day of employment. City property includes credit cards, keys, ID cards, cellular phones, pagers, tools, software, computer disks, and any other items belonging to the City of Independence.

SECTION XII. DISCIPLINE

A. Performance and Conduct

City employees are expected to maintain high standards of performance and conduct. When an employee’s conduct or performance falls below desirable standards, he/she may be subject to disciplinary action. Reasons for which an employee may be disciplined include, but are not limited to the following:

- Incompetence, inefficiency, inability to perform the job adequately.
- Conviction of a criminal offense related to the employee’s job.
- Damage to city property, waste of city supplies or taking of city property.
- Conduct that may bring discredit upon the City. Examples include but are not limited to: ongoing issuance of personal checks without sufficient funds; 2 or more arrests for same or similar causes, with or without conviction; non-employment related issues (domestic abuse, etc.).
- Absent without leave from one’s position.
- Consumption of, having in one’s possession, or being under the influence of any alcoholic beverages or illicit drugs on the job, except when required as part of official duties.

- Accepting fees, gifts, or other things of value in the performance of the employee's official duties for the City, as defined by the Oregon Ethics Commission or city policies.
- Being habitually absent or tardy for any reason.
- Violation of safe working practices.
- Violation of the provisions of the City Charter, ordinances, the Personnel Rules or any other rules or regulations prescribed by the City Manager or department manager.
- The giving of confidential information to any unauthorized person.
- Making false or misleading statements, misrepresentation, or falsification of City records, when at the work site, or off-site, about work-related acts or incidents.
- Insubordination.
- Sexual harassment or other harassment as defined in Section VIII of these Personnel Rules.

B. Types of Discipline

1. Disciplinary action which applies to regular non-trial service period employees will normally be progressive in nature beginning with one of the less serious actions including oral or written reprimands and progressing to the most serious action, discharge. If the reason for which the disciplinary action is being taken is serious enough, an employee may be suspended and/or discharged without prior disciplinary action.

Progressive disciplinary action shall normally include the following:

- Oral reprimand
- Written reprimand
- Suspension
- Demotion
- Discharge

2. In all cases, before a regular employee may be disciplined beyond oral reprimand, he/she must be given the following:

- Written notification of the allegations/complaint against him/her.
- Written notification of the types of sanctions that could be considered.
- An informal opportunity to refute the allegations/complaint either orally or in writing before his/her supervisor.

C. Grievance Procedure

Definition and Procedure

- A grievance is an employee's oral or written expression of dissatisfaction with some aspect of his/her employment; a management decision affecting him or an alleged violation of his/her rights, but shall not include any grievance that is the subject of a dispute resolution mechanism before another tribunal, arbitration, or state agency.
- The grievance procedure has been established to ensure there is a systematic and orderly method of adjusting complaints or differences, and for appealing a disciplinary action. Grievances shall be processed in the following manner and within the time

limits specified herein. The following grievance procedure must be initiated by the aggrieved employee as outlined in the steps below.

Informal Steps

- The employee shall discuss the matter openly and frankly with his/her supervisor within 10 working days of first occurrence. If the grievance is with the supervisor, the employee may take the matter to the department Manager as indicated in the next step below.
- The employee shall discuss the matter with his/her department manager within the 10 working days.

Formal Steps

- If the problem is not resolved using the informal steps, the employee shall file a formal written grievance with his/her department manager within 10 working days of the discussion outlined in step 1. b. above. The written grievance shall include:
 - the facts leading to the filing of the grievance, and
 - the action which is being sought by the employee which would resolve the grievance.
- The department manager shall then review the grievance and conduct an investigation into the facts of the case. The department manager shall make every reasonable effort to issue a decision within 10 working days from receipt of the grievance. The department manager may elect to conduct the investigation jointly with the City Manager or designee.
- If a grievance is against a Department Manager, then review of the grievance shall be performed by the City Manager or designee.
- If the aggrieved employee feels that the decision is unjust, he/she may appeal the decision to the City Manager. The appeal shall be made within 10 working
- days of the date of the department manager's decision and shall include the same formal written grievance requirements as outlined in 3. A. above.
- The City Manager shall make an investigation and issue a decision on the grievance within 30 calendar days from receipt of the appeal.

As specified in the Independence City Charter, the decision of the City Manager shall be final.

Trial Service Period Employees

[See Note in Trial Service Period Employees under Employment Requirements.] Trial Service Period employees serve at the pleasure of the City and, as such, they will not have recourse to this grievance procedure for any City action taken against them. Trial Service Period employees may be discharged from City employment for any reason not in conflict with existing public policy or law.

SECTION XIII. PERSONNEL RULES AND REGULATIONS GENERALLY

A. Departmental Rules

Each department of the City is encouraged to establish departmental rules, regulations and procedures. Such rules, regulations and procedures shall be in harmony with the provisions of these personnel rules and relevant collective bargaining agreements, shall be communicated to departmental employees and shall be binding on the employees. Copies of such rules shall be provided to the City Manager and the HR Manager.

B. Variances

The City Manager shall have the power to vary or modify the strict application of any of the personnel rules in any case where such strict application would result in practical difficulties or unnecessary hardships. However, this section does not authorize the City Manager to reduce or deny benefits that have been accumulated under these rules.

CITY OF INDEPENDENCE ACKNOWLEDGMENT (Employee Copy)
PERSONNEL POLICY MANUAL

Each employee is expected to acknowledge the receipt of this handbook by signing an Acknowledgement of Receipt in the following form. A copy of the signed Receipt will be kept in the employee’s personnel file:

1. I have received a copy of the City of Independence employee handbook.
2. I understand that I am responsible for becoming and remaining familiar with the policies, procedures, and requirements contained in this handbook. I understand that I have the responsibility to ask my supervisor for clarification of any information I do not understand. [NOTE: We feel the “other information” requirement is too vague.]
3. The policies, procedures, requirements, and other information contained in the handbook may be modified or deleted, and others may be added, at any time with 15 days’ notice.
4. I understand that I will receive notice of any significant change(s) in the employee handbook.
5. This handbook supersedes all prior statements of the City of Independence which conflict or may conflict with it. I understand that any conflicting prior statement is superseded.
6. This handbook is not a contract. Neither the handbook’s statements of City of Independence policies, procedures, requirements, and other information, nor any representations made by any management representative at the time of hire or at any time during employment, are to be interpreted as a contract between the City of Independence and any employees, unless expressly so stated in writing signed by the City of Independence City Manager.

Employee Signature Date

Employee Name (Please Print)

(This form should be signed and dated and returned to the HR Manager.)

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Employee Signature Date

Employee Name (Please Print)

(This form should be signed and dated and returned to the HR Manager.)