



SCAPPOOSE *Oregon*

MONDAY, SEPTEMBER 18, 2023
CITY COUNCIL MEETING AGENDA
REGULAR MEETING 7:00 PM

COUNCIL CHAMBERS*33568 EAST COLUMBIA AVENUE*SCAPPOOSE, OREGON 97056

ITEM AGENDA TOPIC

Action

Call to Order

Pledge of Allegiance

Roll Call

Approval of the Agenda

Public Comment - Items not on the agenda

Please sign a speaker request form and turn it in to the City Recorder along with any written testimony

1. Consent Agenda – September 5, 2023 City Council work session minutes; and September 5, 2023 City Council meeting minutes

New Business

2. Proclamation ~ Vietnamese Heritage and Freedom Flag

Executive Session

3. ORS 192.660(2)(i) Employee Evaluations

Legal Counsel Ashley Driscoll

Reconvene New Business

4. Resolution No. 23-15: A Resolution in Support of Measure 5-296, A Measure Brought by the Scappoose School Bond Committee, for a Bond Measure to Replace Scappoose Middle School and Provide Building Upgrades Across the Scappoose School District Approval
Mayor Backus; Council President Greisen

5. Resolution No. 23-16: IGA with Columbia County relating to Contract Law Enforcement Services Columbia County Sheriff's Office (CCSO) IGA Approval
City Manager Alexandra Rains; Chief Steven Lougal

Work Session

6. City of Scappoose Personnel Policy Handbook Update 2023 – Work Session #1
City Manager Alexandra Rains; Assistant to City Manager Isaac Butman

Announcements – information only

7. Calendar

8. Updates: City Manager; Police Chief; Councilors; and Mayor

Adjournment

PLEASE NOTE: IF YOU WOULD LIKE TO SPEAK WITH CITY STAFF ABOUT A PARTICULAR AGENDA ITEM, PLEASE CALL CITY HALL at 503-543-7146, NO LATER THAN 3:00 PM ON THE DAY OF THE MEETING.

This meeting will be conducted in an ADA accessible room. If special accommodations are needed, please contact City Hall at (503) 543-7146, ext. 224 in advance.

TTY 1-503-378-5938



SCAPPOOSE

Oregon

TUESDAY, SEPTEMBER 5, 2023

WORK SESSION – CITY COUNCIL/PLANNING COMMISSION; DISCUSS 50-YEAR PLAN 6:00 PM
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056

Mayor Backus called the work session to order at 6:00 p.m.

Present: Mayor Joseph A. Backus; Council President Megan Greisen; Councilor Jeannet Santiago; Councilor Kim Holmes; Councilor Andrew Lafrenz; Planning Commissioner Rita Bernhard; Planning Commissioner Bill Blank; Planning Commissioner Monica Ahlers; Planning Commissioner Ty Bailey; Planning Commissioner Harlow Vernwald; Planning Commissioner Marisa Jacobs; City Manager Alexandra Rains; Community Development Director Laurie Oliver Joseph; City Recorder Susan M. Reeves; Associate Planner NJ Johnson; and Consultant Beth Goodman, with ECONorthwest.

Remote: Consultant Heather Austin, with 3J Consulting.

Consultants Beth Goodman and Heather Austin went over the presentation.

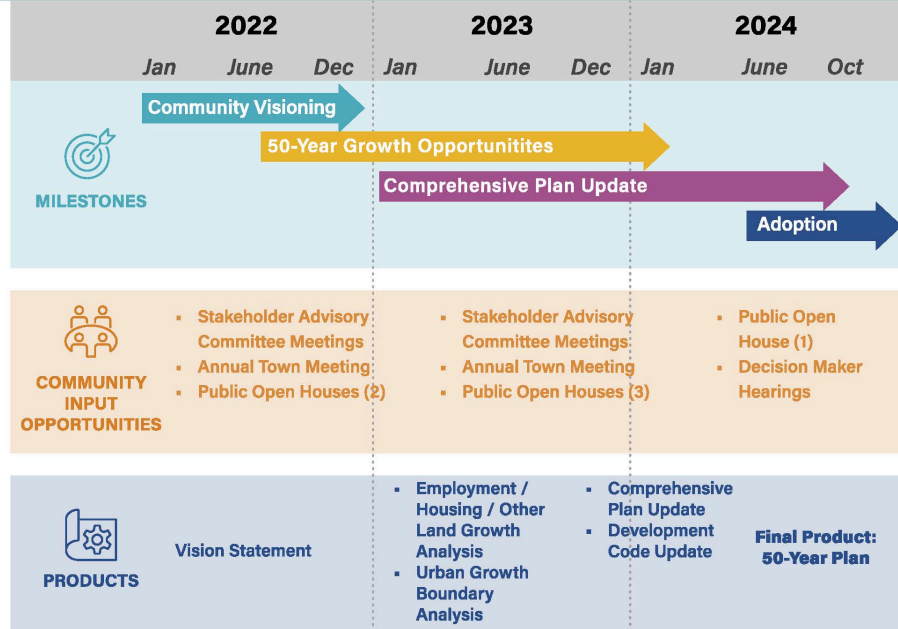


SCAPPOOSE
50 YEAR PLAN

Development Code Updates and Land Use Efficiency Measures
 City Council and Planning Commission Work Session
 September 5, 2023

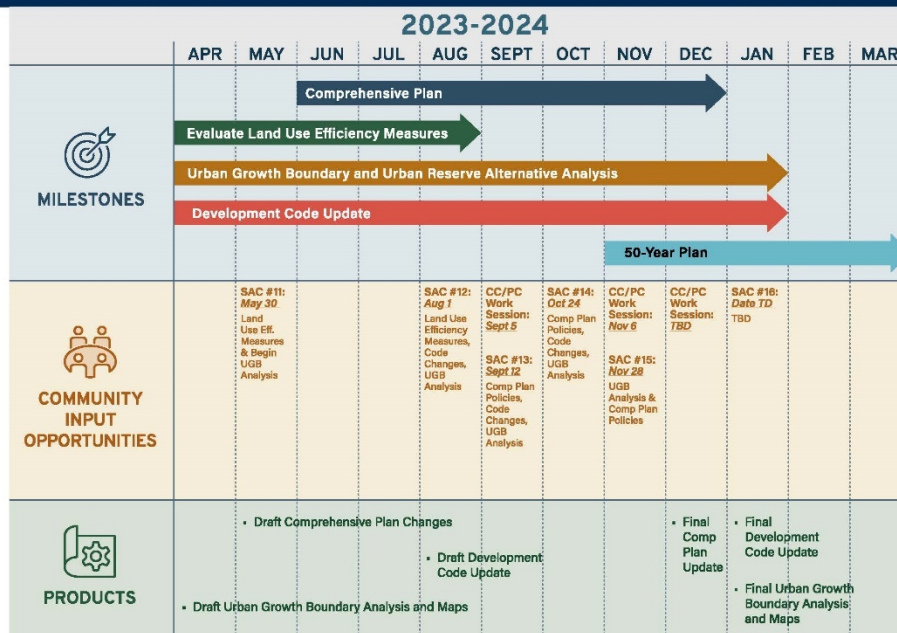
ECONorthwest
 ECONOMICS • FINANCE • PLANNING

Entire Project Schedule



2

Schedule (2023-2024)



Progress: 2022 to Now

Project Deliverables*

- 50-Year Plan Vision Statement – completed
- Housing Needs Analysis – completed
- Economic Opportunities Analysis – completed
- “Other Land Needs” – nearly completed
- Land Use Efficiency Measures – in progress
- UGB Alternatives Analysis – in progress
- Comprehensive Plan Update – in progress

Public Engagement

- Community Conversations – completed
- Community Events – ongoing
 - Annual Town Meetings
 - Farmers Market and Adventure Fest
- Online Engagement & Surveys – ongoing
 - 2 completed
 - 457 total responses
- Stakeholder Advisory Committee Meetings – 12 completed and more to come
- Newsletter Updates

*These are “draft” documents since they have not been approved by City Council yet

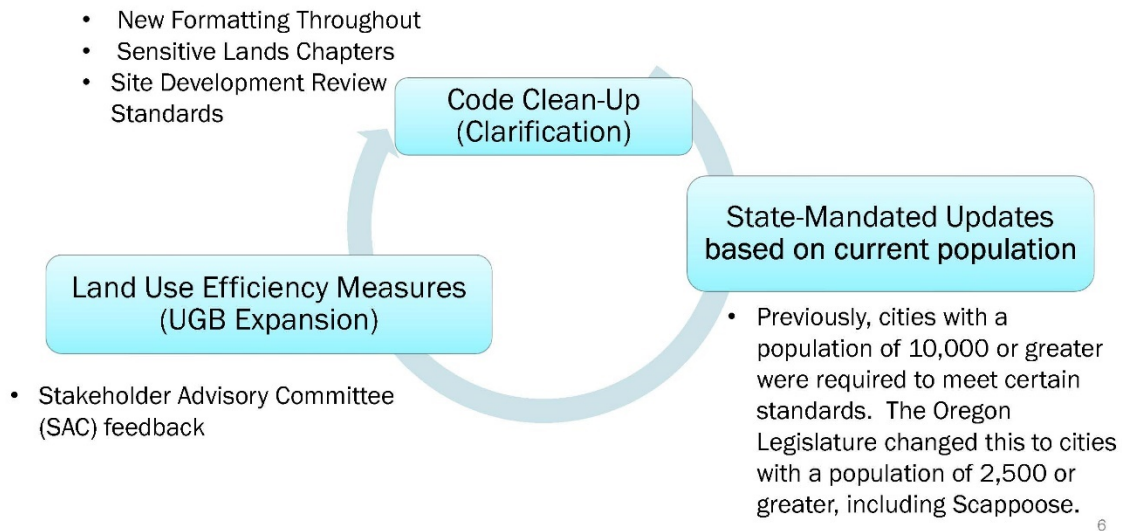
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Development Code Changes

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Review: Development Code Changes - Three Overlapping Categories



Development Code Amendments- Direct to Planning Commission and City Council

Code Clean-Up and Clarification

- Updating definitions
- Adding review submittal requirements
- Clear & objective residential review
- Formatting of several chapters
- Updating sensitive lands chapters
- Staff-level review for some Site Development Review applications
- Removal of code sections pertaining to outdated planning practices

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Land Use Efficiency Measures

Adopting land use efficiency measures allows a city to increase accommodation of needed population growth within the existing UGB prior to any effort made to expand the UGB.

Development Code Updates	Rezoning	Financial Provisions for Certain Housing Types
Permitted Housing Types	Rezoning Certain Properties from Lower Density (R-1, R-4, MH) to Higher Density (A-1)	Waiver or Deferral of SDCs
Min/Max Lot Size and Density		
Building Height		
Off-Street Parking Minimum		Property Tax Exemptions
Multifamily and Cottage Cluster Building Spacing, Setbacks and Buffers		

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SAC Development Code Amendments Review- Land Use Efficiency Measures

Cottage clusters, housing types, setbacks & building height-
considered but no changes proposed

Reduce min. distance between multifamily buildings from current 15 feet to 10 feet

Remove multifamily buffer (same setbacks) for buildings 2 stories or less in height

Increase max. lot coverage for lots with ADUs from current max. (35-40%) to 50%

Reduce parking required for duplexes and ADUs (state-mandated)

Reduce min. residential lot sizes for middle housing and multifamily (next slide)

Residential Minimum Lot Sizes

Zoning District	Single-Family Detached (NO CHANGE)	Duplex (*Required at Scappoose's current population)	Middle Housing (First Two Units)	Middle Housing (After First Two Units)	Multifamily (First Two Units)	Multifamily (After First Two Units)
R-1 (Low Density)	6,000 sf	10,000 sf 6,000 sf*	N/A	N/A	N/A	N/A
R-4 (Moderate Density)	5,000 sf	7,000 sf 5,000 sf*	7,000 sf 6,000 sf^	2,000 sf 1,500 sf	N/A	N/A
MH (Manufactured Housing)	5,000 sf	7,000 sf 5,000 sf*	7,000 sf 6,000 sf^	2,000 sf 1,500 sf	N/A	N/A
A-1 (High Density)	N/A	5,000 sf 4,000 sf	5,000 sf 4,000 sf	2,000 sf 1,500 sf	5,000 sf 4,000 sf	2,000 sf 1,500 sf

All proposed changes were identified in the 2023 Scappoose Measures to Accommodate Needed Housing Report

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Comparable Jurisdictions: Maximum Density Dwelling Units per Net Acre

City (Population)	Duplex	Triplex	Quadplex	Townhouse	Multifamily*
Scappoose (8,046)	16	18	16	17	21
Scappoose (proposed)	20	21	24	17	28
Seaside (7,275)	16	20	20	14	20
Umatilla (7,632)	20	24	24	21	25
Madras (8,070)	16	24	20	29	23-24
Stayton (8,326)	14	21	28	No identified maximum	

*Multifamily densities based on the A-1 zone in Scappoose

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Density Examples: Middle Housing



NE Kale Street Townhomes
Scappoose
Density: 12 units per net acre



Eugene
Density: 17 units per net acre

Credit: City of Eugene

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Density Examples: Middle Housing



Left - Eugene
Density: 20 units
per acre

Credit: City of Eugene



Right - Wilsonville
Density: 21 units
per acre

Credit: City of Wilsonville

NE 3rd Street
Quadplex
Scappoose
Density: 16
units per acre



Density Examples: Multifamily (A-1)



Maple Street 8-Plex
Scappoose
Density: 34 units per acre



Eugene
Density: 25 units per acre

Credit: City of Eugene

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Density Examples: Multifamily (EC/C)

Note: These examples are illustrative. There are no proposed code changes in the EC/C zones related to density.

Peace Candle Apartments
Scappoose
Density: 42 units per acre



Eugene
Density: 36 units per acre

Credit: City of Eugene

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How Does Decreasing Lot Sizes Impact Unit Capacity?

Decreasing lot sizes for middle housing does not guarantee development. However, if Scappoose captured 3%, 6%, or 10% of that additional capacity then the City would have...

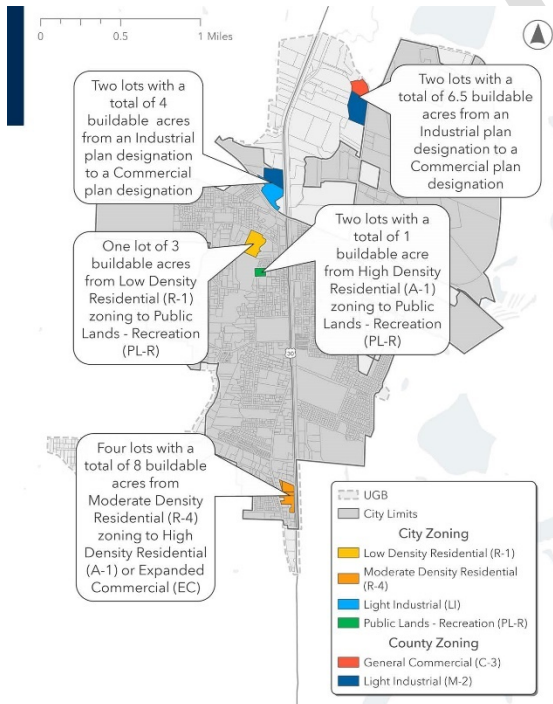
	Low (3%)	Medium (6%)	High (10%)
R-1 (Low Density)	25	49	82
R-4 (Moderate Density)	5	11	18
MH (Manufactured Housing)	1	3	5
A-1 (High Density)*	8	12	16
Total Additional Units	39	75	120

*A-1 assumes 50%, 75%, and 100% of additional capacity is achieved

ECONorthwest calculated the maximum number of units that could be developed under both the current and proposed code on vacant, unconstrained land.

We calculated the additional units that could be generated by developing 3%, 6%, and 10% of the difference between the maximum capacities.

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Land Use Efficiency Measure: Rezoning to Address Land Deficits

Purpose

- Rezoning to address land deficits
- Updated zoning to reflect recent park development

Next step: Identify how much capacity is in each area

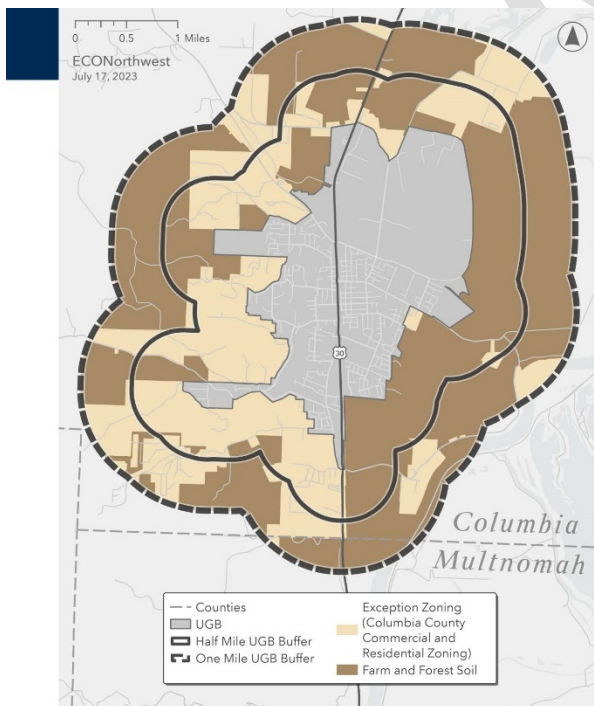
Land Surplus	Land Deficit
Low Density Residential	Medium Density Residential
Industrial	High Density Residential
	Commercial
	Public

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UGB Expansion - Preliminary Sub-Areas (where to expand)

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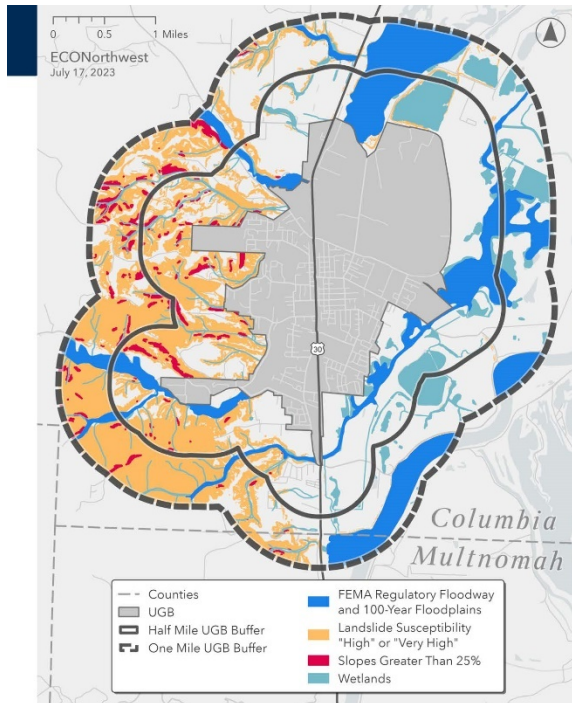


Establishing the Study Area

Establish the Study Area

- Look at all land within ½ mile around the UGB
- Look at exceptions areas within 1 mile of the UGB
 - County Zoning including
 - Rural Residential
 - Single-Family Residential
 - Marine Commercial
 - Community Service
 - And other non-farm or forest zoning

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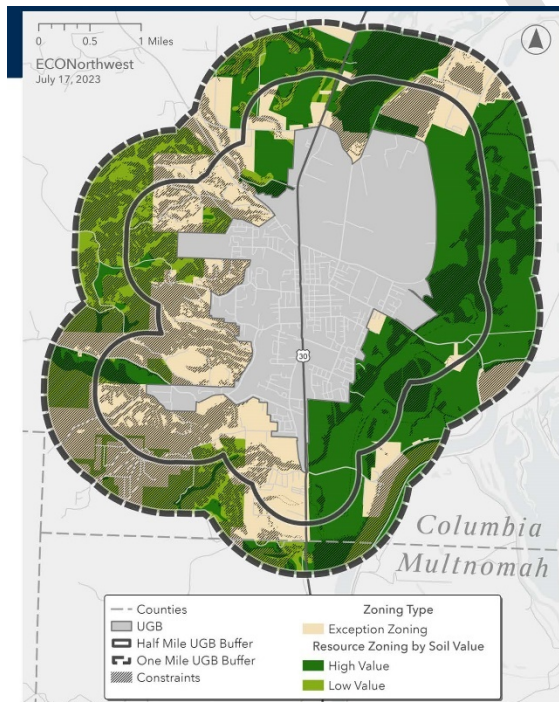


Map the Constraints

Identify the Constraints

- Floodplain and Floodway
- Slopes greater than 25%
- Landslide hazards
- Wetlands

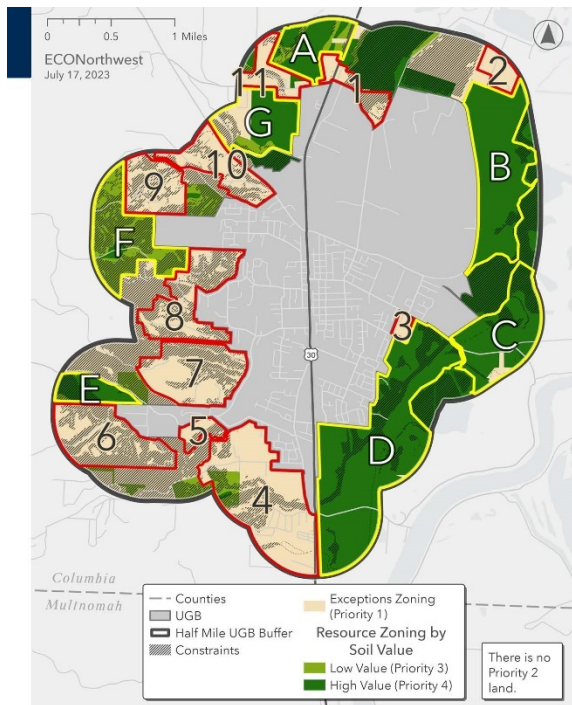
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Priority for Inclusion in the UGB

OR 660-0024-0067 establishes the following priority of land for inclusion within a UGB:

- First Priority is urban reserve, exception land, and nonresource land.
 - Scappoose does not have urban reserves or nonresource land but does have plenty of exceptions land around the UGB
- Second Priority is marginal land: land within the study area that is designated as marginal land (there is none)
- Third Priority is forest or farm land that is not predominantly high-value farm land
- Fourth Priority is agricultural land that is predominantly high-value farmland

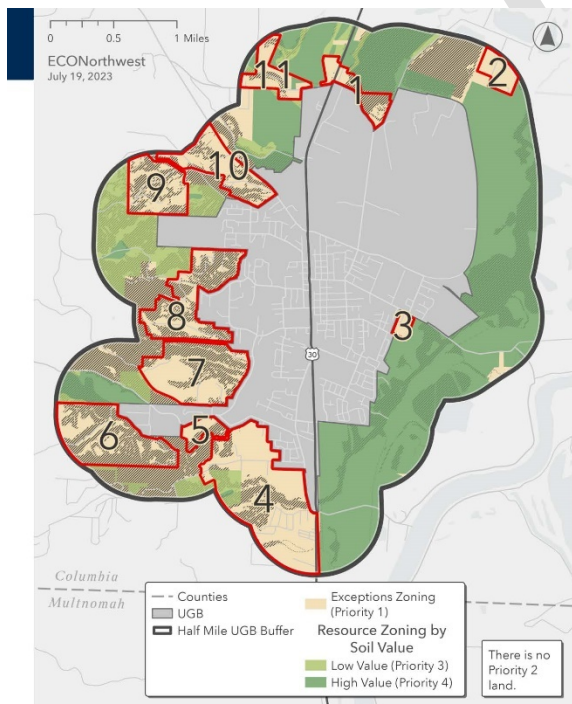


Preliminary Sub-Areas

Establish the Sub-Areas

- Refine the areas under consideration to avoid constrained areas
 - Focus only on Exceptions Areas
 - They are First Priority for inclusion
 - This will be done on future maps

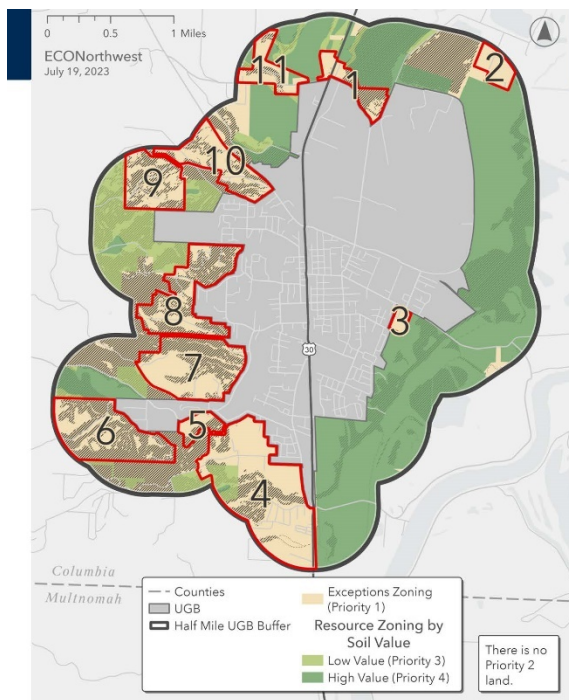
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Exceptions Areas

Analysis will consider only exceptions areas

- Establish sub-areas for evaluation
- Will exclude areas highly constrained
- Will evaluate remaining areas based on Goal 14 criteria
 - (1) Efficient accommodation of identified land needs
 - (2) Orderly and economic provision of public facilities and services
 - (3) Comparative environmental, energy, economic and social consequences
 - (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB



Sub-Areas - Unconstrained Acres

Subarea Number	Total Acres	Unconstrained Acres
1	74	39
2	50	50
3	18	18
4	421	313
5	41	20
6	230	64
7	226	116
8	218	72
9	134	65
10	143	85
11	85	67
Total	1,640	909

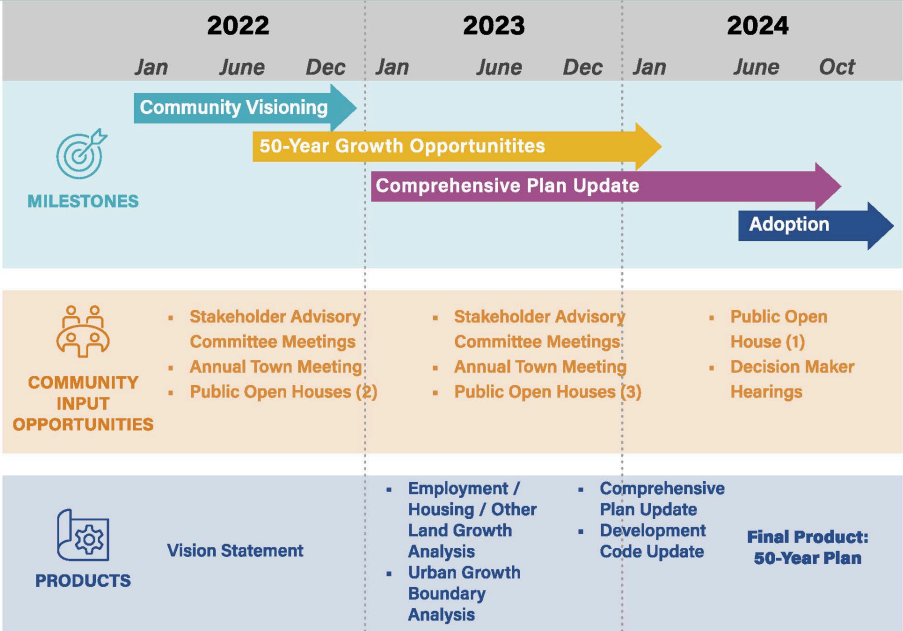
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Next Steps

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Next Steps



Los Angeles



Portland



Seattle



Boise

Council and Planning Commission thanked Beth and Heather.

Adjournment

Mayor Backus adjourned the work session at 6:59pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC



SCAPPOOSE *Oregon*

TUESDAY, SEPTEMBER 5, 2023

CITY COUNCIL MEETING

REGULAR MEETING 7:00 PM

COUNCIL CHAMBERS, 33568 EAST COLUMBIA AVENUE, SCAPPOOSE, OREGON 97056

Call to Order

Mayor Backus called the September 5, 2023 City Council meeting to order at 7:01 pm.

Pledge of Allegiance

Roll Call

Joseph A. Backus	Mayor	Alexandra Rains	City Manager
Megan Greisen	Council President	Steven Lougal	Police Chief
Tyler Miller	Councilor	Susan M. Reeves	City Recorder
Jeannet Santiago	Councilor	Charlotte Baker	Public Works Contract Administrator
Kim Holmes	Councilor	Isaac Butman	Assistant to City Manager
Andrew Lafrenz	Councilor		

Andrew Campbell Legal Counsel (left at 7:26pm)

Remote: Public Works Director Dave Sukau (left at 7:33pm)

Approval of the Agenda

Councilor Santiago moved, and Council President Greisen seconded the motion to approve the agenda. Motion passed (6-0). Mayor Backus, aye; Council President Greisen, aye; Councilor Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye.

Public Comment

Joel Haugen, Scappoose, handed out a letter and then read it to the Council.

September 5, 2023
Mayor & Council,

You may recall a recent scholarly article by Councilor Lafrenz titled "Multi-functional Green Spaces," using Scappoose as his model for discussion? In any case, this past June the Oregon legislature passed House Bill 3409, which in Section 22 articulates a COMMUNITY GREEN

INFRASTRUCTURE GRANT PROGRAM (last page of the document I handed you). Please note the list of benefits included. On a related subject, the current First Street Foundation's modeling suggests significant parts of Scappoose will be impacted by increased flooding and that in the worst cases, 100-year floods will be occurring every 8 years. Fortunately in Scappoose, this is probably more like every 25 years. If you are unfamiliar with the First Street Foundation, its modeling is used by 30-some federal agencies including NASA, NOAA, Homeland Security, and HUD; and is associated with 45 of our top colleges and universities. Since you are nearing completion of the SO-Year Plan for Scappoose, it seems like it would make sense to include climate change and green infrastructure to help make our community more resilient and livable going forward; perhaps HB 3409 is a mechanism to do just that?

Joel Haugen
Scappoose, Oregon

Council thanked Joel.

Executive Session ORS 192.660 (2)(h) Litigation Likely to be Filed

Mayor Backus read the Executive Session statement and went into Executive Session at 7:08pm.

Present: Mayor Joseph A. Backus; Council President Megan Greisen; Councilor Tyler Miller; Councilor Jeannet Santiago; Councilor Kim Holmes; Councilor Andrew Lafrenz; City Manager Alexandra Rains; Police Chief Steven Lougal; Assistant to City Manager Isaac Butman; and Legal Counsel Andrew Campbell.

Mayor Backus came out of Executive Session and into open session at 7:26pm.

Consent Agenda – August 21, 2023 City Council work session meeting minutes; August 21, 2023 City Council meeting minutes; and Contract Approval for Design-Build Services for Smith Road Pump Station

Councilor Holmes moved, and Councilor Santiago seconded the motion to approve the Consent Agenda – August 21, 2023 City Council work session meeting minutes; August 21, 2023 City Council meeting minutes; and Contract Approval for Design-Build Services for Smith Road Pump Station. Motion passed (6-0). Mayor Backus, aye; Council President Greisen, aye; Councilor Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye.

New Business

Resolution No. 23-14: A Resolution Adopting Public Contracting Rules and Procedures and Repealing Resolution No. 22-21

Public Works Contract Administrator Charlotte Baker went over the staff report. During the last legislative session, the Oregon legislature passed a bill raising the contract price threshold for small and intermediate public procurements for goods and services and public improvement contracts. These changes go into effect on September 24, 2023. Small procurements do not require the use of the competitive process; the City may award a contract for a small procurement in any manner deemed practical or convenient. An intermediate procurement is a competitive solicitation for products or services. For this type of procurement, the City must seek at least three informally solicited competitive quotes or proposals from prospective contractors. The threshold for small procurements for goods and services will be raised from \$10,000 to \$25,000, and the threshold for intermediate procurements for goods and services will be raised from \$150,000 to \$250,000. The threshold for small procurements for public improvements will also be raised from \$10,000 to \$25,000. The current City resolution regarding public contracting, rules and procedures, Resolution No. 22-21, does not reflect the new limits set by the State for the Oregon Attorney General's Model Public Contracting Rules ("Model Rules"). Our attorneys have recommended passing a new resolution to reflect these changes.

The proposed language change is below. Changes to the language of Resolution 22-21 are indicated below by ~~striketrough~~ or underlined text.

D. Small Procurements (Under \$ 10,000 or \$ 25,000).

(1) Public contracts under ~~\$10,000~~ \$25,000 for goods and services and public improvements are not subject to competitive bidding requirements. The City Manager or designee shall make a reasonable effort to obtain competitive quotes in order to ensure the best value for the City.

(2) The City may amend a public contract awarded as a small procurement beyond the ~~\$ 10,000~~ applicable limit in accordance with OAR 137-047-0800, provided the cumulative amendments do not increase the total contract price to a sum that is greater than twenty-five percent (25%) of the original contract price.

A. Intermediate Procurements.

(1) A contract for procurement of goods and services estimated to cost between ~~\$10,000~~ \$25,000 and ~~\$150,000~~ \$250,000 in a calendar year, or a contract for a public improvement that is estimated to cost between ~~\$10,000~~ \$25,000 and \$100,000 in a calendar year, may be awarded according to the processes for intermediate procurements described in ORS 279B.070.

No direct fiscal impact, although it does increase the efficiency of the City's contracting process for small and intermediate goods and services procurements as well as small public improvement procurements. Staff recommends that Council adopt Resolution 23-14: A Resolution Adopting Public Contracting Rules and Procedures and Repealing Resolution 22-21 as written.

Council and staff had a discussion on the Resolution.

Councilor Santiago explained she would like as the City to make sure we make an effort to go to the COVID directory just to invite diverse firms to contract especially in the intermediate to above contracts.

Public Works Contract Administrator Charlotte Baker explained there is a section that relates just to DAS, and there's also a section where it says State contracting agency and you all as Council are considered a local contract review board, not a State contract agency.

Mayor Backus explained at a later time he would like to revisit the complete Senate Bill 1047 and then see if there are areas that we can improve or work on through goal setting.

Councilor Santiago would like to propose to make the changes, to implement section 3 of Senate Bill 1047, so they can have everything passed at once.

Councilor Miller explained his opinion is there are some misunderstanding on different levels and that we need to take the time first to read through this and understand it and engage in some dialogue with City Manager Rains to make sure they do understand what is going on and then if we want to put that on the agenda for further discussion, he thinks that would be appropriate. He explained he does understand the intent of Councilor Santiago.

President Greisen moved, and Councilor Holmes seconded the motion that Council adopt Resolution 23-14: A Resolution Adopting Public Contracting Rules and Procedures and Repealing Resolution 22-21. Motion passed (5-1). Mayor Backus, aye; Council President Greisen, aye; Councilor Miller, aye; Councilor Holmes, aye; and Councilor Lafrenz, aye. Councilor Santiago, nay.

December City Council meeting dates

City Manager Rains explained in the past we have had the December meetings on the first and second Monday of December, instead of the first and third. If Council is in agreement with that, we will move ahead with December dates of the 4th and 11th.

The general consensus of the Council was to have the meetings on December 4 and December 11.

Announcements – information only

Mayor Backus went over the calendar.

Updates: City Manager; Police Chief; Councilors; and Mayor

Chief Lougal gave an update on the Police Department staff.

Councilor Holmes acknowledged all the teachers and administrators.

Councilor Lafrenz encouraged everyone to be patient and slowdown in the mornings with the kids back in school, just to keep everyone safe!

Councilor Santiago explained on the 23rd her, Mayor Backus, and City Manager Rains went to a meeting with Adrian who is the gentleman who started a version of OMIC in the UK and it was very informative. She explained the Parks & Rec Committee went through the amenities of each park, so that is moving forward.

Council President Greisen explained it was great to see lots of Scappoose Police Officers at the back-to-school night, she thanked them for being present. She talked about everyone being mindful of kids on the weekend with the sports starting also. She gave an update around traffic safety and that Public Works has kind of wrapped up their curb painting, street painting, and no parking zones. She explained in regard to schools, she, City Manager Rains and Mayor Backus had a meeting with some Scappoose School District leadership in regard to the bond, just to gain some details on that, potentially how the City can be a part of that, if the bond does pass. It is her recommendation, as Council did with the Sheriff's measure, that they adopt and pass a formal resolution to support the Scappoose School District bond. She stated if that is something that the majority of Council is interested in, then at the following meeting they will have a resolution to present.

Mayor Backus talked about the first day of school and how he took a picture of his wife, since she is a teacher. He stated Movies in the Park was a great success and he would like to thank Chief Lougal and staff for all their help, it was a lot of fun. He explained it was exciting to see OMIC Sheffield and see how much growth and potential there is for the Scappoose OMIC.

Adjournment

Mayor Backus adjourned the meeting at 8:06 pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC



Vietnamese Heritage and Freedom Flag Proclamation

WHEREAS, Vietnamese refugees have proudly resided in the City of Scappoose since the conclusion of the Vietnam War; and

WHEREAS, Vietnamese Americans have put forth their full toiling energy building the City of Scappoose in a multitude of prominent areas including industry, economy, culture, education, and military service; and

WHEREAS, Vietnamese Americans have counted on the state of Oregon, USA as being their second heart, mind, and family homeland; and

WHEREAS, Vietnamese Americans have embraced Vietnamese customs and traditions that have continually practiced through generations; and

WHEREAS, A large number of the Oregon's Vietnamese Americans respectfully embraces the yellow and three red striped Heritage and Freedom flag as a symbol of Vietnamese American community; and

WHEREAS, It is the ultimate will and honorable desire from the Vietnamese Community Of Oregon and its community members, that the Vietnamese American Heritage and Freedom Flag be recognized as the official flag of their organization in the City of Scappoose, State of Oregon.

NOW, THEREFORE BE IT RESOLVED, I, the Mayor of Scappoose, do hereby recognize the Vietnamese American Heritage and Freedom Flag as the official flag of Vietnamese Americans living in the City of Scappoose, State of Oregon.

I resolutely encourage all to join in the reverent recognition of this cultural Vietnamese Heritage and Freedom Flag."

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City of Scappoose, to be affixed. Done at City Hall in the City of Scappoose, Oregon, on this _____ day of _____, 2023.

CITY OF SCAPPOOSE, OREGON

Mayor Joseph A. Backus

Attest: _____
City Recorder Susan M. Reeves, MMC

RESOLUTION NO. 23-15

A RESOLUTION IN SUPPORT OF MEASURE 5-296, A MEASURE BROUGHT BY THE SCAPPOOSE SCHOOL BOND COMMITTEE, FOR A BOND MEASURE TO REPLACE SCAPPOOSE MIDDLE SCHOOL AND PROVIDE BUILDING UPGRADES ACROSS THE SCAPPOOSE SCHOOL DISTRICT

WHEREAS, the City of Scappoose is a municipal corporation, where the City Council believes school facility improvements are an investment in our youth, which in turn is an investment in our community; and

WHEREAS, the Scappoose Middle School has served the community for over 90 years, and should now be replaced with modern facilities that are safer and easier to maintain, while at the same time, provide an improved learning environment for our children; and

WHEREAS, aging infrastructure in all Scappoose schools must be enhanced to increase safety, security, and student learning; and

WHEREAS, the passing of a \$110 million dollar bond, will leverage an additional \$4 million in State matching funds; and

WHEREAS, the cost of replacing these facilities, and performing these District updates rises each year with the cost of inflation.

NOW THEREFORE BE IT RESOLVED that the Scappoose City Council hereby supports Scappoose School Bond Measure 5-296.

PASSED AND ADOPTED by the Scappoose City Council and signed by me, Mayor Joe Backus, and the City Recorder, in authentication of its passage this _____ day of September, 2023.

CITY OF SCAPPOOSE, OREGON

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted:	August 30, 2023
Agenda Date Requested:	September 18, 2023
To: City Council	Scappoose City Council
From:	Alexandra Rains, City Manager Steven Lougal, Chief of Police
Subject:	IGA with Columbia County relating to Contract Law Enforcement Services

TYPE OF ACTION REQUESTED:

☒ **Resolution**
☐ **Ordinance**
☐ **Formal Action**
☐ **Report Only**

ANALYSIS: The Scappoose Police Department is currently experiencing a staffing shortage of deployable officers. Non-deployable officers include those on leave, in training or at the police academy. The release dates of these officers vary. One Officer returned on August 29, 2023, two are in FTEP and one has yet to start the Academy. For these reasons, the city is unsure at what point the Police Department will be able to transition back to full-service coverage.

In the interim, the Columbia County Sheriff's Office (CCSO) has agreed to pick up overtime shifts in the City to assist with coverage as their staffing levels allow. Scappoose officers would retain first right of refusal for said shifts before they would be offered to CCSO deputies. The details of this arrangement are memorialized in the intergovernmental agreement attached to this staff report. Should Council vote to approve during tonight's meeting, CCSO has agreed to implement this agreement once they have received approval from the Columbia County Commission. This agreement would be in effect until June 30, 2024.

The agreement calls for the County to Assign one (1) police certified patrol deputy to the City when requested by the City. The County's obligation to assign such a deputy to the City is contingent upon patrol deputy availability. This Agreement does not create an obligation for the County to provide police services when requested. The City will request services pursuant to this Agreement by submitting a shift coverage request via email to the Sheriff or designee. Shift coverage requests will typically be for an entire ten (10) hour

Request for Council Action

shift, but in no event shall a request be for less than a four (4) hours period.

FISCAL IMPACT: The City agrees to reimburse the County for services under this agreement, related to sections 3.b and 3.c, at the rate of \$91.24 per hour.

RECOMMENDATION: Staff recommends the Council approve Resolution No. 23-16 as presented, authorizing the City Manager to execute a final IGA with the Columbia County Sheriff's Office.

SUGGESTED MOTION: I move Council approve Resolution No. 23-16 as presented and authorize the City Manager to execute a final IGA with the Columbia County Sheriff's Office.

RESOLUTION NO. 23-16

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN COLUMBIA COUNTY, OREGON, AND CITY OF SCAPPOOSE, OREGON, RELATING TO CONTRACT LAW ENFORCEMENT SERVICES

WHEREAS, the Intergovernmental Agreement (IGA) is entered into by Columbia County, a home-rule county and political subdivision of the State of Oregon (hereinafter County), and the City of Scappoose, Oregon, a municipal corporation of the State of Oregon (hereinafter City), collectively, "the parties", pursuant to the authority granted in ORS Chapter 190; and

WHEREAS, the City possess the power, legal authority and responsibility to provide for police services within its boundaries; and

WHEREAS, the County, through the Columbia County Sheriff, provides police services throughout the unincorporated areas of Columbia County; and

WHEREAS, the County has adopted policies for developing contracts to provide law enforcement services to cities, and has the legal authority to provide police services within the geographical area of the City; and

WHEREAS, the City desires to enter into an agreement with the County whereby the County, through the Sheriff, provides law enforcement services to the City and its inhabitants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SCAPPOOSE AS FOLLOWS:

Section 1. The City Council hereby approves the Intergovernmental Agreement (IGA) with Columbia County to provide contract law enforcement services as provided in the attached Exhibit A.

Section 2. The City Manager is hereby authorized to execute the final IGA on behalf of the City of Scappoose, notwithstanding substantial changes to IGA as provided in the attached Exhibit A.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PASSED AND ADOPTED by the City Council this ____ day of September, 2023 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Joseph A. Backus, Mayor

Attest: _____
Susan M Reeves, MMC, City Recorder

**INTERGOVERNMENTAL AGREEMENT BETWEEN COLUMBIA COUNTY, OREGON AND CITY OF
SCAPPOOSE, OREGON, RELATING TO CONTRACT LAW ENFORCEMENT SERVICES**

This Agreement is entered into by Columbia County, a political subdivision of the State of Oregon (hereinafter "County"), and the City of Scappoose, a municipal corporation of the State of Oregon (hereinafter "City"), collectively, "the parties," pursuant to the authority granted in ORS Chapter 190.

WHEREAS, the County and City are authorized under the provisions of ORS 190.003 to 190.030, and 203.035, to enter into intergovernmental agreements for the performance of any and all functions that the County and City have authority to perform; and

WHEREAS, the City possesses the power, legal authority and responsibility to provide for police services within its boundaries; and

WHEREAS, the County, through the Columbia County Sheriff Office ("CCSO"), provides police services throughout the unincorporated areas of Columbia County; and

WHEREAS, the County has the legal authority to provide police services within the geographical area of the City; and

WHEREAS, the City desires to enter into an agreement with the County whereby the County, through the Sheriff, provides law enforcement services to the City and its residents; and

WHEREAS, the County agrees to render such law enforcement services, through the Sheriff, under the following principles:

1. Law enforcement services provided by the County to the City should be clearly identified and articulated.
2. Services should be accurately priced to provide a reasonable and predictable cost to the City while avoiding County subsidy of City services by ensuring full-cost recovery.
3. The City, with the input of the Sheriff, should have the flexibility to determine the level and deployment of certain services and to identify service priorities, thereby controlling costs. Any service level changes made will result in corresponding changes in costs to the City, as determined by the methodology in the costing model.
4. County law enforcement employees assigned to the City should strive to provide high-quality police services, cooperate with City officials to meet the goals of the City, and establish a positive relationship with the residents and visitors of the City.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE ABOVE PARTIES, AS FOLLOWS:

1. **Authority.** This Agreement is entered into under the authority of ORS 190.110 and pursuant to ORS 190.240.

2. **Term of Agreement.** The term of this Agreement shall be from September 1, 2023, to June 30, 2024. The parties may extend the term of this Agreement by written amendment.
3. **County Services.** For the term of this Agreement, the County will:
- a. Assign one (1) police certified patrol deputy to the City when requested by the City. The County's obligation to assign such a deputy to the City is contingent upon patrol deputy availability. This Agreement does not create an obligation for the County to provide police services when requested.
 - b. Require deputies working this assignment to remain within the City limits, provide police presence and to respond primarily to Priority 1 and Priority 2 calls received during their assigned shift. To maintain availability for priority response and a continuity of service for the City, self-initiated enforcement activity and response to lower priority calls shall be at the discretion of the deputy with the oversight of an on-duty CCSO sergeant or supervisor. Deputies will not enforce the City's municipal code. Consistent with existing mutual aid agreements, the assigned deputy may respond outside of the City when necessary.
 - c. Require deputies to be responsible for completing the investigatory or police reports on incidents they respond to while providing services to the City, and to attend any subsequent court proceedings. Deputies shall forward all police reports required as part of this Agreement to the City within a reasonable period of time.
 - d. Provide a quarterly billing to the City. The billing will reference this Agreement.
4. **City Services.** For the term of this contract, the City will:
- a. Request services pursuant to this Agreement by submitting a shift coverage request via email to the Sheriff or designee. Shift coverage requests will typically be for an entire ten (10) hour shift, but in no event shall a request be for less than a four (4) hours period.
 - b. Maintain responsibility as the agency with jurisdiction to conduct follow-up or further investigation of any event documented by a County deputy's police report taken within the City pursuant to this Agreement.
 - c. Provide available consultation and/or call-out response for any significant felony level criminal investigation or arrest initiated by the County that results from this Agreement.
 - d. Provide information about specific problem areas and concerns in the City.
 - e. Make payment to the County, as per Section 3, within thirty (30) days of billing by the County.
 - f. Take any measures legally necessary to authorize the CCSO to perform patrol duties within the City limits.

5. **Consideration.** The City agrees to reimburse the County for services under this Agreement as follows: Service costs related to sections 3.b and 3.c will be charged on an hourly basis at the rate of \$91.24 per hour. Reimbursement will be made for at least a four-hour over-time shift regardless of whether response to calls is needed or if the City determines that no services are ultimately needed for the requested period.
6. **Decision and Policy-Making Authorities.** The County will provide the services identified in paragraph 3 above. The respective authorities of the City and the County that make operational decisions and develop and implement policies in this regard shall be governed by the following guidelines.
- a. Daily Operations: The Scappoose Police Chief or designee will coordinate with the CCSO Patrol Commander or designee to ensure that operations are being conducted within the intent of this Agreement. Deputies working within, or responding to the City, will be directly supervised by the on-duty or on call CCSO Sergeant or designee.
 - b. General Orders. Policies and Procedures: All deputies responding in the City will remain subject to all CCSO policies, procedures, and general orders. Control of personnel, standards of performance, discipline and all other aspects of performance shall be governed entirely by the County. Allegations of misconduct shall be investigated in accordance with CCSO policy.
7. **Independent Contractor.** The County is engaged hereby as an independent contractor and shall not be considered an employee, agent, partner, joint venturer or representative of City for any purpose whatsoever. City does not have the right of direction or control over the manner in which County delivers services under this Agreement and does not exercise any control over the activities of the County, except the services must be performed in a manner that is consistent with the terms of this Agreement. City shall have no obligation with respect to County's debts or any other liabilities of County. County shall be responsible for furnishing all equipment necessary for the performance of the services required herein. In addition:
- a. County will be solely responsible for payment of any Federal or State taxes required as a result of this Agreement.
 - b. This Agreement is not intended to entitle County, its officers, agents and employees, to any benefits generally granted to City employees. Without limitation, but by way of illustration, the benefits which are not intended to be extended by this Agreement to the County are vacation, holiday and sick leave, other leaves with pay, tenure, medical and dental coverage, life and disability insurance, overtime, social security, workers' compensation, unemployment compensation, or retirement benefits (except insofar as benefits are otherwise required by law if the County is presently a member of the Public Employees Retirement System). The County shall be responsible for the salary, wages, benefits and any other compensation, including Workers Compensation benefits for CCSO deputies assigned to perform services under this Agreement.
 - c. The County is an independent contractor for purposes of the Oregon workers' compensation coverage under this Agreement.

8. **Indemnification.** Subject to the limits and extent of Article XI, Section 7 and Section 10 of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 to ORS 30.300, each party shall indemnify and defend the other party from and against claims arising out and to the extent of the indemnifying party's acts and omissions.
9. **Termination Process.** Either party may terminate this agreement with ten (10) days' notice to the other party. Upon termination of this Agreement the City is obligated to pay all incurred costs by the termination date.
10. **Dispute Resolution.** In the event of a dispute between the parties arising out of or relating to this Agreement, the Parties agree to submit such dispute to a mediator agreed to by both parties as soon as practicable after the dispute arises, and preferably before commencement of litigation or of any permitted arbitration. The parties agree to exercise their best efforts in good faith to resolve all disputes in mediation.
11. **Amendments.** This Agreement may be amended at any time by mutual written agreement of the City, the Columbia County Sheriff, and the Columbia County Board of Commissioners.
12. **Agreement Administration:**
- a. Agreement Administrators. The City Manager, Scappoose Police Chief and Lieutenant shall serve as agreement administrators to review agreement performance and resolve operational problems.
 - b. Referral of Unresolved Problems. The Scappoose Police Chief shall refer any police service operational problem, which cannot be resolved, to the Sheriff. The Police Chief and the Sheriff shall meet as necessary to resolve such issues.
 - c. Agreement Dispute Issues. Agreement dispute issues involving Agreement language interpretation, cost, and other non-operational matters shall be referred to the Sheriff and the Scappoose Police Chief.
 - d. Audits and Inspections. The records and documents with respect to all matters covered by this agreement shall be subject to inspection, review or audit by the County or City during the term of this Agreement and three years after termination.
13. **Third Party Beneficiaries.** County and City are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, or is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly, to any third party unless such person is individually identified by name herein and expressly described as intended beneficiaries of this contract.
14. **Written Notice.** Any notice of change, termination or other communication having a material effect on this Agreement shall be upon the Sheriff for the County, and the Scappoose Police Chief or City Manager, and either hand-delivered or by certified or registered mail, postage prepaid. Except as provided in this Agreement, it is agreed that thirty calendar days shall constitute reasonable notice for the exercise of any right in the event that applicable law specifically requires such notice.

21. **Electronic Signatures.** The Parties agree that signatures showing on PDF documents, including but not limited to PDF copies of the Agreement and amendments, submitted or exchanged via email are “Electronic Signatures” under ORS Chapter 84 and bind the signing Party and are intended to be and can be relied upon by the Parties. The County reserves the right at any time to require the submission of the hard copy originals of any documents.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates listed below:

CITY OF SCAPPOOSE

By: _____
Name Printed: _____

Date: _____

Approved as to Form:

Legal Counsel for City of Scappoose

COLUMBIA COUNTY

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY OREGON

By: _____
Name Printed: Casey Garrett, Chair

Date: _____

COLUMBIA COUNTY SHERIFF

By: _____
Name Printed: Brian Pixley

Date: _____

Approved as to Form:

By: _____
Office of County Counsel

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: September 13, 2023

Agenda Date Requested: September 18, 2023

To: Scappoose City Council

From: Isaac Butman, Assistant to City Manager
Alexandra Rains, City Manager

Subject: City of Scappoose Personnel Policy Handbook
Update 2023 – Work Session #1

TYPE OF ACTION REQUESTED:

☐ Resolution

☐ Ordinance

☐ Formal Action

☒ Report Only

Issue: The Personnel Policy Handbook (Handbook) for the City of Scappoose is required to be amended and adopted by the City Council according to Scappoose Municipal Code Chapter 2.48. The last update of the Handbook was approved in January 2022. Since January 2022, many changes in employment law have occurred, and the Handbook is need of updating.

Background: The City of Scappoose Personnel Policy Handbook summarizes the personnel policies and procedures that govern the employment relationship between the City of Scappoose and its employees. It functions as a reference for employment matters for the City and its employees, describing things like the kinds of leave employees are entitled to, the accrual rates and benefits employees enjoy, and describes discipline and probation procedures. Collective Bargaining Agreements (CBA) terms supersede the Handbook for the employees a CBA covers.

The handbook is generally presented to Council on an annual basis following the receipt of updated language from our insurance carrier, CIS. During the time between Handbook updates, Staff maintains compliance with legal changes as they occur, implements discretionary policies as adopted, and reviews the handbook in preparation for the next year's Council adoption.

Analysis: The Personnel Policy Handbook has 7 sections. Staff will be presenting the Handbook in smaller, more manageable pieces. The first presentation will be the Introduction, and Sections I-III. The presentation will not be formatted completely during the Work Sessions. During the official adoption hearing, Staff will present a fully formatted and updated Handbook for adoption.

Report Only

All City Staff have had the opportunity to review the changes being recommended in the Handbook, and to offer comments on the content of the document. To date, no comments have been made on the Handbook update from non-executive team staff.

Staff starts reviewing the Handbook by incorporating CIS's recommended and required changes. CIS keeps tab on legally required changes throughout the year, and continually issues updates to their model handbook to help keep its members legally compliant.

Staff makes additional recommended changes based on our legal counsel's guidance, best practices in Human Resources, and any changes that would address problems or issues that have arisen, or that are considered recruitment and retention increasing policies, such as evaluating the reasonableness of vacation accrual rates or the addition of Juneteenth as a recognized holiday.

Attachments:

- Exhibit A – Current Personnel Policy Handbook
- Exhibit B – Track Changes/Color Coded handbook
 - Please note, there have been many revisions of the Handbook by many different reviewers. This is Staff's best and most complete attempt at including every single change that is being recommended to the handbook in one document, however, some minor non-substantive changes—such as spelling, grammar, formatting, or missing words—may have been accidentally omitted due to the number of documents that had to be combined in the process of making this document. A complete and accurate track changes version will be made available during non-work session adoption hearings.
 - The text is color coded for track changes. Colored text has been added. ~~Struckthrough~~ text has been removed.
 - In the left margin of the document you will notice colored brackets. These indicate the level of discretion available to change each section.
 - **Red** Bracket – No or extremely limited discretion.
 - **Orange** Bracket – Some discretion.
 - **Green** Bracket – substantial discretion.
 - Please refer to comments for additional information on discretion and staff recommendations.

The changes to the Handbook are substantial. Many laws and policies have changed since January 2022; court cases have been decided, making new law through judicial interpretation; and a variety of situations have occurred within the Employee/Employer relationship that have prompted Staff to recommend changes to the Handbook to address shortcomings or problematic areas, to make the City of Scappoose a competitive Employer, and to aid in retention of employees.

This Staff Report will generally discuss the changes you will see in the Exhibits.

General Changes: Throughout this update, inclusivity has been kept in mind, most prominently, gendered terms will be removed from the Handbook, furthering Diversity, Equity, and Inclusion goals of City Staff, and aligning with current best practice in the employer/employee relationship. Minor typos will be addressed, and formatting will be completely updated to align with the recently completed Brand Consistency Project. Inconsistencies and redundancies that have been noted by Staff will be addressed,

Report Only

new legal standards will be added, and policy suggestions will be made.

Introduction: Staff has made no changes to this portion of the document in terms of content. The values of the City of Scappoose as expressed in the Vision Statement have not changed since the last time the Handbook was adopted, and our commitment to a healthy and safe workplace remain a top priority for the City of Scappoose.

Section I, Form of Government: No content changes have been made to this section. Some formatting has been addressed. The City Manager has not changed the delegation of personnel administration, and the Council/Manager form of government remains in place.

Section II, Equal Employment Opportunity (EEO) Practices: All the policies in this section are required either by our insurer or by law. CIS completely rewrote this section, and the organization and language of this is all new. This section has been reviewed by our insurer and their employment law and HR sections.

Section III, Employment Status:

- A. The term “introductory period” has been changed to “probationary period” to align with our two CBA’s.
- B. Minor language changes to more accurately address actual conditions of employment.
- C. CIS recommended language be added and modified to meet our needs. The most significant change is realignment of the workweek to Monday-Sunday from Sunday-Saturday. Monday-Sunday is the typical work week configuration. The Sunday-Saturday schedule was developed for one reason, to align with Police Department schedules. Officers are assigned a Sunday-Wednesday schedule shift or Wednesday-Saturday shift, and the Patrol Officer workweek is set by the CBA. Payroll processing is not improved by this workweek alignment, and the current alignment has proved confusing to new and seasoned employees alike, since almost all other employers’ function on a Monday-Sunday workweek. Staff recommends aligning the workweek to the standard Monday-Sunday workweek.
- D. Minor formatting changes.
- E. This section was entirely rewritten by our insurer CIS, to comply with new laws and regulations about the expression of breast milk at work. Staff made no additional changes to this section.
- F. CIS recommends the addition of the language in “Assignment of Overtime”. Staff made other minor changes to this section to address Sergeants, which are exempt salaried positions, being made eligible for OT while remaining exempt salaried employees.
- G. Minor grammatical changes.
- H. Removed redundancies. Added more specificity and examples for several potential reimbursements. The largest change to this section relates to the definition of travel that is eligible for an overnight stay.

Report Only

Prior to this recommended change there was no set standard to evaluate travel for a reimbursed overnight stay. Professional conferences typically start at 7:00 am and end at 5:00 pm, and often, there is a networking dinner after that can last until 7:00 pm. These networking events are critically important to building professional relationships, networking, and evaluating new ways of doing business with a trusted group of professional peers. Often, closer groups of professionals will continue the networking past 7:00 pm at another venue. These post-5:00 pm “events” are often some of the most important in terms of generating value for the City of Scappoose.

Knowing that an employee might not be done with their important networking until 8:00 pm or 9:00 pm and wanting to support employees by helping them get the most value out of a conference and associated networking was a critical factor in determining the drive-time/distance making a trip for work eligible for reimbursement of an overnight stay.

Adding less than an hour of driving to what could already have been an 11- or 12-hour day seems reasonable, adding more than an hour of driving after a day like that seems unreasonable. Sixty road-miles is just about the equivalent of Scappoose to Salem, and typically takes around an hour to traverse, thus, the recommended standard of evaluation.

- I. Changed how pay stubs are distributed to keep pace with the digital world we live in, and the digital lives our employees expect. Pay stubs can still be requested in paper, and the City already provides some employees with electronic stubs and some with paper stubs. In addition to being a “keeping with the times” improvement, it is also a cost saving measure, as the aggregate paper, ink, envelopes, stamps, and time to process paper stubs is significant and is no longer necessary.
- J. Minor textual changes.
- K. Minor textual changes to clarify how draws are calculated.
- L. Minor textual changes.
- M. No changes.

Exhibit A

The City of Scappoose

Personnel Policy Manual

**Effective February 19, 2020
Revised January 18, 2022**

CITY OF SCAPPOOSE – PERSONNEL POLICY MANUAL

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The City of Scappoose

Welcome new employee!

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

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Scappoose and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Scappoose with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City that are inconsistent with its provisions. It does not, however, substitute for a controlling collective bargaining agreement provision. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this Employee Handbook, the collective bargaining agreement provision controls.

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

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after this version of handbook, please ask the City Manager.

Sincerely,

Alexandra Rains
City Manager
City of Scappoose

Management's Written Commitment to Health and Safety

We hold in high regard the safety, welfare, and health of our employees. Every reasonable effort shall be made to maintain a safe working environment. No job will be considered so important and no order so urgent that we cannot take time to perform our work safely.

We will establish and require a loss prevention program that emphasizes the integration of safety and health measures into each job task so that safety and job performance become inseparable. This will be accomplished through the cooperative efforts of all employees who will work together to obtain the lowest possible workplace accident rates.

We recognize the need to provide a workplace which meets the ergonomic needs of its employees. All work sites have been evaluated for design, layout and operation using an ergonomic approach. Employees identifying a job site needing modification, should notify their Department supervisor.

If you have any questions about our safety policy, rules, or programs please contact your Department supervisor. I will receive the minutes from the safety committee meetings and will take an active role in overseeing that our safety program is effective. Our loss prevention program will be evaluated annually to ensure its success.

By accepting mutual responsibility to operate safely, we will all contribute to the well-being of one another and subsequently our organization.

Alexandra Rains

Administrator

1/2022

Date

I. Form of Government

A. City Manager

The City of Scappoose operates under the Council-Manager form of government as created by the City Charter. The Council adopts policy, and the Manager is charged with implementing it. The Manager functions similar to a CEO in carrying out the adopted policy set by the Council.

The City Manager is responsible for personnel administration and may delegate any of these powers and duties to another City employee. For purposes of daily administration, the City Manager delegates responsibility in the following manner:

1. Human Resources Department:

- Benefits plan administration
- Retirement plan administration
- Classification and compensation
- Review and auditing of personnel actions
- Personnel records administration

2. Department Supervisors:

- New employee orientation
- Performance management
- Creation of a positive environment
- Identify training needs
- Personal Protective Equipment (PPE) training & use
- Job safety procedures
- Corrective actions

The City Manager reserves the right to modify the delegation of authority when operational requirements necessitate.

B. City Council

The City Council is responsible to the citizens of Scappoose to establish and direct policies governing the administration and management of the City. The Council consists of the Mayor and six Councilors. The Mayor is elected each biennial general election and serves a two-year term. Councilors serve a four-year term. At each biennial general election three councilors shall be elected. At the first meeting of the odd numbered year, the Council shall elect a president from its membership.

The Mayor is a voting member of the Council. The Mayor represents the City at ceremonial functions, presides over Council meetings, consults with the City Manager on Council Agenda's, appoints and consults with City boards and commissions as approved by the Council, and routinely discusses questions and concerns with the City Manager.

The City Council establishes the personnel policies that are contained in this manual, with consultation from the City Manager.

II. Equal Employment Opportunity (EEO) Policies

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

All employees are encouraged to discuss these EEO Policies with the City Manager or Human Resource Department at any time if they have questions relating to the issues of harassment, discrimination or bullying.

A. No-Discrimination Policy

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

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

B. Statement Regarding Pay Equity

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

See also "Statement Regarding Pay Practices" policy, below in section III J.

C. No-Harassment Policy

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

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

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

Sexual Harassment

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

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

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

This is not a complete list.

Other Forms of Prohibited Harassment

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

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

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

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

D. Bullying

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

1. Verbal Bullying: Slandering, ridiculing or maligning a person or their family; persistent name calling, which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including

This is not a complete list.

E. Retaliation

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

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

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

F. Complaint Procedure

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

Internal Complaint Procedure

Employees who have been subjected to harassment, sexual assault, retaliation or discrimination should document the event(s), associated date(s) and potential witnesses as close in time to the actual event as possible. Employees are encouraged to report incidents as soon as possible but they have up to four years from the date of the alleged prohibited conduct to file an internal complaint with the City.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with parties involved and, where necessary, with individuals who may have observed event(s) or may have other relevant knowledge.

The City will maintain confidentiality throughout the investigatory process to the extent possible, consistent with management's need to investigate the complaint and address the situation.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or corrective action such as a written warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination as the City believes appropriate under the circumstances.

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False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

External Complaint Procedure

We encourage employees to bring their concerns and complaints to the City as set forth above, but we understand that, at times, this may not be the choice of the employee. Employees have the right to pursue remedies administratively or judicially as set forth below. Employees may pursue a claim by:

- Filing a complaint with the Oregon Bureau of Labor and Industries (BOLI) at the following web address: https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx. Any complaint filed with BOLI concerning prohibited conduct described under ORS 659A.030, ORS 659A.082 or ORS 659A.112 must be filed no later than five years after the alleged prohibited conduct.
- [Filing a complaint/charge with the U.S. Equal Employment Opportunity Commission \(EEOC\).](#)
- Filing a civil action. Any civil complaint concerning prohibited conduct described under ORS 659A.030, ORS 659A.082 or ORS 659A.112 must be filed no later than five years after the alleged prohibited conduct. In the event an employee plans to pursue a civil action against the entity under the provisions of the Oregon Tort Claims Act, a notice of the claim must be provided to the entity within 180 days of the alleged prohibited conduct (ORS 30.275). Please note that if employees have questions about filing a civil action, they are encouraged to obtain outside legal counsel.
- Filing a criminal action. Please note that employees wishing to pursue criminal action will need to pursue charges based on the statute of limitations for the criminal action at issue. If employees have questions about pursuing criminal charges, they are directed to consult with local law enforcement.

Other Resources Available to Employees

The City of Scappoose provides an Employee Assistance Program (EAP) through Cascade Centers to employees and dependents who are eligible for the City of Scappoose's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to www.cascadecenters.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

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

Other Employee Rights

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

If an employee who has been aggrieved by workplace harassment, discrimination or sexual assault wants to enter into a settlement, separation or severance agreement with the City of Scappoose

regarding their experience and/or employment status, the employee should contact the Human Resource Department or their supervisor. The employee's request to enter into such an agreement must be in writing. If the City of Scappoose and employee reach an agreement, the employee will have seven days to revoke the agreement after signing it. The City of Scappoose may not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Scappoose or making comments that would lower the City of Scappoose in rank or reputation).

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

G. Disability Accommodation Policy

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

Accommodations

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

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases the City of Scappoose) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

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

The City will engage in an interactive process with an employee requesting an accommodation to reach a reasonable accommodation based on their individual situation.

H. Pregnancy Accommodation Policy

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

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

Requesting a Pregnancy-Related Accommodation

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

No Discrimination, No Retaliation

The City of Scappoose prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Scappoose; or (3) needed an accommodation.

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

Leave of Absence Options for Pregnant Employees

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Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon’s sick leave law, the Oregon Family Leave Act. See policies in section IV-E & G or speak with the Human Resource Department.

I. Reporting Improper or Unlawful Conduct-No Retaliation

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

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

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

Employee Reporting Options

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

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

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

Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Scappoose’s violation of law will have an “affirmative defense” to any civil or criminal charges related to the disclosure. For this defense to apply, the employee’s disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Scappoose; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense

also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy against Retaliation

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

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

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

III. Employment Status

A. Introductory Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Scappoose, are hired into an introductory training period which generally lasts no less than 365 days. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your supervisor. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Scappoose meets your expectations as an employer.

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

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Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and the City may terminate the employment relationship during the introductory period for any or no reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by the City of Scappoose for any definite period of time. Both you and the City are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

Employees covered by a union contract will have different lengths of introductory periods and will be listed in each contract. Please contact the Union President for details about a specific contract. Employees who are promoted or transferred within the City of Scappoose must complete a secondary introductory period of the same length with each reassignment to a new position. Any significant absence may extend an introductory period by the length of the absence. If the City of Scappoose determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended.

In cases of promotions or transfers within the City of Scappoose, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.

Upon satisfactory completion of the secondary introductory period, employees enter either the regular full-time or regular part-time employment classification. Employment status is not changed during the secondary introductory period that results from a promotion or transfer within the City of Scappoose.

B. Employee Classification

City of Scappoose classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in the City of Scappoose's benefit programs.
2. Regular Part-time: Employment requiring less than 40 hours of work per week. Occasional workweeks of 40 hours or more will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for benefits except those mandated by applicable law.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to

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whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all the City of Scappoose rules and procedures. The City reserves the right to implement extended period overtime schedules pursuant to FLSA.

C. The Workweek

The workweek is a seven-day work period beginning Sunday at 12:00 a.m. through Saturday at 11:59 p.m. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m.

Employees are not allowed to change their normal scheduled working hours to avoid taking paid time off without prior approval from the City Manager. The City reserves the right to change shift schedules at any time.

D. Meal Periods and Rest Breaks

Nonexempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Nonexempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his or her supervisor before the end of the shift so that the City of Scappoose may pay the employee for that work.

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

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available to him or her should contact their immediate supervisor.

Length of Work Period	Number of Rest Breaks Required	Number of Meal Periods Required
2 hours or less	0	0
2 hrs., 1 min. – 5 hrs., 59 min.	1	0
6 hrs.	1	1
6 hrs., 1 min. – 10 hrs.	2	1
10 hrs., 1 min. – 13 hrs., 59 min.	3	1

E. Rest Breaks for Expression of Breast Milk

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

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

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

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

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

Notice

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

Storage

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

F. Overtime

Time-and-a-Half

The City of Scappoose pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. See "Employee Classification," in section III-B above. There shall be no pyramiding of time and a half pay.

Limitation on Overtime Pay

Paid hours not actually worked (for example, vacation, holidays, sick time, etc.) will not be counted toward the 40 per workweek required to receive overtime pay. There shall be no pyramiding of overtime pay.

Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized by a supervisor or management. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

Compensatory (Comp) Time

Non-exempt employee should refer to their Union Contract for rules pertaining to compensatory (comp) time.

G. Timekeeping Requirements

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the City of Scappoose to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Employees who are exempt and non-exempt are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City of Scappoose business. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his or her time may be subjected to discipline as well.

All overtime work must be approved by employee's immediate supervisor before it is performed. Failure to follow this policy could be grounds for discipline up to and including termination.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded and have them turned into the supervisor on or before the 24th of each month. The supervisor will review and then approve the time record before submitting it to payroll for processing. All signed time records must be turned into the Finance Administrator no later than noon on the 25th of each month.

H. Employee-Incurred Expenses and Reimbursements

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

Employees must provide a completed and signed expense report and evidence of proof of purchase in the form of original itemized detailed receipts within one month of the expense being incurred or the employee risks forfeiting their reimbursement. Credit card slips without accompanied itemized detailed receipt will not be reimbursed.

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

- *Conferences or Workshops:*
- *Meals:* Cost of employee's meals. Alcoholic beverages will not be reimbursable. Employees must travel 25 miles outside of City limits for the meals to be considered reimbursable. Employee must turn in an itemized receipt for meal reimbursement, credit card receipt will not be acceptable for reimbursement. If no overnight stay is part of your required travel only lunch will be reimbursed. For example, if you leave residence in the morning and return that evening only lunch will be reimbursable. IRS taxable fringe benefit rules apply to all meal reimbursements. Please contact Human Resource Department for more information.
- *Mileage and Parking:* With approval of the City Manager, employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. It is the City's policy that the employee use a City vehicle whenever possible. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Scappoose.

All reimbursements are to be made in accordance with the IRS Publication 15-B, Employer's Tax Guide to Fringe Benefits.

I. Payroll Policies

You will be paid monthly. For all employees, "month" is defined as the 25th to the 24th, and those are the dates you should report on your timecard.

Paydays are generally the last working day of each month, for all employees. In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. In the event that a regular payday falls during an employee's vacation, the employee's paycheck or direct deposit paystub will be available upon his or her return from vacation.

Net pay will be directly deposited into the employee's bank account, unless an employee request otherwise. No paychecks will be personally delivered to any person other than the employee named on the paycheck unless the employee provides written permission for someone else to receive the check.

J. Statement Regarding Pay Practices

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

See also "Statement Regarding Pay Equity" policy, in section I-B above.

K. Pay Advances

Employees may set up a reoccurring payroll advance to be paid on the 15th of each month, not to exceed 40% of net take home pay.

L. Reporting Changes to an Employee's Personal Data

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

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholdings.

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

M. Performance Reviews

All City of Scappoose employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action (including termination). The City of Scappoose's goal is to provide an employee with their first formal performance evaluation within twelve (12) months after hire or promotion. After the initial evaluation, the City of Scappoose will strive to provide a formal performance review on an annual basis. If an employee does not receive a performance evaluation during a year, the employee may request a performance review.

Reviews will generally include the following:

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

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than thirty days following the date the performance evaluation was received.

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

IV Time Off and Leave of Absence

A. Attendance, Punctuality and Reporting Absences Policy

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

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

and may be deemed an employee's voluntary resignation of employment. The City will not impose discipline for absences protected by applicable law (e.g. Oregon Sick Leave Act).

B. Vacation

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- Regular full-time employees
- Regular part-time employees
- Temporary employees do not receive vacation pay.

The amount of paid vacation time an employee accrues each month increases with the length of their employment as shown in the following schedule:

- Upon initial hire the employee accrues 3.34 hours per month of vacation and may be used after completion of 30 days of continuous employment. (See section III-A)
- During months 13-48 of service the employee accrues 8 hours per month of vacation.
- During months 49-72 of service the employee accrues 9.34 hours per month of vacation.
- During months 73-120 of service the employee accrues 11.34 hours per month of vacation.
- During months 121-192 of service the employee accrues 12.00 hours per month of vacation.
- During months 193-240 of service the employee accrues 13.34 hours per month of vacation.
- During months 241 of service the employee accrues 14.67 hours per month of vacation.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins the first (1st) of the month following when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies in section IV-M for more information.)

Initial probationary employees will not be eligible to use accrued vacation until the employee has completed 30 days of service.

To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

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Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as, bonuses, or any incentive pay.

Time is not to be banked and never used. All employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the calendar year, employees may carry a limited amount of unused time forward to the next benefit year. Union represented employees carry over cannot exceed 25 days (200 hours). Union represented employees must use vacation time down to 200 hours by December 31st. Only 200 hours will carry over to the next year and the employee will lose the unused balance. Union employees should refer to their contract for additional information about carryover limits. Non-represented, exempt employees carry over cannot exceed 31 days (248 hours). Non-represented, exempt employees must use vacation time down to 248 hours by December 31st. Only 248 hours will carry over to the next year and the employee will lose the unused balance.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last pay period.

C. Vacation Buy-Back

Non-represented, exempt, employees who have used forty (40) hours consisting of five (5) days in a row of vacation in a designated twelve (12) month period and who have at least one hundred eighty (180) hours of vacation "on the books" at the end of that twelve (12) month period are eligible for vacation buy-back. Vacation buy-back allows an employee to take pay for up to forty (40) hours of vacation. This option will be made available two times during the year, (June & December) but may be used by an employee only once during the twelve (12) month period. Vacation buyback is subject to available funds as determined by the City Manager.

D. Accrued Vacation Leave Transfer

Employees may transfer some of their accrued vacation leave to a fellow worker who has become ill or injured. This is a free and voluntary act, and no employee should feel compelled to donate vacation leave unless the employee desires to do so. The employee who is choosing to transfer accrued vacation leave must have completed the required introductory period.

In the event that an employee uses all available accrued sick leave due to illness or injury and has exhausted all other leave balances, and remains unable to return to work, other employees may voluntarily choose to transfer accrued vacation leave to the credit of the ill or injured employee. Vacation leave donations may be made only in units of whole days. Accrued sick leave cannot be transferred. No employee may transfer more than twenty-four (24) hours of vacation leave to another employee during the fiscal year. When a vacation leave transfer is signed, approved, and processed by the City Manager, it is permanent and irrevocable. No employee receiving a transfer of vacation leave shall be eligible to receive more than one hundred and twenty (120) hours of donated sick leave in any fiscal year.

Vacation leave may not be transferred to cover periods of extended absences where illness or injury is not the principal reason for the leave.

E. Sick Leave

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

Employees with questions about this policy may contact the Finance Administrator or City Manager. Please also refer to the Oregon Sick Leave Law poster that is posted in each building's break area and is incorporated here by reference. <https://www.oregon.gov/boli/WHD/OST/Documents/Sick-Time-Poster.pdf>.

Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt and non-exempt employees. Sick leave runs concurrently with Oregon Family Medical Leave, and other leaves as permitted by law.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or the City of Scappoose provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Pay rate and Carryover

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence, with consideration for any shift differential, however it will not include any special forms of compensation, such as incentives, commissions, or bonuses. Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 1120 hours for full time and 560 hours for part time. Union employees should refer to their contract for limits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit. In the event an employee moves from full-time status to part-time status accrual will be at a prorated share. In the event an

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employee has accrued the maximum amount as a full-time employee and moves to a part-time employee, the employee must reduce the accrual below 560 hours before accruing additional sick leave.

Sick leave cannot be transferred to other employees. Employees are not entitled to be compensated for earned but unused sick days, either before, during or after their employment is terminated for any reason. Upon termination all remaining sick hours will be reported to PERS.

Use of Sick Leave

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

- a. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or their covered family member.
 - “Family member” means the eligible employee’s spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner’s child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner’s parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.
- b. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
- c. If the employee, or the employee’s minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon’s domestic violence leave law (ORS 659A.272).
- d. In the event of certain public health emergencies or other reasons specified under Oregon’s sick leave law.

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

Employee Notice of Need for Sick Leave

Foreseeable Sick Leave. If the need for sick leave is foreseeable, an employee must notify their immediate supervisor as soon as practicable before the leave using the City of Scappoose’s call-in/notification procedures in section IV-A of this manual. Generally, an employee must provide at least 10 days’ notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the City of Scappoose. Employees must notify their immediate supervisor of any change in the expected duration of sick leave as soon as is practicable.

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify their immediate supervisor as soon as practicable and comply generally with the City of Scappoose’s call-in

procedures found in section IV-A of this manual. Generally, an employee should notify their immediate supervisor of unforeseeable sick leave at least 30 minutes prior to the beginning of their shift, unless physically unable to do so, at which time notice should be given as soon as possible.

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

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

Sick Leave Documentation

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

Sick Leave Abuse

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

F. Holidays and Floating Holidays

The City of Scappoose recognizes eleven holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week so long as they are scheduled to work on the recognized holiday. The holidays celebrated are:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24)
- Christmas (December 25)

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Veterans Day – The City of Scappoose will provide unpaid time off for Veterans Day if an employee would otherwise be required to work on that day and if the employee provides: (a) at least three weeks' written notice to their immediate supervisor that he or she intends to take time off for Veterans Day; and (b) documents showing that he or she is a veteran. To take this leave, the veteran must have served on active duty in the armed forces for at least six months and received an honorable discharge. If the individual served in a reserve or National Guard unit, the employee is not qualified for leave unless he or she was deployed or served on active duty for at least six months. The City of Scappoose will notify the employee, at least 14 days before Veterans Day, whether he or she will receive time off for Veterans Day. If the City of Scappoose determines that providing time off on this holiday would cause significant economic or operational disruption or undue hardship, the request will be denied, but the City of Scappoose will allow the worker to take a single day off within one year of Veterans Day.

The City of Scappoose will grant paid holiday time off to employees immediately upon hire. Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

To be eligible for holiday pay, an employee must have worked his or her regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under the City's policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

If eligible nonexempt Union employees work on a recognized holiday, they will receive holiday pay in accordance with their union contract. Exempt employees who work on a recognized holiday will not receive any overtime or additional pay.

Non-represented exempt employees of the Police Department that are assigned to work a 4/10 schedule whose normal day off falls on the holiday shall schedule another day off during that same pay period of the holiday. The day taken off shall be agreed upon and scheduled in advance.

In addition to the recognized holidays previously listed, eligible employees will receive one eight (8) hour floating holiday in each fiscal year. These holidays must be scheduled with the prior approval of the employee's supervisor.

G. Family Medical Leave

City employees are not eligible to use FMLA leave because of the City of Scappoose's small size.

OFLA Leave Policy

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

The City of Scappoose does not have any "eligible employees" for purposes of the Federal Family Medical Leave Act.

OFLA is not optional. The law requires the City of Scappoose to provide OFLA leave and its entitlements even if the employee would prefer not to use OFLA leave.

Employees seeking further information should contact the Human Resource Department. Please also refer to the "Oregon Family Leave Act" notice posted in the break rooms at each City building, which are incorporated here by reference.

Definitions

Family Member

"Family member" is defined as a spouse (including registered, same-sex domestic partners), parent (biological, adoptive, step, foster, or *in loco parentis*), parent of a registered, same-sex domestic partner, parent-in-law, grandparent, grandchild, or "child" (see definition below).

Child

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

Eligible Employee

To qualify for OFLA Leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave, an employee must have been employed for at least 180 days (no per-week hourly minimum is required). For purposes of Oregon Military Family Leave Act leave, an employee becomes eligible after having worked only 20 hours per week (no minimum length of employment required).

Serious Health Condition

"Serious health condition" is defined under OFLA as an illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home; requires constant or continuing care such as home care administered by a health care professional; or involves either an overnight stay in a medical care facility,

or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

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

Reasons for Taking Leave

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

1. Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
2. Family Member's Serious Health Condition Leave: To care for a Family Member with a serious health condition.
3. Oregon Military Family Leave Act Leave ("OFLA"): During a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a Serious Health Condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick Child Leave is not available if another family member is able and willing to care for the child.
7. Bereavement Leave. See the Bereavement Leave Policy section IV-H of this manual.

Length of Leave

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

1. Up to twelve (12) weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), or Sick Child Leave;
2. In some cases, an additional twelve (12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee ("Pregnancy Disability Leave"); and

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- a. In some cases, employees who take the entire twelve (12) weeks of Parental Leave will be entitled to an additional twelve (12) weeks of Sick Child Leave.

One-Year Calculation Period

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

Intermittent Leave

Intermittent or reduced schedule leave may be taken when medically necessary due to the serious health condition of a covered family member or the employee. Employees must make reasonable efforts to schedule planned medical treatments so as to minimize disruption of City operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the City and the employee. Intermittent leave for Parental Leave is not available.

Employee Responsibilities – Notice

Employees must provide at least 30 days’ notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, or for planned medical treatment for a serious health condition of the employee or of a family member. If 30 days’ notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to the City of Scappoose within 24 hours of commencement of the leave.

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

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

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

Certification

Generally speaking, employees must provide sufficient information for the City of Scappoose to determine if the leave may qualify for OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the

family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider.

Additionally:

1. Employees requesting Serious Health Condition leave for themselves or to care for a family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting Sick Child Leave may be required to submit, at a minimum, a note from a doctor or health care provider if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a One-Year Calculation Period.

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

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

Medical Certification Prior to Returning to Work

If family medical leave is for the employee's own serious health condition, the employee must furnish prior to returning to work, medical certification from their health care provider stating that the employee is able to resume work without restrictions.

Substitution of Paid Leave for Unpaid Leave

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

Holiday Pay While on Leave

Employees receiving short- or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved family medical leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

On-the-Job Injury or Illness

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a

“serious health condition” as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

Benefits While on Leave

The City of Scappoose will continue the employee’s health coverage under any group health plan during a period of approved OFLA leave on the same terms as if the employee had continued to work. The employee must continue to make any regular contributions to the cost of the health insurance premiums during the period of approved OFLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on unpaid OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City of Scappoose benefit plans.

Job Protection

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

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

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

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

H. Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Up to 3 days of paid bereavement leave will be provided to employees after completing 30 days of continuous employment.

- Temporary employees are exempt from receiving bereavement pay.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

The City of Scappoose defines "immediate family" as the employee's spouse, parent, child, sibling, domestic partner; the parent, child, or sibling of the employee's spouse or domestic partner; the employee's child's spouse; grandparents or grandchildren.

In accordance with OFLA, employees who have worked for City of Scappoose for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of unpaid bereavement leave per death of a family member as defined. Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The two weeks of unpaid bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee's available leave time under OFLA. Employees who have worked for the City of Scappoose for fewer than 90 days may not be eligible for leave; see the Human Resource Department for more information.

For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse.

Employees who wish to take bereavement leave must inform the City of Scappoose as soon as possible after 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 sick leave during the period of bereavement leave; vacation time will be used if the employee has no available sick leave.

I. Jury and Witness Duty

Jury Duty

The City of Scappoose will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the Human Resource Department to verify the need for such leave. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Employees may be compensated for up to 10 days of jury service per fiscal year. Employee will be required to submit a proof of service note for each date they are absent from work for jury duty and employees must turn over jury duty pay to receive compensation. Otherwise, the employee must take vacation time or unpaid leave of absence if they choose to keep jury pay. Employees are allowed to keep mileage pay if they wish.

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Either the City of Scappoose or the employee may request to be excused from jury duty if, in the City of Scappoose's judgment, the employee's absence would create serious operational difficulties.

Vacation, sick leave, and holiday benefits will continue to accrue during paid jury duty leave. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

- Temporary employees are not eligible to receive jury pay.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his or her supervisor informed about the amount of time required for jury duty.

Witness Duty

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

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

J. Religious Observances Leave and Accommodation Policy

The City of Scappoose respects the religious beliefs and practices of all employees. The City of Scappoose 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 of Scappoose's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the City Manager. and may require the requesting employee to provide proof of the "sincerely held" religious belief.

K. Crime Victim Leave Policy

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

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

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

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

L. Domestic Violence Leave and Accommodation Policy

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

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

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

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

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

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

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

M. Military Leave

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

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact the Human Resources Department for more information and to make arrangements for this paid leave.

The City of Scappoose will provide military leave in accordance with all applicable state and federal laws.

N. Unpaid Leave of Absence

A full-time employee may be granted a leave of absence without pay for a period not to exceed twelve (12) months. Requests for leave without pay shall be in writing. The City will grant leaves based on personnel requirements and the nature of the request. The decision of the City to grant or deny a leave without pay must be approved by the City Manager whose decision shall be final and binding.

V. Employee Benefits

Eligible employees at the City of Scappoose are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee Personnel Policy Manual.

The following benefit programs are typically what are available to eligible employees:

- Cafeteria Section 125 Plan
- Deferred Compensation 457B
- Dental Insurance
- Employee Assistance Program (EAP)
- Life Insurance & Supplemental Life Insurance
- Long-Term Disability
- Medical Insurance
- PERS

- Short-Term Disability
- Vision Insurance
- Wellness Program (Available thru CIS)

Some benefit programs require contributions from the employee, but most are fully paid by the City of Scappoose. These benefits and the amount of contributions may change from time to time. All reimbursement will be made in accordance with the IRS Publication 15-B, Employer's Tax Guide to Fringe Benefits.

A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both City of Scappoose policy and that of its health insurance provider are entitled to the benefit options offered by City of Scappoose. Generally speaking, that means City of Scappoose offers medical insurance for all of its regular, full-time employees. City of Scappoose pays the cost of individual coverage for its regular, full-time employees. Part-time employees are not eligible for health-insurance coverage. Those employees who wish to have their dependents included in the insurance plan are required to pay a portion of the monthly premium for that coverage on a payroll deduction basis.

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

B. Employee Assistance Program (EAP)

The City of Scappoose cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), the City of Scappoose provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members covered on our Medical plan, offering problem assessment, short-term counseling, and referral to appropriate community and private services.

This free, confidential service is provided to all employees covered by our medical insurance benefits, and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the Human Resource Department.

C. Life Insurance

Life insurance is offered to regular full-time employees. The City of Scappoose provides a basic life insurance plan.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the City of Scappoose and the insurance carrier. Eligible employees may begin life insurance coverage the first of the month following a 30 day wait.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Human Resource Department for more information about life insurance benefits.

D. Long-Term Disability

The City of Scappoose provides a long-term disability (LTD) benefits plan to regular full-time employees to cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure a continuing income for employees who are disabled and unable to work.

Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between The City of Scappoose and the insurance carrier. Eligible employees may begin LTD coverage the first of the month following a 30 day wait.

Details of the LTD benefits plan including benefit amounts, and limitations and restrictions are described in the Summary Plan Description provided to eligible employees. Contact the Human Resource Department for more information about LTD benefits.

E. Safety

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the City of Scappoose has established a workplace safety program. This program is a top priority for the City of Scappoose. The City Manager has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The City of Scappoose provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees

who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their immediate supervisor and or the Human Resource Department. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

F. Risk Management

The purpose of the City of Scappoose Risk Management Program is to identify and assess risks, select and implement measures to address risk, and monitor the program's effectiveness in an organized and coordinated fashion to pro-actively identify risks and prevent claims.

Risk Management Objectives/Duties

Accidents and losses must be reported promptly and in accordance with prescribed procedures. The benefits of timely reporting include enhanced citizen confidence, better protection of the City's interest, reduced time lost for employees and equipment, and savings realized through prompt settlements.

Reports of general liability claims, and automobile accidents should be immediately reported to the Department Supervisor. The following information should be included in every report:

- a. Date, time, and location of accident or event.
- b. Description of vehicle, equipment, or property involved.
- c. Name(s) of person(s) involved.
- d. Name(s) of person(s) injured.
- e. Description of any medical attention received.
- f. Nature of damage/loss and estimated cost.
- g. Description of circumstances; diagram of events if possible.
- h. Insurance Policy Numbers, Agents, and/or Agencies.
- i. Name(s) and addresses of witnesses.
- j. Appropriate signatures.
- k. Copy of DMV report, if filed.
- l. Copy of Police report, if filed.
- m. In addition, procedures described in Accident Reporting and Analysis Policy must be followed.

The Department Supervisor will process all accident/loss forms and forward forms to the Human Resource Department. The form will be logged and forwarded to the Safety Committee for review. The form will be returned to the Department Head for recommended corrections or training

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opportunities. The Risk Management Team will follow up with the Department Head to make sure recommendations were followed.

Safety Committee

The primary function of the Safety Committee is to focus on internal solutions to safety problems. The City's Safety Committee is made up of representatives from both Union and Non-Union employees and in compliance with the City's Safety Manual shall:

- a. Meet monthly.
- b. Review and investigate workers' compensation claim and incident reports.
- c. Conduct quarterly inspections of City facilities.
- d. Review Safety Manual and update as needed.
- e. Conduct accident/incident analysis.
- f. Conduct job hazard analysis.
- g. Review OSHA consultations and ensure compliance.
- h. Make recommendations to City Manager and/or Department Heads regarding safety concerns.

G. Accident Reporting and Analysis

The purpose of this policy is to establish requirements pertaining to the reporting and investigation of accidents involving personal injury or property damage in order to protect the safety and health of employees and the public. By analyzing the factors which contributed to or caused the accident, countermeasures can be identified to correct the areas identified and prevent future accidents.

Applicable Legal Standards

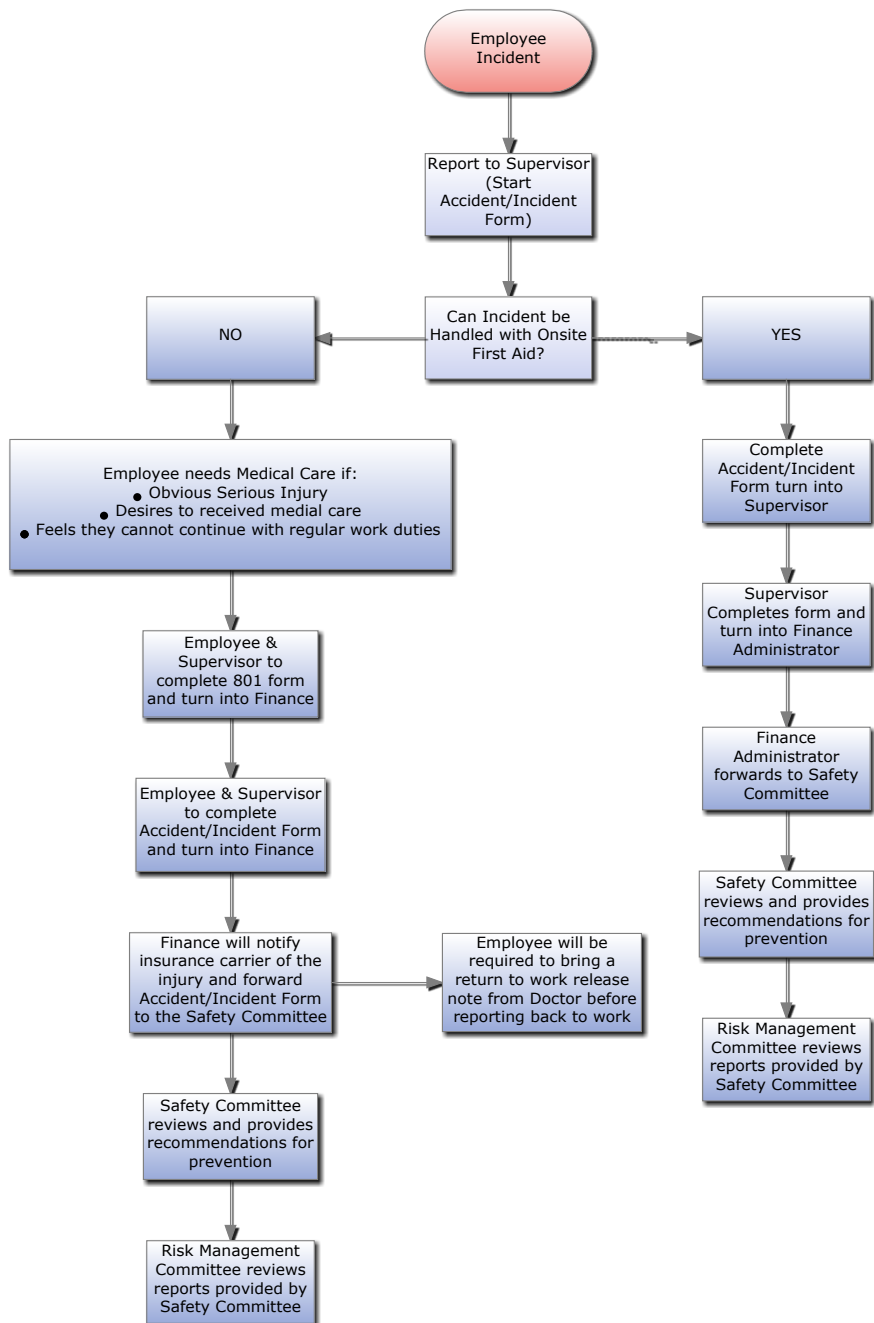
1. Oregon Administrative Rule *OAR 437-001-0760(3) Investigation of Injuries*: "Each employer shall investigate or cause to be investigated every lost time injury that workers suffer in connection with their employment, to determine the means that should be taken to prevent recurrence. The employer shall promptly install any safeguard or take any corrective measure indicated or found advisable."
2. Oregon Administrative Rule *OAR 437-001-0765(6)(g) Safety Committee/Accident Investigation*: "The Safety Committee shall establish procedures for investigating all safety-related incidents including injury accidents, illnesses, and deaths. This rule shall not be construed to require the committee to conduct the investigations."
3. Oregon Administrative Rule *OAR 437-001-0700 Reporting Fatalities and Hospitalizations to Oregon OSHA*: "Employers are responsible to notify Oregon OSHA within 8 hours after occurrence or employer knowledge of workplace fatality or catastrophe, and within 24 hours of an injury resulting in overnight or longer hospital admission."

General Responsibilities

1. Department Supervisor: The Department Supervisor is responsible to ensure that all reported injuries, illnesses, exposures, near-misses, or reports of property damage are promptly investigated as to cause; ensure that Accident Procedures, as established in this policy, are carried out; arrive at recommendations to reduce recurrence; and ensure that corrective measures are implemented to reduce the likelihood of recurrence.
2. Employee: Employees are responsible to, immediately report to their supervisor any injury, illness, exposure, motor vehicle accident, near-miss or any accident involving property damage, sustained in the scope of employment. Follow the Accident Procedures and cooperate fully with all accident investigations.
3. Safety Committee: The Safety Committee is required review every written Accident Analysis Report and provide recommendations for prevention. Members who are trained in Accident Investigation may be involved with investigating the circumstances of the accident.

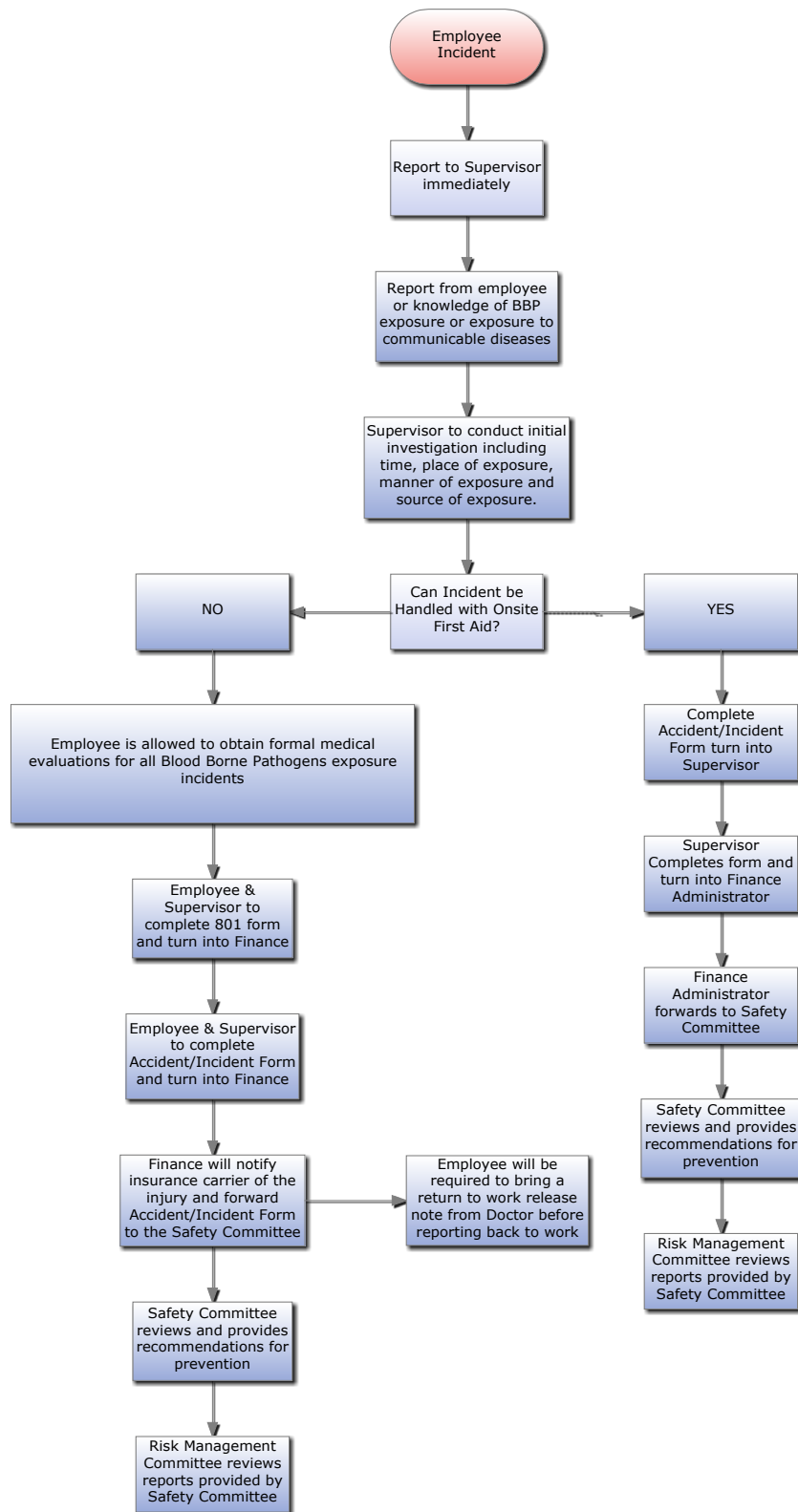
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Workplace Incident/Injury Flow Chart



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Blood Borne Pathogens Flow Chart



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Accident Procedures

1. Personal Injury: The employee shall follow these procedures to report any injury, illness, near- miss, or any accident involving personal injury, sustained in the scope of employment.
 - a. The incident and/or condition must be reported to the employee's Supervisor immediately.
 - b. The injured employee shall complete side one of the Incident/Accident/ Illness Report form to provide details on the circumstances of the injury. The injured employee and their immediate supervisor will analyze the factors that contributed to the injury, list countermeasures for prevention, and record this information on the second page of the form. The form is then forwarded to the Finance Administrator.
 - c. Any time that the work-related condition requires the services of a medical provider, the employee is further required to complete a CIS Report of Job Injury or Illness Form 801. The 801 must be filed with the Finance Administrator within two working days of the accident. CIS must be notified within five working days of employer knowledge of a claim; therefore, if the employee is not available to complete and sign the 801, it must be completed as much as possible and submitted to CIS.
2. Motor Vehicle Accidents: Any City employee who is involved in a motor vehicle accident while driving a City-owned vehicle, City-leased vehicle, or other vehicle being used on official City business, whether it is their fault or not, and whether the amount of damage is minor or not, shall follow this procedure:
 - a. STOP AT ONCE!! Check for personal injuries and call 9-1-1 for an ambulance if needed.
 - b. No vehicle shall be moved from the scene until the police arrive and or photographs are taken, unless a greater hazard would be created by failure to remove the vehicle(s) from the scene.
 - c. Contact the City of Scappoose Police Department by vehicle radio or by telephone and provide the following information: Accident involves City employee and vehicle; location of accident; and name of caller. If the accident occurs outside the City of Scappoose, contact the Oregon State Police (OSP) or the law enforcement agency with the local jurisdiction.
 - d. Contact your Supervisor and provide the same information as in (c) above. The Supervisor should report to the scene of the accident as soon as possible and take photos of the accident if possible.
 - e. Exchange insurance information with the other driver. If another vehicle is unattended, leave a note and contact the owner ASAP. Write down names, license numbers, and other information regarding the accident and those people involved in it. Record this

- information on the insurance card in your vehicle. Be sure to record the name and address of any witnesses and the name and badge number of the responding police officer.
- f. It is the driver's responsibility to submit the DMV form ("Oregon Traffic Accident and Insurance Report") to the DMV within 72 hours if there is any bodily injury and/or more than \$1500 damage to any vehicle or property, or if any vehicle is towed from the scene as a result of damages.
 - g. Employee fills outside one of the "Incident Reporting Form" for either an internal or external incident" form to provide details on the accident, after which the employee and his immediate supervisor will analyze the factors that contributed to the accident, list countermeasures for prevention, and record this information on page two of the form.
3. Damage to City Vehicle, Equipment or Property: Employees shall follow these procedures to report any accident involving damage to a City vehicle, equipment or property.
- a. The incident and/or condition must be reported to the employee's Supervisor immediately.
 - b. Employee fills outside one of the "Incident Reporting Form" for either an internal or external incident" form to provide details on the accident, after which the employee and his immediate supervisor will analyze the factors that contributed to the accident, list countermeasures for prevention, and record this information on page two of the form. The form is then forwarded to the employees Department Supervisor for review. After review is completed, the form is then forwarded to Finance Administrator. The Finance Administrator will log the form and forward it on to the Safety Committee for review.
4. Drug and Alcohol Testing:
- a. For accidents or damage to a City vehicle, property or equipment:
 - i. For a CDL driver involved in an accident which resulted in a fatality or issuance of a moving violation, federal regulations require DOT post-accident testing protocol.
 - ii. For an employee not operating a Commercial Motor Vehicle, the City's Policy and Procedures for a Drug and Alcohol Testing Program requires post-accident drug and alcohol testing if the City determines that there is probable cause to believe that the actions of the employee(s) involved materially contributed to the accident. Non-DOT post-accident protocol is followed, which requires use of the non-DOT testing form and a Disclaimer Form for conducting the Breathalyzer Test.
 - iii. In either case (DOT or non-DOT protocol): The employee must be transported by a manager as soon as possible for drug and alcohol testing. The employee shall be tested as soon as possible, but for alcohol testing the time shall not exceed a period

of eight (8) hours. Refer to the City's Policy and Procedures for a Drug and Alcohol Testing Program for details.

- iv. The employee is placed on Administrative Leave pending receipt of test results.
 - b. DOT-approved Drug and Alcohol testing facilities used by the City of Scappoose:
 - i. Legacy Laboratory Services Phone 503-397-1802 Fax 503-366-3484. When possible, please contact City Recorder or Finance Administrator so proper paperwork can be sent prior to your arrival.
5. Fatality & Catastrophe: The City Manager or designee is required to report all workplace fatalities and catastrophes to OR-OSHA within eight hours of knowledge at OR-OSHA's central office at 503-378-3272 or 1-800-922-2689 or by contacting the Oregon Emergency Response line at 1-800-452-0311.
- a. OR-OSHA requires that employers and their representatives not disturb the scene of a fatality or catastrophe, other than to conduct the rescue of an injured person, until authorized by the OR-OSHA Manager (or designee) or directed by a recognized law enforcement agency to do so.
 - b. All employee injuries resulting in admission to a hospital also require notice to OR-OSHA within 24 hours of knowledge. Such notice shall be accomplished by the City Manager or designee. If the incident occurs on a weekend or holiday, the supervisor should contact either, the City Manager, or the Chief of Police.

H. Workers' Compensation and Safety on the Job

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

After the first month of time-loss due to an accepted workers' compensation claim, employee shall cease accruing vacation and sick leave. Accruals will resume when the employee returns to work pursuant to a valid medical release.

Steps to take if you are injured on the Job

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

To ensure that you receive any workers' compensation benefits to which you may be entitled, you must do all of the following:

- 1. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens, and no later than 24 hours after injury.
- 2. Seek medical treatment and follow-up care if required.
- 3. Promptly complete a written Employee's Claim Form (Form 801) and return it to the Human Resource Department.

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4. Promptly complete a written Employee's Safety Committee Injury form and return it to the Human Resource Department.

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

Return to Work

If you require workers' compensation leave, you will under most circumstances be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

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

Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by the City of Scappoose, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, the City of Scappoose will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the City of Scappoose. While you are on modified or transitional work, you are still subject to all other City of Scappoose rules and procedures.

Overlap with Other Laws

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

Compensation

Employees may keep their check and receive no extra compensation from the City, or they may turn in their workers' compensation check and receive a full paycheck with no deduction from employee's leave banks for up to six (6) months.

When ongoing treatment of an accepted claim for an on-the-job injury requires an employee to leave work for less than four (4) hours per workday, employee will not receive reimbursement from workers compensation, and therefore will not be able to turn in, a time-loss check. In such circumstances, the City shall grant employee the necessary time off to receive medical treatment with no deduction from employee's leave bank for up to six months.

I. PERS (Public Employees' Retirement System) Benefits

City of Scappoose participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at www.oregon.gov/PERS. For information about City of Scappoose's contributions to employee PERS or OPSRP plans, please see the City Manager or Human Resource Department.

The City of Scappoose will consider allowing PERS-eligible employees to retire from their employment with the City and then rehiring them, as permitted under Oregon law. The City of Scappoose will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of the City, and the ability of existing employees to perform the work of the retiring employee. Please see the Human Resource Department for more information

J. Deferred Compensation 457B Plan

The City of Scappoose offers a Deferred Compensation 457B plan. An employee can contribute pre-tax dollars in any amount they wish as allowed by the plan. This particular plan is owned by the employee and is transferable when employment ends. There is no waiting period, and the employee can sign up directly with the plan. Employees should contact the Human Resources Department for details about the plan.

VI. Miscellaneous Policies

A. Job Posting

It is the goal of the City of Scappoose to fill employment vacancies with the most qualified applicants, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to age, disability, race, color, national origin, religion, sex, sexual orientation,

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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.

The City of Scappoose provides employees an opportunity to indicate their interest in open positions and advance within the City according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although the City of Scappoose reserves its discretionary right to not post a particular opening. The City may advertise for the position in newspapers, the unemployment office, internet, bulletin board, internal postings or other advertising methods simultaneously.

Job openings will be posted on the employee bulletin board and normally remain open for 5 days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To be eligible to apply for a posted job, employees must have completed probation and performed competently in their current position. Employees who have a written warning on file, are in an introductory period, or are on suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a job posting application to the City Recorder listing job-related skills and accomplishments. It should also describe how their current experience with the City of Scappoose and prior work experience and/or education qualifies them for the position.

The City of Scappoose recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the City. Employees in the same department fill positions by seniority first. Employees who would be transferring from other departments are considered second. Then, applicants from outside the organization will be considered third.

An applicant's supervisor may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the City.

B. Employment Applications

The City of Scappoose relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information

or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

When any position is being filled for which driving is an essential function, the driving record for the previous five (5) years shall be evaluated according to the following procedure:

- No class "A" infraction convictions during the past thirty-six (36) months and no more than one (1) class "A" infraction conviction between the past (36) and (60) months.
- No more than one (1) class "B" infraction conviction during the past twelve (12) months and no more than two (2) class "B" infraction convictions during the past thirty-six (36) months.
- No more than two (2) class "C" infraction convictions during the past twelve (12) months and no more than three (3) class "C" infraction convictions during the past thirty-six (36) months.
- Demonstrated ability to maintain a driver's license without suspensions for the past sixty (60) months.
- No felony or misdemeanor driving convictions or diversions within the past sixty (60) months.

With City Managers approval a Department Head may extend an offer of employment contingent upon receiving a successful driving record check. The City Recorder will complete the driving record check and send notification to the appropriate Department Head. If a driving record does not meet the City of Scappoose standards, the recommendation not to hire the applicant, will be made.

In processing employment applications, The City of Scappoose may obtain a consumer credit report for employment purposes only concerning credit worthiness, credit standing, and credit capacity for positions where the credit information is substantially related to the job. If the City of Scappoose takes an adverse employment action based in whole or in part on the consumer credit report, a copy of the report and a summary of your rights under the Fair Credit Reporting Act will be provided as well as any other documents required by law.

C. Employment Reference Check

To ensure that individuals who join the City of Scappoose are well qualified and have a strong potential to be productive and successful, it is the policy of the City of Scappoose to check the employment references of all applicants. The City Recorder or Hiring Department Head will conduct reference checks via phone.

D. Employee Medical Examinations

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After an offer has been made to an applicant entering a designated job category, a medical examination may be performed at the City of Scappoose's expense by a health professional of the City of Scappoose's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

E. Cooperation and Teamwork

We believe that teamwork is the foundation of a successful employment relationship. As one of the City's team, you can expect to be treated with courtesy and respect by the members of the management team. Likewise, you are expected to be cooperative, polite and positive in relations with co-workers, managers, the public and others you come into contact with through your employment with the City of Scappoose.

Remember that when an individual joins the City, that person becomes a part of our organization. As a City, we strongly endorse teamwork and cooperation as independent job requirements.

F. Employee Relations

The City of Scappoose believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City of Scappoose demonstrates its commitment to employees by responding effectively to employee concerns.

As some employees at the City of Scappoose have already chosen third party representation, we affirm our commitment to retain positive relationships with all existing bargaining units.

G. Personal Relationships in the Workplace

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship. The City of Scappoose also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

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

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

H. Hiring of Relatives

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

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor, or Human Resources. The employees and the City of Scappoose will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, the City of Scappoose will make the final decision, based on the City of Scappoose's operational and financial needs.

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Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by the City of Scappoose. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

I. Access to Personnel Files

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 Scappoose. 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 of Scappoose to be responsive to requests for public records. Employees are to forward all requests for public information to the City Recorder to be forwarded to our General Counsel.

Background Screening

The City of Scappoose 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 Scappoose 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 Scappoose does not typically inform other employees of an individual’s medical condition(s).

Personnel Records

The City of Scappoose maintains personnel files for each employee. The personnel file includes such information as the employee’s job application, resume, records of training, documentation of performance appraisals and salary increase and other employment records. Access to these files is on a need-to-know basis and is restricted to authorized persons only.

Personnel files are the property of the City of Scappoose and access to the information they contain is restricted. Authorized persons typically, are any individuals in a direct line of supervision over the employee, as well as the City Manager, City Recorder and, the Finance Administrator, and the individual to whom the file applies; the employee may also give written permission for an otherwise unauthorized individual to view their file.

Employees who wish to review their own file should contact the City Recorder. With reasonable advance notice, employees may review their own personnel file in the City of Scappoose's offices and in the presence of an individual appointed by the City of Scappoose to maintain the files.

Information in the personnel files may be treated as exempt from public disclosure as provided in ORS Chapter 192. Information which cannot be treated as confidential under the law includes: name, job

title, salary, and dates of employment with the City of Scappoose. Other information in the files may be subject to public disclosure by order of a court or tribunal of competent jurisdiction.

J. Non-Disclosure

The protection of confidential business information and trade secrets is vital to the interests and the success of the City of Scappoose. Such confidential information includes, but is not limited to, the following example:

- Records not required to be disclosed under Public Records Laws

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

K. Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City of Scappoose wishes to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. The City follows all state laws that apply to public employees and/or officials. Contact the City Manager for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the executive level of the City of Scappoose. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

An actual or potential conflict of interest occurs when an employee participates in an official action for the City which could or would result in a financial benefit or avoidance of financial detriment for the employee or a relative. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to an officer of the City of Scappoose as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City of Scappoose does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City of Scappoose.

L. Alcohol/Drug Use, Abuse and Testing

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

City of Scappoose expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

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

Prohibited Conduct

- Possession, transfer, use or being under the influence of any alcohol while on the City of Scappoose property, on City of Scappoose time, while driving City of Scappoose vehicles (or personal vehicles while on City of Scappoose business), or in other circumstances which adversely affect the City of Scappoose operations or safety of the City of Scappoose employees or others.
- Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence.
 - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on the City of Scappoose property, on City of Scappoose time, while driving City of Scappoose vehicles (or personal vehicles while on City of Scappoose business), or in other circumstances which adversely affect the City of Scappoose operations or safety of the City of Scappoose employees. (Law enforcement employees may possess narcotics or other controlled substances while engaging in law enforcement duties.) Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on City of Scappoose property or on City of Scappoose time.

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- Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, e.g., collecting or transporting evidence.
- The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to the City of Scappoose property, or possessing, items or objects on the City of Scappoose property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to employees engaged in law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in City of Scappoose property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees while engaging in law-enforcement work.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to the City of Scappoose property. This prohibition does not apply to employees while engaging in law-enforcement work.

Prescription Drugs and Medical Marijuana

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

Employees must inform their supervisor about any prescription drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. If an employee's use of such prescription drugs could adversely affect the City of Scappoose operations or safety of the City of Scappoose employees or other persons, the City of Scappoose may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide the City of Scappoose with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

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The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as the City of Scappoose will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above in section II-E.)

Reasonable Cause Testing

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

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

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, psych neurological examinations and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the City Manager or the City Manager's designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol, in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
 - a pattern of abnormal or erratic behavior;
 - information provided by a reliable and credible source;
 - a work-related accident;
 - direct observation of drug or alcohol use;
 - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
 - unexplained significant deterioration in individual job performance;
 - unexplained or suspicious absenteeism or tardiness;
 - employee admissions regarding drug or alcohol use; and
 - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the City Manager. The letter of

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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.

Post-Accident Testing

Employees are subject to testing when they cause or contribute to accidents that seriously damage a City of Scappoose vehicle, machinery, equipment or property or result in an injury to themselves or another employee that could reasonably be caused by impairment from an illegal substance and requiring offsite medical attention.

Search of Property

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

Employee Refusal to Test/Search

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

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

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- entry into a drug court or diversion program; or
- loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

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

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Drug and Alcohol Treatment

City of Scappoose 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 Scappoose is willing 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 City Manager for assistance.

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

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

Discipline and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement.

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

Confidentiality

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

M. Smoking-Free Workplace

In keeping with the City of Scappoose's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace, including City owned vehicles. This policy applies equally to all employees, customers, and visitors.

The City of Scappoose provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form

(including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or “chew/spit” tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to City of Scappoose property, vehicles or facilities/buildings.

The City of Scappoose buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, the City of Scappoose prohibits tobacco/marijuana use in or around the City of Scappoose vehicles and equipment or machinery.

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

N. Cellular Devices Policy

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

Cell Phones and Cellular Devices in General

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

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

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

Employee Use of City of Scappoose Provided Cell Phones/Cellular Devices

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

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Employees who receive a cell phone or cellular device from City of Scappoose must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or cellular device from the City of Scappoose must acknowledge and understand that because the cell phone/cellular device is paid for and provided by the City of Scappoose, or subsidized by the City of Scappoose, any communications (including text messages) received by or sent from the cell phone/cellular device may be subject to inspection and review if the City of Scappoose has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cellular Device Policy or any other City of Scappoose policy. An employee who refuses to provide the City of Scappoose access to their personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Employees may not use the City of Scappoose provided cell phones or cellular devices to call 1-900, 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's City of Scappoose provided cell phone/cellular device.

Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones with built-in cameras and video photography devices, may not be used during working hours, or at any City of Scappoose sponsored function unless authorized to do so by the City Manager. You are authorized to use your cell phone camera or video to create records for future reference at City job sites during the course of your workday.

Cell Phones/Cellular Devices and Public Records

City of Scappoose related business conducted on City of Scappoose provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against the City of Scappoose .

Cell Phone/Cellular Device Use While Driving

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

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

O. Use of City of Scappoose Email and Electronic Equipment, Facilities and Services

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

Ownership

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

Use

The law allows certain public employees to use their work address for driver or vehicle records kept by the Department of Transportation. The only eligible employee of the City of Scappoose is a Police Officer, and the only record that can contain the employee's work address is the record kept by the Department of Transportation. All employees must refrain from using the City of Scappoose mailing address for personal mail unless allowed under ORS 802.250.

All of the City of Scappoose's electronic equipment, facilities and services are provided and intended for City of Scappoose business purposes only and not for personal matters, communications or entertainment. Access to the Internet, wireless internet connection, web sites and other electronic services paid for by the City of Scappoose are to be used for the City of Scappoose business only. Personal use of the City provided Internet, wireless internet connection or electronic equipment is not permitted any time. This means, for example, that employees may not use the City of Scappoose provided Internet, connect to the City of Scappoose wireless internet connection or City of Scappoose electronic equipment, facilities and services to:

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

Further, employees may not use City of Scappoose provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City of Scappoose email addresses for professional-based social media accounts such as LinkedIn may be

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allowed with the approval of the employee's supervisor. The use of City provided email address is permitted if an employee discount is contingent on being a governmental employee.

Inspection and Monitoring

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

All information and communications in any format, stored by any means on the City of Scappoose's electronic equipment, facilities or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City of Scappoose's ownership of the electronic information, electronic equipment, facilities, or services, or the City of Scappoose's right to inspect such information. The City of Scappoose reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of the City of Scappoose's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City of Scappoose will override all personal passwords if it becomes necessary to do so for any reason.

Personal Hardware and Software

Employees may not install personal hardware or software on the City of Scappoose's computer systems without approval from the City Manager. All software installed on the City of Scappoose's computer systems must be licensed. Copying or transferring of the City of Scappoose owned software may be done only with the written authorization of the City Manager.

Unauthorized Access

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

Security

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

Inappropriate Web Sites

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

P. Social Media

Personal Use

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

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

Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate the City of Scappoose’s no-discrimination, no-harassment, and workplace violence policies and that includes discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

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

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

Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, the City of Scappoose’s employees and elected officials, and suppliers or other third parties who do business with City of Scappoose.

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

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

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

Request for Employee Social Media Passwords

City of Scappoose's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's username and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by the City of Scappoose.

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

Official Use

Definitions

For the purpose of the City of Scappoose Social Media Policy, the following terms are defined as provided below:

- a. "Advertising" is any announcement that endorses or sponsors a product, service, viewpoint, or content.
- b. "Authorized User" is a City employee who has been given written permission by the City Manager or designee to set up, monitor, and/or update a social media site.
- c. "Article" means an original posting of content to a City social media site by a City authorized user.
- d. "Back up" is a technical term that refers to the act of saving/duplicating electronic information in an additional physical (e.g., storage device) or virtual location (e.g., server or online cloud).
- e. "Comment" means a written response to a City social media article or posting.
- f. "Confidential information" includes, but is not limited to, anything that is exempted from public disclosure under ORS 192.501, 192.502, 646.461 or otherwise applicable Oregon or federal law.
- g. "Employee" means and includes regular employees, contract employees, interns, and volunteers.
- h. "Official" means and includes any person representing the City in an official capacity.
- i. "Public record" includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine-readable electronic record, regardless of physical form or

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characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. (ORS 192.005)

- j. "Site" means a social media page maintained by the City.
- k. "Social media" means interactive tools that allow integrating technology and social interaction for content sharing, often in a collaborative manner. Interactive digital tools come in many forms including, but not limited to, RSS, blogs, wikis, photo-sharing, video-sharing, podcasts, social networking, virtual worlds, and micro-blogs.

Purpose

The City of Scappoose recognizes the value of social media in connecting with our constituents. Social media can be a valuable tool in furthering the City's mission and goals. The following policy and guidelines are created to guide City employees using social media in performing authorized work for the City. The policy and guidelines contained herein do not apply to an employee's personal use of social media. Personal use of City resources and systems is governed by the Personnel Policy Manual (2021).

Use

- a. "Social media" includes, but is not limited to, Facebook, Twitter, YouTube, the City App, Instagram and other similar services.
- b. The City shall identify those employees authorized to use social media on behalf of the City. Only those employees who are authorized shall engage in social media activities on behalf of the City. The City Manager or designee shall maintain a list of authorized social media users.
- c. All social media accounts should be created using a City-issued email address, whenever possible. This will ensure that:
 - i. Personal and professional communications are separated;
 - ii. The City can back up public conversations because the City owns and controls the email address;
 - iii. The City can access the site when the employee is out on vacation or otherwise away from the office or leaves employment with the City; and
 - iv. The City can determine that the site is legitimately the City's (and not a rogue site generated from a private email address).
- d. The City shall notify users and visitors to social media sites that the purpose of the site is to facilitate communication between the City and the public. Each site shall contain the following message:

This site is created by the City of Scappoose. This site is intended to serve as a mechanism for communication between the public and the City of Scappoose on all topics relevant to City business. The City of Scappoose reserves the right to remove comments or postings that violate any applicable laws. A list of content that will be removed may be viewed at: [insert hyperlink to user guidelines]. Postings to this site are public records of the City of Scappoose and may be subject to disclosure under the Oregon Public Records Law.

The City of Scappoose does not endorse nor sponsor any advertising posted by the social media host, that the social media host is a private entity, or the privacy terms of the site

apply. The City of Scappoose does not guarantee reliability, accuracy, or security of any third-party links.

- e. Where possible, all social media sites or pages will display the City's logo or seal for consistency and authenticity. The City has ownership of the City logo and seal, which shall only be used by the City for City business.
- f. Social media posts are considered public records if posts are made on an official City account; or on a City employee's or official's private account which makes or receives comments on City matters.
- g. The City and its employees and officials shall not discriminate against public speech based on content or viewpoint. The City, its staff and its officials may not engage in viewpoint discrimination. All persons who wish to "friend," "follow," "re-tweet," etc. must be allowed to do so.
- h. It is the policy of the City to not respond to comments on social media pages. Rather, a disclaimer shall be visible on the City's social media site(s) encouraging site visitors seeking a response to contact the City Recorder or designee via email or telephone directly.
- i. Content posted to City social media sites should also be available on the City's official website.
- j. The following content posted by the public on a City-maintained social media site may be removed :
 - i. Comments not topically related to the particular article being commented upon;
 - ii. Comments in support of or opposition to political campaigns or ballot measures;
 - iii. Profane language or content;
 - iv. Content that promotes, fosters or perpetuates discrimination upon the basis on race, religion, gender, gender identity, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law;
 - v. Inappropriate sexual content or links to inappropriate sexual content;
 - vi. Solicitations of commerce;
 - vii. Conduct or encouragement of illegal activity;
 - viii. Personally identifiable and/or confidential information;
 - ix. Information that may tend to compromise the safety or security of the public, public systems, or public facilities; or
 - x. Content that violates a legal ownership interest of any other party.

These guidelines shall be displayed to all users or made available by hyperlink on the City's official social media site(s)/page(s). Any content removed must be retained, including the time, date and identity of the poster when available.

Records Retention

- a. The City must maintain and preserve social media records in compliance with the Oregon Public Records Law. The Public Records Law applies regardless of whether the social media site is hosted by the City or a third party.

- b. Those engaged in social media activities must be familiar with the City's records retention schedule. Any posted original content that is not a copy of a preexisting City record must be captured and retained by saving a copy and providing it to the City Recorder.
- c. Social media content shall be retained by composing and retaining the message on a local server and noting the time and date posted, or by capturing screenshots of the post once it is on the page.
- d. **Non-Original Social Media Content Maintained Elsewhere**
Any posted content that is a copy of a City record that exists in another location does not need to be separately preserved, provided that the original content is being retained in compliance with the appropriate City retention schedule and media preservation requirements. Employees should use social media applications exclusively as a mechanism for providing the public with links or references to content that is maintained as an official City record elsewhere. Links or references posted to social media accounts are considered convenience copies which need to be retained only "as needed" or "until superseded."
- e. **Original Social Media Content**
Any posted original content that constitutes a City record and that is not preserved and retained elsewhere in compliance with the appropriate City retention schedule. The person who posts the content is responsible for retaining and preserving the record.
 - i. **Speeches/Statements/News Releases/Program Activity Records**
Content that contains written or photographed accounts of a City event, or summary of such events posted to social media are considered statements and reports for retention purposes and should be retained generally for two years from the time they are "published." If these posts contain policy or historically significant content, they must be retained permanently.
 - ii. **Correspondence**
Incoming messages from the public that arrive via the City's social media account should be treated as correspondence. Messages completely unrelated to the City's activities do not need to be retained. If the message relates to the City's activities or functions, it must be captured and retained per the retention category that most closely corresponds to the content of the message. Staff are advised to respond to correspondence via email or other "offline" messaging methods and if possible, communicate directly with the individual and maintain that correspondence.
 - iii. **Content Associated with a Specific Function or Activity**
Information received from the public in response to social media posts used as a public entry point to solicit specific information—such as conducting a poll or to launch a process or placing an order—should be retained along with other records associated with that function or activity using the appropriate retention schedule.

Security Precautions

- a. Password security is crucial for the integrity of City social media accounts. Below are the requirements for passwords associated with City social media accounts:

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- i. Minimum password length: eight (8) characters
- ii. Passwords must contain at least three of the four character types: upper case, lower case, numbers, and symbols.
- iii. Passwords are required to be changed every 90 days. Please note that most social media sites will not prompt users to change passwords on a regular basis. It is the responsibility of the authorized user to ensure that passwords are routinely changed.
- iv. Passwords should not be reused.
- v. Do not share passwords over email or with other individuals
- b. General social media security practices:
 - i. Be cautious of attachments and/or links placed in comments. A good practice is to 'hover' over a link with the cursor to see more information about the link's destination.
 - ii. Do not forward chain letters.
 - iii. Consult the City's Cybersecurity Policy and/or your direct supervisor when in doubt.

Any staff member in violation of this Social Media Policy is subject to disciplinary action pursuant to the City of Scappoose Personnel Policy Manual, including but not limited to termination.

User Guidelines

These guidelines should be used in conjunction with the City's Social Media Policy. Please note that these guidelines are subject to change.

- a. Objectives for Use of Social Media
 - i. Extend the reach of existing City messages online by building relationships with relevant audiences.
 - ii. Provide an informal "human" voice of the City to promote engagement with the community.
 - iii. Demonstrate the City's commitment to community outreach and engagement.
 - iv. Provide a method for the community to interact with the City.
 - v. Provide a way to update and educate the community.
 - vi. Monitor issues affecting the City.
 - vii. Disseminate timely information.
 - viii. Promote City-sponsored events.
 - ix. Highlight outstanding individuals and organizations that contribute to Scappoose and the region.

Using Social Media

City employees and officials should consider the following factors when defining their objectives in using social media:

- a. Why is the City using social media?
- b. How would the City like people to interact with the organization through social media?
- c. Which demographics is the City intending to reach?
- d. Is there something that the City would like constituents to do?
 - i. Fill out a form or survey?

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- ii. Read a certain article or report?
- iii. Subscribe to updates?
- iv. Provide feedback?
- v. Share information with their friends?

Posting Photos and Video

Be thoughtful when posting pictures and video of people. There is no expectation of privacy at a public event but be aware that there could be restrictions around whose photo you post depending on the circumstance and venue. Things to consider:

- a. Could someone have a reasonable expectation of privacy when the photo was taken?
- b. Does the person know you are photographing them to post on the internet?
- c. Is this image going to be used in flyers or other City promotional material?
- e. Should release/waiver documents be considered?
- f. Photos and video of law enforcement officers should not be posted without written permission.
- g. Keep copyright in mind. The City owns copyright in images it produces or contracts with others to produce on the City's behalf. When using images from third parties, permission should be obtained prior to use.

Following, Liking, Re-tweeting, Friending, etc.

- a. Government may not engage in viewpoint discrimination. All persons who wish to Friend, Follow, Re-tweet, etc. must be allowed to do so.
- b. Be careful in choosing who to Friend, Follow, what to Like, Re-tweet, etc. The City should not give the appearance of preference or endorsement to any particular contractors, consultants, vendors, products, or services.

City Approved Social Media Tools

- a. The City currently utilizes Facebook, YouTube, and the City App (OCV). Use of any additional Social Media sites or hosts shall be authorized in writing by the City Manager or designee.

Recommended Social Media Etiquette

- a. Stick to your area of expertise.
- b. Post meaningful, respectful comments – if any. Comments that are spam, offensive, or off-topic are not acceptable.
- c. It is the policy of the City to not comment on social media posts, whether on posts authored by the City or others. There may be instances in which a comment or response to a comment is warranted – in such circumstances, social media comments posted by the City should be authorized by the City Manager or designee.
- d. Pause and think before posting.
- e. Reply to comments in a timely manner, when a response is appropriate.
- f. Respect proprietary information and content and confidentiality.
- g. When disagreeing with others' opinions, be appropriate and polite.

- h. If you make a mistake, admit it. Be upfront and prompt with your correction and note the correction in the edited post.
- i. Remember that what you publish will be public for a long time.

Q. Confidential City of Scappoose Information

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

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

R. Ethics

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

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

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

S. Conduct

The successful business operation and reputation of the City of Scappoose is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence

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requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the City of Scappoose is dependent upon our customers' trust, and we are dedicated to preserving that trust. Employees owe a duty to the City of Scappoose, its citizens to act in a way that will merit the continued trust and confidence of the public.

The City of Scappoose will comply with all applicable laws and regulations and expects its Council Members, managers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and if necessary, with the City Manager.

Compliance with this policy of business ethics and conduct is the responsibility of every City of Scappoose employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

T. Off Duty Conduct

For purposes of this section, off-duty activities also includes participation in online activities, including, but not limited to, forms of online publishing and discussion such as blogs, wikis, file-sharing, user-generated video and audio, virtual worlds, and social networks.

As a general rule, the City of Scappoose regards the off-duty activities of employees to be their own personal matter. However, there are certain types of off-duty activities that are of concern because of the potential negative impact on the City's' reputation within the communities we serve. For that reason, employees who either engage in, or are associated with, criminal acts, or other conduct, the nature of which adversely affects the City of Scappoose or their own ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action including discharge.

Oregon law provides 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."

U. Open-Door Policy

City of Scappoose's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. City of Scappoose's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and

where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in City of Scappoose, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the City Manager.

V. Outside Employment

Generally, employees may obtain employment with an employer other than the City of Scappoose or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

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

Employees may not accept outside employment that involves:

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

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

Employees may hold outside jobs as long as they meet the performance standards of their job with the City of Scappoose. All employees will be judged by the same performance standards and will be subject to the City of Scappoose's scheduling demands, regardless of any existing outside work requirements.

W. Criminal Arrests and Convictions

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

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City of Scappoose property, or in an City of Scappoose vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above in section V-L);

2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

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

X. Political Activity

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

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

Y. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Scappoose (see “Holidays” section, IV-F above), the City of Scappoose is open for business on Monday through Friday during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or their designee) will decide whether to and to what extent the City of Scappoose will close. Regardless of the closure decision, employees who perform essential duties are expected to come to work.

In the event of extreme bad weather, we recognize that each employee’s ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your supervisor. Non-essential employees who are unable to report to work because in inclement weather may use accrued vacation, compensation time or personal day to cover the missed work time. Safety and a trustworthy approach are your guides.

Z. Driving While on Business

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

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The City of Scappoose may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with City of Scappoose, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify City of Scappoose when there are transactions on your driving record such as speeding tickets and citations.

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

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

Any City of Scappoose employee/volunteer must meet the following criteria in order to be allowed to drive on City of Scappoose business:

- Must possess a valid Oregon driver's license or provide an alternate means of transportation that is approved by the City Manager.
- Be at least 18 years old.
- Possess a valid Commercial Driver's License if driving a vehicle requiring such.
- If involved in an at-fault accident on City of Scappoose business, an employee/volunteer is required to complete a defensive driving course within six (6) months of the accident.
- With approval of the City Manager, if driving their personally owned vehicle, provide proof of insurance at the inception of this policy or when driving responsibilities that are covered by this policy begin and at any time there is a change to the policy, to the Human Resource Department evidencing liability limits no less than the State required minimum of 25,000 single occurrence/50,000 annual aggregate.
- Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion.
- Drivers shall have the vehicle's lights on when driving.
- Drivers shall inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This should include tires properly inflated (i.e., not visibly deflated), clean windows, mirrors properly positioned and all lights in working order.
- Drivers shall comply with all applicable state and local driving laws, parking regulations, and all City of Scappoose and departmental safety policies and rules.

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- Drivers will drive according to the road conditions during inclement weather. Drivers will know how and be prepared, in advance, of bad weather/adverse weather and road conditions.
- Drivers shall be held personally responsible and liable for any citations received while driving a vehicle on City of Scappoose business. All tickets for moving violations and/or parking fines received while driving City of Scappoose vehicles shall be paid or otherwise resolved promptly by the driver. Drivers shall notify their supervisor within 48 hours of receiving any citation while in a City of Scappoose vehicle.
- For photo radar or other citations issued against the vehicle's registration, the employee/volunteer's department will complete the "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
- In the event of an accident on City of Scappoose business, drivers shall immediately contact their supervisor, and, if driving a City of Scappoose vehicle, follow all the City of Scappoose instructions/procedures for reporting accidents. Do not remove the vehicle until photographs are taken by police personnel or immediate supervisor (*See V-F Accident Report and Analysis*).
- A driver whose license has been suspended or revoked shall immediately notify their supervisor.
- For employees who are required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered as grounds for disciplinary action up to and including dismissal, whether the offenses and infractions occurred during or outside work hours. Volunteers with driving record convictions on or off the job may be subject to reassignment or removal from volunteer placement.
- Drivers shall ensure that any passengers who ride with them in a City of Scappoose vehicle or in any vehicle while on City of Scappoose business, are authorized by the City Manager. Drivers shall not transport passengers unless the passengers are wearing safety belts or other restraint devices in accordance with Oregon Revised Statutes. No family members may ride, or drive City of Scappoose owned vehicles unless permitted under this policy.
- In the event of a citizen emergency that requires the use of a City of Scappoose vehicle, managers can grant prior authorization under specific circumstances they establish. If an employee/volunteer on City of Scappoose business encounters a stranded motorist, please be aware: a.) there is no obligation to stop and render assistance, b.) you should consider all objective circumstances regarding your own personal safety before choosing to stop, c.) the only authorized action is to help connect the motorist with appropriate roadside assistance.
- Drivers shall not drive the City of Scappoose vehicles or private vehicles for City of Scappoose business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee/volunteer should first obtain approval from their physician that it is safe to drive while taking the medication. If the employee/volunteer comes to work but due to the medication cannot drive, the employee/volunteer shall immediately inform their supervisor and ask for an alternate work assignment. If there is no work available, the employee/volunteer may be assigned to another department or sent home.

- Employees/volunteers are expected to use good judgment at all times while driving on behalf of the City of Scappoose. In circumstances where the employee/volunteer is uncertain if they should be operating or continue to operate a vehicle (such as prescription or over-the-counter medication, extended or continuous shifts, end-of-day long distance travel, fatigue, poor weather or road conditions) the employee/volunteer is expected contact their supervisor/manager to assist in making the safest determination, of whether to continue to drive or not.

Employee/volunteers who are found to have violated this policy or find any indications of misconduct involving vehicles may be subject to disciplinary action up to and including termination. It is the intent of this policy that unsafe behavior be identified and corrected.

AA. Use of Equipment and Vehicles

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

BB. Employee-Incurred Expenses and Reimbursements

The City of Scappoose will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. Employees whose travel plans have been approved are responsible for making their own travel arrangements. Travel advances are not provided. With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. The City of Scappoose will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on City of Scappoose approved travel.

Employees must provide a completed and signed expense report and attach evidence of proof of purchase (original itemized receipts) within 10 days, reports turned in after 30 days will not be considered for reimbursement. Employees are not allowed to use store reward cards or gift cards for reimbursable expenses. Employees are expected to limit expenses to reasonable amounts.

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

- *Conferences or Workshops:*
- *Meals:* Cost of employee's meals. Alcoholic beverages will not be reimbursable. Employees must travel 25 miles outside of City limits for the meals to be considered reimbursable. Employee must turn in an itemized receipt for meal reimbursement, credit card receipt will not be acceptable for reimbursement. If no overnight stay is part of your required travel only lunch will be reimbursed. For example, if you leave residence in the morning and return that evening only lunch will be reimbursable. IRS taxable fringe benefit rules apply to all meal reimbursements. Please contact Human Resource Department for more information.
- *Mileage and Parking:* Employees are required to use a City of Scappoose vehicle whenever possible. If there is not a City vehicle available, with City Manager prior approval, employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Scappoose.
- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Car rental fees, only for compact or mid-sized cars.
- Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- Taxi fares, only when there is no less expensive alternative.
- Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
- Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare.

When travel is completed, employees should submit completed travel expense reports within 10 days, reports turned in after 30 days will not be considered for reimbursement. Reports must be accompanied by original itemized detailed receipts for all individual expenses. Reports turned in without original itemized detailed receipts will not be considered for reimbursement.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues. Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

All reimbursement will be made in accordance with the IRS Publication 15-B, Employer's Tax Guide to Fringe Benefits.

CC. Workplace Violence

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

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

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

DD. Workplace Inspections – No Right to Privacy or Confidentiality

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

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voice mail systems and computer systems. Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voice mail and computer systems assigned to them by the City of Scappoose; these areas are not private.

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

EE. City Credit Cards

Department Heads may apply for a City credit card in their name with a bank the City uses for business, but must obtain prior, written approval from the City Manager. To be eligible for a City credit card, a Department Head must travel frequently in the course of their duties, purchase significant volumes of goods and services for use by the employer, or incur other regular frequent business expenses of a kind appropriately paid by credit card.

- The City credit card cannot be used to obtain cash advances, bank checks, traveler's checks, or electronic cash transfers for expenses other than those incurred by the assigned employee named on the card, or for personal expenses. Misuses of the card will result in cancellation of the card, withdrawal of City credit card privileges and disciplinary action, up to and including termination. If the card is used for an employee's personal expenses, the City of Scappoose reserves the right to recover these monies from the employee cardholder. As a condition to

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using a City credit card, cardholders will be required to sign a declaration authorizing the company to recover, from their salary, any amount incorrectly claimed.

- Each card will be limited to a maximum of \$2,000. Increases to the established maximum may be made on a case-by-case basis by the City Manager.
- City credit card expenditures must be reconciled and submitted with original itemized receipts and the credit card charge slip to the Finance Department within five (5) business days of the statement date. Cardholders who have not reconciled and submitted their monthly expenditure within this period will be asked to reconcile and submit their monthly expenditure immediately. Continued or repeated non-conformance to this policy will result in cancellation of the card and such other actions as appropriate. If the card expenditures are not reconciled and submitted within a month of the statement date or a satisfactory explanation has not been received by Accounting/Finance Department, the employee's corporate credit card will be cancelled.
- Lost or stolen cards must be reported immediately to the City Manager or Finance Administrator.

FF. Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City of Scappoose presents to the community.

During business hours or when representing the City of Scappoose, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

GG. Educational Assistance

The City of Scappoose recognizes that the skills and knowledge of its employees are critical to the success of the City. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the City of Scappoose.

The City of Scappoose may provide educational assistance to regular full-time employees who have completed 365 calendar days of service. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

- Temporary employees are not eligible to receive educational assistance.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable future position in the City in order to be eligible for educational assistance. The City of Scappoose has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position. Employees should contact the City Manager or the Human Resource Department or their immediate supervisor for more information or questions about educational assistance.

Employee must achieve a B or higher in the class. If a B or higher is not achieved no educational assistance reimbursement will be issued. Upon submission of grades achieved of a B or higher for the designated term, the employee will be reimbursed for both tuition and books at the end of the term. There is a limit of no more than 6 credit hours per any given school quarter or 9 per semester. Employee will not qualify for mileage reimbursement or use a City vehicle for attending class. Any request to change terms of educational assistance is subject to approval by the City Manager.

While educational assistance is expected to enhance employees' performance and professional abilities, the City of Scappoose cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

The City of Scappoose invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if employment is terminated from the City of Scappoose within one year of the last educational assistance payment, or within one year of completion of the last class, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to 100 percent of the original educational assistance payment.

HH. Weapons on City of Scappoose Premises

At the City of Scappoose, we strive to provide a safe working environment for employees, as well as a safe environment in our buildings for consumers and the public. We believe that an effort to provide such an environment includes providing a policy about weapons on our premises.

For the purposes of this policy, the term "weapon" is considered to include, but is not limited to:

- Firearms; (includes any handgun, rifle, shotgun, and any other weapon which will or is designed to expel a projectile by the action of an explosive);
- Knives (other than an ordinary pocketknife with a blade not longer than two inches);
- Taser, stun gun, or similar instrument;
- Club, brass knuckles, baton, or similar instrument;
- Explosive devices or material;
- Any other dangerous or deadly weapon as defined in Oregon law.

Employees are prohibited from bringing weapons to work or into City facilities or vehicles. Employees are also prohibited from bringing weapons to work when the work is performed on a consumer's property. This prohibition applies even if the employee has a concealed handgun license but does not apply to an employee authorized to carry weapons as part of their job responsibility, such as police officers.

Under Oregon law, the public is allowed to enter City of Scappoose buildings with a legally licensed concealed handgun. If, however, a consumer, member of the public, employee or any other individual is determined to be a threat, appropriate action will be taken.

Violation of this policy may result in discipline, up to and including termination.

VII. Termination of Employment

A. Workplace Rules and Prohibited Conduct

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

- Falsification of employment or other City of Scappoose records.
- Recording of hours worked of another employee or allowing any other employee to record your work time.
- Allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City of Scappoose property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Scappoose equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Scappoose property.
- Carrying firearms or any other dangerous weapon on City of Scappoose premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City of Scappoose property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City of Scappoose employee, customer or vender.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.

- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Scappoose.
- Misrepresentation of the City of Scappoose policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Scappoose. Employees may not use the City of Scappoose's name, logo, likeness, facilities, assets or other resources of the City of Scappoose for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or the City of Scappoose policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City of Scappoose or outside regulatory or legislative bodies.
- Failing to timely pay utility accounts with the City of Scappoose on time, and/or if City of Scappoose provided services are disconnected for non-payment. This includes, without limitation, situations where the employee writes a check to City of Scappoose that is refused for payment due to non-sufficient funds.
- Harassment or discrimination that violates the City of Scappoose policy.

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

B. Corrective Action/Discipline Policy

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

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

In all cases, City of Scappoose retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, City of Scappoose reserves the right to proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when City

of Scappoose deems such action appropriate. City of Scappoose retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

C. Retirement or Resignation from Employment

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

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

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

Employees must return all City of Scappoose property, including phones, computers, identification cards, credit cards, keys, and manuals, to the City Manager on or before their last day of work.

D. Employment Termination

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the City.
- Layoff - involuntary employment termination initiated by the City for lack of work or funding for the position.

The City of Scappoose will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City of Scappoose, or return of the City of Scappoose owned property. Suggestions, complaints, and questions can also be voiced.

Since employment with the City of Scappoose is based on mutual consent, both the employee and the City of Scappoose have the right to terminate employment at will, with or without cause, at any time, unless prohibited by law. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued,

vested benefits that are due and payable at termination (as set forth in this manual) will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified by CIS directly for options of continuing health care coverage after employment termination.

E. Problem Resolution

The City of Scappoose is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the City of Scappoose supervisors and management.

The City of Scappoose strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the City of Scappoose in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

1. Employee presents problem to immediate supervisor after incident occurs. If immediate supervisor is unavailable or employee believes it would be inappropriate to contact their immediate supervisor, employee may present problem to the any other Department Head.
2. Supervisor or Department Head responds to problem during discussion or after consulting with appropriate management, when necessary. Supervisor documents discussion.
3. If employee feels problem is unresolved, the Supervisor or Department Head will counsel and advise employee. They may also assist in putting problem in writing if necessary, and direct employee to the City Manager for review of problem.
5. Employee presents problem to the City Manager in writing.
6. The City Manager reviews and considers problem. The City Manager informs employee of decision and forwards copy of written response to the City Recorder for employee's file. The City Manager has full authority to make any adjustment deemed appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment and helps to ensure everyone's job security.

F. References

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

By policy, City of Scappoose discloses only the dates of employment and position(s) held of former employees. The City of Scappoose will only provide references for actual employees of the City. References will not be provided for volunteers or temporary agency workers.

Employee Acknowledgement

Acknowledgement of Receipt of the 2022 Employee Personnel Policy Manual

I acknowledge that I have received and will read a copy of the City of Scappoose's 2022 Employee Personnel Policy Manual. I also understand that a copy of the Employee Personnel Policy Manual is available to me at any time to review in the Human Resource Department.

I understand that the City of Scappoose has adopted the Employee Personnel Policy Manual only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in the City of Scappoose's sole discretion. I also understand that the Personnel Policy Manual controls over any other contradictory statements, other than those found in applicable collective bargaining agreements or any executed employee contract. I acknowledge that the Employee Personnel Policy Manual is not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either the City of Scappoose or I may terminate my employment relationship at any time, for any or no reason, with or without cause, and with or without advance notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement

I have reviewed or will review the City of Scappoose's policies regarding equal employment opportunity and I understand the City of Scappoose aims provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment forward as set forth under Section II. I understand that I may bring complaints about these issues to my shop steward or trusted union representative, but that City of Scappoose may not be able to address the issue unless notice is provided to the City of Scappoose by you or the shop steward/union representative.

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

I have read this acknowledgement carefully before signing.

Employee Signature

Date

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

Exhibit B

Welcome

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

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Scappoose and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Scappoose with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City that are inconsistent with its provisions. It does not, however, substitute for a controlling collective bargaining agreement provision. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this Employee Handbook, the collective bargaining agreement provision controls.

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

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after this version of handbook, please ask the City Manager.

Sincerely,

Alexandra Rains
City Manager, City of Scappoose

Management's Written Commitment to Health and Safety

We hold in high regard the safety, welfare, and health of our employees. Every reasonable effort shall be made to maintain a safe working environment. No job will be considered so important and no order so urgent that we cannot take time to perform our work safely.

We will establish and require a loss prevention program that emphasizes the integration of safety and health measures into each job task so that safety and job performance become inseparable. This will be accomplished through the cooperative efforts of all employees who will work together to obtain the lowest possible workplace accident rates.

We recognize the need to provide a workplace which meets the ergonomic needs of its employees. All work sites have been evaluated for design, layout and operation using an ergonomic approach. Employees identifying a job site needing modification, should notify their Department supervisor.

If you have any questions about our safety policy, rules, or programs please contact your Department supervisor. I will receive the minutes from the safety committee meetings and will take an active role in overseeing that our safety program is effective. Our loss prevention program will be evaluated annually to ensure its success.

By accepting mutual responsibility to operate safely, we will all contribute to the well-being of one another and subsequently our organization.

Sincerely,

Alexandra Rains
City Manager, City of Scappoose

I. Form of Government

A. City Manager

The City of Scappoose operates under the Council-Manager form of government as created by the City Charter. The Council adopts policy, and the Manager is charged with implementing it. The Manager functions similar to a CEO in carrying out the adopted policy set by the Council.

The City Manager is responsible for personnel administration and may delegate any of these powers and duties to another City employee. For purposes of daily administration, the City Manager delegates responsibility in the following manner:

Human Resources Department:

Benefits plan administration
Retirement plan administration
Classification and compensation
Review and auditing of personnel actions
Personnel records administration

Department Supervisors:

New employee orientation
Performance management
Creation of a positive work environment
Identifying training needs
Personal Protective Equipment (PPE) training & use
Job safety procedures
Corrective actions

The City Manager reserves the right to modify the delegation of authority when operational requirements necessitate.

B. City Council

The City Council is responsible to the citizens of Scappoose to establish and direct policies governing the administration and management of the City. The Council consists of the Mayor and six Councilors. The Mayor is elected each biennial general election and serves a two-year term. Councilors serve a four-year term. At each biennial general election three councilors shall be elected. At the first meeting of the odd numbered year, the Council shall elect a president from its membership.

The Mayor is a voting member of the Council. The Mayor represents the City at ceremonial functions, presides over Council meetings, consults with the City Manager on Council Agenda's, appoints and consults with City boards and commissions as approved by the Council, and routinely discusses questions and concerns with the City Manager.

The City Council establishes the personnel policies that are contained in this manual, with consultation from the City Manager.

II. Equal Employment Opportunity (EEO) Policies

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

All employees are encouraged to discuss these EEO Policies with the City Manager or the Human Resources Department~~(Contact)~~ at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

A. No-Discrimination, No-Retaliation Policy

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

For purposes of this and all other City policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hair styles), Further, "protective hairstyles" is defined as "hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs and twists)".

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

I. Statement Regarding Pay Equity

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

II. No-Harassment Policy

The City prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in

a harassment-free workplace. Specifically, City prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

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

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

III. Sexual Harassment

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

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

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

This is not a complete list.

IV. Other Forms of Prohibited Harassment

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

City policy also prohibits harassment such as verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style (see definition of "race" on page 1). Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

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

V. Complaint Procedure

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

VI. Investigation and Confidentiality

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

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City's complaint-reporting procedure, described above, to ensure a timely,

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

VII. Protection Against Retaliation

City prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct. Employees who believe they have been retaliated against in violation of this policy should immediately report it to the City Manager or Human Resources or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment. See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

VIII. Other Resources Available to Employees

The City provides an Employee Assistance Program (EAP) through Canopy to all employees and dependents who are enrolled in City's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to canopywell.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City provides employees of the Police Department with an additional EAP through [NAME]. For access to confidential help 24 hours a day, seven days a week, call [number], or go online to [website]. The [Name here] program provide [fill in here]

Commented [IB1]: Details to be added upon final review.

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

IX. Other Employee Rights

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

The City is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City regarding his/her/their experience and/or employment status, the employee should contact ~~Contact~~ the City Manager or Human Resources. The employee's request to enter into such an agreement must be in writing (email or text is acceptable).

Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City and employee do reach an agreement, the City will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her/their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City or making comments that would lower the City in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

BC. No-Bullying Policy

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

- Verbal Bullying: Slandering, ridiculing or maligning a person or his/her/their family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
- Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
- Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
- Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

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

CD. Disability Accommodation Policy

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

I. Accommodations

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

II. Requesting an Accommodation

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

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with [Contact] and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her/their need for a reasonable accommodation. Both the City and employee must monitor the employee's accommodation situation and make adjustments as needed.

DE. Pregnancy Accommodation Policy

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

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

I. Requesting a Pregnancy-Related Accommodation

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

II. No Discrimination, No Retaliation

The City prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City; or (3) needed an accommodation.

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

III. Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under [Oregon's sick leave law], [the Oregon Family Leave Act]. See policies on page [Location] or speak with human resources.

IV. Reporting Improper or Unlawful Conduct — No Retaliation

Commented [IB2]: To be updated during final review stages.

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

- A violation of any federal, Oregon, or local law, rules or regulations by the City;
 - A violation of law, regulation, or standard pertaining to safety and health in the place of employment;
 - Mismanagement, gross waste of funds, abuse of authority;
 - A substantial and specific danger to public health and safety resulting from actions of the City or one of its employees; or
 - The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.
- Further, in accordance with Oregon law, the City will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

V. Employee Reporting Options

In addition to the City's Open Door Policy (see section __), employees who wish to report improper or unlawful conduct should first talk to his/her/their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with [Contact]. Supervisors and managers are required to inform the [Contact] about reports of improper or unlawful conduct they receive from employees.

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

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

Commented [IB3]: To be updated at final review.

VI. Additional Protection for Reporting Employees

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

VII. Policy Against Retaliation

The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she/they is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the

violation (including information that is exempt from disclosure as provided in Oregon law or by City policy).

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

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

II. ~~Equal Employment Opportunity (EEO) Policies~~

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

~~All employees are encouraged to discuss these EEO Policies with the City Manager or Human Resource Department at any time if they have questions relating to the issues of harassment, discrimination or bullying.~~

~~A. No Discrimination Policy~~

~~The City of Scappoose provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, genetic information, veteran's status, or any other status protected by applicable Federal, Oregon, or local law. The City of Scappoose also recognizes an employee's right to engage in protected activity under Oregon and federal Law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.~~

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

~~B. Statement Regarding Pay Equity~~

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

See also "Statement Regarding Pay Practices" policy, below in section III J.

~~C. No Harassment Policy~~

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

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

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

Sexual Harassment

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

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

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

This is not a complete list.

Other Forms of Prohibited Harassment

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

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

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

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

D. Bullying

The City of Scappoose strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City of Scappoose, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group)

directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing or maligning a person or their family; persistent name calling, which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including

This is not a complete list.

E. Retaliation

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

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

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

F. Complaint Procedure

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

Internal Complaint Procedure

Employees who have been subjected to harassment, sexual assault, retaliation or discrimination should document the event(s), associated date(s) and potential witnesses as close in time to the actual event as possible. Employees are encouraged to report incidents as soon as possible but they have up to four years from the date of the alleged prohibited conduct to file an internal complaint with the City.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with parties involved and, where necessary, with individuals who may have observed event(s) or may have other relevant knowledge.

The City will maintain confidentiality throughout the investigatory process to the extent possible, consistent with management's need to investigate the complaint and address the situation.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or corrective action such as a written warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination as the City believes appropriate under the circumstances.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

External Complaint Procedure

We encourage employees to bring their concerns and complaints to the City as set forth above, but we understand that, at times, this may not be the choice of the employee. Employees have the right to pursue remedies administratively or judicially as set forth below. Employees may pursue a claim by:

- ▲ ~~Filing a complaint with the Oregon Bureau of Labor and Industries (BOLI) at the following web address: <https://www.oregon.gov/boli/CRD/Pages/C-Crecompl.aspx>. Any complaint filed with BOLI concerning prohibited conduct described under ORS 659A.030, ORS 659A.082 or ORS 659A.112 must be filed no later than five years after the alleged prohibited conduct.~~
- ▲ ~~Filing a complaint/charge with the U.S. Equal Employment Opportunity Commission (EEOC).~~
- ▲ ~~Filing a civil action. Any civil complaint concerning prohibited conduct described under ORS 659A.030, ORS 659A.082 or ORS 659A.112 must be filed no later than five years after the alleged prohibited conduct. In the event an employee plans to pursue a civil action against the entity under the provisions of the Oregon Tort Claims Act, a notice of the claim must be provided to the entity within 180 days of the alleged prohibited conduct (ORS 30.275). Please note that if employees have questions about filing a civil action, they are encouraged to obtain outside legal counsel.~~
- ▲ ~~Filing a criminal action. Please note that employees wishing to pursue criminal action will need to pursue charges based on the statute of limitations for the criminal action at issue. If employees have questions about pursuing criminal charges, they are directed to consult with local law enforcement.~~

Other Resources Available to Employees

The City of Scappoose provides an Employee Assistance Program (EAP) through Cascade Centers to employees and dependents who are eligible for the City of Scappoose's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll free: 1-800-433-2320, or go online to www.cascadecenters.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

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

Other Employee Rights

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

If an employee who has been aggrieved by workplace harassment, discrimination or sexual assault wants to enter into a settlement, separation or severance agreement with the City of Scappoose

Regarding their experience and/or employment status, the employee should contact the Human Resource Department or their supervisor. The employee's request to enter into such an agreement must be in writing. If the City of Scappoose and employee reach an agreement, the employee will have seven days to revoke the agreement after signing it. The City of Scappoose may not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Scappoose or making comments that would lower the City of Scappoose in rank or reputation).

The City of Scappoose is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good faith complaints. However, Oregon law requires the City of Scappoose to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Scappoose regarding their experiences and/or employment status, the employee should contact the Human Resource Department. The employee's request to enter into such an agreement must be in writing. Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Scappoose and employee do reach an agreement, the City of Scappoose will comply with Oregon law applicable to such agreements. For instance, the City of Scappoose will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City

of Scappoose or making comments that would lower the City of Scappoose in rank or reputation). If, however, the employee initiates the request for the agreement, nondisclosure and non-disparagement are terms that may be agreed upon between the employee and the City of Scappoose. The employee will have seven days to revoke the agreement after signing it.

G. Disability Accommodation Policy

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

Accommodations

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

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases the City of Scappoose) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

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

The City will engage in an interactive process with an employee requesting an accommodation to reach a reasonable accommodation based on their individual situation.

H. Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the City Manager to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Scappoose will provide one or

more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Scappoose's operations.

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

Requesting a Pregnancy Related Accommodation

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

No Discrimination, No Retaliation

The City of Scappoose prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Scappoose; or (3) needed an accommodation.

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

Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, the Oregon Family Leave Act See policies in section IV E & G or speak with the Human Resource Department.

I. Reporting Improper or Unlawful Conduct No Retaliation

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

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

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

Employee Reporting Options

~~In addition to the City's Open Door Policy (see section VI-U), employees who wish to report potential improper or unlawful conduct should first talk to his or her their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager or Human Resources Department. Supervisors and managers are required to inform the City Manager or the Human Resources Department about reports of improper or unlawful conduct they receive from employees.~~

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

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

Additional Protection for Reporting Employees

~~Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Scappoose's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Scappoose; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense~~

also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy against Retaliation

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

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

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

III. Employment Status

A. Introductory Probationary Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Scappoose, are hired into a probationary n-introductory training period which generally lasts no less than 365 days. The introductory probationary period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your supervisor. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Scappoose meets your expectations as an employer.

Commented [IB4]: While this section is discretionary, it is highly recommended that this section remain the same.

Any significant absence during any probationary period may extend a probationary period by the length of the absence. If the City of Scappoose determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended.

At or before the end of the ~~introductory-probationary~~ period, a decision about your employment status will be made. The City of Scappoose will decide whether to: (1) Extend your ~~introductory-probationary~~ period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and the City may terminate the employment relationship during the introductory period for any or no reason. Further, completion of the ~~introductory-probationary~~ period or continuation of employment after the ~~introductory-probationary~~ period does not entitle you to remain employed by the City of Scappoose for any definite period of time. Both you and the City are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

Employees covered by a union contract ~~will~~may have different lengths of ~~introductory probationary~~ periods ~~and which~~ will be listed in each contract. Please contact Human Resource and/or the Union President for details about a specific contract.

Employees who are promoted or transferred within the City of Scappoose must complete an ~~additional-secondary introductory-probationary~~ period ~~of of the same length~~180 days with each reassignment to a new position.

~~Any significant absence may extend an introductory period by the length of the absence. If the City of Scappoose determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended.~~

In cases of promotions or transfers within the City of Scappoose, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the ~~secondary introductory-probationary~~ period. If this occurs, the employee may be allowed to return to ~~his or her~~their former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.

Upon satisfactory completion of the ~~secondary introductory-probationary~~ period, employees enter either the regular full-time or regular part-time employment classification.

Employment status is not changed during the secondary ~~introductory-probationary~~ period that results from a promotion or transfer within the City of Scappoose.

B. Employee Classification

City of Scappoose classifies employees as follows:

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

Regular Part-time: Employment in an established position requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established.

Occasional workweeks of 40 hours or more will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for benefits except those mandated by applicable law, or otherwise established elsewhere in this Personnel Policy Manual.

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

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all of the City of Scappoose rules and procedures. The City reserves the right to implement extended period overtime schedules pursuant to FLSA.

Commented [IB5]: This is required to be described. Some discretion is available with the assignment of benefits to part-time and temporary employees.

C. The Workweek

~~The workweek is a seven-day work period beginning Sunday at 12:00 a.m. through Saturday at 11:59 p.m. Typically, business hours are from Monday through Friday 8:00 a.m. through 5:00 p.m.~~

~~Employees are not allowed to change their normal scheduled working hours to avoid taking paid time off without prior approval from the City Manager. The City reserves the right to change shift schedules at any time.~~

The City of Scappoose has established regular working hours to promote a productive work environment that will ~~be~~ serve our citizens. The workweek is a seven day work period beginning Monday at 12:00 am and ending Sunday at 11:59 pm. The general office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

The normal workday consists of eight (8) hours and the normal work week consists of 40 hours. If you are a non-exempt employee, you should not begin work before your normal

Commented [IB6]: We are required to describe the working conditions for employees, including the workweek. There is discretion in defining what the workweek.

starting time nor continue to work beyond the normal quitting time without advance approval from your direct supervisor.

The direct supervisor may schedule specific work hours for individual employees. Changes to work schedules may be made on an individual basis based on business necessity, at the discretion of the direct supervisor with approval from the City Manager. Management reserves the right to modify schedules consistent with the needs of the City.

D. Meal Periods and Rest Breaks

Nonexempt employees are required to take a paid, uninterrupted 10-minute rest break for every four- hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Nonexempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform ~~his or~~ her ~~their~~ supervisor before the end of the shift so that the City of Scappoose may pay the employee for that work.

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

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available to ~~him or her~~ them should contact their immediate supervisor.

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

<u>Length of Work Period</u>	<u>Number of Rest Breaks</u>	<u>Number of Meal Periods</u>
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Commented [187]: Meal periods and rest breaks are set by law and are not discretionary.

<u>2 Hours or Less</u>	<u>0</u>	<u>0</u>
<u>2 hrs. 1 min. to 5 hrs. 59 min.</u>	<u>1</u>	<u>0</u>
<u>6 hrs.</u>	<u>1</u>	<u>1</u>
<u>6 hrs. 1 min. to 10 hrs.</u>	<u>2</u>	<u>1</u>
<u>10 hrs. 1 min. to 13 hrs. 59 mins.</u>	<u>3</u>	<u>1</u>

E. Rest Breaks for Expression of Breast Milk

Commented [IB8]: This section was re-written by CIS. This is based on new and existing laws and is not discretionary.

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

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

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

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

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

Notice

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

Storage

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

The City of Scappoose is committed to complying with the Oregon Rest Periods for Expression of Breast Milk and the federal Providing Urgent Maternal Protections for Nursing Mother (PUMP) Act. The City of Scappoose will provide reasonable break time to accommodate an employee who needs to express milk for their child who is (18) months of age or younger. The employee is entitled to take a reasonable period each time the employee has a need to express milk. The City of Scappoose will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City of Scappoose is required to provide non-exempt employees as paid rest breaks and/or meal periods under the wage and hour law, applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

If an employee takes unpaid break periods or requires more time than what is allocated for paid rest breaks and/or meal breaks, the City of Scappoose may, at the discretion of the employee's supervisor, allow the employee to work before or after ~~her~~their normal shift to make up the amount of time used during the unpaid rest periods. The City of Scappoose will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

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

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

Notice

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

Storage

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

No Discrimination, No Retaliation

City of Scappoose prohibits discrimination and harassment against any employee who, under this policy, asked for information about or requested or used break time to express milk. Conduct that violates the City of Scappoose's no-harassment and no-discrimination policies will not be tolerated and may subject an employee to discipline, up to and including termination. See the No-Harassment Policy on page ~~XX~~.

Employees who have experienced discrimination or harassment or believe City of Scappoose is not compliant with federal or Oregon law regarding rest breaks to express milk, should discuss it with Human Resources or the City Manager as soon as possible.

Commented [IB9]: To be updated on final review.

F. Overtime

Time-and-a-Half

The City of Scappoose pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 8 hours in one day (unless the employee is assigned to a regular shift other than five eight hour days) or 40 in any workweek. See "Employee Classification," in section III-B above. ~~There shall be no pyramiding of time and a half pay.~~

Commented [IB10]: No discretion.

Limitation on Overtime Pay

Paid hours not actually worked (for example, vacation, holidays, comp accrual, sick time, etc.) will not be counted toward the 40 per workweek required to receive overtime pay. There shall be no pyramiding of overtime pay.

Commented [IB11]: Discretionary but highly recommended.

Assignment of Overtime Work

You may be required to work overtime.

For non-exempt employees, please refer to your controlling collective bargaining agreement for Overtime rules.

For qualifying exempt employees:

When overtime work is required by City of Scappoose on a particular job or on a shift commencing on your regular workday, the employee performing that job at the conclusion of their straight-time hours will normally be expected to continue to perform the job on an overtime basis.

When overtime is required by the City of Scappoose on a day that is not your regular workday or a day that is a holiday, the City of Scappoose will endeavor to give the employees required to work notice of their assignment seven days prior to such day.

Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized by a supervisor or management. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

Compensatory (Comp) Time

Non-exempt employees should refer to their Union Contract for rules pertaining to comp time.

Exempt employees who are overtime eligible shall have their overtime hours paid out. Comp time off, otherwise known as "flex time", Comp Time accrual, and banking of Comp Time, is not available for exempt employees.

This section does not apply to exempt employees who are not Over Time eligible.

Commented [IB12]: Discretionary, but recommended.

G. Timekeeping Requirements

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the City of Scappoose to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Employees who are exempt and non-exempt are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City of Scappoose business. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record ~~his or her~~their time may be subjected to discipline as well.

~~All overtime work must be approved by employee's immediate supervisor before it is performed. Failure to follow this policy could be grounds for discipline up to and including termination.~~

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded and have them turned into the supervisor on or before the 24th of each month. The supervisor will review and then approve the time record before submitting it to payroll for processing. All signed time records must be ~~submitted to Payroll turned into the Finance Administrator~~ no later than noon on the 25th of each month.

Commented [IB13]: The dates are discretionary, but there are not apparent reasons to change the pay periods.

H. Employee-Incurred Expenses and Reimbursements

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

Employees must provide a completed and signed expense report and evidence of proof of purchase in the form of original itemized detailed receipts within one month of the expense being incurred or the employee risks forfeiting their reimbursement. Credit card slips without accompanied itemized detailed receipt will not be reimbursed.

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

- ~~Conferences, or Workshops, and other training opportunities;~~ Conferences or workshop registration fees with prior approval from your supervisor, that reasonably relate to your job duties, and provide a work-related benefit to the City of Scappoose that can be substantiated. Substantiation can be as simple as sharing the curriculum or agenda with a supervisor so they can confirm its relevance to the City. In these circumstances, and whenever possible, the City prefers to directly pay for the conference/workshop/etc. rather than process a reimbursement.

Commented [IB14]: This section is complicated. BOLI does not require employers to pay per-diem, unless not doing so would reduce employees income below minimum wage. It is standard practice to cover per-diem so as to incentivize networking, attending training and conferences, and becoming a more productive and valuable employee.

- **Meals:** Cost of employee's meals while at conferences, workshops or other such symposiums, meetings, and so forth. Please contact Human Resources if you are unsure if a training opportunity qualifies for meal reimbursement. Alcoholic beverages will not be reimbursable. Employees must travel 25 miles outside of City limits for the meals to be considered reimbursable. ~~Employee must turn in an itemized receipt for meal reimbursement, credit card receipt will not be acceptable for reimbursement.~~ If no overnight stay is part of your required travel only lunch will be reimbursed. For example, if you leave your residence in the morning and return that evening only lunch will be reimbursable. IRS taxable fringe benefit rules apply to all meal reimbursements. Please contact the Human Resource Department for more information.

- **Mileage and Parking:** ~~Employees are required to use a City of Scappoose vehicle whenever possible. If there is not a vehicle available, W~~with approval of the City Manager, employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. ~~It is the City's policy that the employee use a City vehicle whenever possible.~~ Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Scappoose.

Employees are required to use a City of Scappoose vehicle for work-driving whenever possible.

If there is not a vehicle available or; there are documentable circumstances that could prevent the use of a City vehicle, the employee has documented such circumstances, and the City Manager has approved of such circumstances; and with approval of the City Manager; employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service.

Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Scappoose. Employees may receive approval from the City Manager to dispatch for training directly from their home, regardless of the vehicle used.

- **Overnight Stays:** When an overnight stay is required due to the distance a training is from an employee's worksite or an employee's home, or the duration of a training (multiple days) combined with the distance a training is from an employee's worksite or the employee's home, the City of Scappoose will pay for overnight lodging.

The minimum distance or time a training is from an employee's worksite or an employee's home, if approval for dispatching directly from home has been approved by the employee's supervisor, that makes an overnight stay eligible for reimbursement for a single- or multi-day training is either 60 miles or a one hour drive, one-way, calculated using Google Map Directions, utilizing the shortest route directly from point to point, not taking into account traffic.

This does not normally apply to half-day or partial-day trainings. If you have a half-day or partial-day training, and believe you have a special circumstance requiring an overnight stay, please contact the City Manager and/or Human Resources and provide documentation regarding your special circumstance. Reimbursement for overnight stays for half-day trainings, partial-day trainings, and when special circumstances are involved must be approved by the City Manager or their designee.

All reimbursements are to be made in accordance with the IRS Publication 15-B, Employer's Tax Guide to Fringe Benefits.

I. Payroll Policies

~~You~~ Employees will be paid monthly. For all employees, "month" is defined as the 25th to the 24th ~~; and those are the dates you should report on your timecard.~~

The City of Scappoose pays employees via direct deposit. Employees have the right to receive a paper paycheck instead of a direct deposit if they request one verbally or in writing. No paychecks will be personally delivered to any person other than the employee named on the paycheck unless the employee provides written permission for someone else to receive the check.

The City of Scappoose prefers to publish paystubs electronically. By signing this Personnel Policy Handbook, employees agree to receive their paystubs electronically. Employees have the right to receive their paystubs in paper form, and may request paper paystubs verbally or in writing. Paystubs will be available electronically via the Employee Self-Service portal. Please contact Human Resources with questions about the self-service portal.

Paydays are generally the last working day of each month, for all employees. In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. In the event that a regular payday falls during an employee's vacation, the employee's paycheck, if receiving a paper paycheck, or direct deposit paystub- it will be available upon ~~his or her~~ their return from vacation, unless the employee makes other arrangements with Payroll.-

~~Net pay will be directly deposited into the employee's bank account, unless an employee requests otherwise. No paychecks will be personally delivered to any person other than the employee named on the paycheck unless the employee provides written permission for someone else to receive the check.~~

Commented [IB15]: The City has to let employees know when and how they are getting paid. The actual pay-day can be changed, but there are no indications or considerations that indicate that there is any value in changing the payday.

J. Statement Regarding Pay Practices

The City of Scappoose makes all efforts to comply with applicable state and federal wage and hour laws. In the event you believe that the City has made any improper deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you must immediately report the error to Human Resources, Payroll, and/or the City Manager~~the Finance Administrator~~. The City of Scappoose will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination because ~~he or she has~~they have reported any errors or complaints regarding the City of Scappoose's pay practices.

See also "Statement Regarding Pay Equity" policy, in section I-B above.

K. Pay Advances

Employees may set up a reoccurring payroll advance to be paid on the 15th of each month, not to exceed 40% of net take home pay. In the case of hourly employees, for the purposes of pay advances, net take home pay will be the payroll system calculated yearly wages, divided by 12.

L. Reporting Changes to an Employee's Personal Data

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

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholdings.

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

Commented [IB16]: While this is discretionary, there are many practical reasons this policy should remain in the handbook unchanged. Staff recommends not changing this section.

M. Performance Reviews

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

The City of Scappoose's goal is to provide an employee with their first formal performance evaluation within twelve (12) months after hire or promotion. After the initial evaluation, the City of Scappoose will strive to provide a formal performance review on an annual basis. If an employee does not receive a performance evaluation during a year, the employee may request a performance review.

Reviews will generally include the following:

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

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than thirty days following the date the performance evaluation was received.

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

Commented [IB17]: While this is discretionary, it is highly recommended to not change this section too much. It is a good management practice to review employee performance, and helps achieve the best outcomes for the public.

CITY OF SCAPPOOSE

October 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Council Applicant Interviews 6pm Council meeting 7pm	3	4	5	6	7
8	9	10	11	12 Planning Commission 7pm	13	14
15	16 Council work session 6pm Council meeting 7pm	17	18	19 EDC - noon Park & Rec 6pm	20	21 Household Hazardous Waste Collection Event ~ Transfer Station 8am – 2pm
22	23	24 50-Year Plan Stakeholder Advisory Committee 6pm	25	26	27	28
29	30	31 Scappoose Police Halloween Trick-or-Treat Drive-Thru 4pm-6pm				