



## **AGENDA**

CITY COMMISSION OF THE CITY OF WARRENTON  
REGULAR MEETING  
August 9, 2022 – 6:00 P.M.  
Warrenton City Commission Chambers – 225 South Main Avenue  
Warrenton, OR 97146

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Public Meetings will also be audio and video live streamed. Go to <https://www.ci.warrenton.or.us/administration/page/live-stream-public-meetings> for connection instructions.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

- A. City Commission Meeting Minutes – 7.26.22
- B. City Commission Special Meeting Minutes – 7.29.22

Items on the Consent Calendar have previously been discussed and/or are considered routine. Approval of the Consent Calendar requires a motion, a second, and no discussion, unless requested by a member of the City Commission.

4. **COMMISSIONER REPORTS**

5. **PUBLIC COMMENT**

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card and submit it to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to the City Recorder, at [cityrecorder@ci.warrenton.or.us](mailto:cityrecorder@ci.warrenton.or.us), no later than 4:00 p.m. the day of the meeting. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. **PUBLIC HEARINGS** – None

7. **BUSINESS ITEMS**

- A. Consideration of Police Department Surplus Vehicles

B. Consideration of Lease Assignment – Skipanon Marine and RV

C. Consideration of Spruce Up Warrenton Funding Request

D. Consideration of City of Warrenton Employee Handbook

**8. DISCUSSION ITEMS**

A. Letter to ODOT Regarding Crosswalk at Alder Manor

**9. GOOD OF THE ORDER**

**10. EXECUTIVE SESSION**

*Under the authority of ORS 192.660(2)(h); to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

**11. ADJOURNMENT**

**Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.**

MINUTES  
 Warrenton City Commission  
 July 26, 2022  
 6:00 p.m.  
 Warrenton City Hall - Commission Chambers  
 225 S. Main  
 Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:00 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Mark Baldwin, Mayor Henry Balensifer, Tom Dyer, Gerald Poe (Zoom), and Rick Newton

Staff Present: City Manager Linda Engbretson, Police Chief Mathew Workman, Fire Chief Brian Alsbury, Finance Director April Clark, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Engineering Technician Trisha Hayrynen, Planning Director Jay Blake, and City Recorder Dawne Shaw

Mayor Balensifer made comments about retiring City Manager Linda Engbretson. He outlined the many projects completed under her leadership. He presented her with an appreciation plaque. Ms. Engbretson and the Commissioners also made comments.

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 7.12.22
- B. Police Department Monthly Report – June 2022

Commissioner Newton discussed the police statistics with Police Chief Mathew Workman.

**Commissioner Newton made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

COMMISSIONER REPORTS

Mayor Balensifer attended the Clatsop Economic Development Resources meeting. There are encouraging programs launching soon to assist businesses and childcare facilities. He also noted a meeting last week with Oregon Board of Forestry.

PUBLIC COMMENT

Dennis Faletti thanked Ms. Engbretson for her dedication to the city and wished her well.

Jim Ray asked about the status of the Hammond waterline, new post office, and Popeyes. Public Works Director Collin Stelzig gave an update on the Hammond waterline. They received earmark funds. Fall of 2022 application and guidance will be available for the process. Mayor Balensifer noted a recent call about the post office. The public process was finished last year. A suitable site and developer are being sought out.

PUBLIC HEARINGS – None

BUSINESS ITEMS

Planning Director Jay Blake discussed the Goal 9 and code amendments. He requested it be remanded back to the Planning Commission. It was noted that the Port of Astoria is a major owner of Industrial land. Port of Astoria Deputy Director Matt McGrath answered questions.

**Commissioner Newton made the motion to remand Ordinance No. 1258 and the Goal 9 amendment process and Comprehensive Plan amendments and code changes to the Planning Commission for de novo hearings with the proper state notification. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

Ms. Engbretson discussed the Head Start deed transfer process. It needs to go to the voters because it is over the charter requirement. She presented Resolution No. 2632 for adoption.

**Commissioner Baldwin made the motion to adopt Resolution No. 2632; Authorizing an Election on November 8, 2022 and adopting the Ballot title: Deed Head Start Property to Clatsop County Community Action. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

Mr. Stelzig discussed advertising the request for bids for the Water Treatment Plant roof replacement project. There was discussion about materials.

**Commissioner Baldwin made the motion to approve advertising the request for bids for the Warrenton WTP Roof Replacement Project. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

Ms. Engbretson discussed the lease transfer of the old Hammond Town Hall to the VFW. The city is working through the legal process, which will take some time. A lease would allow them to start using the building sooner.

**Commissioner Newton made the motion to authorize the Mayor's signature on the lease with VFW Post 10580 Auxiliary for the old Hammond Town Hall for \$1.00 a year, pending**

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**final approval of the lease documents by legal counsel. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

Mayor Balensifer noted the League of Oregon Cities 2023 legislative priorities. After some discussion, there was unanimous consent to forward the following priorities:

1. 7A. Property Tax Reform
2. 9D. Funding for Recovery of Abandoned Recreational Vehicles
3. 7B. Lodging Tax Flexibility
4. 8D. Cybersecurity and Privacy

Ms. Engbretson presented the Emergency Operations Plan for adoption. This has been an ongoing process since 2018. Brief discussion followed.

**Commissioner Dyer made the motion to adopt the City of Warrenton Emergency Operations Plan, May 2022. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

Ms. Engbretson discussed the interim city manager appointment, noting a memorandum of understanding (MOU). There was consensus to compensate an interim at Ms. Engbretson's same rate.

**Commissioner Baldwin made the motion to appoint Mathew Workman as Warrenton Manager Pro-tem, beginning August 6, 2022 with compensation set as same as the current city manager and authorize mayor's signature on the MOU. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

Mr. Stelzig discussed advertising the request for bids, for the 2022 Paving Management project. He elaborated on past and present Hammond projects. Commissioner Newton will abstain from voting on this as he owns adjacent property. Discussion followed about pavement thickness.

**Commissioner Baldwin made the motion to approve advertising the request for bids for the 2022 Paving Management project. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – abstain; Poe – aye**

Mr. Stelzig made comments about Ms. Engbretson. Mr. Stelzig also gave an update on the 7<sup>th</sup> and N Main project.

Staff requested addition of two agenda items: a vehicle contract for two Fire Department F-150 trucks and the Regatta Festival event fee waiver. There were no objections.

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Fire Chief Brian Alsbury discussed a contract for two new F-150's from Landmark Ford.

**Commissioner Dyer made the motion to approve the contract for two vehicles for the Warrenton Fire Department. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

Ms. Engbretson discussed the event application and fees. Spruce Up Warrenton submitted two event applications: Astoria Regatta Festival Movie in the Park and the Fall Festival. She noted the cost of each event. Spruce Up Warrenton will come back at the next meeting with a grant request. Discussion followed about funding and grant options. It was noted that The Fall Festival costs should come out of the Business License Fund, and the Regatta fees should come out of the Business License Fund, this year, due to the short timeline. Discussion continued on other events and organizations. There was unanimous consent that going forward, if the city is not sponsoring the event, we should not waive the fees; and there should be a formal written policy on event fees.

DISCUSSION ITEMS – None

GOOD OF THE ORDER

Commissioner Poe noted he will need to be excused from upcoming Columbia River Estuary Study Taskforce meeting due to the City Manager interviews.

Commissioner Newton commended Building Inspector Christian Jensen for his work ethic. He noted an Oregon childcare program CEDR is working with. Clatsop Works placed twenty-one interns. Clatsop Community College has scholarship funds. He noted an upcoming "I Love Hammond" meeting. He noted the success of the museum's balloon promotion. Kiwanis is doing a kids parade during the movie in the park. He noted a log truck driver's experience. He feels a competitive analysis is needed for the food cart pod.

Mayor Balensifer commented on Ms. Engbretson's departure.

There being no further business, Mayor Balensifer adjourned the meeting at 7:02 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

\_\_\_\_\_  
Dawne Shaw, CMC, City Recorder

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MINUTES  
SPECIAL MEETING  
Warrenton City Commission  
July 29, 2022  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 10:24 a.m.

Commissioners Present: Mark Baldwin, Mayor Henry Balensifer, Tom Dyer, Gerald Poe, and Rick Newton

Staff Present: City Manager Linda Engbretson and City Recorder Dawne Shaw

Others Present: Jensen Strategies Consultants, Eric Jensen, Amelia Wallace, and Emily Rehder

**Commissioner Baldwin made the motion to extend an offer to Esther Moberg to be our next City Manager, pending successful contract negotiations. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

Mr. Jensen reviewed the parting instructions and the negotiation process.

**Commissioner Baldwin made the motion to add Mayor Balensifer to the negotiating team with the city attorney. Motion was seconded and passed unanimously.**

**Baldwin – aye; Balensifer - aye; Dyer – aye; Newton – aye; Poe – aye**

There being no further business, Mayor Balensifer adjourned the meeting at 10:26 a.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

\_\_\_\_\_  
Dawne Shaw, CMC, City Recorder

7.A. Amended **ADDED**



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Mathew J. Workman, Chief of Police  
DATE: August 9, 2022  
SUBJ: Declare Vehicles Surplus

### SUMMARY

The Warrenton Police Department has decommissioned five vehicles and are no longer using them. The five vehicles each have various issues and would not be recommended to be utilized by other city departments. The vehicles will be disposed of in accordance with current administrative policies.

The vehicles are as follows:

2002 Chevrolet Tahoe 4x4, 1GNEK13ZX2J192368  
2003 Ford Explorer, 1FMZU72K73ZA96322      **2003 Ford Explorer, 1FMZU72KX3ZA96332**  
2012 Dodge Charger, 2C3CDXAG8CH161609  
2013 Dodge Charger, 2C3CDXAT5DH539383  
2014 Dodge Charger, 2C3CDXAT1EH115846

### RECOMMENDATION/SUGGESTED MOTION

Declare the listed police department vehicles as surplus to be disposed of in accordance with current administrative policies.

***I move to declare the listed vehicles as "surplus" and disposed of according to current administrative policies.***

### ALTERNATIVE

Keep the listed vehicles on the city asset list and continue to maintain and insure them.

### FISCAL IMPACT

There will be an impact if we have to continue to maintain and insure the vehicles. A small amount of revenue will be seen if the vehicles are sold.

### ATTACHMENTS:

- N/A

Approved by City Manager: \_\_\_\_\_

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.





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***I move to declare the listed vehicles as "surplus" and disposed of according to current administrative policies.***

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There will be an impact if we have to continue to maintain and insure the vehicles. A small amount of revenue will be seen if the vehicles are sold.

### ATTACHMENTS:

- N/A

Approved by City Manager:

*Linda Engelson*

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.



## AGENDA MEMORANDUM

TO: The Honorable Mayor and Warrenton City Commission  
 FROM: Linda Engbretson, City Manager *LE*  
 DATE: August 9, 2022, Meeting  
 SUBJ: LEASED PROPERTY – SKIPANON MARINE AND RV

### SUMMARY

Jan Kelly, dba Skipanon Marine and RV received approval from the Commission to move forward with the sale of her building which is located on City-owned land (see attached). The current lease ends December 31, 2022, and will need to be re-negotiated prior to the end of the year. For land lease purposes, the property was appraised in 2019 with an annual recommended rent of \$24,036 (\$2,003 mo.). We currently collect \$995 a month, or \$11,940 a year for the property. This currently includes an added parcel behind the building for additional RV Parking. It is not my recommendation this parcel (portion of Block 23) be included in a renegotiated lease. The original lease was set for a term of 30 years, beginning in 1992.

The lease states: *“Landlord shall not unreasonably delay consent and shall give consent under circumstances where withholding it shall be unreasonable. In determining whether to consent to assignment, Landlord may consider the following factors: financial ability of assignee; business experience of assignee; and the proposed use of the premises.”*

Legal Counsel has conducted a review of filings for the business with the Secretary of State, and a search of Westlaw and found no bankruptcy filings. They have a business license with the City. The site is zone C-1 General Commercial and a

repair shop or sale of automobiles is an allowed use in the zone. They have reached out to our Planning Director for appropriate information regarding storage and screening requirements.

#### RECOMMENDATION/SUGGESTED MOTION

If the Commission approves Coast Auto, Ryan and Christina Richmond, as new tenants, the Richmonds can finalize sale negotiations. An Assignment of Lease will be completed and brought back to the Commission.

"I move to request legal counsel prepare the appropriate Lease Assignment Documents for signature."

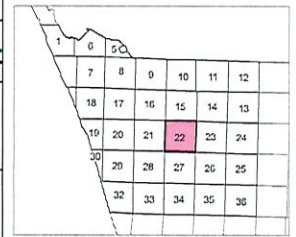
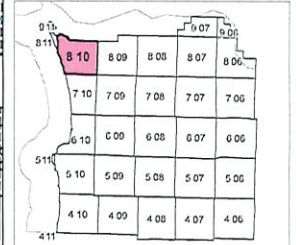
#### ALTERNATIVE

Other action as deemed appropriate by the City Commission

#### FISCAL IMPACT

Lease currently provides a \$995 monthly lease income to the Warrenton Marina Fund.

Scale 1:1,200



**CANCELLED TAXLOT NUMBERS**

100	1400	2700	4000	5300
200	1500	2800	4100	5400
300	1600	2900	4200	5500
400	1700	3000	4300	5600
500	1800	3100	4400	5700
600	1900	3200	4500	5800
700	2000	3300	4600	5900
800	2100	3400	4700	6000
900	2200	3500	4800	6100
1000	2300	3600	4900	6200
1100	2400	3700	5000	6300
1200	2500	3800	5100	6399
1300	2600	3900	5200	

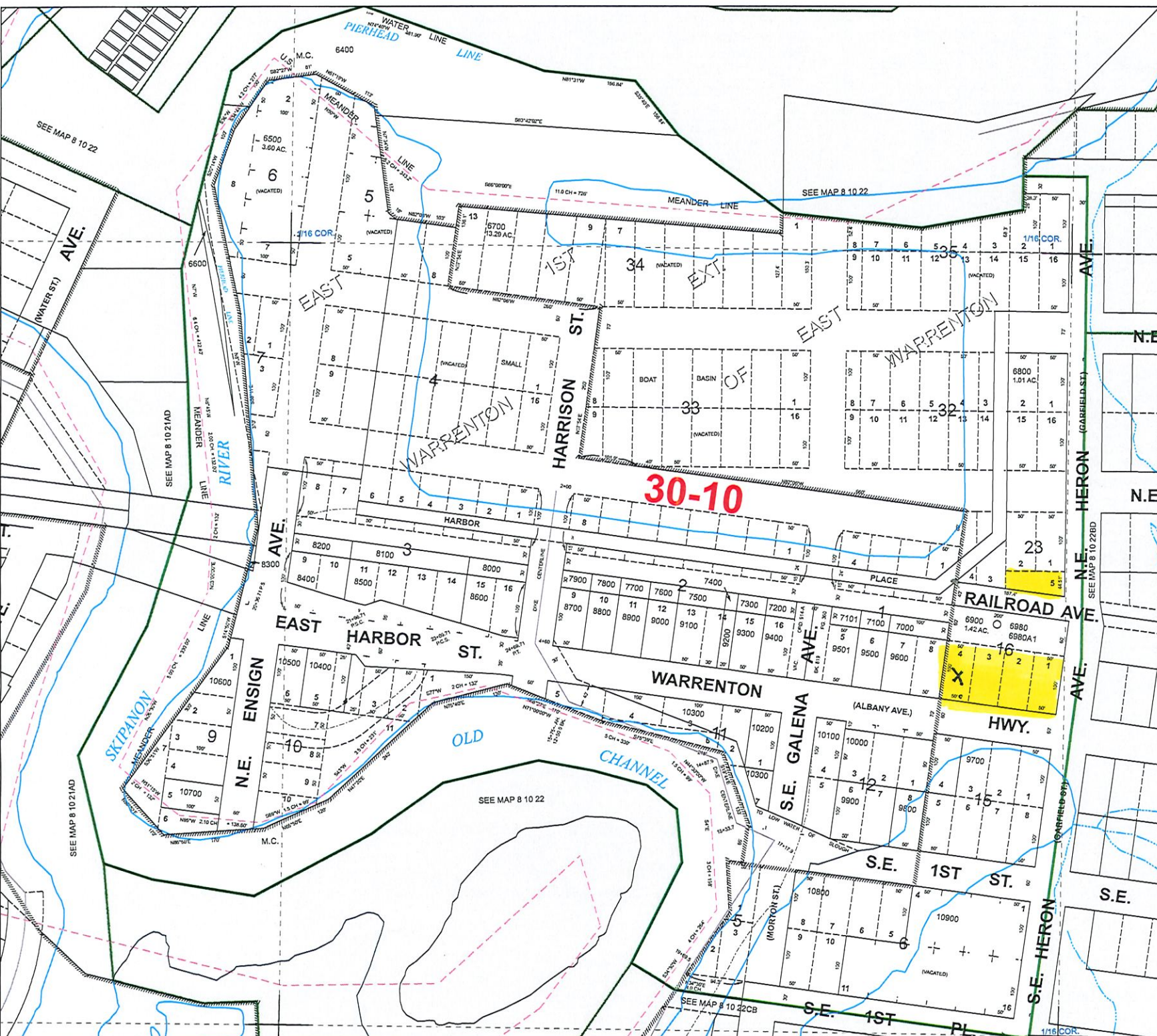


FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)

This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

PLAT DATE: 12/04/2019

8 10 22 BC





## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
 FROM: Linda Engbretson, City Manager *LME*  
 DATE: For August 9, 2022  
 SUBJ: Spruce Up Funding Request

### SUMMARY

Spruce Up Warrenton has submitted the attached request for funding. They are requesting a total of \$20,000 to fund Fall Festival, Christmas, and the 4<sup>th</sup> of July Parade.

In its 2022 – 2023 adopted budget, the City budgeted \$20,000 in the Warrenton Business License Fund for Holiday and Community Events and a separate line item for the July 4<sup>th</sup> Parade (\$1,000). If Spruce Up's full request is approved, it will leave less than \$1,000 to fund other requests/events. The City has historically supported the Fishermen Crab Festival and the Annual Community Thanksgiving Dinner by paying for the Community Center rental from these funds. Enough funding should be retained to cover other events. Spruce Up is also sponsoring the Regatta events in the park for kids and families, i.e., movie in the park and games. There has also been the easter egg event in the park.

Staff supports a lump sum payment to Spruce Up to cover whatever events they decide to put on during the year and to use for their storage units, clean up events, etc. Once the grant is given, it is up to Spruce Up to determine how to use grant funds to meet their needs.

Staff recommends event fees be paid by Spruce Up out of the grant. The Commission could also authorize the waiver of fees for all such community events open to the public at no charge. The Community Center receives no tax dollars. Event fees also pay for staff review and offset associated costs for the use of city facilities.

RECOMMENDATION/SUGGESTED MOTION

"I move to grant \$\_\_\_\_\_ to Spruce Up Warrenton for community events/expenses."

ALTERNATIVE

Other action as deemed appropriate by the City Commission

FISCAL IMPACT

A total of \$21,000 is included in the Warrenton Business License Fund for the 4<sup>th</sup> of July Parade and Holiday and Community Events.

## Spruce Up Warrenton 2022/2023 Budget Request

### **Fall Festival - \$9000**

Prizes  
Park Rental  
Advertising  
Bounce Houses  
Porta potties/handwashing stations  
Tent (petting zoo)  
Petting zoo/Pony rides  
Games  
Pumpkins  
Decorations

### **Christmas - \$8000**

Lights  
Decorations  
(We will be replacing our current ground decorations and lights with commercial quality that will hold up against our extreme weather)  
Advertising

### **4<sup>th</sup> of July Parade - \$3000**

Trophies  
Porta Potties  
Advertising  
Crowd control

Thank you  
Jeanne Smith  
417-343-5589  
Spruceupwarrenton@gmail.com



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Linda Engbretson, City Manager  
DATE: August 9, 2022  
SUBJ: City of Warrenton Employee Handbook

### SUMMARY

Staff has been working to update the City's Personnel Policies. They were last adopted in 1997! In consultation with Legal Counsel, the attached Employee Handbook was developed. This handbook combines the City's current policies with Collective Bargaining Agreements and current required policies. We took the opportunity to clarify confusing or vague language. There are some minor edits remaining, i.e., formatting, and a final review with legal counsel to confirm there are no new HR regulations we may have missed.

### RECOMMENDATION/SUGGESTED MOTION

"I move to adopt the August 2022 City of Warrenton Employee Handbook."

### ALTERNATIVE

None recommended.

### FISCAL IMPACT

N/A



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DRAFT

## I. USING THIS HANDBOOK

The City of Warrenton has developed this Employee Handbook to provide answers to questions that frequently arise regarding its general administrative employment policies and rules and to help employees (you) understand more fully what is expected of them and what can be expected from the City.

This Handbook becomes effective \_\_\_\_\_ and covers all Departments and employees of the City. The policies in this handbook supersede all prior personnel policies, procedures, and practices, written or verbal. However, the policies in this Handbook may be supplemented by additional rules and procedures established by individual departments, (such as Police Department Policies) provided those rules or procedures do not conflict with the policies outlined in this Handbook.

*Note for Union Employees: In the event of a conflict between an applicable Collective Bargaining Agreement (CBA) and the City's policies and procedures (including this Handbook and any supplemental policies), the CBA is the controlling document and the provisions of the Handbook (or supplemental policies, if applicable) do not apply on that issue.*

Also, while it is the City's hope that every employee's association with it is successful and rewarding, this Handbook is not a guarantee or contract for continued employment or benefits at any level. **Rather, except as otherwise provided in an applicable CBA or written individual employment agreement signed and dated by the City Manager (or City Council if applicable to the City Manager's position), all employment with the City is "at will."** This means that either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice, and without appeal rights or due process procedures other than those expressly provided for in this Handbook or required by law.

The City reserves the right to change or discontinue any policy, procedure, practice, or benefit plan, at any time as it determines appropriate for efficient operations (*subject to applicable collective bargaining obligations, if any*). In order to avoid misunderstandings, any written or verbal promises or statements different from or in addition to the policies and practices outlined in this Handbook (including but not limited to any supplemental departmental rules and individual employment agreements) must be approved in writing by the City Manager (or the City Commission if applicable to the City Manager's position) in order to be valid. Likewise, changes to this Handbook can only be made by the City Manager, with the approval of the City Commission.

As an employee of the City, you are expected to familiarize yourself with the information provided in this Handbook as well as any supplemental policies applicable to your department. If you have any questions, please contact your Department Head or the City Manager.

## II. EQUAL EMPLOYMENT OPPORTUNITY 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 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 of Warrenton 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 of Warrenton 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 Warrenton'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. Pay Equity**

The City of Warrenton 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 rate less than that at which the City of Warrenton pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the HR Coordinator.

### **C. No-Harassment Policy**

The City of Warrenton prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees', volunteers', and interns' right to work in a harassment-free workplace and all are entitled to a respectful and productive work environment free from behavior, action, or language that constitutes workplace harassment or discrimination. Sexual assault is unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

Specifically, the City of Warrenton prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, marital status, gender identity, national origin, age, disability, genetic information, performance of duty in a uniformed service, veteran status, domestic violence victim status, expunged juvenile record, or any other protected status or activity recognized under Oregon, federal or local law.

The City of Warrenton prohibits discriminatory and harassing conduct that a reasonable person in the individual's circumstances would consider unwelcome, intimidating, hostile, threatening, violent, abusive, or offensive.

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, 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 of Warrenton–related or –sponsored trips (such as conferences or work-related travel), while traveling on behalf of the City of Warrenton, and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Warrenton’s employees. **Such harassment is prohibited whether committed by City of Warrenton employees or by non-employees (including elected officials, members of the community, volunteers, interns, contractors, visitors, and vendors).** This policy applies to all matters related to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

Individuals found to have engaged in discriminatory conduct, harassment, or sexual assault may face disciplinary action up to and including dismissal. The City may also subject supervisors and managers who fail to report known harassment - or fail to take prompt, appropriate corrective action – to disciplinary action, up to and including termination.

### 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 Warrenton policy also prohibits harassment against an individual based on the individual’s race, color, religion, sex, pregnancy, sexual orientation, gender identity, marital status, national origin, age, disability, genetic information, performance of duty in a uniformed service, veteran status, domestic violence victim status, expunged juvenile records, or any other protected status or activity recognized under Oregon, federal or local law.

Such harassment may include:

- Physical harassment, including but not limited to unwelcome physical contact such as touching, impeding, or blocking movement, or any physical interference with work;
- Verbal harassment including but not limited to disparaging or disrespectful comments, jokes, slurs, innuendoes, teasing, and other sexual talk such as jokes, personal inquiries, persistent unwanted courting, and derogatory insults;
- Nonverbal harassment, including but not limited to suggestive or insulting sounds, obscene gestures, leering or whistling;
- Visual harassment including but not limited to displays of explicit or offensive calendars, circulation of derogatory content, posters, pictures, drawings or cartoons that reflect disparagingly upon a class of persons or a particular person;
- Sexual harassment as described above.
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Warrenton property;
- “Teasing” or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person’s religious beliefs, or “pushing” your religious beliefs on someone who doesn’t have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

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

#### Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, harassment, or discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should report that information immediately. Specifically, an employee may make the report verbally or in writing to the employee’s immediate supervisor or higher management, if the employee prefers. As an alternative, an employee may report the harassment to the HR Coordinator.

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) as soon as possible after it occurs. 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 wants it to stop.

#### Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City of Warrenton’s need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Warrenton 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 of Warrenton’s complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Nothing in this policy precludes a person from filing a formal grievance in accordance with a collective bargaining

agreement (if applicable), with the Oregon Bureau of Labor and Industries (BOLI), or with the Equal Employment Opportunity Commission. Note that Oregon law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082, or ORS 659A.112) must be commenced **no later than five years** after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

### Protection Against Retaliation

City of Warrenton 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 HR Coordinator or City Manager, 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.

### Other Resources Available to Employees

The City of Warrenton provides an Employee Assistance Program (EAP) to employees and dependents who are enrolled in City of Warrenton's medical coverage. 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 Warrenton 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 or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City will not require an employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault.

An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request to enter into a settlement, separation, or severance agreement which contains a nondisclosure, nondisparagement, or no-rehire provision and will have at least seven days to revoke any such agreement.

For the purposes of this policy:

- a "nondisclosure agreement" is an any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint or work-related harassment, discrimination, or sexual assault.
- a "nondisparagement agreement" is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the City.



- a “no-rehire provision” is an agreement that prohibits an employee from seeking reemployment with the company and allows a company to not rehire that individual in the future.

#### D. No-Bullying Policy

City of Warrenton strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. City of Warrenton, 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 his/her family; persistent name calling that 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 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 of Warrenton 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.

#### E. Disability Accommodation Policy

City of Warrenton 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.

##### Accommodations

City of Warrenton 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 of Warrenton.

### 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 of Warrenton) 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 of Warrenton, 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 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 his/her need for a reasonable accommodation. Both the City of Warrenton and employee must monitor the employee's accommodation situation and make adjustments as needed.

#### F. 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 employee's supervisor or HR Coordinator to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Warrenton 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 Warrenton's operations.

Although this policy refers to "employees," the City of Warrenton 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 employee's supervisory or the HR Coordinator 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 Warrenton and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Warrenton and employee must monitor the employee's accommodation situation and make adjustments as needed.

#### No Discrimination, No Retaliation

The City of Warrenton 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 Warrenton; 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 family medical leave if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Warrenton. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Warrenton 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, and the Family Medical Leave Act. See policies on page 8, or speak with the HR Coordinator.

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

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

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

Further, in accordance with Oregon law, the City of Warrenton 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 of Warrenton's Open Door Policy (see section 12.A), employees who wish to report improper or unlawful conduct should first talk to his/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. Supervisors and managers are required to inform the City Manager about reports of improper or unlawful conduct they receive from employees.

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

If the City of Warrenton were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with BOLI 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 Warrenton's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within

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the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Warrenton; 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 Warrenton will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/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 City of Warrenton policy) .

In addition, the City of Warrenton 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 of Warrenton employee will be adversely affected because he/she 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 Warrenton 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 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 Warrenton 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. EMPLOYEE CLASSIFICATIONS

All employees are classified as Trial Service, Regular (full-time or part-time), Casual Part-time, or temporary as explained below. All employees are also classified as exempt or non-exempt for overtime and other purposes. Employee classifications are used to determine wages, benefit eligibility, and other employment conditions but do not change any employee's at-will employment status. If you have any questions about your position or classification, please contact your supervisor or HR Coordinator.

***Please Note: Employees covered by a CBA should refer to their CBA for information on the trial service/probationary period, classifications, and benefits applicable to their employment, which may vary from the policies outlined in this Handbook. For such employees, the CBA (& not this policy) outlines the trial service/probationary period and benefits applicable to your position.***

#### A. TRIAL SERVICE EMPLOYEES (Employment or Promotion)

All employees who are hired or promoted into a position for ongoing employment are subject to a trial service period during which the City evaluates all areas of the employee's performance in the new position (such as behavior, aptitude, job skills, work habits, efficiency, ability to learn, ability to get along with people, attendance, etc.). This trial service period also provides the employee with an opportunity to evaluate whether the work for which they were hired, the people with whom they work and the general conditions of the position meet their expectations.

Except as otherwise provided by an applicable CBA, the trial service period for newly hired employees is nine (9) months from the most recent date of hire. The City may extend the length of any trial period as it determines appropriate based on its evaluation of employee performance, and generally notifies employees in writing if their trial service period is extended. All employees should understand the City has no obligation to continue their employment for the entire trial service period. *Rather, except as otherwise provided by the terms of an applicable CBA, all employees in their trial period of employment are employed on an **at-will basis** and may be terminated with or without cause at any time as the City determines appropriate, and without appeal rights or due process procedures.*

For employees who have obtained regular status in another position but who are transferred or promoted to another position, the promotional trial service period is three (3) months from the date of transfer/promotion. Such employees may be removed from the new position during the trial service period for that position at the City's discretion without cause or appeal/due process procedures. Likewise, you are free to resign if you feel your new job is not meeting your expectations.

Except as otherwise provided by the terms of an applicable CBA, an applicable written individual employment agreement, expressly outlined in this Handbook, or otherwise required by the terms of an applicable formal benefit plan document or applicable law, employees in their initial trial service period are eligible for all employment benefits, except use of vacation. Employees in their trial service period for a promoted position continue to be eligible for any benefits they were already earning at the time of promotion provided they are also applicable to their new position and the employee continues to meet all eligibility criteria for that benefit.

#### B. REGULAR EMPLOYEES

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Regular employees are employees who have been hired by the City for an ongoing employment position and have successfully completed the trial service period.

1. **REGULAR FULL-TIME**: A regular full-time employee is a regular employee whose position is budgeted at 1.0 FTE (to work a regular schedule of at least 40 hours per week). Regular full-time employees are eligible for all City employee benefits provided they meet the specific eligibility requirements for that benefit outlined in these policies or applicable insurance/other formal plan documents, which are controlling.
2. **REGULAR PART-TIME**: A regular part-time employee is one whose position is budgeted for 0.80 FTE or less (to work a regular schedule of 32 hours per week or less). Regular part-time employees are eligible for pro-rated employee benefits only as provided in this Handbook (provided they meet any requirements in applicable insurance policies and other formal plan documents, which are controlling) and as required by law.

### **C. CASUAL PART-TIME EMPLOYEES**

A casual part-time employee is one whose position is budgeted for ongoing employment on an intermittent, on-call, or other as needed, basis. Casual part-time employees may be scheduled to work varying hours and schedules depending on City needs. Casual part-time employees are not eligible for employee benefits except as provided in this Handbook (provided they meet any requirements in applicable insurance policies and other formal plan documents, which are controlling) and as required by law.

### **D. TEMPORARY EMPLOYEES**

Temporary employees are those who have been hired directly by the City or through a temporary employment agency to work on an interim relief basis or as needed for a limited period of time such as to complete specific projects or assignments that are not anticipated to be required on an ongoing basis (for example, Internships and other seasonal work). Temporary assignments are generally limited to a period of six (6) months or less.

Temporary employees hired directly by the City are not eligible for any City employment benefits except as outlined in this Handbook (provided eligibility is consistent with the terms of any formal benefit plan documents, which control) and as required by law. Temporary employees hired through a temporary employment agency are subject to the City's performance expectations for the services they perform as well as the City's conduct policies in our workplace. Temporary employment agency employees are not, however, eligible for City wage rates/incentives or any other employment benefits through the City. Rather, the City reports your hours of service and other information to your employing agency, which controls your pay and benefits. As a result, all questions regarding your pay and benefits should be directed to the employment agency.

### **E. CHANGES IN CLASSIFICATION STATUS**

A temporary assignment of a part-time employee to additional hours of work (such as for special projects and/or during busy periods), or the extension of a temporary employee's assignment does not change the employee's classification status for benefit eligibility purposes except when otherwise required by an applicable CBA. To avoid misunderstandings, all changes in

employment status from one classification to another must be confirmed in writing (Personnel Action Form) by the supervisor and City Manager in order to be valid.

## **F. EXEMPT AND NON-EXEMPT STATUS**

In addition to the above classifications, the City also classifies all employees as exempt or non-exempt from overtime pay. Non-exempt employees, including but not limited to all hourly employees, are eligible to earn overtime pay or compensatory time off as outlined in the City's Compensation policies and to the extent otherwise required by applicable law.

Employees who hold supervisory/managerial, professional and certain high level administrative positions are generally classified as exempt based upon their job duties and level of responsibility. Employees who the City has classified as exempt are paid a salary that covers all of their hours worked (regardless of how many), and are not legally entitled to additional pay or benefits for overtime. For more information, see the Compensation policies in this handbook.

## **G. VOLUNTEERS**

As a public entity, the City may use the service of volunteers. Volunteers are individuals who donate their services to the City for civic or humanitarian reasons without contemplation or expectation of compensation in accordance with applicable law. Individuals who have been hired into paid employment positions with the City (employees) are strictly prohibited from volunteering to perform the same or similar work to the work they perform in their paid positions and from performing any volunteer work during their normal working hours. In order to avoid misunderstandings, City employees must obtain approval in writing from the City Manager before performing any volunteer services for the City. If you are a City employee and also want to volunteer with the City, please contact your supervisor.

Although the City expects volunteers to meet our conduct and behavior standards (as well as any performance needs related to the nature of their volunteer services), volunteers are not considered employees of the City and are not paid for their services or eligible for benefits. Volunteers may choose to discontinue their volunteer services at any time. The City may also discontinue volunteer services at-will at any time for any reason without appeal rights or due process procedures.

## IV. WAGE AND COMPENSATION POLICIES

### A. PAYDAYS AND PAYCHECKS

The City maintains a Semi-monthly pay period, which runs from the 1<sup>st</sup> through the 15<sup>th</sup> and the 16<sup>th</sup> through the last day of each month. Paychecks are issued on the 7<sup>th</sup> and the 22<sup>nd</sup> of each month, following the close of the prior pay period. When a regularly scheduled payday falls on a holiday, paychecks are issued on the last business day before the holiday. If a payday falls on a Saturday, paychecks are issued on the Friday before. If payday fall on a Sunday, paychecks are issued the following Monday.

1. **DEDUCTIONS FROM PAY:** The City takes deductions from employee paychecks as required by law for FICA, federal and state taxes, garnishments, etc. Other items, (e.g. benefit contributions) are only deducted as outlined in an applicable CBA or otherwise as permitted by law and/or upon written authorization from you.
2. **CORRECTIONS TO PAY:** If you have questions or feel your paycheck is not accurate, promptly notify the Accountant. The City's goal is to pay employees correctly every pay period. By bringing mistakes in payment of your wages to the City's attention as soon as possible, you help it make sure you are properly paid for all the work you perform. In the event that an error results in an underpayment of 5% or more, pay is corrected within three (3) business days from when the error is realized. Any other underpayments are generally corrected on the next regular payday.
3. **DIRECT DEPOSIT:** It is the City's policy to provide employee paychecks through direct deposit into their bank accounts. Direct deposit is a convenient way to have your paycheck immediately available on payday. For more information, please see the Accountant. Employees who do not have direct deposit and want to have their paycheck released to any other person must provide the City with a signed authorization for the release.

### B. OVERTIME AND COMPENSATORY TIME PAY

***For employees covered by a CBA, overtime rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

The City strives to limit unnecessary overtime for employees and may adjust employee work schedules as needed to minimize the need for overtime. However, on occasion it may be necessary for an employee to work overtime to meet City needs. Non-exempt employees are paid at the rate of one and one-half times their regular rate of pay for:

- All hours worked in excess of 8 hours in a workday (shift) if you are assigned an eight (8) hour per day, five (5)-day per week work schedule
- All hours worked in excess of 10 hours in a workday (shift) if you are assigned a 10 hour per day, 4 day per week work schedule.
- All hours worked in excess of their regularly scheduled work shift for employees who have a regularly and consistently assigned work schedule or approved flex schedule.
- All hours worked over 40 hours in a workweek. The City's workweek for overtime purposes begins at 12:01 a.m. (midnight) on Monday and continues through 12:00 a.m. Sunday.

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*Note: Casual part-time and temporary employees (including Interns, temporary seasonal employees and others who work on an on-call/intermittent basis with no regularly and consistently assigned work schedule, etc.) are not eligible for daily overtime and should not work overtime hours. Likewise, employees who are approved to flex time within the same workweek (e.g. to make up hours taken off for doctor, dental appointments, etc.) are not eligible for daily overtime on the day on which the hours are made up.*

Finally, regardless of the circumstances, all employees should be aware that overtime is not pyramided or otherwise paid more than once for the same hours worked and only actual hours worked are counted for overtime purposes.

In lieu of overtime pay as outlined above, non-exempt employees may elect to receive compensatory time off at the rate of 1½ hours of compensatory time per hour of overtime worked, up to a maximum of forty (40) hours of compensatory time. *Note:* Non-exempt employees are paid for overtime hours worked unless they designate the hours as compensatory time on their time sheet. For information on using accrued compensatory time, see the OT and Compensatory Time Pay Policy in the Employee Benefits section in this Handbook.

Although employees are expected to perform overtime when required, all overtime must be authorized by your supervisor before it is worked, unless emergency or other circumstances beyond your control prevent prior approval. Regardless of whether it has been pre-approved, the City pays non-exempt employees for all overtime worked when required by law. Therefore, non-exempt employees are expected to accurately record their time worked, including overtime, on their time records. If there are questions about whether any unauthorized overtime was necessary and appropriate to conduct City business or should have been approved, the City may meet with you to evaluate whether you are meeting City standards and expectations, and you may be subject to disciplinary action for unauthorized overtime.

While the City strives to minimize unnecessary overtime, employees are expected to perform overtime work when it is required. If the assignment of overtime work presents a hardship for you, discuss your concern with your supervisor. The City considers particular employee needs and desires to the extent we feel it is practical and fair to your coworkers. Failure to work required overtime may result in disciplinary action.

## **C. WAGE RATES AND POSITION CLASSIFICATION PLANS**

It is the City's policy to pay wages and salaries that it determines fairly takes into account its geographic location, comparable rates being paid for similar work in the community and other similarly sized communities, as well as the City's budgetary constraints and fiscal responsibilities. To facilitate these efforts, the City has established position classification plans, including designated steps for wage and salary advancement. If you have questions about the wage range for your position, contact the City Manager.

1. **POSITION CLASSIFICATION PLANS:** The City has established pay classification plans designed to provide consistency in our pay scales and similar pay for similar responsibilities and job functions. Positions are generally grouped by 'class' and a pay scale is established for each 'class' of position based on the duties and responsibilities of the positions in the class. A "class specification" for each class of jobs provides a general outline of the

characteristic duties, responsibilities, qualification requirements, etc. that are applicable to that 'class' of positions and that distinguish a given class from other classes of jobs. More detailed information about a particular position may be found in the job description for that position. *However, nothing in this policy, the City's class specifications, or job descriptions restricts the City from assigning additional or different duties to employees as it determines appropriate.*

The City periodically reviews its pay scales and class specifications and may make changes to its pay scales or class specifications as it determines appropriate. However, no City employee is authorized to change a class specification or pay scale, create new positions, or allocate positions to any class except the City Manager or his/her designee, subject to any applicable collective bargaining obligations.

2. **RECLASSIFICATIONS**: When the City determines that the duties and responsibilities of a position have changed significantly, the City may elect to reclassify the position and assign a new pay scale if the change is also consistent with the City's determination of budgetary needs. Reclassifications may be to a higher or lower pay scale as appropriate to the nature of the position, and an employee's wages may be adjusted as appropriate to the reclassification. Wage adjustments to a lower pay rate/scale as a result of a reclassification of the position are not considered disciplinary in nature and are not subject to appeal or other due process procedures. *For bargaining unit positions, it is the City's policy and practice to bargain with the applicable union in accordance with its public employee collective bargaining obligations.*

If you believe your position duties have changes sufficiently to warrant a reclassification, you may submit a request for reclassification to your Department Head. All requests should include a copy of the current job description and other appropriate documentation showing how the position has changed. Department Heads review such requests with the City Manager, and a decision is generally issued within sixty (60) days of the request. However, in order to avoid misunderstandings, all employees should recognize that no supervisor or manager, other than the City Manager, has the authority to reclassify a position.

3. **APPOINTMENT RATE**: Except as otherwise approved in writing by the City Manager, it is the City's policy to hire/appoint all employees at the first step of the wage/salary range established for their position.

#### **D. WAGE INCREASES**

***For employees covered by a CBA, your wage rates and pay increases are established and governed by the terms of that CBA, and not this policy.***

1. **MERIT STEP INCREASES**: Employees should recognize that wage increases at the City are not automatic or guaranteed. Rather, all wage/step increases are based on individual performance and merit, and must be consistent with the City's budgetary needs and the wage scale applicable to the position. Merit step increases may be recommended by the employee's supervisor or manager. However, all recommended merit step increases are subject to authorization by the City Manager, which must be in writing to be valid.

The City conducts formal reviews of employee performance at the end of the trial service period and annually thereafter. In addition to the above considerations, employees are

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generally only considered for merit pay increases in connection with an overall satisfactory rating on their formal performance review. Employees who have reached the top step within the pay range for their position are not eligible for merit increases while they remain in that position unless the pay range for their position is modified to include higher wages than they are currently earning. An annual performance review is continued, even when an employee reaches the top step of their salary range. An employee who does not receive a performance evaluation during a year may request a performance evaluation. 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
- Settling 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 must be filed not later than thirty days following the date the performance evaluation was received.

2. **COST OF LIVING ADJUSTMENTS (COLA) INCREASES**: The City periodically reviews its pay scales and employee wages for consistency with current costs of living, and may provide COLA wage increases to employee wages as it determines appropriate and consistent with fiscal responsibility and budgetary constraints. The City generally provides COLA increases for non-represented employees at a rate consistent with the COLA increases provided to AFSCME represented employees.

## **E. OUT-OF-CLASS PAY**

***For employees covered by a CBA, your wage rates (including eligibility for out-of-class and other premium pay, etc.) are established and governed by the terms of that CBA, and not this policy.***

In order to provide opportunities for employee growth and to meet temporary City needs, the City currently provides out-of-class pay to employees who are assigned substantially all of the duties and responsibilities of a higher paid classification for five consecutive working days. In order to be eligible for out-of-class pay, the assignment must be approved in writing by the Department Head and City Manager.

In such cases, the City pays the employee either the first step in the higher paid range or five percent (5%) above their current rate of pay (up to a maximum of the top step of the higher paid classification), whichever is greater. Out-of-class pay is generally paid retroactively to the first day of the assignment and continues for the duration of the assignment. Out-of-class assignments are generally not approved for a period in excess of six (6) months.

Employees who are acting out of class may be eligible for merit reviews in the higher range, but should understand that their pay rate will be reduced to the applicable rate under their original pay range (including any merit reviews for which he or she may be eligible) at the end of the acting assignment.

## **F. TRAVEL EXPENSES**

In order to best utilize our public funds, all City business related travel must be conducted in the most efficient and cost-effective manner. Prior to incurring any costs and/or traveling on City business, employees must obtain approval from their supervisor or Department Head. Management evaluates all requests and determines the necessity, available resources, and justification for the need for and the method of travel and related expenses. Refer to Collective Bargaining Agreements for travel-related policies for all non-exempt employees. Exempt employees follow the general collective

1. **MEALS, GRATUITIES, AND TRAVEL EXPENSES:**
2. **TRANSPORTATION AND MILEAGE:**
3. **LODGING:**
4. **OTHER INFORMATION:** Time spent in approved business travel is paid as hours worked when required by applicable law. For additional information on how travel time should be recorded on your time records, see your supervisor prior to your travel date.

*Employees who are accompanied or joined by personal companion(s) during approved City business travel are responsible for all meal, additional lodging, and all other added travel costs for their companion(s). The City does not pay or reimburse any travel companion expenses.*

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## V. EMPLOYMENT BENEFITS

*The following policies outline the City of Warrenton's employment benefits for non-represented employees only. For employees covered by a CBA, employee benefits information applicable to your employment is established and governed by the terms of that CBA and applicable law, and not these policies. Such employees should consult their current CBA or the City Manager for information about benefits applicable to their employment.*

These policies are intended to provide a general description of the current benefits that non-represented employees may be eligible to receive. This Handbook does not change or otherwise interpret the terms of the official plan documents. To the extent that any of the information contained in this Handbook is inconsistent with applicable official plan documents, the provisions of the official plan documents control. Also, nothing contained in the benefit plans described in this handbook creates any promise of employment or future benefits at any level, or a binding contract between the City and its employees, retirees or their dependents, for benefits or for any other purpose. Rather, this is a summary of the currently available benefits. In order to avoid misunderstandings, employees should understand that the City reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefits and benefit plans described in this Handbook, including any health benefits that may be extended to retirees and their dependents, as well as to what extent, if any, employees may be required to share in the costs of such plans.

For more complete information regarding any of our current benefit programs, please refer to the Summary Plan Descriptions or contact the Accountant.

### A. HOLIDAY BENEFITS

The City of Warrenton recognizes the following paid holidays for eligible employees:

New Year's Day	
Veteran's Day	
Martin Luther King Day	Thanksgiving Day
President's Day	Day after Thanksgiving
	Christmas Eve
Memorial Day	Christmas Day
Independence Day	
Labor Day	One "personal" holiday*

If a holiday falls on a Saturday, the preceding Friday is generally observed as the holiday; and, if the holiday falls on a Sunday, the following Monday is generally observed as the holiday. The personal holiday must be scheduled with your supervisor's approval (consistent with the vacation benefit scheduling policy, below) and must be used in the fiscal year in which it is granted or it is forfeited.

The City respects the right of each employee to worship as his/her faith dictates. Time off to observe a holiday other than those listed may be arranged with advance notice and approval from your manager. Employees are not, however, granted more **paid** holidays than those recognized by the City.

1. **Eligibility for Holiday Pay:** All trial service period, regular status and part-time employees who have been hired directly by the City and are on active status are eligible to receive paid holiday benefits as outlined below. Employees on approved leaves of absence for any reason and temporary/casual employees are not eligible for paid holiday benefits.
2. **Amount of Holiday Pay:** Eligible employees receive holiday as follows:
  - a. Full-time hourly employees who do not work on a holiday receive eight (8) hours of pay at their regular hourly rate of pay. As a limited exception, if the employee's regular work schedule is a 4 day per week/10-hour per day schedule and the holiday falls on a day the employee would otherwise be scheduled to work, the employee receives ten (10) hours of pay at their regularly hourly rate of pay for that day.
  - b. Part-time hourly employees who do not work on a holiday receive a pro-rated number of hours of holiday pay based on the budgeted FTE for their position. Generally, benefits are provided to FTEs who work 20 hours or more.
  - c. Non-exempt employees who are required to work on a recognized holiday are paid at time and one-half for all hours worked plus holiday pay as outlined above.
  - d. Exempt employees receive a continuation of salary without deduction for recognized holidays.
3. **Veteran's Day Holiday:** The City respects the service of our Veterans. Qualified Veterans are generally not required to work on Veteran's Day regardless of their position. However, in rare cases, where granting a particular employee Veteran's Day off creates a significant operational disruption or other undue hardship, the employee is given the option to select (with management approval) and alternative, unpaid day off within the year following Veteran's Day as a replacement day. For more information, contact the City Manager.

## **B. PAID VACATION BENEFITS**

1. **ELIGIBILITY:** All regular status (regular full-time and regular part-time) employees who have successfully completed the trial service period of employment (even if they are now in a promotion/transfer trial service period) are eligible to earn paid vacation benefits as outlined below.

Newly hired trial service employees are not eligible for and do not earn any paid vacation benefits during the trial service period (generally 9 months). After successful completion of the trial service period, otherwise eligible employees are credited with a lump sum amount of paid vacation benefits equivalent to what they would have earned during the trial service period (at the rate of 6.67 hours per month) if they had been eligible. Thereafter, vacation benefits are earned as outlined below for regular status employees.

Casual part-time, temporary, and other on-call/substitute employees are not eligible to earn any paid vacation time off benefits.

2. **AMOUNT OF PAID VACATION BENEFITS:** Paid vacation benefits are earned after the successful completion of the probationary period and then accrued proportionately each pay period. The amount of benefits an eligible employee earns depends on the employee's position and length of service with the City as outlined below.

The following chart shows the amount of paid vacation benefits earned by regular full-time employees:

<b>NUMBER OF CONTINUOUS, COMPLETED MONTHS OF EMPLOYMENT</b>	<b>AMOUNT OF PAID VACATION BENEFITS EARNED EACH MONTH</b>
10 months through 35 months	<b>6.67 hours per month</b> (approx. 80 hours per year)
36 months through 71 months	<b>8 hours per month</b> (approx. 96 hours per year)
72 months through 119 months	<b>10 hours per month</b> (approx. 120 hours per year)
120 months through 179 months	<b>12 hours per month</b> (approx. 144 hours per year)
180 months through 239 months	<b>13.34 hours per month</b> (approx. 160 hours per year)
240 or more months	<b>16.66 hours per month</b> (approx. 200 hours per year)

For hourly employees, vacation benefit pay is based on the employee's regular rate of pay at the time the vacation benefits are used. Exempt employees receive no deduction if work any part of a work day.

**Part-time Employees:** Regular part-time employees whose positions are budgeted to work at least 20 hours per week (at least 0.5 FTE) are eligible to earn pro-rated vacation benefits based on the percentage of full time (40 hours) budgeted for their position.

3. **SCHEDULING AND USE OF BENEFITS:** Vacations must be scheduled in such a way that the City can best serve the public by maintaining sufficient staffing to meet their needs. Therefore, time off for vacations must be approved by management in advance. Generally, employees who wish to take one or more weeks off should submit a request at least ten (10) working days before the planned starting date of your vacation. While the City strives to satisfy employee requests, all approvals are subject to the City's operational needs, except

as required by law. Because of the nature of our work, or to fairly allocate vacation time off between employees, it may be necessary to limit the number of employees using paid vacation benefits at the same time, to prohibit an employee from taking time off during a particular period of time, or to cancel or reschedule employee vacations during a particular period of time. Please give as much advance notice as possible.

Paid vacation benefits must be used in increments of at least one hour. Also, please remember that all earned and unused paid vacation benefits must be used before unpaid time off is taken (except when otherwise provided by applicable law, such as during periods of military leave, jury duty leave, and domestic violence leaves, when employees may elect to save such benefits.)

The City does not provide employees with advances on paid vacation benefits. Employees will not be paid for vacation benefits that have not been earned.

4. **ACCUMULATION AND CARRYOVER OF BENEFITS**: The City believes that both our employees and the public benefit when employees take time away from work to rest and relax. As a result, employees are permitted to accumulate a maximum of four hundred and eighty (480) paid vacation benefit hours. Thereafter, no vacation benefits are earned until the balance has been reduced below this maximum. You are encouraged to plan ahead to make the best use of your time off benefit.
5. **CASH OUT DURING EMPLOYMENT**: The City provides employees with paid vacation benefits to facilitate adequate time off during employment. The City does not generally provide employees with vacation benefit cash outs during employment. See collective bargaining agreements. Exempt employees are entitled to cash outs as described in the Police Union CBA.

As a limited exception, employees who will reach their maximum vacation benefit cap (480 hours) at the end of that month are permitted to make a request for immediate time off to avoid reaching the cap. The City may elect to grant the time off as requested or, for exempt and police union employees may elect to cash out the benefits up to a maximum of 40 hours.

6. **PAYMENT OF BENEFITS ON TERMINATION OF EMPLOYMENT**: The City pays out all unused vacation benefits earned through the employee's last full day of employment that have not been used or cashed out, with the final paycheck. As a reminder, trial service employees do not earn and therefore will not be paid any vacation benefits on termination of employment.

## **C. PAID SICK LEAVE BENEFITS**

The City provides paid Sick Leave benefits to employees as outlined in this policy, in accordance with applicable law.

1. **ELIGIBILITY FOR PAID SICK LEAVE BENEFITS**: All employees hired directly by the City of Warrenton (including trial service, regular full-time, regular part-time, casual part-time and temporary employees) are eligible to earn paid sick leave benefits with the City. *Temporary employees hired through an employment agency are not eligible to receive paid sick leave benefits from the City of Warrenton and should consult their employing agency for information on benefits applicable to their employment. The City does, however, comply with*

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*time off and reinstatement obligations for all employees, including agency employees to the extent required by applicable law.*

2. **AMOUNT OF PAID SICK LEAVE BENEFITS:** Regular full-time employees are provided with eight (8) hours of paid sick leave benefits for each full calendar month of employment, credited at 4 hours for each pay period. Regular part-time employees whose positions are budgeted to work at least 20 hours per week (at least 0.5 FTE) are eligible to earn pro-rated sick leave benefits based on the percentage of full time (40 hours) budgeted for their position. All other employees earn paid sick leave benefits only as required by law (at the rate of 1 hour of paid sick leave benefits for every 30 hours worked, up to a maximum of 40 hours per year)

In all cases, benefits are accrued and available for use in accordance with applicable law, including Oregon's paid sick time rules, which provides that benefits are earned as time is worked and generally protects the first 40 hours of use per year from attendance and other disciplinary action. Once an employee has earned at least 40 hours of paid sick leave benefits in the calendar year, benefits are earned only at the rates and under the conditions provided above, without any minimum guarantees.

3. **USE OF PAID SICK LEAVE BENEFITS:** Employees may begin using accrued Paid Sick Leave benefits as soon as they are earned. Paid sick leave benefits may be used for the following purposes:
  - An employee's own illness, injury, or health condition, including time off for medical diagnosis, care, treatment, and preventive care. This includes using such benefits to make up the difference between workers' compensation benefits and an employee's regular wages, if applicable.
  - To care for a family member with an illness, injury, or health condition, including time off for medical diagnosis, care, treatment, and preventive care. "Family member" means the employee's spouse, same-gender domestic partner, parent, child (custodial, non-custodial, adoptive, foster, biological, step-parent/child, in loco parentis, etc.), parent-in-law, grandparent, or grandchild.
  - For qualifying FMLA and OFLA absences/leaves.
  - For any purposes allowed under the Oregon Family Leave Act (OFLA) even if the employee has not met the eligibility requirements under OFLA.
  - For any purpose allowed under Oregon's domestic violence, criminal harassment, sexual assault, or stalking law.
  - In the event of a public health emergency, including upon an order of a general or specific public health emergency, or when the employer excludes the employee from the workplace by law or rule for health reasons.
  - As otherwise required by applicable law.

The City prides itself on providing our employees with generous benefits. To do this while still meeting our operational and efficiency needs, *all employees should understand that a maximum of 40 hours per calendar year of Paid Sick Leave benefits will be treated as protected time off (not subject to the attendance policy) for reasons covered by Oregon's paid sick time rules.*

Following the exhaustion of protected Oregon paid sick time, Paid Sick Leave benefits may only be used for:

- Bona fide employee injuries or illnesses, including to make up the difference between workers' compensation benefits and an employee's regular wages, if applicable;
- For qualifying FMLA and OFLA leaves for eligible employees;
- For approved bereavement time off; and
- For other time off when required by applicable law.

Paid Sick Leave benefits must generally be used in increments of at least 1 hour unless otherwise required by applicable law. Employees who need time off for qualifying purposes under this policy must follow the City's attendance reporting procedures as outlined in this Employee Handbook.

If the need for the absence is covered by Oregon sick time rules and is known in advance, you must notify your supervisor at least 10 days in advance, or as soon as possible if you learn of the need for the absence with less than 10 days' notice. If it is not known in advance, you must provide notice within the first fifteen minutes of shift, unless you are prevented from doing so. In that event, you must provide notice as soon as practicable.

4. **PAYMENT OF SICK LEAVE BENEFITS:** Paid Sick Leave benefits are paid out at the employee's regular straight time hourly rate of pay (or base salary rate for salaried employees) for the hours the employee would otherwise be required to work on the day the benefits are used. Employees are not permitted to use or be paid for Paid Sick Leave benefits that have not yet been earned. Also, please note that employees are required to use any earned and unused Paid Sick Leave benefits for all absences covered by this policy rather than taking the time off as unpaid.
5. **VERIFICATION OF ABSENCES:** All employees are expected to be honest and accurate in reporting the circumstances surrounding absences. Abusing Paid Sick Leave benefits is a serious policy violation that results in discipline up to and including termination of employment. We generally require verification of the need for leave in the following circumstances:
  - When we have reason to suspect that an employee has abused Paid Sick Leave benefits, such as taking patterned absences, use when time off has otherwise been denied, etc.;
  - When an employee has been absent for more than three (3) consecutive workdays for their own illness or injury that required medical treatment;
  - When we deem it necessary to comply with our obligations under applicable laws, such as verification/certification of OFLA or FMLA, as needed to make reasonable accommodations, etc.

The City also generally requires a "fit for duty" release from an employee's healthcare provider for absences of more than three (3) consecutive workdays due to the employee's illness or injury that required medical treatment, or when we have good faith concerns about the safety of the employee or others in the workplace due to the nature of the employee's illness or injury.

6. **CARRYOVER AND ACCUMULATION OF PAID SICK LEAVE BENEFITS:** Trial service period employees hired for ongoing employment and regular status (regular full-time and regular part-time) employees may accumulate up to a maximum of 1260 hours of paid sick

leave benefits. Thereafter no additional benefits are earned until the benefits are reduced below this cap.

All other eligible employees (Casual part-time, temporary, and on-call/substitute employees, etc.) are permitted to carry over up to a maximum 40 hours of earned and unused Paid Sick Leave Benefits from one calendar year to the next and the total accumulation of Paid Sick Leave benefits is capped at 80 hours for these employees.

7. **DONATION OF SICK LEAVE BENEFITS:** The City permits employees to donate up to 80 hours of earned and unused paid sick leave benefits to another employee as outlined in this policy. In order to be eligible to donate, the donating employee must have sufficient benefits to ensure at least 120 hours of paid sick leave benefits remain after the donation. Employees who donate leave should understand that they are surrendering those benefits and that the donation is irrevocable.

To be eligible to receive donated sick leave benefits, an employee must:

- have a serious illness or medical condition or be caring for a family member with a serious illness or medical condition that requires a prolonged absence from work;
- have exhausted all paid vacation, sick leave, compensatory time, and other paid time off benefits;
- not be eligible for disability benefits (under PERS, Worker's Comp, or City LTD benefits); and
- be anticipated to be absent from work at least one week beyond exhaustion of all leave banks.

Employees are not permitted to receive more donated leave than necessary to cover the approved period of absence. Donated time cannot be used to extend the employment of an employee who will not be returning to work and does not guarantee that extended leaves of absence will be approved.

Applications for donated leave must be made to the City Manager, in writing, and must describe the serious illness or medical condition necessitating the leave. The City Manager will determine whether the illness or medical condition satisfies eligibility requirements. It is important to note that donated sick leave benefits are provided only in emergency and serious circumstances and are not to be considered a back-up general sick leave bank. Likewise, all donations of leave are voluntary, and the availability of donated leave is not guaranteed. If you have questions about whether your situation would qualify, please contact the HR Coordinator to discuss your situation.

All applications for donated leave must be approved by the City Manager in advance. Donated sick leave benefits are transferred on an hour for hour basis, which may result in fewer or greater number of paid time off hours for the recipient depending on comparative pay rates. If more than one employee applies to donate leave to the same individual, donations are credited on a first-donated, first-used basis.

8. **PAYOUT ON TERMINATION OF EMPLOYMENT:** Paid Sick Leave benefits are not vested and are not paid out on termination of employment. The City does, however, report unused paid Sick Leave Benefits to the Public Employees Retirement System (PERS) in accordance with applicable law. Also, employees who are eligible to earn benefits under this Paid Sick Leave policy and leave City employment and are rehired within 180 days have up to 80

hours of previously earned and unused Paid Sick Leave Benefits restored, which may be used immediately in accordance with applicable policy requirements.

#### **D. PAID BEREAVEMENT BENEFITS**

Trial service period and regular status employees are eligible for up to five (5) days of paid time off (at your regular straight time hourly or base salary rate of pay for the hours you would otherwise be scheduled to work on the dates of absence) due to a death in their present immediate family member. Time off for bereavement leave under this policy runs concurrently with OFLA bereavement leave for eligible employees.

“Present immediate family” includes the employee’s present spouse or registered domestic partner, children (including biological, adopted, step, foster children), parents, step-parents, brothers, sisters, grandparents (including grandparent in-laws), grandchildren, present in-laws (mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, and son-in-law), nieces, nephews, or any permanent member of the employee’s household. Verification of family relationship and death may be required, except as otherwise prohibited by applicable law. Whenever possible, employees should give at least 24 hours’ advance notice of their need for such leave.

Employees who wish to further extend any period of bereavement time off may use any earned and unused sick leave, (up to OFLA allowed time-off) or other paid time off benefits, or, if no such benefits are available, employee may request unpaid time off which must be approved by the City Manager. Employee must follow applicable procedures for reporting absences and requesting time off (OFLA or other attendance policy as applicable). Such bereavement time off extensions are subject to the City’s policies and operating needs except when otherwise required by applicable law.

#### **E. HEALTH INSURANCE BENEFITS**

The City currently provides medical, dental, and vision health insurance benefits to eligible employees (who meet the eligibility requirements in the applicable plan documents) beginning on the first day of the month, following 30 days after employment begins, provided the employee has timely enrolled.

1. **CONTRIBUTIONS TO PREMIUMS:** The City currently shares the cost of health insurance premiums with employees. Employees who participate in the City’s health insurance plan will have their share of the cost of premiums deducted from the employee’s paycheck for the first pay period of the month (second paycheck). For additional information on current cost sharing rates, please see the Accountant.
2. **HEALTH SAVINGS ACCOUNT (HSA):** The City contributes to a Health Savings Account for eligible employees. For more information, please see the Collective Bargaining Agreement for non-exempt employees or contact the Accountant. Exempt employee benefits are the same as described in the general unit’s CBA.
3. **TERMINATION OF COVERAGE:** Coverage through City paid contributions ends on the last day of the month in which an employee resigns, is terminated, laid off, or otherwise stops working as an eligible employee pursuant to applicable plan terms. The City does, however, continue to pay its portion of the premium for employees who are on Family Leaves, jury

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duty leave etc. as required by law. Employees who lose their coverage may elect to self-pay the premium for continued coverage in accordance with applicable law.

4. **CHANGES IN COVERAGE AND BENEFITS:** The City reserves the right to change plans, providers, or to otherwise modify or discontinue any insurance plan(s) for non-represented employees as it deems necessary. The City provides employees advance notice of such changes before they become effective.

## **F. LONG TERM DISABILITY & LIFE INSURANCE BENEFITS**

The City provides eligible employees with a Long-Term Disability (LTD) benefit plan and also makes life insurance benefits available to eligible employees. In all cases, eligibility and benefits are determined and paid only in accordance with the terms of the applicable plan documents. For more information on our LTD and/or life insurance benefit plans, please contact the Accountant.

## **G. RETIREMENT BENEFITS**

The City of Warrenton participates in the Oregon Public Employees Retirement System (PERS) for eligible employees. As an additional benefit to our employees, the City currently pays the employee contributions for eligible employees. The payment of the employee contribution may be discontinued by the City at its discretion. If you have questions regarding the PERS benefit, please contact the Accountant.

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## VI. WORK SCHEDULES AND HOURS

The City's business hours are generally 8:00 a.m. to 5:00 p.m., Monday through Friday. However, the hours during which the City offices and departments are open for business are determined by the City Manager. Also, individual employee schedules vary by department and position as the City determines necessary to provide maximum efficiency and public service. The hours you are required to work are established by your Department Director and supervisor.

*Except as otherwise provided in an applicable collective bargaining agreement, the City also reserves the right to change the schedules and/or hours of all or any employee(s), to provide for efficient public services. Although the City strives to provide employees with stable work schedules, its ability to do so depends on management's assessment of work needs and budgetary considerations. Nothing in this Handbook creates any guarantee of any specific work schedule or of employment on certain days of the week or for a specified number of hours per day or week. Employee schedules and hours may be changed, reduced, or they may be laid off as the City determines appropriate for efficient provision of City services, budgetary, workload or other reasons.*

### A. ATTENDANCE AND TARDINESS

All employees are expected to be on time and prepared to begin work at the scheduled starting time. Likewise, all employees are expected to work until their scheduled quitting time and to limit their lunch and break periods to the designated times. If you need to leave work during your scheduled working time, you are expected to clear it with your supervisor in advance. Punctual, reliable, and predictable attendance of City employees is necessary for efficient operations. Therefore, while some allowances may be made for occurrences beyond the employee's control, unauthorized, habitual, patterned, or excessive countable absenteeism or tardiness, as determined by the City, is subject to disciplinary action up to and including discharge. *Countable absences and tardies include all absences and tardies that are not scheduled and approved in advance or otherwise protected by applicable law.*

1. **REPORTING PLANNED ABSENCES:** If you know in advance that you need to be late or absent on a particular day, you must obtain approval as far in advance as possible so that substitute arrangements can be made to cover your work.
2. **REPORTING UNPLANNED ABSENCES:** Unplanned absences and tardiness also must be reported to your supervisor within 15 minutes of your scheduled shift. If your supervisor is unavailable, you must leave a message or contact the HR Coordinator. Reporting to a coworker is insufficient.
3. **KEEP US INFORMED:** When you are off work due to an illness, injury or any other reason, you must keep your supervisor informed of your ability to return to work on a daily basis, unless you receive approval to be absent until a specific date. The reporting policy for employees on extended leaves of absence, including employees off work on family leaves and workers' compensation leaves, is addressed under the Leaves of Absence section of this Handbook.
4. **NO-CALL/NO-SHOW:** Employees who fail to report to work or call in within two (2) hours after their scheduled starting time are considered to be a No-Call/No-Show. Employees who No-

Call/No-Show for two (2) consecutive workdays are considered to have voluntarily resigned their employment, unless the City determines special circumstances beyond your control excuse the lack of notice.

5. **VERIFICATION OF ABSENCES**: The City may require employees to provide verification of the nature and need for absences from work to properly designate employee leaves and administer benefits as well as when management has a suspicion that an employee has falsified the reasons for an absence or otherwise abused its leave policies and benefits. For additional information on verification, please see the Sick Leave Benefits Policy.

## **B. MEAL AND REST BREAKS**

1. **MEAL BREAKS**: Non-exempt City employees who work six (6) continuous hours or more are scheduled for an *unpaid* meal break of at least thirty (30) minutes (or otherwise as outlined in an applicable collective bargaining agreement). Meal breaks are generally provided near the middle of the scheduled workday, consistent with applicable law. However, meal breaks are also scheduled to meet the particular needs of your department. Meal breaks for non-exempt City employees are mandatory and required by law. Refusal to comply with this policy could subject employees to discipline.
2. **REST BREAKS**: The City also provides non-exempt employees with a paid 15-minute rest break for every four (4) hours worked (or otherwise as outlined in an applicable collective bargaining agreement). Rest breaks are scheduled to avoid disruption of work or interference with the needs of your department. However, rest breaks are usually provided between the 2nd and 3rd hours worked (or as nearly as practicable to the middle of each four (4) hours of work). *Rest periods cannot be combined with lunch breaks or used to shorten your workday or add to your vacation, and are to be limited to the time allotted in this policy.* Rest breaks for non-exempt City employees are mandatory and required by law. Refusal to comply with this policy could subject employees to discipline.
3. **BREASTFEEDING MOTHER BREAKS**: The City provides employees (exempt and non-exempt) who are breastfeeding a child aged eighteen (18) months or younger with reasonable rest breaks as needed to express breast milk in accordance with applicable law. Generally, employees who need to express breast milk are expected to do so during their regularly scheduled meal and rest breaks. However, if it is not feasible to utilize your regularly scheduled meal and rest breaks, additional time (unpaid for non-exempt employees) may be available. The City also provides employees with a private location (other than a bathroom) to express milk. If you need breastfeeding breaks or locations, please contact the HR Coordinator.

## **C. TIME SHEETS**

In order to properly administer employees' pay and benefits, the City requires all employees to accurately record all hours worked. You must also review and sign your time card to verify that it is accurate and your manager or supervisor must approve all time records. Misrepresenting hours worked/falsification of time records, including assisting any other employee to do so, is considered a serious violation of City policy, and is subject to discipline up to and including discharge.

## VII. GENERAL WORKPLACE POLICIES AND EXPECTATIONS

The City of Warrenton expects all employees to use common sense, sound judgment, and to conscientiously perform their work duties while abiding by the City's policies and management directives in the performance of their jobs. All employees are expected to become familiar with and keep informed of changes in our safety rules, operational policies, etc. In the event you have questions about your position, your employment status, your job requirements, or any other matter, please discuss your questions with your Supervisor, Department Head, or contact the City Manager.

### A. COMPLIANCE WITH LAWS AND ETHICS

The public trust and proper operation of the City require that all employees and representatives of the City demonstrate the highest degree of ethical conduct. Employees should conduct themselves so as not to impair their working relationship with other employees, volunteers, officials or the public.

1. **PUBLIC EMPLOYEE ETHICS & GIFTS:** All City employees must comply with the public employee ethics rules. This includes but is not limited to refraining from using or attempting to use their position for improper financial gain or to avoid any financial detriment (for example: use of City time, equipment, services or influence). Employees are also strictly prohibited from using any confidential information they obtained because of their employment with the City to advance the financial or other private interest of themselves or others.

Also, employees should be aware that the public employee ethics rules restrict employees from accepting gifts in many situations. For example, City employees must not accept favors or solicit or receive gifts (in aggregate of more than \$50 per year) from any source that could reasonably be known to have an interest in City matters over which the employee has or may have decision-making authority. For more information on your ethical obligations as a public employee, contact the HR Coordinator or the Oregon Government Ethics Commission.

2. **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 Warrenton 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 Warrenton. 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.

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose that potential or actual conflict to their supervisor and the City Manager as soon as possible so that safeguards can be established to protect all parties and in the event of an actual conflict of interest, the employee is removed from taking any action related to that transaction.

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 Warrenton 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 Warrenton. As with other ethics issues listed herein, please contact the City Manager if you have questions about this policy or believe you might have an actual or potential conflict of interest.

3. **POLITICAL ACTIVITY AT WORK**: 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 Warrenton 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.
  
4. **USE OF CITY PROPERTY AND EQUIPMENT**: All City owned property and equipment (including City vehicles, office equipment and supplies) are for City business purposes only. Accordingly, employees are prohibited from using City property or equipment for personal or other private use. In addition, all City employees are expected to practice reasonable economy in the performance of their duties to preserve City resources. Employees who have ideas that they believe will result in cost savings and improved service to the public are encouraged to share their ideas with City management.
  
5. **VIOLATIONS**: Violation of the City's ethics policies, including but not limited to the public employee ethics rules is grounds for discipline up to and including discharge from employment. Because compliance with the ethical rules is also required by Oregon law, employees may also be subjected to individual civil fines and penalties if they are found to have violated these rules. For more information on the public employee code of ethics or if you have any questions about your obligations as a City employee, please contact the City Manager or the Oregon Government Ethics Commission.

## **B. COOPERATION AND TEAMWORK**

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In addition to performing job functions in a manner that meets our standards, all employees are required to be professional in their relations with other City employees, officials, members of the public and others they come into contact with in the performance of their responsibilities with the City. Teamwork and cooperation are independent job requirements for all positions.

### **C. CUSTOMER SERVICE AND PUBLIC RELATIONS**

All employees should remember that they are part of a team of public employees, and public satisfaction with the City depends upon good service. Citizens, customers, suppliers, and outside agency representatives who contact the City are always to be treated in a polite, professional, and respectful manner, including but not limited to being prompt and responsive to citizen/customer questions, concerns, complaints, etc. If a citizen/customer or workplace visitor becomes abusive or argumentative, you are expected to remain calm and professional, and to refer the person to your Department Head or the City Manager.

In addition, all employees are expected to assist in maintaining a professional public image on behalf of the City. For employees whose workspaces are visible to the public, this means that your workspace must be kept neat and tidy at all times. Personal pictures, postings and mementos, plants, etc. that are visible to the public must be discrete and professional in appearance. Personal postings are not permitted on the outside/public facing walls of any cubicle or workspace. Also, personal pictures, postings, mementos, plants, etc. must not damage any City property.

### **D. CONFIDENTIALITY**

Although the City is a public entity, some information obtained in the course of your employment is confidential and may not be subject to public disclosure. Certain information about members of the public (individual citizens, businesses, etc.) obtained through the performance of your job duties as well as employee medical information obtained as a result of your job duties are typical examples of information that is considered confidential. *Note:* information about employee wages is not confidential. All employees are prohibited from discussing confidential information with persons outside the City and persons in the City who do not have a legitimate business need to know unless you have been expressly authorized to release the information. If you have a question about whether information should be disclosed, contact the City Recorder before making the disclosure. All public records requests must be directed to the City Recorder.

### **E. COST CONSCIOUSNESS**

As a public entity, the City's funds are a limited public resource. As a result, all City employees are expected to be conscious of costs and avoid unnecessary waste of resources in the performance of their jobs. If you have any suggestions for ways to improve City cost efficiency and service to the public, you are encouraged to contact your supervisor or Department Head.

### **F. DATING AND WORKPLACE RELATIONSHIPS**

The City considers employee personal relationships to be their personal business. However, when personal relationships develop between employees, they have the potential to impact working relationships and City operations. Therefore, the City has developed this policy to avoid

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conflicts of interest, favoritism, special treatment, harassment and retaliation, and to help ensure continued excellent services to our community.

Romantic/sexual relationships between management employees and subordinate employees are strictly prohibited. This includes but is not limited to employees who are married and/or living together. Subordinate employee means an employee in the same chain of supervisory authority even if there is not a direct reporting relationship. If such a situation develops, both individuals are required to notify the City Manager at the earliest opportunity (including at the application process if one of the involved parties is applying for City employment). In such cases, the City makes personnel decisions as it determines appropriate to the management and protection of the City, which may include declining to hire, or the transfer, reassignment, request for resignation, or termination of one or both individuals.

Other consensual romantic/sexual relationships between individuals who work for the City, as well as romantic personal relationships between an employee and an individual employed by a customer, vendor, supplier, etc. are not prohibited. However, all employees are expected to act professionally in the workplace and during the course of their employment. Sexual/romantic conversations, text or instant messaging; inappropriate touching (kissing, hugging, massaging, sitting on laps); etc. is strictly prohibited in the workplace, even when it is consensual.

All employees are expected to comply with the City's policies against harassment and retaliation and to maintain appropriate professional working relationships. In the event a consensual romantic relationship between two employees is discontinued, both parties must respect that decision. Employees who continue to pursue romantic relationships in the workplace, or retaliate in violation of City policies after they have been advised that the other employee wishes to end the relationship should be reported pursuant to the City's policy against harassment.

Lastly, even where there is no romantic involvement, employees are expected to behave in a manner that does not raise claims of favoritism or create a negative or unprofessional work environment. If you have any questions about your obligations under this policy, contact the City Manager.

## **G. DRESS CODE/UNIFORMS**

Public relations are an integral part of each employee's job. All employees are expected to present themselves in a way that helps generate trust, confidence and respect from the public they serve. As a result, all employees are required to be neatly groomed and wear clothing that is clean, in good repair, fits properly (including properly covering chest, stomach, back and other intimate areas), and is professional and appropriate for their position and job duties, whether in the office, a City vehicle, or other worksite.

Some positions with the City may be required to wear a uniform or other job specific attire. Your supervisor will inform you of any specific uniform or dress code requirements for your position. For positions that are required to wear a uniform, the City provides employees with uniforms at City expense. City uniforms may not be worn off-duty except in the normal course of travel to and from work. All City uniforms must be returned on separation from employment.

In the event a concern arises regarding employee compliance with this policy, the City will make the final determination regarding what is appropriate dress for our workplace in its discretion. In addition to discipline, employees arriving for work with an appearance that significantly disregards

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City standards or creates a safety hazard may be asked to return home for immediate correction. If you have any questions regarding the specific standards for your job, please contact your Supervisor.

## H. DRIVING AND USE OF CITY VEHICLES

Some positions with the City require employees to operate vehicles as part of their jobs. The following rules are applicable to all employees who drive on City business:

1. **DRIVER'S LICENSE AND INSURABILITY:** Employees whose job requires the use of a City vehicle or their own vehicle on City business must maintain insurability with the City's insurer [including a driving record acceptable to the City and our insurer(s)] at all times, and a current valid driver's license. If your position requires you to drive and you have any driving restrictions or your license status changes in any way, you must inform your supervisor immediately. Only employees who are properly licensed, insured and have been authorized by the Department Head are permitted to drive City vehicles. In order to ensure compliance with this policy, and the safety of other employees, passengers and the public, the City may receive reporting from the DMV and may check the driving records of employees who drive for the City at any time as permitted by applicable law.
2. **COMPLIANCE WITH THE LAW, TRAFFIC VIOLATIONS, AND GOOD JUDGMENT:** All employees who drive on behalf of the City are expected to use good judgment and caution in the operation of the vehicle at all times. All employees who drive on behalf of the City are also required to be aware of and comply with all applicable traffic laws and regulations at all times. This includes using safety belts for drivers and passengers at all times. The City does not pay for employee traffic violations. If you receive a traffic or parking citation, etc. while using any automobile on City business, you are responsible for all fines, court costs, etc.
3. **CELL PHONES WHILE DRIVING:** For employees who drive any vehicle on behalf of the City, your first responsibility is to drive safely at all times. All employees are expected to be aware of weather, traffic, pedestrians, and other driving conditions and to use caution and good judgment at all times. Employees are prohibited from using hand-held cell phones for any purpose while driving on City of Warrenton authorized or City of Warrenton related business. *Employees who must take a call while driving are required to use a hands-free device at all times, including voice dialing.* If you do not have an appropriate hands-free device available, or if weather or other driving conditions warrant extra caution even with a hands-free device, you must safely pull off the road and have the vehicle in park before engaging in any call. This policy also prohibits employees from using a cell phone or other device to read, send or receive text or "instant" messages while driving or engaging in any other reading, browsing of social media, internet, etc. while driving on City of Warrenton business. Taking notes (including writing down phone numbers or other information) is also strictly prohibited while driving. All employees who drive must also be aware of and adhere to all state and local laws regarding cell phone use while driving. Violation of this policy will subject the employee to discipline, up to and including termination.
4. **REPORTING ACCIDENTS AND TRAFFIC CITATIONS:** All accidents, traffic citations and damage, however small, must be reported immediately to the supervisor and an incident report must be completed. This applies to all types of accidents and damage, including damage to the property of others as well as City property and equipment. Employees are required to cooperate fully with City accident and damage investigations.

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5. **USE OF CITY VEHICLES:** Employees are prohibited from transporting any unauthorized passengers in City vehicles or while on City business, unless specifically authorized by the supervisor. This includes friends, family members, etc. Personal use of City vehicles is prohibited unless authorized by the City Manager or his/her designee and in accordance with IRS regulations.

## **I. FAMILY MEMBERS AT WORK / EMPLOYMENT OF RELATIVES**

The City's policy is to utilize fair and equitable hiring practices to hire the best-qualified candidate for each job. Although the City permits hiring of immediate relatives, it also recognizes that the employment of relatives in the same area of an organization has the potential to cause serious conflicts and problems with favoritism and employee morale. As a result, immediate relatives are not allowed to hold positions of supervisory, appointment or grievance adjustment authority over the other. Immediate relatives are also not hired when the employment would cause the City to violate public employee ethics rules or any other applicable law, including violating public funding rules, etc.

It is the City's policy to decline applications where employment would conflict with this policy. Likewise, it is the City's current policy to remove employees from their position if a relationship is established that would violate this policy or if they are mistakenly hired or appointed to a position that violates this policy. Immediate relatives include spouse, registered domestic partners, children, children-in-law, siblings, siblings-in-law, parents, parents-in-law, niece/nephew, aunt/uncle, step parents/children and grandparent/grandchildren.

With regard to other relatives or any other similar situation that we determine to be damaging to morale or operations, the City retains discretion in placement of those individuals.

## **J. INCLEMENT WEATHER**

The City of Warrenton generally does not close for inclement weather and all employees are expected to report to work as scheduled when the City remains open. Employees who believe that they cannot safely travel to/from work on an inclement weather day when the City is open must follow the City's normal attendance reporting procedures and may utilize accrued compensatory time, vacation pay or personal holiday to cover the time missed from work.

## **K. OUTSIDE EMPLOYMENT**

Employees are not permitted to engage in off-duty work activities that create conflicts of interest with their City employment or public employee ethical responsibilities. Employees who engage in outside employment continue to be expected to meet all City performance, attendance, overtime and other requirements of their City employment. All employees are judged by the same performance standards and are subject to the City's scheduling demands, regardless of any outside work requirements. If the City determines that an employee's outside work activities interfere with performance or the ability to meet the other job requirements of the City, the City may require the employee to resign from their outside employment as a condition of their continued employment with the City.

## **L. PERSONAL PROPERTY**

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The City does not provide protection or payment for lost, damaged or stolen personal items (including vehicles and their contents) brought onto City premises (including parking lots) or other work locations. You are strongly encouraged not to bring valuables to work. Employees are, however, expected to show concern and respect for the rights and property of others. Employees who find lost items are required to immediately report the items to the supervisor.

## **M. PERSONNEL RECORDS**

1. **UPDATING RECORDS:** In order to comply with government regulations and to ensure that employees receive all available benefits, it is important that personnel records be kept up to date. Employees should notify the Accountant in writing of any change in their address or phone number, person to be notified in case of accident, legal name, marital status or dependents for benefits purposes, number of income tax exemptions, number of insurance beneficiaries, changes in visa or work authorization status, etc., when such changes occur.

Likewise, if your job requires licensure and/or certifications, you must document compliance with these minimum qualification requirements by keeping your personnel records up-to-date. Provide a copy to your supervisor and the HR Coordinator each time they are renewed. If there will be any delay in obtaining a required license or certification (or renewal), you must also notify your supervisor and the HR Coordinator of the reason in advance.

2. **ACCESS AND PRIVACY:** The City considers employee personnel files to be private and access to personnel files is restricted. Employees who wish to review their own personnel file may contact the HR Coordinator to arrange for an appointment. No files may be removed from the office, but may be reviewed there with a management/human resources representative. Requests for copies of your own personnel file must be submitted in writing to the HR Coordinator . The City's policy is to provide copies within 45 days from the time the request is submitted. Employees may be charged for copies in accordance with applicable law. If you have any questions, please contact the HR Coordinator.

In addition, the City does not permit any employee's social security number or other protected personal information to be posted, displayed, transmitted over the Internet without encryption, or otherwise made available to coworkers, etc. Information containing employee social security numbers and other personal information must be kept in locked files with limited access at all times. The City has also implemented safeguards to ensure continued security of any information that is disposed. If you have any questions, please contact the HR Coordinator.

## **N. PUBLIC RECORDS REQUESTS**

As a public entity, the City of Warrenton is obligated to comply with public records inspection requests. Although the City is committed to public transparency and compliance, not all records are subject to public review. In order to ensure that the City consistently maintains the confidentiality of exempt records and complies with applicable requirements for public records disclosures, all employees who receive a request for public records must forward such requests to the City Recorder. No employee, other than the City Recorder or the City Manager (or his/her

designee) is authorized to respond to public records requests on behalf of the City. Employees are not exempt from public record requirements when requesting information.

## **O. RESIDENCY RULES**

Residency in the City of Warrenton is not a condition of initial appointment or continued employment. However, employees whose positions require designated on-call or other response times (generally 30-60 minutes) must establish any necessary living arrangements to meet such on-call or response time within sixty (60) days of hire. Employees who do not do so are subject to termination prior to the end of the probationary service period.

## **P. SMOKING/TOBACCO USE**

The City of Warrenton 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 vapor or e-cigarettes), and the use of oral tobacco products or “chew/spit” tobacco. All City buildings and vehicles are tobacco-free. If you wish to smoke or use tobacco products, you must do so outside of the City’s facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances, exits, windows and air intakes; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

Also, all smoking/tobacco use areas must be kept clean and all trash (including cigarette butts and smokeless tobacco waste) must be properly disposed of in appropriate trash receptacles.

## **Q. TRAINING AND EDUCATION**

The City of Warrenton provides employees with ongoing training throughout employment. Generally, new employees are provided with orientation training. In addition to mandatory trainings, which may be assigned by the City at its discretion, all employees are encouraged to participate in identifying his or her training needs. If you believe you need additional training, please contact your Supervisor or Department Head.

The City of Warrenton 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 Warrenton.

The City of Warrenton 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 Warrenton 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

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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 Warrenton cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

The City of Warrenton 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 Warrenton 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.

## **R. WORK PERFORMANCE**

Employees are responsible to perform their duties with care and attention to citizen/public needs and the City's quality and performance standards and requirements. Carelessness or negligence that leads to mistakes, physical injury or property damage, and other failures to meet the City's quality or performance standards or requirements is cause for disciplinary action, up to and including discharge.



## VIII. ELECTRONIC EQUIPMENT AND COMMUNICATIONS

### A. OWNERSHIP & ACCESS

All electronic and telephonic communication systems and equipment, and all communications and information transmitted by, received from, or stored in these systems, including electronic mail (e-mail) and voice-mail, are the property of the City of Warrenton. These systems are provided to employees at City expense to assist them in carrying out business activities. Consequently, all information transmitted through or stored in the system, including e-mail messages, is considered business information and public record.

The City's systems routinely gather logs for most electronic activities. To ensure that the use of our electronic communication systems is consistent with the City's policies and business interests, we reserve the right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, including e-mail messages, at any time as we deem appropriate. Consequently, employees using the City's electronic communication systems and equipment should have no expectation of privacy in connection with the use of this equipment or with transmission, use, or storage of information in the equipment, including stored e-mail or voice-mail messages.

Employees should also be aware that all information on electronic office equipment, network storage devices, or personal computers or cell phones is a public record if the content of the information would be a public record in any other format. As such, it is subject to disclosure under the public records law.

### B. USE OF EQUIPMENT AND SYSTEMS

A computer, workstation, or other computer-related equipment may be assigned to an employee for the City's business purposes. An employee's use of our electronic communication systems should be restricted to business activities and should never interfere with employees' duties. It is important to remember that transmitting, retrieving, downloading, or storing messages or images that are offensive, derogatory, or sexual in content, or otherwise in violation of the City's policies (e.g. Non-Discrimination, Anti-Harassment, Anti-Retaliation, Workplace Violence, Etc.) is inappropriate and is not tolerated in a business environment. Likewise, conveying or knowingly receiving messages that are threatening, disruptive, disparaging, or otherwise unlawful or illicit is strictly prohibited.

Employee use of our Internet for personal use must be limited to necessary, occasional communication conducted only during meal and break periods. Also, regardless of whether the material is intended to be personal or is viewed, downloaded, and/or forwarded, our internet account is not to be used to access sexually explicit, indecent, or illegal materials or any other sites we consider contrary to the expectations set forth in our policies prohibiting discrimination and harassment, etc. Individuals who use the City's Internet for personal use are reminded that this policy does not change the City's right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, to ensure compliance with our policies as we deem appropriate. Therefore, you should not conduct any personal business using our systems, which you would not want others to see or disclose. Please conduct yourself accordingly.

### **C. SOFTWARE AND UPGRADES**

Employees are not permitted to perform any unauthorized upgrades, modification, or repairs to any computer, workstation, or other electronic equipment assigned to them, unless authorized to do so by the City. All upgrades or additional equipment or support for problems that may result in troubleshooting or repairs must be requested through your supervisor. Similarly, employees should not perform any action in the use of any computer workstation or other electronic equipment that is in violation of copyright laws. To avoid violations, employees are prohibited from removing or making copies of City computer software under any circumstances. As noted above, the City may audit, change, or remove any software on any computer or workstation at any time as it deems appropriate.

Likewise, employees are prohibited from loading or using, without prior approval from the City, any software that is not licensed to the City. Such software includes copies licensed personally to the employee, “shareware,” “freeware,” product demonstration copies (demos), or software obtained from electronic bulletin boards. Employees are not permitted to install any illegal copies of software on City computers or other electronic equipment.

### **D. SECURITY**

If you are assigned a computer or other electronic communication device, you may be issued a log-on and/or password, which you must keep confidential. Employees are prohibited from creating unauthorized usernames and passwords and from using any other person’s username or log-on. Passwords help protect the City’s communication and computer systems against misuse by restricting access to only authorized users. Each user is responsible for the security granted them and all activity logged under their access identification. If you believe that your log-in information has been compromised, you must immediately notify your supervisor as to the nature of the compromise.

Use or access of another person’s log-on, e-mail account, or other account or computer without their knowledge, including but not limited to intercepting communications intended for another person, is also prohibited. Likewise, bypassing or disabling any firewall or security systems (including accessing blocked sites) is strictly prohibited.

To eliminate unwanted “spam” e-mail, employees are not permitted to use their City e-mail address or City computers to register for personal use on commercial websites. Because of the risk of viruses and other harmful programs transmitted through e-mail, employees should avoid opening up e-mail attachments if they do not know the sender, as these can disrupt or slow the network and cause harm to our electronic resources. If unsure, discuss with your immediate supervisor.

### **E. SOCIAL NETWORKING AND PERSONAL ONLINE ACTIVITY**

As a general rule, the City of Warrenton 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 Warrenton or their own ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action including discharge. Certain types of off-duty activities, in particular certain online and social networking conduct by our employees, have the potential to affect our working environment and ability to serve the public. As a result, we have developed this policy to provide employees

with information about what is expected of them when they engage in personal social networking and other online activity.

In general, employees should remember that they may be subject to personal liability in addition to employment discipline for their online conduct. Therefore, always use good judgment in posting content in any online forum. Additionally, all employees are expected to comply with the following:

1. **COMPLY WITH CITY POLICIES**: Access to and use of personal online social networking, blogs and other online social media while at work must be done only on your break or lunch time and must comply with all other provisions of the City's Electronic Equipment and Communications Policies. Use of City email addresses for personal online social networking, blogging or other personal online activity is prohibited.
2. **BE RESPECTFUL**: Employees who "friend" or otherwise engage in online social networking, blogging, etc., with co-workers or other City business associates, or who post comments or information in online public forums, should remember that their personal online activity, even off duty, can impact our business and the work environment. Online activity that violates City policies (e.g. equal employment opportunity policies (including our policy against harassment and retaliation), workplace violence policies or other conduct policies) may result in discipline up to and including discharge, regardless of whether the conduct occurs on or off-duty or in a personal online forum.
3. **BE AWARE OF CONFIDENTIALITY OBLIGATIONS**: Remember that the City takes the confidentiality of its non-public information seriously. Employees are prohibited from posting non-public/confidential information on any website, blog, social networking site, etc.
4. **RESPECT THE RIGHTS OF OTHERS**: Respect all copyright and other intellectual property laws. It is important that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks and other intellectual property, including the City's own logos, brand names, taglines, slogans or other trademarks.
5. **IDENTIFY YOURSELF**: In order to avoid misunderstandings when making personal postings related to the City's services, consider identifying your role at the City and the City's lack of involvement in your posting. Note: The City operates its own website and has an official presence on some social networking sites. Except for authorized members of management assigned to maintain such sites, employees are not allowed to make postings on behalf of/in the name of the City or to create social networking accounts or websites that represent to be on behalf of or in the name of the City.

Note: This policy is not intended to prevent employees from engaging in activity protected by applicable law.

## **F. VIOLATIONS**

The use of a computer, the internet, or other electronic communication system to engage in any communications that are in violation of this or other City policies (or federal, state, or local law), including but not limited to the transmission of defamatory, obscene, offensive, or harassing

messages, is prohibited. We consider misuse of our electronic communication systems and equipment to be a serious matter.

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## **IX. WORKPLACE SAFETY**

The City of Warrenton takes the safety of our employees very seriously and believes that safety is the mutual obligation and responsibility of the City and its employees. The City relies on employees to work in a manner that does not produce injury to them, persons working with them, customers or the public. Employees are expected to demonstrate a positive attitude toward safety and to show responsibility for their own well-being. This includes familiarizing yourself with the safety rules below as well as additional safety rules specific to your position or found in the City's Safety Program policies and forming the habit of being safety-minded for yourself and your coworkers. The best safety measure is a thoughtful, safety-minded employee.

### **A. REPORTING WORKPLACE INJURIES AND ACCIDENTS**

Work related injuries and accidents must be reported to your supervisor immediately after they become known to you (generally no later than 24 hours after you become aware that you may have been injured or ill on-the-job). Even though a work related injury may appear to be minor, it is important that it be reported to verify the incident in case of complications. Please see your supervisor for the necessary forms and instructions.

All employees are also required to report any accident involving other persons or their property, or injuries to the public immediately and complete an accident report. All accidents and injuries to other persons or their property should be reported in sufficient detail to allow the City to respond. Employees are required to cooperate fully with all accident investigations.

### **B. REPORTING UNSAFE WORKING CONDITIONS AND PRACTICES**

It is the responsibility of all employees to report any unsafe working condition promptly. Reports should be made to your supervisor, Safety Committee or the City Manager. The City encourages employees to work with us to maintain safety by alerting us to potentially unsafe conditions. If you see an unsafe or dangerous working condition that you can easily correct within the scope of your authority (such as a cord lying across a walk way), you should fix the problem immediately. We also encourage employees to bring general concerns and recommendations for improving workplace safety to our attention. General concerns and recommendations can be made to the Safety Committee or your supervisor. Your concerns and recommendations are welcomed and carefully considered. Safety suggestion boxes are available in each department throughout the city.

### **C. ANTI-RETALIATION POLICY**

It is important for all employees to understand that the City expects its employees to report all workplace accidents, injuries and unsafe working conditions and to participate in investigations. The City does not allow supervisors, managers or other employees to retaliate against employees who comply with our safety reporting policies. Employees should bring complaints of retaliation to the City Manager or HR Coordinator. These types of complaints are promptly investigated and violators are subject to appropriate disciplinary action, up to and including termination of employment.

## **D. OPERATION OF EQUIPMENT**

Employees are strictly prohibited from driving or operating any equipment unless they have been authorized by management to do so. Also, employees should not, under any circumstances, operate equipment or vehicles that they reasonably feel are not in safe operating condition. If you feel that equipment is not in safe operating condition, you must comply with the City's lock-out/tag-out procedures and promptly notify your Supervisor.

## **E. USE OF SAFETY EQUIPMENT**

The City provides employees with a variety of protective safety equipment such as gloves, eye protection, protective clothing, and other necessary safety equipment to do their jobs. Employees are required to use good judgment and follow City rules and safety regulations for wearing proper safety gear. Failure to wear assigned safety gear as required or instructed results in disciplinary action. Any item furnished by the City must be turned in upon termination or reduction in force.

## **F. PRANKS, HORSEPLAY AND HOUSEKEEPING**

Pranks, practical jokes and/or horseplay that violate the City's safety rules and procedures or may otherwise result in injury or damage to property are strictly prohibited and subject to disciplinary action. Also, all employees are responsible for maintaining a safe, clean and well-kept work area. Please keep the lunch facilities, work surfaces, floors, passage ways, parking lots, and common areas clear of refuse, debris, spills, or other obstacles which could cause an accident.

## **G. WORKPLACE VIOLENCE**

The City is committed to preventing workplace violence and to maintaining a safe work environment. As a result, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

1. **PROHIBITED CONDUCT**: This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:
  - Provoking, participating in or encouraging fights or other physical altercations.
  - Threatening the safety or well-being of another employee, citizen/public, vendor (or others you come into contact with through your job) whether directly or indirectly.
  - Vandalizing City property, citizen/public property, or the property of other employees.
  - Screaming, or other violent, vulgar, abusive or harassing outbursts of temper, particularly when directed at another employee.
  - Advocating or encouraging acts of violence toward others.
  - Being in possession of guns, weapons, explosives, or any other object that could reasonably be perceived as a weapon on City property, including parking lots or in City vehicles without the City's written authorization.
  - Distributing "hate" literature or engaging in other communications that advocate violence.
  - Engaging in any other conduct the City considers menacing, intimidating, threatening or violent.

2. **REPORTING:** Employees should immediately report incidents that involve violations of this policy to their Supervisor, Department Head, or the City Manager. *If you are in immediate fear for your safety or the safety of another person, call 911.* Likewise, all suspicious individuals or activities should also be reported as soon as possible to a Supervisor, Department Head, or the City Manager. The City promptly investigates all reports of violations of this policy. Investigations, including the identity of the person reporting, are kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our investigation obligations.
3. **VIOLATIONS:** Violators are subject to discipline, up to and including discharge. Retaliation against those who report incidents or provide information in connection with an investigation will not be tolerated. Employees who engage in retaliation are subject to discharge.

## **H. SAFETY COMMITTEE**

The City maintains a safety committee in accordance with applicable law. The Committee is responsible for making recommendations on improving safety and health in the workplace. In particular, the Committee has been charged with the responsibility to identify problems and obstacles to loss prevention; identify hazards and suggest corrective actions; and help identify employee safety training needs and develop accident investigation procedures. The Safety Committee consists of management and employee representatives who have an interest in the general promotion of safety and health for the City. Employee members may be elected or volunteer from each work group. Management members are appointed. Each member is generally a member of the Committee for at least one year, beginning in January. If you are interested in participating in our Safety Committee, contact your supervisor for more information. The Safety Committee meets regularly and keeps written records of meetings. Copies of meeting records are provided to all employees monthly, as an insert in their payroll vouchers and are available on the shared drive. Employees who have general suggestions for improving workplace safety should write out their suggestion(s), sign and submit them to any member of the Safety Committee or place in a safety suggestion box (located in every department) for review at an upcoming meeting.

## **I. OTHER SAFETY RULES**

The public trust and proper operation of the City require that all employees and representatives of the City demonstrate the highest degree of ethical conduct. Employees should conduct themselves so as not to impair their working relationship with other employees, volunteers, officials or the public.

## X. DRUG AND ALCOHOL POLICY

*For employees covered by a CBA, Drug and Alcohol policy rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.*

The City of Warrenton has a strong commitment to provide a safe workplace for its employees and to establish programs promoting high standards of employee health, performance and productivity. Consistent with the spirit and intent of this commitment, we have established this Drug and Alcohol Policy. Our goal is to establish and maintain a work environment that is free from the many adverse effects of alcohol and drug abuse.

### A. PROHIBITED CONDUCT

The following conduct is strictly prohibited:

- Working, reporting to work, or returning to work following breaks or meal periods with any amount of drugs or alcohol in your system, and/or testing positive under this policy. "Testing positive" means a confirmed test result of a 0.02% or higher blood alcohol content, or any detectable level of drugs.
- Consuming, manufacturing, buying, selling, distributing or possessing drugs or alcohol on City premises, or while off the premises doing City work or operating a motor vehicle on behalf of the City. This rule applies regardless of whether you are on paid time. "City premises" includes all property rented, leased, owned or controlled by City, including parking lots, etc. It also includes City equipment and vehicles on or off our property.
- Failing to fully cooperate with any aspect of the City's enforcement of this policy, including but not limited to refusing to promptly submit to required testing; giving false, diluted or altered samples, obstructing the testing process, and failure to comply with rehabilitation conditions imposed by the City or rehabilitation counselors.
- Failing to promptly report arrests, convictions and/or plea-bargains for an alcohol or drug related criminal offense. Employees must promptly and fully disclose to their supervisor on the next working day.

**"Drugs"** refers to marijuana and all other controlled substances under the federal Controlled Substances Act, "designer drugs" and other mind-altering or function-altering substances that are not approved for human consumption by the U.S. Food and Drug Administration. **Employees must comply at all times with all federal and state statutes and regulations regarding alcohol and the illegal use of drugs.** It is not the intent of this policy to prohibit or test for medications (other than marijuana) that are lawfully prescribed and used in accordance with the prescription. Note: The City does test for marijuana, which is unlawful under federal law and is prohibited by this policy. For more detailed information the requirements that apply to employees using prescribed or non-prescribed medication, please refer to the "Medications" and "Safeguards" sections of this policy.

### B. CONDUCT REPORTING

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

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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 Warrenton property, or in a City of Warrenton vehicle.
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 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.

### **C. MANDATORY TESTING**

1. **PRE-EMPLOYMENT TESTING**: Job offers for any safety-sensitive positions (including full-time, part-time, and temporary status, as well as transfer/promotion to any safety sensitive position) are conditioned on satisfactorily passing a drug test. All applicants who are required to undergo testing must report to the collection site and submit to such testing within the specified time period after they are notified of their obligation to be tested. Applicants testing positive for drugs, who provide a false, adulterated or diluted sample, etc., or who test positive for any type of masking substance are disqualified from employment.
2. **REASONABLE SUSPICION TESTING**: Employees are required to immediately submit to drug testing whenever the City reasonably suspects that the employee has reported to work, returned to duty or is working with drugs in his/her system or has otherwise violated this policy. Likewise, employees are required to immediately submit to testing for alcohol whenever the City has reasonable suspicion to believe that the employee has reported to work, returned to duty, or is working with alcohol in his/her system.

“Reasonable suspicion” is determined based on specific identifiable criteria, which may include observed behavior (e.g. unusual appearance, behavior, speech, breath/odor, body movements, abrupt changes in patterns of conduct, etc.), witness statements, and/or employee admissions.

Employees who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to the collection site. A management employee arranges for/provides transportation to/from testing unless the employee’s test results have been confirmed as negative.

3. **POST-ACCIDENT TESTING**: Employees are subject to testing for drugs if they are involved in an accident that results in property damages estimated by the City to be \$500 or more, a fatality, or an injury that is treated away from the scene while they are involved in a safety sensitive activity. The City may waive testing if it determines that the employee’s actions or inactions were not a factor in causing the accident or it determines that employee drug use is unlikely to have contributed to the incident (or if drug testing is unlikely to accurately identify impairment caused by drug use, etc.)

Employees who are involved in such accidents may also be tested for alcohol if there is reasonable suspicion to believe they had prohibited levels of alcohol present in their system at the time of the accident. Employees are prohibited from consuming alcohol or taking drugs (excluding prescribed drugs consistent with the prescribing provider's instructions) between the time of the accident and testing. In the event an employee is injured and is therefore unable to promptly consent to testing, the employee is required to authorize a release of medical records to reveal whether drugs and/or alcohol were in his/her system at the time of the accident.

4. **RANDOM**: It is not the City's practice to conduct routine random testing of employees except when required by law (e.g. DOT testing). The City does, however, reserve the right to conduct random testing of employees in safety-sensitive positions for illegal drugs. Individual safety-sensitive employees, all safety sensitive employees as a group, a percentage of all safety-sensitive employees, and/or all safety sensitive employees in particular job positions, departments or locations may be required to submit to random testing at the discretion of the City. For individualized testing, the City utilizes a random selection process based on a pool of safety sensitive employees. All employees in the designated group have an equal chance of being selected for testing. Employees selected for random testing are required to immediately submit to such testing as instructed, and without any delay or detour. There will be no advance notice of testing.
5. **LAST CHANCE/FOLLOW-UP TESTING**: Employees may be required to submit to testing for drugs and/or alcohol as required pursuant to a Last Chance Agreement (and as recommended by rehabilitation counselors and approved by the City Manager in accordance with applicable law). The terms of the testing will be as outlined in the Last Chance Agreement for each employee.
6. **DOT AND OTHER REQUIRED TESTING**: Employees are subject to drug and alcohol testing when otherwise required based on the nature of their job duties with the City (such as DOT drug and alcohol testing). Such tests are conducted independently. However, failure of a legally required test is considered a violation of this policy.

#### **D. SEARCHES**

When we believe there is reasonable suspicion that an employee is in possession of drugs or alcohol on City property or during working time, as described in this Policy, personal items such as packages, bags, and lunch boxes that the City reasonably believes may contain drugs or alcohol are subject to search. If an employee refuses to permit such a limited search, the City does not force the search. The employee is, however, subject to discipline for insubordination. Likewise, all City property including, but not limited to desks, equipment, vehicles, lockers, etc. remain the property of the City at all times and are likewise subject to search if there is reasonable suspicion that the desk, vehicle, item, etc. being searched contains drugs or alcohol. In addition, all employees should be aware that all City property is subject to general access by coworkers, supervisors and managers at any time. *This policy is not intended to restrict such access and employees do not have any expectation of privacy in City property such as desks, vehicles, etc.*

When feasible, searches of employee property are conducted by two supervisory or management employees. The City Manager must approve all such searches of employee property in advance. Otherwise, supervisors and managers are not authorized to conduct such searches. No employee will be forcibly searched or detained. Efforts are made to respect reasonable integrity and privacy.

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All illegal drugs or drug paraphernalia found in or on City property may be released to a law enforcement agency.

## **E. SAFEGUARDS**

The City recognizes the sensitivity of enforcement of this policy. We use qualified supervisory personnel and make arrangements with a certified laboratory to administer this policy. If applicable, medication use and other medical information is screened by a qualified Medical Review Officer (MRO). Lawful medication used consistently with a prescription is treated as a negative test under this policy and employee medical information is not disclosed to the City by the testing organization. As stated above, the detectable presence of any drug or alcohol in the system will constitute a "positive" test result. All positive test results are confirmed using a testing method with a high degree of accuracy, or another confirmatory testing method approved by law.

Test results and other information concerning drug and alcohol investigations are treated confidentially and released only when there is a legitimate business need to know, or as required by law. The time spent by an employee in traveling to and from the collection site as well as time spent in testing is treated as hours worked for pay purposes.

## **F. MEDICATIONS**

If you have been prescribed medication or take over-the-counter medication, you are responsible for consulting with your healthcare provider and/or pharmacist to determine whether there are any side effects that may be affecting your ability to safely and competently perform your job duties. This specifically includes asking about potential drug interactions if you are taking more than one kind of medication. If you or your healthcare provider feels that you are experiencing any of these side effects, you must promptly notify your supervisor before performing or continuing to perform your job duties. The employee need not disclose the medical condition for which the medication is being taken unless the City determines that this is necessary to comply with its legal obligations (e.g. properly designating leaves or evaluating reasonable accommodations). In the event the City has a reasonable basis to believe the employee cannot safely or completely perform their job duties, including such employee reports, medical verification of the ability to safely perform job duties may be required before you are allowed to continue your work assignment.

All employees should also be aware that the use of marijuana under state law (including medical and/or recreational marijuana laws) is unlawful under federal law and is considered to be a violation of this policy. You are expected to comply with state and federal laws regarding drugs and alcohol. The City does not excuse or accommodate marijuana use. Employees who believe they need some other accommodation for a disability should contact the HR Coordinator to discuss available options. Although the lawful use of medication (other than marijuana) that has been prescribed to you or over-the-counter medications is not grounds for disciplinary action by itself, failure to follow the reporting procedure discussed above may subject an employee to disciplinary action. Employees may also be disciplined for using medication that is unlawfully obtained, or for use that is inconsistent with the prescription or label (including but not limited to using medication prescribed to another person). Note, however, that if an employee tests positive for alcohol, it will not be an acceptable excuse that the employee used an over-the counter cough/cold medication (such as Nyquil) containing alcohol.

## **G. REHABILITATION AND RETURN TO WORK**

The City of Warrenton encourages employees who have drug and/or alcohol use problems or think they may have such problems to seek assistance voluntarily. When an employee voluntarily reports a drug or alcohol dependency and seeks assistance before violating this policy, that employee is placed on a leave of absence or adjusted working hours to allow for inpatient or outpatient rehabilitation treatment. The employee will not be permitted to work until the employee provides written verification from a qualified healthcare provider that he/she can safely return to work. In addition, employees who are covered by DOT regulations will not be permitted to return to work until they have complied with all return to work conditions required by applicable law.

The time an employee is off work undergoing rehabilitation is not work time and is not paid. However, employees may draw their unused, accumulated sick leave, compensatory time, vacation pay and/or floating holiday pay. Also, employees who are receiving health insurance coverage are eligible for continuation of health insurance benefits with City contributions in accordance with the provisions of the City's plan, health insurance and leave policies. Such time off may also qualify for family leave or other leaves in accordance with City policy and applicable law. Being engaged in treatment for a substance abuse problem does not relieve an employee from normal performance, safety, or attendance standards when they are not otherwise scheduled to be off work for treatment. It also does not relieve an employee from the obligation to comply with this Policy.

## **H. VIOLATIONS**

Violation of this Drug and Alcohol Policy is a major infraction of the City's standards and results in discipline up to and including discharge, even for a first offense. Employees who claim drug or alcohol use problems after being selected for testing or otherwise violating this Policy or other City standards may be subject to discharge, irrespective of such problems.

## XI. EMPLOYMENT DISCIPLINE AND DISCHARGE

***Except as specifically provided otherwise in a current collective bargaining agreement covering your employment or a current written employment agreement covering your employment, all employees are employed on an “at-will” basis regardless of their employment status or classification.*** Aside from the City’s right and your right to terminate our employment relationship at any time, the City may issue verbal or written warnings, suspend, demote, or take other disciplinary action against employees as it determines appropriate to the circumstances.

To avoid misunderstandings, the City has grouped examples of unacceptable conduct into two (2) basic categories: Minor and Major infractions. When the City believes that a regular employee has committed a *first* minor infraction of our policies/standards, the employee is generally issued a verbal and/or written warning prior to discipline or discharge. Employees on probation and temporary/seasonal employees are not generally given a written warning prior to discharge. When we feel an employee has committed a major infraction, that employee is subject to immediate suspension or discharge.

*However, all employees should understand that progressive discipline is not guaranteed.* Rather, each situation is evaluated according to the circumstances involved, and the type of discipline administered may vary from that listed in each group based upon the City’s determination of the seriousness of the offense. Also, warnings for different minor infractions may be combined to determine the type and severity of discipline administered. An employee’s overall record is generally considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate.

### A. MINOR INFRACTIONS

These types of infractions include, but are not limited to, the following:

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to notify us of intended absence or tardiness or failure to comply with other reporting policies. (Other than No-Call/No-Show) Note, even single instances of No-Call/No-Show are considered to be serious violations of the City’s standards and will result in more serious disciplinary action, up to and including discharge, regardless of an employee’s prior disciplinary record)
- Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity.
- Violation of the City’s Teamwork and Cooperation or Customer Service and Public Relations policies.
- Failure to follow safe working practices and rules. (Note: When we feel an employee has committed a serious safety violation, that employee is subject to immediate discharge).
- Use of City property for personal use, or other minor violations of the City’s ethical practices expectations that the City determines are not serious enough to warrant discharge.

- Violation of the Equal Employment Opportunity policies, which, in the City's view, is not considered serious enough to warrant discharge.
- *Violating any City policy that is presently in effect or subsequently issued or any other conduct that the City determines warrants disciplinary action, but not discharge.*

## **B. MAJOR INFRACTIONS**

These types of infractions include, but are not limited to, the following:

- Insubordination, including failure to follow any legal verbal or written job instructions issued by a person in the position of authority as determined by the City.
- Threatening, intimidating, coercing, or assaulting another employee, volunteer, supervisor, member of the public, or business associate.
- Provoking or instigating arguments, dissension or fights during working hours or on City premises or engaging in horseplay which results in injury or property damage.
- Other violations of the workplace violence policy, including but not limited to possession of weapons, firearms or explosives on City premises.
- Dishonesty of any kind, including but not limited to theft, falsifying any reports or records, such as applications, absence and sickness reports, time records, accident reports, or medical records.
- Deliberately delaying or limiting work tasks, or inciting others to delay or limit work tasks.
- Any careless or deliberate act of destroying, or damaging City property, tools or equipment, or the property of others on City premises or while on City business.
- Committing violations of safety rules or safe working habits that the City determines to be repeated or serious.
- Violations of the City's Equal Employment Opportunity Policies (e.g. discriminatory behavior, harassment, retaliation) that the City determines to be repeated or serious enough to warrant immediate discharge.
- Violation of the Drug and Alcohol Policy.
- Violation of our ethical practices policies that the City determines to be repeated or serious.
- Criminal activity that interferes with the employee's ability to perform their duties or the City's ability to maintain the public trust.
- *Violating any other City policy presently in effect or subsequently issued that the City determines is serious enough to warrant immediate discharge.*

- *Any other conduct that is, in the view of the City, serious enough to warrant discharge or suspension.*

### **C. OTHER CONDUCT**

The City believes its rules are clear and require little explanation. However, if you have any questions concerning the application or intent of these rules, please consult your Department Head or City Manager. Obviously, rules cannot be listed to cover every situation. The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its termination options. Conduct not specifically mentioned is disciplined according to the standards followed for what City Management determines to be the most equivalent type of conduct listed.

### **D. DISCIPLINE PROCEDURES**

An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. As noted above, the City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate in all cases. If you feel you have been unfairly disciplined or discharged, we encourage you to utilize the Complaint Procedures in Section XII of this Handbook.

For Minor Infractions by regular employees, the City generally applies the following steps of discipline:

1. Documented oral reprimand
2. Written reprimand
3. Final Written Warning, Last Chance Agreement, Demotion, or Suspension Without Pay, as solely determined by the City;
4. Discharge.

To progress through the above steps of discipline, the infraction(s) need not be for the same or similar offense. Also, the level of discipline, up to and including discharge, may vary from these steps at the City's sole discretion based on City Management's evaluation of the circumstances and the employee's overall work record.

All employees should understand that, *except as otherwise provided by an applicable collective bargaining agreement or written employment contract signed and dated by the City Manager (or City Commission if applicable to the City Manager's position), employment with the City is on an at-will employment basis and employees do not hold any property rights in, or ownership of, their job.* The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its employment "at will" termination options.

## XII. COMPLAINT PROCEDURES

The City recognizes that in any workplace relationship, disagreements and problems may develop. However, the City can only deal effectively with problems or complaints of which it is made aware. As a result, it is the City's policy to provide its employees with an orderly process through which they may have their workplace problems and complaints considered fairly and rapidly.

### A. OPEN DOOR POLICY

City management, including Department Heads, and City Manager maintain an Open-Door policy and encourage employees to contact them at any time if they have any workplace questions or concerns. The City cannot guarantee that an employee's point of view will prevail. However, City management is committed to listening and making every effort to ensure that problems are resolved fairly and in the public interest.

### B. COMPLAINT / APPEAL PROCEDURES

In addition to maintaining an open door policy, the City has also established the following complaint procedures, which may be used by employees who have workplace concerns. Except as provided below, this policy may be used for general non-disciplinary workplace concerns as well as to appeal disciplinary decisions.

***Please note:*** Bargaining Unit employees who have concerns regarding disciplinary action or other potential violations of the collective bargaining agreement must use the grievance procedure found in the collective bargaining agreement and not this Complaint Procedure.

Also, any employee who has a concern about discrimination, harassment, or retaliation should follow the reporting methods described on **page** \_\_\_ of this Handbook and need not comply with the time limits and requirements found in this Complaint Procedure. Likewise, employees who have concerns regarding retaliation for raising ethical concerns, safety concerns or reporting workplace injuries and accidents should follow the reporting methods outlined in those sections of this Handbook and not this Complaint Procedure.

1. **STEP 1: SUPERVISOR:** Discuss the matter with your immediate supervisor as soon as possible after the event prompting the complaint. Your supervisor reviews your problem and attempts to resolve the complaint as quickly as possible, generally within ten (10) work days of the complaint. If your concern involves your supervisor, and you are uncomfortable speaking with your supervisor, you can proceed directly to step 2.
2. **STEP 2: DEPARTMENT Head:** Employees who are not satisfied after receiving their supervisor's decision may appeal that decision to their Department Manager/Director. Appeals should be made as soon as possible but no later than three (3) workdays after your supervisor's response. Appeals must be made in writing and must include a statement outlining your complaint, all relevant documents and other information you want the Department Head to consider, the results of the discussion with your supervisor and your proposed resolution to the problem. The Department Head reviews the complaint and available information and may meet with the employee and/or the supervisor, to



attempt to resolve the matter. The Department Head generally responds within ten (10) workdays, unless he/she determines additional investigation and review time is necessary.

3. **STEP 3: CITY MANAGER:** Employees who have been suspended without pay, issued a disciplinary pay reduction, or discharged from employment and are not satisfied with the results of the Step 2 appeal may file an appeal in writing to the City Manager. Appeals to the City Manager must be made within five (5) workdays of receipt of the Step 2 decision. Appeals to City Manager must be in writing and must set forth the grounds upon which the complaint is based and the reasons why the employee considered the decision rendered at Step 2 to be unacceptable. Copies of the decision (if written) and statement of reasons from Step 2 above must be filed with the appeal. The City Manager (or his/her designee) may meet with the employee, the supervisor, and/or the Department Head, or conduct any other investigation as the City Manager determines appropriate. The City Manager's decision is final.

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## XIV. LEAVES OF ABSENCE

The City recognizes that personal circumstances occasionally require employees to take temporary periods of absence from employment. During any unpaid leave of absence, no wages or benefits are accrued or paid, *unless specifically stated in this handbook or required by an applicable CBA or applicable law*. Employees must, however, use all applicable earned and unused paid leave benefits prior to taking unpaid leave, except when provided otherwise by applicable law. Employees who wish to continue their medical insurance benefits during an unpaid leave of absence should consult the Accountant and review the Health Insurance section of this Handbook for an explanation of how long the City continues to pay its portion of the insurance contribution. Employees on medical leaves of absence are also prohibited from entering into new outside employment or engaging in any outside employment or activities that conflict with their work restrictions and limitations with the City.

Leaves of absence must be requested by the employee in writing and approved by the Department Head in order to allow the department to make arrangements for proper staffing during the employee's absence. Employees who do not notify the City and obtain approval for leaves of absence are generally considered absent without authorization, and subject to discipline or discharge. Any leave without pay must be approved in advance by the City Manager.

### A. FAMILY MEDICAL LEAVE

The City is covered by the Oregon Family Leave Act (OFLA), as well as the Federal Family Medical Leave Act (FMLA) as a public employer. If you meet the individual eligibility requirements for each type of leave, you may be eligible for protected leave under one or both of these laws. Please note that if you are entitled to leave under both the state and federal law, your leaves will run concurrently except when prohibited by law. While these laws are similar, there are some differences. In all circumstances, the City interprets and applies its policy in accordance with applicable law, including updates as they occur.

1. **ELIGIBILITY AND AMOUNT OF LEAVE UNDER FEDERAL LAW:** To be eligible for federal FMLA benefits, you must have worked for the City for a total of 12 months (need not be consecutive) and have worked at least 1,250 hours during the previous 12 months immediately before beginning your leave. An eligible employee is entitled to a total of 12 workweeks of unpaid leave in any twelve-month fiscal year. FMLA leave is available to eligible employees for one or more of the following reasons:
  - For the birth or placement of a child for adoption or foster care;
  - To care for an immediate family member (spouse, child or parent), with a serious health condition.
  - To care for a covered service member with a serious injury or illness, if the employee is the spouse, son, daughter, parent or next-of-kin of the service member. (Note: an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service-member is entitled to a total of 26 workweeks of leave for this purpose during a single 12-month period, measured forward from the first date the employee uses covered service member leave as required by law);
  - To take medical leave when the employee is unable to work because of a serious health condition; or

- Because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on covered active duty with deployment to a foreign country (or has been notified of an impending call or order to such covered active duty) in the Armed Forces in support of a contingency operation as required by law.

Please note: In the event that an employee utilizes both covered service member and one or more other types of leave during the same leave year, the employee is granted a maximum combined total of 26 workweeks of leave. However, no more than 12 workweeks can be used for any purpose other than covered service member leave. Additional restrictions apply to the use of qualified exigency leave, as outlined below.

Spouses employed by the City are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth or placement of a child for adoption or foster care must conclude within twelve (12) months of the birth or placement. Likewise, spouses employed by the City, taking leave for a covered service-member are jointly entitled to a combined total of 26 weeks of leave during the single 12-month period in accordance with applicable law.

2. **DEFINITIONS:** For information on what qualifies as a serious health condition, qualifying exigency, who qualifies as a covered service member, next-of-kin, and other definitions applicable to FMLA, please see the FMLA poster located in each department's common work areas, and/or Appendix A, which is periodically updated to remain current with applicable law and regulations.
3. **INTERMITTENT USE OF LEAVE:** Under some circumstances, employees may take leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule. If leave is for a birth or placement of a child for adoption or foster care, use of intermittent leave is subject to the City's approval. However, FMLA leave may be taken intermittently to effectuate placement for adoption or foster care and to attend the birth of the employee's child (with the balance of parental leave taken in a single block of time, beginning at a later date). Leave may also be taken intermittently whenever medically necessary to care for a seriously ill family member or covered service member, because the employee is seriously ill and unable to work, and for qualifying exigencies.
4. **WAGES AND BENEFITS DURING LEAVE:** A family leave is without payment of wages. You are, however, required to use applicable accrued paid leave during an FMLA leave in accordance with City policy and applicable law. Generally, employees must exhaust all paid sick leave for covered absences before using other forms of leave. After available sick leave has been exhausted, employees may select the order in which to use other paid leave benefits. If the employee does not specify the order in which they would like to use leave benefits, once sick leave benefits are exhausted, the City applies compensatory time off, followed by personal holiday time and then any earned and unused vacation benefits. Employees who are absent due to on-the-job serious health conditions are eligible for workers' compensation benefits. The City also maintains group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee must continue to pay any cost share of premiums and make such payment directly to the City for unpaid leave.

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5. **OTHER REQUIREMENTS:** If you use FMLA leave, you are required to provide the following:

- Thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, you must provide notice as soon as practicable. You must also generally comply with the City's normal attendance reporting procedures.
- Employees needing FMLA leave must provide sufficient information for the City to determine if the leave may qualify for FMLA protection, as well as the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform the job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also notify the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- Medical verification of the need for leave due to a serious health condition affecting the employee or an immediate family member.
- Medical verification of the need for leave due to the serious injury or illness of a spouse, son, daughter, parent, or next of kin who is a covered service-member.
- Certification of the need for qualifying exigency leaves.
- Second or third medical opinions (at the City's expense), and periodic recertification and fitness for duty reports.
- Weekly reports during FMLA leave regarding your status and intent to return to work.
- Fitness for duty certification upon return to work.

All employees who are either fully or partially released to return to work must notify the City upon receipt of the release as outlined in the "Other Medical Leaves" section of this Handbook.

When leave is needed to care for an immediate family member or the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the City's operation.

6. **REINSTATEMENT:** In order to have reinstatement rights when you are returning from family leave you must request reinstatement promptly upon the expiration of leave. If you make a timely request for reinstatement and comply with other requirements under the federal regulations, you will be reinstated to your former position in accordance with applicable law. If you cannot be reinstated to your former position because that position no longer exists, you will be reinstated to an available, equivalent position in accordance with applicable law. The use of FMLA leave does not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave that was not used during leave.

7. **ADDITIONAL INFORMATION:** When an employee gives notice of the need for an FMLA qualifying leave, the City notifies you whether you are eligible under FMLA and gives you additional, specific information on your rights and responsibilities. If you are not eligible, you are given a reason for why you have been determined to be ineligible.

Employees on FMLA leave must keep the City informed of their anticipated date of return to work, changes in medical status, address or telephone number, and any other reporting obligations directed by the City. The City generally requires a release to return to work from an employee's treating physician before an employee is allowed to return to work.

Employees who believe their FMLA rights have been violated are encouraged to contact the City Manager to discuss their concerns. Also, employees should note that the FMLA does not affect any federal or state law or collective bargaining agreement which provides greater family or medical leave rights.

For more information on these leave of absence policies, contact the HR Coordinator. In all circumstances, the City's policy is interpreted and applied in accordance with applicable state and federal regulations.

## **B. FAMILY LEAVE UNDER STATE LAW (OFLA)**

If you have been employed at least one hundred eighty (180) days immediately preceding the date your family leave would begin and you have worked an average of twenty-five (25) hours per week during that time, you are eligible for Oregon family leave of up to twelve (12) weeks in a twelve-month fiscal year, in accordance with applicable law. Please note that employees are not required to work the 25-hour minimum average in order to qualify to use family leave for parental bonding leave purposes.

In addition to permissible reasons for leave under federal law, OFLA provides eligible employees with family leave to care for grandparents, grandchildren, parents-in-law, adult children, same-sex domestic partners and their parents or children. OFLA also allows eligible employees to take family leave to care for the non-serious illnesses of their children and to take extra family leave during pregnancy. OFLA also provides for eligible employees to take up to two (2) weeks of OFLA leave per death (up to the balance of their 12 weeks per leave year) to deal with the death of a qualifying family member, including attending the funeral/bereavement events, making arrangements necessitated by the death and/or grieving the family member. OFLA for bereavement purposes must be completed within 60 days after the date on which the employee receives notice of the death.

Benefits available under OFLA and FMLA are very similar and you may be eligible for leave under one or both of these laws. Please note that an employee may be entitled to more than one leave for the same absence. If so, the leaves will run concurrently. However, OFLA leave does not run concurrently with workers' compensation leave. More detailed information about benefits available under OFLA is available from the Accountant.

## **C. WORKER'S COMPENSATION LEAVES**

***For employees covered by a CBA, the City complies with its legal obligations regarding worker's compensation absences, benefits, etc. For additional information on worker's compensation rules and benefits applicable to your employment, please see the CBA, and not this policy.***

The City grants employees leaves of absence for illnesses and injuries incurred on-the-job, in accordance with applicable law. If you are injured on-the-job, please contact your supervisor immediately for a workers' compensation form. Employees who are absent from work due to work-related illnesses or injuries are eligible to receive workers' compensation benefits. Employees on

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a workers' compensation leave of absence are required to report to their supervisor on their status, progress and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement.

All employees who are released to return to work from on-the-job injuries or illnesses must request return to work as soon as possible but no later than seven (7) days after receipt of notice by certified mail from our workers' compensation insurer that you have been released to return to work by your doctor. The City complies with applicable reinstatement and reemployment laws for employees who are absent due to work related illnesses or injuries.

NOTE: Workers' compensation and OFLA absences do not run concurrently. Therefore, you may be eligible for OFLA leave following the conclusion of a workers' compensation leave. Eligible employees who are released to light duty after a workers' compensation illness or injury, and remain off work are automatically placed on an OFLA leave of absence consistent with applicable law. For more information, please contact your supervisor or the Accountant.

#### **D. OTHER MEDICAL LEAVES**

Occasionally, employees are required to be absent from work for periods of time due to serious on or off-the-job injuries or illnesses that are not covered by FMLA or OFLA, or for periods of time which extend beyond FMLA/OFLA leaves, such as to accommodate disabilities. In such circumstances, employees should contact their supervisor regarding an extended medical leave of absence.

Employees on a medical leave of absence are required to report to their supervisor on their status, progress and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or to report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement. The re-employment of persons returning from medical leave is subject to the availability of suitable work. The City does, however, comply with applicable laws. All employees who are released to return to work from a medical leave for extended off-the-job injuries or illnesses must promptly contact the City to discuss all available options for return to work and other accommodations after receipt of a full or light duty release from your doctor.

#### **E. JURY AND WITNESS DUTY**

- 1. JURY DUTY LEAVE:** Any employee who is called to serve on a jury is granted time off for the time necessary. City of Warrenton grants regular status employees time off with pay for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's supervisor to verify the need for such leave. The employee may keep the jury duty pay he or she receives. The employee shall be required to transfer any compensation received for the performance of such duty to the City. Except as outlined above, all other jury duty service is unpaid, though you may elect to use any earned and unused vacation benefits that you have available. 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. Verification of the dates and times of service may be required.

2. **WITNESS DUTY LEAVE**: Any employee who is called to serve as a subpoenaed witness in a court of law before a judge, or before a legislative committee, administrative proceeding, or any official board or body authorized to conduct a hearing or inquiry, is granted time off for the time necessary. Time spent serving as a witness in a work-related, legal proceeding is treated as time worked for pay purposes (less any witness fees received). Except as provided above, all witness duty is unpaid. Employees may, however, use any available paid vacation, compensatory time, like time, or floating holiday time off for such absences from work. 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.

## **F. DOMESTIC VIOLENCE LEAVE AND ACCOMMODATION POLICY**

If you are the victim of domestic violence, sexual assault, harassment, or stalking, or are the parent of a minor child or dependent who is the victim of domestic violence, harassment (as defined by applicable law), sexual assault or stalking, you are eligible for reasonable unpaid leaves of absence for the following purposes:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of you or your minor child or dependent (including preparing for and participating in protective order proceedings or other criminal or civil proceedings) related to domestic violence, sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To seek medical treatment or recover from injuries caused by domestic violence or sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault, harassment, or stalking;
- To obtain services from a prosecutor provided or non-profit victim services provider for the employee or his/her minor child or dependent; or
- To relocate or take steps to secure an existing home to ensure the health and safety of the employee or his/her minor child or dependent.

Eligible employees who need domestic violence leave should contact the HR Coordinator or their supervisor. Certification of the need for leave is generally required. Domestic violence leaves are unpaid. However, employees may elect to use any earned and unused sick leave and/or other paid benefits for periods of domestic violence leave. Requests for domestic violence leave and all supporting documentation are treated confidentially.

The City also makes other reasonable accommodations for victims of domestic violence, sexual assault, harassment, or stalking as required by law. Employees who need workplace accommodations should promptly contact the HR Coordinator or supervisor to discuss reasonable alternatives and options. Verification of the need for accommodation is generally required. Requests and all supporting documentation are treated confidentially.

## **G. OTHER CRIME VICTIM LEAVE**

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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, compensatory time, like-time, and floating holiday during the leave period;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit copies of any notices of scheduled criminal proceedings that the employee receives from law enforcement agencies.

## **H. MILITARY LEAVES**

Employees who serve in the U.S. Armed Forces, National Guard or Reserves, commissioned corps of the public health service, or other qualifying military/services branches are granted leaves of absence for the period of their military service, including training and other duties, as well as reinstatement of employment in accordance with applicable law. Except as provided below, military leaves are unpaid. Employees may, however, elect to use any earned and unused paid vacation, compensatory time, like-time and/or floating holiday benefits during military leaves. Employees who need a military leave of absence should notify the City as far in advance as reasonably possible under the circumstances. For more information, please contact your supervisor or HR Coordinator. The City appreciates the contributions of those who serve in the military and encourage anyone who serves to exercise their reinstatement rights.

An employee who has completed six continuous months of service with the City and who is absent from work for periods of initial active duty for training or annual active duty for training as a member of the National Guard, National Guard Reserve, or any reserve component of the Armed Forces of the United States or of the United States Public Health Service, is provided with a paid leave of absence for such training as required by law. Each training year (the federal fiscal year for any particular unit of the National Guard or reserve component), eligible employees are provided paid time off for up to the number of days the employee would normally be scheduled to work within a 15 calendar day period, in accordance with applicable state law.

## **I. MILITARY FAMILY LEAVES**

Employees who work an average of at least 20 hours per week are eligible to take time off to spend time with a spouse or registered domestic partner who is a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States and has been notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. Eligible employees may take up to 14 workdays of Family Military leave per deployment, which may be taken intermittently. Periods of Family Military Leave are counted against an employee's entitlement to OFLA when the employee is also eligible for OLFA, and are unpaid. Employees may, however, elect (but are not required) to use any earned paid leave benefits during periods of Family Military Leave. Employees who need Family Military Leave must request leave within 5 business days of receipt of the official notice of a call to duty

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or leave. If official notice is provided less than five business days in advance, you must request the leave as soon as practicable. A copy of the call or leave orders is required.

#### **J. PERSONAL LEAVES WITHOUT PAY**

Regular employees may be granted unpaid personal leaves of absence upon a showing of good cause, and provided the City determines the leave can be scheduled without adversely affecting its operations and service to the public. Please note that while personal leaves of absence are unpaid, employees are required to exhaust any applicable earned and unused paid leave benefits (e.g. vacation, sick leave (if applicable), compensatory time, etc.) during a personal leave before unpaid personal leave time may be taken. Requests for personal leaves of absence must be made in writing to the City Manager as far in advance as possible and must specify a starting and ending date as well as the reason for the requested leave. The City Manager will determine whether there is a compelling personal reason for the leave at his/her discretion. A leave will not be granted to work another job or seek employment or career opportunities elsewhere.

Employees returning from a personal leave of absence are not guaranteed reemployment. Reemployment is generally subject to the availability of a position that the City determines is suited to an employee's skills, qualifications and experience, subject to any applicable collective bargaining rights and obligations.

#### **K. OTHER LEAVES**

Bargaining unit employees may also be eligible for additional leaves as set forth in an applicable collective bargaining agreement.

Further, it is the City's policy to comply with all applicable laws regarding leaves of absence. If you need time off for a reason not covered by these policies, please contact the HR Coordinator.

## XV. LEAVING CITY EMPLOYMENT

### A. VOLUNTARY RESIGNATION

The City recognizes that employees may choose to resign their employment at any time. In order to maintain quality and consistent service, two weeks (10 work days') notice prior to the effective date of your resignation, as well as the reason for your resignation, is requested in writing. All City equipment/property must be returned to your Department Head.

### B. LAYOFF

***For employees covered by a CBA, layoff, bumping and recall rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

City employment needs vary based on organizational changes, workload, budgetary and other business and operational considerations. If the City determines it is necessary to eliminate or consolidate jobs or otherwise curtail operation, layoffs may be necessary. The decision of individuals to be laid off is made based on the City's evaluation of the comparative work performance and skills of the employees in the positions affected, and the skills and abilities of those employees to perform the work remaining. When the City determines that the performance, skills and abilities of the employees being considered for layoff are relatively equal, preference is given to the employee with the longest length of service with the City. The City's policy is to provide advance notice of layoff when it determines budgetary and operational considerations allow. Laid off employees do not have any bumping or automatic recall rights.

### C. DISCHARGE

*Except as provided otherwise in a current CBA covering your employment or a valid individual written employment agreement applicable to your employment, employment can be terminated by the City or the employee at any time for any reason not prohibited by law.*

### D. FINAL PAYCHECKS

When the City ends the employment relationship for any reason it makes the final paycheck available by the end of the next business day following termination. When employees voluntarily resign with at least 48-hours advance notice, the City makes the final paycheck available on the last day of work or on the next business day if the last day falls on a weekend or holiday. When employees resign with less than 48-hours' notice, the final paycheck is made available within five (5) days of termination or on the next payday, whichever comes first.

### E. REFERENCES

Employees who leave the City's employment have the option of authorizing the City to release information regarding work performance, attendance, eligibility for rehire, and other factors relevant to their employment with the City. For employees who do not provide such authorization, it is the City's policy to limit reference information to dates of employment, positions held, and wages earned. All other employment references should be directed to the City Manager on behalf of the City.

**XVI. EMPLOYEE HANDBOOK ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that I have received a copy of the City of Warrenton’s Employee Handbook, which becomes effective ----- and covers my employment.

I understand that the City of Warrenton reserves all rights necessary for the efficient management of its operations and that the City has adopted this Handbook only as a general guide to its current policies, work rules, and the work environment. I acknowledge that this Handbook is not a contract for continued employment or benefits at any level. Rather, I understand that it may become necessary for the City to change this Handbook, its policies and practices, and/or to change, reduce or discontinue any benefits from time to time (*subject to applicable collective bargaining obligations, if any*) as it determines appropriate to the management of the City.

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

I further understand that, except as otherwise provided in an applicable collective bargaining agreement covering my employment or an individual written employment agreement signed by the City Manager (or City Commission if applicable to the City Manager), either the City of Warrenton 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 or due process procedures, and that I do not have any property interests/rights or ownership in my employment with the City.

I also understand that no one other than the City Manager (or the City Commission if applicable to the City Manager) has any authority to enter into any agreement for employment for any specified period of time, to assure me of any future position, benefits or other terms or conditions or employment, or to make any promises contrary to, or in addition to, this Handbook. I understand and acknowledge that any such representation and promises must be in writing and signed and dated by the City Manager (or City Commission if applicable to the City Manager) in order to be valid.

I have read this acknowledgement carefully before signing.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name [print]

*The original of this document is kept in the Employee’s personnel file. A copy is made available to the Employee upon request.*

**APPENDIX A: FAMILY MEDICAL LEAVE ACT POSTER**

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## CITY MANAGER EMPLOYMENT AGREEMENT

THIS AGREEMENT made and entered into this August 5, 2022, by and between the City of Warrenton, a municipal corporation of the State of Oregon, hereinafter called "City" and Esther Moberg, hereinafter called "Manager."

WITNESSETH:

City desires to employ the services of Manager as City Manager of the City of Warrenton as provided by the Charter of the City of Warrenton and Esther Moberg desires to accept said employment as the City Manager for the City of Warrenton, Oregon.

AGREEMENT

NOW, THEREFORE, in consideration of the above and the mutual covenants contained herein, City and Manager agree as follows:

### **SECTION 1. EMPLOYMENT, DUTIES AND AUTHORITY**

Manager shall perform all duties required of the position of City Manager, including but not limited to, those duties and responsibilities outlined in the City Charter, in the job description attached hereto and incorporated in here as Exhibit A, and any other duties and responsibilities authorized or directed by City Commission. At the discretion of the Manager, any duties described above may be delegated to subordinate employees as appropriate. In performance of all duties and responsibilities, Manager shall abide by the policies, rules and directives of City Commission, shall inform City Commission before making any major decisions, and shall perform such duties and responsibilities in accordance with the Charter, ordinances of the City of Warrenton and laws of the State of Oregon and the United States. Manager shall abide by all the terms and conditions contained in the current Personnel Resolution of the City of Warrenton, as amended from time to time, or other personnel regulations. In the event of a conflict between the Personnel Resolution or the regulations of this Agreement, this Agreement shall control.

### **SECTION 2. TERM**

2.1 At-Will Employment. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Commission to terminate the services of the Manager at any time, from her position with the City, subject only to the provisions set forth in this Agreement.

2.2 Length of Agreement. This Agreement shall be in effect September 19, 2022

and extend through August 30, 2024. By mutual written agreement this Agreement may be extended for an additional two (2) year term.

### **SECTION 3. TERMINATION AND SEVERANCE**

3.1 Termination without Cause. This Agreement may be terminated by either the City or Manager for any reason whatsoever.

3.2 Termination for Cause. Manager's employment with the City may be terminated immediately in the sole discretion of the City (acting by and through its City Commission) upon the occurrence of any of the following events:

- a. Manager fails or refuses to comply with the written policies, standards, and regulations of the City that are now in existence or that may, from time to time be established;
- b. The City has reasonable cause to believe Manager has committed fraud, misappropriated City funds, goods or services to either her own or some other private third party's benefit and/or other act(s) of misconduct which the City Commission believes is/are detrimental to the City and/or its interests;
- c. The Manager fails to comply with the residency terms outlined below;
- d. The Manager is unable to perform her job functions.

3.3 Not For Cause Termination. In the event Manager is involuntarily terminated by the City before the expiration of this Agreement (albeit Manager is willing and able to perform her duties) for reasons other than those set out above in subsection 3.2, then in that event, Manager shall be entitled to (and City agrees to pay) a severance payment equal to the value of four (4) months' salary. After three (3) years of continuous service, the Manager shall be entitled to (and the City agrees to pay) a severance payment equal to the value of six (6) months of salary. Payment of the severance shall be made monthly, each payment being the value of one month's salary. The right to said payment shall cease if, during the period of the scheduled payments, Manager accepts employment with another employer. Manager has an affirmative obligation to notify the City upon acceptance of other employment. If the City does not renew the Agreement pursuant to subsection 2.2, the Agreement will be deemed expired and no severance payment will be due.

3.4 Reduction in Salary. If the City reduces the salary or other financial benefits of Manager in greater percentage than an applicable across the board reduction for all City Department Heads, or if Manager resigns at the request of the City Commission (for reasons other than those set out in subsection 3.2), then Manager may deem this Agreement to be involuntarily terminated without cause and shall then be entitled to severance pay consistent with subsection 3.3 above.

3.5 Voluntary Resignation. If Manager voluntarily resigns her position with the City for any reason before expiration of this Agreement, then Manager shall give the City at least thirty (30) calendar days' written notice in advance, excluding accrued vacation, and Manager shall be available to serve during this period. The City Commission, however, shall have the discretion to decide whether Manager shall continue in his position during the notice period.

3.6 Accrued Leaves on Separation. Termination pursuant to subsection 3.3 or

resignation pursuant to subsection 3.5 shall entitle Manager to a lump sum payment equivalent to all accrued and unused vacation within thirty (30) days of termination. If the City terminates Manager pursuant to subsection 3.2, Manager shall receive accrued and unused vacation.

#### **SECTION 4. COMPENSATION**

4.1 Compensation. The City agrees to pay the Manager an annual salary of one hundred twenty thousand dollars (\$120,000) payable on the same schedule as other employees of the City are paid. Manager shall be entitled to receive a Cost of Living Adjustment (COLA) to her salary in the same percentage amount and at the same time as may be given to City's Department Heads.

The City may increase, but not decrease, the Manager's compensation without the need to amend this Agreement. The Manager compensation may be adjusted based on merit in conjunction with an evaluation conduction pursuant to Section 5.

4.2 Expenses and Vehicle Allowance. City shall reimburse Manager for all actual and necessary expenses other than vehicle expenses, as provided in the budget and as necessary to perform assigned duties and responsibilities. Supporting vouchers and receipts shall be provided by Manager for such expenditures according to City procedures.

The City agrees to pay the Manager, during the term of this Agreement and in addition to other salary and benefits herein provided, four hundred dollar (\$400) a month as a vehicle allowance to be used to purchase, lease, or own a vehicle and for related mileage expenses. If the Manager is required by her City employment to travel outside of Clatsop County on City business, the City shall reimburse her mileage at the IRS rate.

4.3 Cell Phone Allowance. The City agrees to either provide the Manager a cell phone or provide a cell phone allowance equal to that of other City employees and pursuant to City policy.

4.3 Professional Development and Organizations. The City encourages the Manager to attend the annual League of Oregon Cities (LOC) Conference, the spring and summer conferences for Oregon City/County Management Association (OCCMA), activities of the LOC, and conferences and meetings of state committees or commissions upon which the Manager serves as a member. City agrees to pay for attendance costs that may not be provided by OCCMA.

Attendance at out-of-state conferences and meetings, membership on state or national committees or commissions, and other official meetings or travel are reasonable for the professional advancement of the Manager. Such activities, however, requires prior approval by the City Commission. The City Commission, at its sole discretion, shall have the right to approve or disapprove such out-of-state membership or travel.

The City expressly authorizes membership of the Manager in ICMA, OCCMA, and shall pay Manager's membership fees to these organizations and any reasonable attendance costs at annual conferences and conventions associated with Manager's participation in ICMA, LOC, and OCCMA as approved in the City budget.

4.4 Warrenton Community Library fee. The City agrees to reimburse Employee for the annual out-of-city library card fee for the Warrenton Community Library each year.

## **SECTION 5. EVALUATION**

The City Commission shall evaluate the Manager annually prior to or near the Commission's regularly scheduled meeting in February 2022, and each year thereafter. All evaluations shall be communicated to the Manager consistent with Oregon Public Meetings Law. Such an evaluation may include merit salary adjustments, if appropriate.

## **SECTION 6. BENEFITS**

6.1 Health, Life, and Disability Insurance. The City agrees to provide health and life insurance for the Manager, spouse, and dependents under the same programs and policies as are provided for all other Department Heads.

6.2 Vacation. For the first three (3) years of employment Manager shall accrue vacation leave at a rate of eight (8) hours per month. Thereafter Manager, shall accrue vacation leave at the same rate as any other employee of her tenure.

6.3 Other Benefits. Except as expressly provided herein, Manager shall be entitled to all standard employee benefits as provided in the personnel policies of the City, or as may be otherwise agreed upon by both parties

## **SECTION 7. HOURS OF WORK AND OUTSIDE ACTIVITIES**

The parties acknowledge that the performance of the duties of City Manager constitutes a full-time job. The City Manager does not have set hours of work as the City Manager is expected to be available at all times. However, it is also recognized that the Manager must devote a great deal of her time outside of normal office hours to the business of the City, and to that end the parties recognize that the Manager's schedule of work each day and week shall vary in accordance with the work required to be performed. Manager is an exempt professional from the overtime provisions of the federal Fair Labor Standards Act, and its counterpart in Oregon law.

## **SECTION 8. RESIDENCY REQUIREMENT**

The Commission recognize the Manager currently lives locally and will not require the Manager to relocate within the City limits. However, the City does require the Manager to provide notice of her intent to relocate further away from the City prior to doing so. After receiving such notice, or if no notice is given, the City Commission may exercise its option to terminate the Agreement with cause and no severance compensation as set forth under subsection 3.3.

## **SECTION 9. OTHER TERMS AND CONDITIONS OF EMPLOYMENT**

All provisions of the City Charter, regulations and rules as they now exist, and hereafter may be amended, shall apply to the Manager as they would to other employees



of the City, unless they conflict with the terms of this Agreement.

## **SECTION 10. GENERAL PROVISIONS**

10.1 Professional Liability. The City agrees to defend, hold harmless and indemnify Manager from any and all demands, claims, suits, actions and legal proceedings brought against Manager in her individual capacity, or in her official capacity as agent and employee of the City, consistent with the terms of the Oregon Tort Claims Act (ORS 30.260 to 30.300).

10.2 Modification. Nothing shall restrict the ability of the City and Manager to amend or adjust the terms of this Agreement. However, no amendment or adjustment shall be valid unless in writing and signed by both the City and Manager. Manager reserves the right to discuss the terms of this Agreement with the City Commission as a whole in either closed Executive Session or open Regular Session in accordance with Oregon Public Meetings Law.

10.3 Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be affected, and shall remain in full force and effect.

10.4 Rights and Duties. The rights and duties of the City and Manager shall survive the termination of this Agreement.

10.6 Integration. This Agreement contains the entire Agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the same subject

10.7 Bonding. City shall bear the full cost of any fidelity or other bonds required of Manager under any law or ordinance.

## **SECTION 11. NOTICES**

Notices pursuant to this agreement shall be given by deposit into the custody of the United States Postal Service, by certified mail, postage paid and addressed as follows:

CITY:

ATTN: City Recorder  
PO Box 250  
Warrenton, OR 97146

AND

CITY ATTORNEY:  
Beery Elsner & Hammond, LLP  
Attn: Ashley Driscoll  
1804 NE 45<sup>th</sup> Ave  
Portland, OR 97213 AND

MANAGER:

Esther Moberg  
91012 Hwy 202  
Astoria, OR 97103

Alternately, notices required pursuant to this agreement may be served personally in the same manner as is applicable to civil judicial practice. Notice shall be deemed to be given as of the date mailed or personally served.

IN WITNESS WHEREOF, the City of Warrenton has caused this agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Attorney and the Manager.

---

Mayor  
City of Warrenton

---

Employee  
Esther Moberg

ATTEST:

---

APPROVED AS TO FORM:

## EXHIBIT A

### CITY OF WARRENTON CLASS SPECIFICATION

#### CITY MANAGER

##### **DEFINITION**

Under the general direction of the City Commission, directs and coordinates the activities of all City departments and implements policy as established by the City Commission.

##### **DISTINGUISHING CHARACTERISTICS**

The position of City Manager is established by City Charter and is the administrative head of the City.

##### **EXAMPLES OF DUTIES**

The duties listed below are examples of the work typically performed by employees in this class. An employee may not be assigned all duties listed and may be assigned duties which are not listed below. Marginal duties (shown in *italics*) are those duties which are least likely to be essential functions for any single position in this class.

1. Meets with the City Commission in regular and special meetings, gives information and transmits special or regular reports covering the affairs and needs of the City and its varied issues of municipal operations; and advises Commission members in their deliberations on policy or legislative matters.
2. Meets with the public to provide information and assistance regarding City ordinances and policies; receives private citizen questions and complaints on a wide variety of issues and attempts to resolve problems to the satisfaction of all parties.
3. Directs staff in the administration of all ordinances and the provisions of all franchises, leases, contracts, permits, and privileges granted by the City.
4. Appoints and removes all City officers and employees except as otherwise provided by the City Charter; directly and through subordinate supervisors, directs and controls the work of City staff and City departments; assigns and transfers employees as necessary to obtain efficiency in City operations.
5. Administers the City personnel system including recruitment and selection, performance appraisals, collective bargaining, labor contract administration, grievance resolution and employee terminations.

6. Supervises and participates in the preparation of the annual City budget as the Budget Officer; reviews and approves departmental budget requests for submission to the Commission as appropriate, submits the estimates of revenues and expenditures to the Budget Committee; prepares or directs the preparation of such special reports as the Budget Committee or City Commission may require.
7. Seeks out financial resources available to the City such as revenue sharing, economic development grants; supervises the preparation of special grant requests.
8. Meets with representatives of other cities, the county and other governmental agencies on varied problems involved in the coordination of City services and agreements with those of other governmental units; attends meetings of various bodies directly involved in the City's operation such as the Planning Commission and provides staff assistance where requested; corresponds with other governmental agencies, private groups, and individuals on varied aspects of City business.
9. Supervises the operation of all public utilities owned and operated by the City.
10. Serves as purchasing agent, approving purchase orders and payments.
11. Exercises general supervision over all City property.
12. Confers with City staff and others on varied operating and administrative problems, proposed and reviews departments plans, programs and procedures and suggests new innovations or methods to improve the standard of services rendered by the City.

## **QUALIFICATIONS FOR EMPLOYMENT**

### **Knowledge and Ability**

#### Knowledge of:

1. Municipal government organization, powers, functions and relationships with other governmental jurisdictions.
2. Principles and practices of public administration as applied to the management of diversified municipal government services.
3. Principles and practices of public budgeting, financial management, personnel management, and records management.

4. Principles and methods used in employee-management negotiations, procurements, public works contract bidding and administration, and other aspects of municipal government operations.

Ability to:

1. Establish and maintain cooperative and harmonious working relationship with City legislative and administrative officials and employees, representatives of business and government organizations and the general public.
2. Develop and prepare effective and complete correspondence and administrative reports.
3. Make effective presentations to various groups.
4. Analyze complex problems and complete research in solving them.
5. Plan, assign, direct and review the work of others.
6. Analyze and implement municipal public service projects and programs.
7. Analyze public policy and present and apply finding.

**Experience and Training**

The knowledge, ability and skill listed above may be gained through various types of education, training and experience. A typical way to acquire the required knowledge, ability and skill is listed below.

Seven years of experience in municipal government management preferably as a city manager or assistant city manager. Graduation from a four-year college or university with major course work in public administration or related field.

**PHYSICAL DEMANDS AND WORKING CONDITIONS**

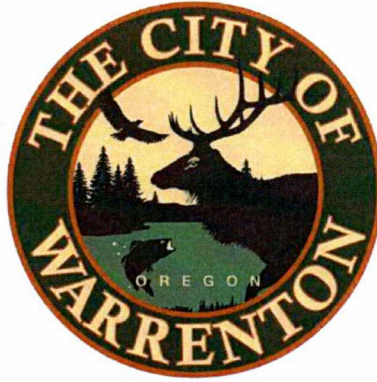
Deadlines and shifting priorities are frequently part of the daily routine. Interruptions are frequent from various City staff, telephone calls, and office visitors. Some travel by car is required to attend meetings and training sessions. Availability and transportation is required to attend meetings outside of normal business hours.

Physical demands include sitting for prolonged periods; occasional lifting of files, stacks of paper, reference and other materials; moving from place to place between and within the office, as well as in outdoor locations to inspect

development sites; some reaching for items above and below desk level. Environment is generally clean with limited exposure to conditions such as dust, fumes, odors, or noise.

J.F

ADDED



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Kyle Sharpsteen, Public Works Operations Manager  
DATE: For the meeting of August 9, 2022  
SUBJ: Approval to hire PW Office Assistant.

### SUMMARY

Per the city charter

Section 20 (e) Manager pro-tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever his office becomes vacant, the commission shall appoint a manager pro-tem, who shall possess the powers and duties of the manager. No manager pro-tem, however, may appoint or remove a city officer or employee except with the approval of three-fourths of the members of the commission.

Public works began the hiring process for the PW Office Assistant position before the Former City Manager left, and it has been difficult to find the right person. Public works has interviewed two candidates where either one of them would make a great addition to our team. We would like to make an offer to the lead candidate, Alternatively, if that person does not accept the position, we would like to offer the position to the other candidate. They both mentioned having other applications out.

### RECOMMENDATION/SUGGESTED MOTION

*"I move to authorize the Manager pro-tem to approve the appointment of the public works office assistant position"*

### ALTERNATIVE

- 1) Other action as deemed appropriate by the City Commission
- 2) None recommended

**FISCAL IMPACT**

This position is included in the budget.

Approved by City Manager: \_\_\_\_\_

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.