

Resolution No. 22-02

**A RESOLUTION ADOPTING POLICY UPDATES TO THE CITY OF SCAPPOOSE
PERSONNEL POLICY MANUAL**

WHEREAS, pursuant to the Scappoose Municipal Code the City Council must adopt by resolution personnel-related policies; and

WHEREAS, laws, policies and practices have changed since the current Personnel Policy Manual was adopted in 2020 via Resolution 20-04; and

WHEREAS, The City Council of Scappoose desires to treat City employees in a fair, dignified and equitable manner.


NOW, THEREFORE BE IT RESOLVED, the Scappoose City Council hereby adopts the policy updates to the City of Scappoose Personnel Policy Manual contemplated by this Resolution.

Section 1. The City Council of the City of Scappoose hereby adopts the updates to the City of Scappoose Personnel Policy Manual attached as Exhibits B through F.


Section 2. This resolution is effective immediately upon its enactment by the City Council.

PASSED AND ADOPTED by the City Council this 18th day of January 2022 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

Attest: 

Susan M Reeves, MMC, City Recorder

Existing Language:**F. Holidays and Floating Holidays Page 28**

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)

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.

EXHIBIT B

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.

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.

Recommended Language: Add following text after second to last paragraph

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.

Existing Language:

Section IV Time Off and Leave of Absence, J. Religious Observances Leave and Accommodation Policy, at p. 36

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.

Recommended Language: add the following sentence at the end of Section IV(J)

...and may require the requesting employee to provide proof of the "sincerely held" religious belief.

Existing Language:

Section VI – Miscellaneous Policies, H. Hiring of Relatives, at p. 54

Relatives of current employees or individuals involved in a romantic 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 the romantic relationship, would fall under the direct line of supervision of the other family member.

Recommended Language: replace the text of H. Hiring of Relatives with the following:

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.

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.

Existing Language:

Section VI – Miscellaneous Policies, P. Social Media, at p. 65

**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.

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.

Recommended Language:

Section VI – Miscellaneous Policies, P. Social Media Add language at the end of the current policy.

P Social Media

OFFICIAL USE

Definitions

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

1. "Advertising" is any announcement that endorses or sponsors a product, service, viewpoint, or content.
2. "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.
3. "Article" means an original posting of content to a City social media site by a City authorized user.
4. "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).
5. "Comment" means a written response to a City social media article or posting.

6. "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.
7. "Employee" means and includes regular employees, contract employees, interns, and volunteers.
8. "Official" means and includes any person representing the City in an official capacity.
10. "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 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)
11. "Site" means a social media page maintained by the City.
12. "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 (2020).

Use

1. "Social media" includes, but is not limited to, Facebook, Twitter, YouTube, the City App, Instagram and other similar services.
2. 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.
3. All social media accounts should be created using a City-issued email address, whenever possible. This will ensure that:
 - a) Personal and professional communications are separated;
 - b) The City can back up public conversations because the City owns and controls the email address;
 - c) 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

d) The City can determine that the site is legitimately the City's (and not a rogue site generated from a private email address).

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Content posted to City social media sites should also be available on the City's official website.

10. The following content posted by the public on a City-maintained social media site may be removed :

- a) Comments not topically related to the particular article being commented upon;
- b) Comments in support of or opposition to political campaigns or ballot measures;
- c) Profane language or content;
- d) 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;
- e) Inappropriate sexual content or links to inappropriate sexual content;
- f) Solicitations of commerce;

- g) Conduct or encouragement of illegal activity;
- h) Personally identifiable and/or confidential information;
- i) Information that may tend to compromise the safety or security of the public, public systems, or public facilities; or
- j) 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

1. 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.
2. 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.
3. 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.
4. 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."

5. 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.

a) 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.

b) 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.

c) 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

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

- a) Minimum password length: eight (8) characters
- b) Passwords must contain at least three of the four character types: upper case, lower case, numbers, and symbols.
- c) 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.
- d) Passwords should not be reused.
- e) Do not share passwords over email or with other individuals

2. General social media security practices:

- a) 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.
- b) Do not forward chain letters.
- c) 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.

I. Objectives for Use of Social Media

1. Extend the reach of existing City messages online by building relationships with relevant audiences.
2. Provide an informal "human" voice of the City to promote engagement with the community.
3. Demonstrate the City's commitment to community outreach and engagement.
4. Provide a method for the community to interact with the City.
5. Provide a way to update and educate the community.
6. Monitor issues affecting the City.
7. Disseminate timely information.
8. Promote City-sponsored events.
9. Highlight outstanding individuals and organizations that contribute to Scappoose and the region.

II. Using Social Media

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

1. Why is the City using social media?
2. How would the City like people to interact with the organization through social media?
3. Which demographics is the City intending to reach?
4. Is there something that the City would like constituents to do?
 - a. Fill out a form or survey?
 - b. Read a certain article or report?
 - c. Subscribe to updates?
 - d. Provide feedback?
 - e. Share information with their friends?

III. 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:

1. Could someone have a reasonable expectation of privacy when the photo was taken?
2. Does the person know you are photographing them to post on the internet?
3. Is this image going to be used in flyers or other City promotional material?

4. Should release/waiver documents be considered?
5. Photos and video of law enforcement officers should not be posted without written permission.
6. 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.

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

1. Government may not engage in viewpoint discrimination. All persons who wish to Friend, Follow, Re-tweet, etc. must be allowed to do so.
2. 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.

V. City Approved Social Media Tools

1. 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.

VI. Recommended Social Media Etiquette

1. Stick to your area of expertise.
2. Post meaningful, respectful comments – if any. Comments that are spam, offensive, or off-topic are not acceptable.
3. 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.
4. Pause and think before posting.
5. Reply to comments in a timely manner, when a response is appropriate.
6. Respect proprietary information and content and confidentiality.
7. When disagreeing with others' opinions, be appropriate and polite.
8. If you make a mistake, admit it. Be upfront and prompt with your correction and note the correction in the edited post.
9. Remember that what you publish will be public for a long time.

Existing Language: This language would remain.

VII. Termination of Employment, A. Workplace Rules and Prohibited Conduct, at p. 77

Carrying firearms or any other dangerous weapon on the City of Scappoose premises at any time.

Recommended Language: add VI Section HH

HH. Weapons on City of Scappoose Premises Policy

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;
- 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.