



## **AGENDA**

CITY COMMISSION OF THE CITY OF WARRENTON  
REGULAR MEETING  
November 08, 2022 – 6:00 P.M.  
Warrenton City Commission Chambers – 225 South Main Avenue  
Warrenton, OR 97146

---

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 – 10.25.22
- B. Monthly Finance Report – September 2022
- C. Community Center Advisory Board Meeting Minutes – 04.21.22
- D. City of Warrenton Employee Handbook

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 Law Enforcement Support Office (LESO) Program Authorization

B. Consideration of License to Occupy – Sewell

C. Consideration of Quit-Claim Deed Approval – SW Main Court

**8. DISCUSSION ITEMS**

**9. GOOD OF THE ORDER**

**10. EXECUTIVE SESSION**

**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  
 October 25, 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, and Paul Mitchell

Staff Present: City Manager Esther Moberg, Police Chief Mathew Workman, Finance Director April Clark, Public Works Operations Manager Kyle Sharpsteen, Utility Maintenance Worker Mike Ulness, Deputy City Recorder Brittney Johnson, and City Recorder Dawne Shaw

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 10.11.22
- B. Monthly Finance Report – August 2022
- C. Police Department Monthly Report – September 2022
- D. Community Center Annual Report – July 2021-June 2022

Mayor Balensifer asked Police Chief Workman to give a brief overview of the Buoy 10 season; Police Chief Workman reported that the Buoy 10 season was the same as previous years, there was no increase or decrease in disturbances.

**Commissioner Dyer made the motion to approve the consent calendar as presented with the amended minutes. Motion was seconded and passed unanimously.**

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

COMMISSIONER REPORTS - None

Mayor Balensifer noted at the beginning of the year they will revisit the board assignments.

PUBLIC COMMENT – None

PUBLIC HEARINGS – None

BUSINESS ITEMS

City Manager Esther Moberg presented Ordinance No. 1258 for its second reading and adoption. She reviewed the agenda memo; there were no further questions.

**Commissioner Baldwin made the motion to conduct the second reading, by title only, of Ordinance No. 1258. Motion was seconded and passed unanimously.**

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

Mayor Balensifer conducted the second reading, by title only, of Ordinance No. 1258.

**Commissioner Poe made the motion to adopt Ordinance No. 1258. Motion was seconded and passed unanimously.**

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

DISCUSSION ITEMS – None

GOOD OF THE ORDER

City Manager Esther Moberg gave an update on the recent water shut off; that the first day of the shut off there was problem with the water lines and most of Hammond had their water turned off vs the original plan where 1/3 of the residents water was supposed to be turned off. She also noted that the water turn off lasted longer than planned and the last valve turn on was around 7:30pm. The second and third day of the water turn off went a lot better. She noted they are working on Food Cart licenses, with one going in by November 1<sup>st</sup>. The city is working with a contractor for grey water access for the remaining food cart pods, and when complete more food carts will be able to move into the pod. Brief discussion continued.

Commissioner Poe gave an update on a nuisance property on Iredale; noting there is still a lot of commotion and hazards on the property.

Commissioner Baldwin discussed a ribbon cutting for Scoular; noting they are ready to go and currently waiting on dry wall, which is hard to find at the moment.

Commissioner Dyer noted he was surprised to find out it is legal to fish the Skipanon.

Commissioner Mitchell noted his wife became an American citizen. Constituents mentioned empty lots with overgrown grass, and he would like the city to investigate it. City Manager Moberg noted the nuisance form on the website they can be directed to.

City Recorder Dawne Shaw introduced new Deputy City Recorder Brittney Johnson.

Mayor Balensifer stated the Oregon Mayor's Association (OMA) issued a letter calling on legislature to support funding for homeless services to help cities deal with biohazards, garbage pickup and mental health services. Clatsop County has the highest count for homeless persons per capita in the state by a sizeable margin. OMA has been working on developing a policy proposal that includes capital projects and operational funds. Warrenton would get a quarter of a million dollars in funds that would greatly help our community. There is a Task Force of 25 mayors, and the hope is to have all 254 mayors sign the letter. He also noted all the fish in the Skipanon River. Mayor Balensifer asked Chief Workman about an abandoned van on Alder; Chief Workman will look into it. Mayor Balensifer also addressed Chief Workman on the record about parking enforcement on private lots. Chief Workman stated if the lot is open to the public, they can enforce. He noted if the spaces are not properly marked, they cannot enforce.

There being no further business, Mayor Balensifer adjourned the meeting at 6:23 p.m., and announced the Commission will now meet in executive session under the authority of ORS 192.660(2)(e); *to conduct deliberations with persons designated by the governing body to negotiate real property transactions; and ORS 192.660(2)(h); to consult with counsel regarding the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

MINUTES

Warrenton City Commission

Regular Meeting – 10.25.22

Page: 2

Respectfully prepared and submitted by Brittney Johnson, Deputy City Recorder.

APPROVED:

ATTEST:

---

Henry A. Balensifer III, Mayor

---

Dawne Shaw, CMC, City Recorder

DRAFT

**Volume 16, Issue 3**

**Monthly Finance Report  
September 2022**

**November 8, 2022**

**Economic Indicators**

	Current	1 year ago
◆ Interest Rates:		
LGIP :	1.84%	.55%
Prime Rate:	6.25%	3.25%
◆ CPI-U change:	8.2%	5.4%
◆ Unemployment Rates:		
Clatsop County:	4.2%	5.0%
Oregon:	3.8%	4.5%
U.S.:	3.5%	4.7%

**Department Statistics**

◆ Utility Bills mailed	3,366
◆ New Service Connections	5
◆ Reminder Letters	304
◆ Door Hangers	63
◆ Water Service Discontinued	9
◆ Counter payments	503
◆ Mail payments	1,024
◆ Auto Pay Customers/pmts	698
◆ Online (Web) payments	1,181
◆ Checks issued	360

**Current and Pending Projects**

- ◆ Audit/Financial Statements FYE 6/30/22 Due 12/31/22
- ◆ SDC Annual Report due 12/31/22
- ◆ Landfill Financial Assurance Report due 12/31/22

**Financial Narrative as of September 30, 2022**

**Note:** Revenues and expenses should track at 3/12 or 25% of the budget.

Attached to this report is analysis and summaries of data for assessed value and property tax information for the City of Warrenton for the tax year 2022-2023.

Assessed value for the City of Warrenton is \$788,635,308, an increase of 8.2% from the prior year. Of that amount, \$692,155,825 (87.8%) is used to calculate the City of Warrenton tax and \$96,479,483 (12.2%) is used to calculate the Urban Renewal District tax. The Urban Renewal excess assessed value used to calculate the tax decreased 5.6% from the prior year. The actual excess value of the Urban Renewal boundary is \$133,960,309, a 2.6% increase from the prior year, but due to the substantial amendment in 2019, the amount that can be used to calculate the tax is limited. The remaining excess value is returned to the taxing districts through revenue sharing as required by ORS 457.470.

Tax amounts to be received are as follows for the permanent rate; \$1,161,627, local option rate \$483,417 (*Library \$261,521 and Police \$221,896*), bonded debt rate, \$548,797 for a total of \$2,193,841. Please keep in mind that these amounts will be reduced by discounts, uncollected taxes, and other reductions. The total levy last year was \$2,127,913.

The Urban Renewal Agency boundary value will raise \$891,565 at the rates of

\$1.1326 per \$1,000 and at a rate of 56.9 cents per \$1,000 of assessed value depending on the tax code, for Urban Renewal. These rates are applied to each individual property's total assessed value whether inside the boundary or not. The tax amount is also subject to discounts, credits, etc. This is \$44,331 more than the budgeted revenue of \$847,234. If the Agency collects 95.2% of the tax, then it is projected that we will be over budget by \$1,536.

The General Fund loses 20.4 cents per \$1,000, or \$161,130 in tax to the Urban Renewal Agency.

Taxpayers pay \$.6925 per \$1,000 of assessed value for bonded debt compared to \$.7669, last year.

If the County collects 95.2% of the total imposed taxes, the General Fund should see an excess of \$87,903 in property tax revenue for the permanent rate and police levy compared to budget. The Library would see an excess of \$14,314 compared to budget.

For every one million of assessed value added, the permanent rate plus the local option rate would raise \$2,280.10, annually. \$1,950.10 for the General Fund and \$330 for the Library.

Also, attached are data for Warrenton and surrounding area cities' assessed value, permanent rates, and total tax rates by tax code. Code 0113 is the lat-

est annexation (by the airport) up to our Urban Growth Boundary and pays a different rate because they are in School 1 District as opposed to School 30 (Warrenton School District).

Taxpayers in code 3004/3010 and 0113 pay property taxes (to all jurisdictions) of \$2,684 and \$2,835, respectively on property assessed at \$200,000. Receipt of current property tax revenues begins in November.

Also, attached is Oregon population data. The city's per capita state distributions for 2022/2023 are based on Warrenton population estimate as of July 1, 2021 of 6,352.

**General Fund:** Year to date revenues amount to \$758,205, which is 13.3% of the budget, compared to the prior year amount of \$681,667, which was 14.9% of the budget and are up by \$76,538. Increases are shown in prior year property taxes, city franchise fees, planning fees, police charges, fire charges, park charges, and interest.

Expenses year to date amount to \$1,302,818, which is 20.7% of the budget, compared to the prior year amount of \$1,176,797, which was 23.1% of the budget.

**Quincy Robinson Trust:** The value of the trust at US Bank as of September 30, 2022 is \$813,587 down from \$1,086,667 as of January 1, 2022. The City receives an annual distribution of 5% of the fair market value based on the first business day of each tax year or 85% of the net income, whichever is greater.

## Financial data as of September, 2022

	General Fund				
	Current Month	Year to Date	Budget	% of Budget	
Beginning Fund Balance	1,434,260	1,885,860	1,100,000	171.44	
Plus: Revenues	199,890	758,205	5,691,876	13.32	(see details of revenue, page 4)
Less: Expenditures					
Municipal Court	11,516	39,928	188,871	21.14	
Admin/Comm/Fin(ACF)	62,120	370,922	1,385,311	26.78	
Planning	23,187	72,952	439,126	16.61	
Police	140,388	493,438	2,189,639	22.54	
Fire	49,995	190,304	1,034,854	18.39	
Parks	5,697	23,274	160,746	14.48	
Transfers	-	112,000	891,451	12.56	
Total Expenditures	292,903	1,302,818	6,289,998	20.71	
Ending Fund Balance	1,341,247	1,341,247	501,878	267.25	

	WBL				
	Current Month	Year to Date	Budget	% of Budget	
Beginning Fund Balance	116,766	68,931	59,000	116.83	
Plus: Revenues	(3,171)	79,621	61,350	129.78	
Less: Expenditures	796	35,753	66,307	53.92	
Ending Fund Balance	112,799	112,799	54,043	208.72	

	Building Department				
	Current Month	Year to Date	Budget	% of Budget	
Beginning Fund Balance	714,533	736,201	640,000	115.03	
Plus: Revenues	13,365	85,470	309,088	27.65	
Less: Expenditures	29,042	122,815	455,954	26.94	
Ending Fund Balance	698,856	698,856	493,134	141.72	

	State Tax Street				
	Current Month	Year to Date	Budget	% of Budget	
Beginning Fund Balance	2,752,956	2,778,651	2,100,000	132.32	
Plus: Revenues	84,715	124,369	2,738,420	4.54	
Less: Expenditures	24,724	90,073	4,739,670	1.90	
Ending Fund Balance	2,812,947	2,812,947	98,750	2,848.55	

	Warrenton Marina				
	Current Month	Year to Date	Budget	% of Budget	
Beginning Fund Balance	727,134	323,922	300,000	107.97	
Plus: Revenues	28,501	545,649	716,879	76.11	
Less: Expenditures	46,195	160,131	818,225	19.57	
Ending Fund Balance	709,440	709,440	198,654	357.12	

## Financial data as of September 2022, continued

	Hammond Marina				Water Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	446,874	206,211	290,000	71.11	2,511,906	1,878,545	2,000,000	93.93
Plus: Revenues	32,619	351,173	384,552	91.32	585,093	1,573,254	6,708,062	23.45
Less: Expenditures	32,744	110,635	534,261	20.71	141,951	496,751	7,747,678	6.41
Ending Fund Balance	<u>446,749</u>	<u>446,749</u>	<u>140,291</u>	<u>318.44</u>	<u>2,955,048</u>	<u>2,955,048</u>	<u>960,384</u>	<u>307.69</u>

	Sewer Fund				Storm Sewer			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	3,087,795	2,978,750	2,700,000	110.32	1,720,220	1,661,698	1,500,000	110.78
Plus: Revenues	261,975	760,206	2,904,261	26.18	49,879	145,060	844,912	17.17
Less: Expenditures	118,616	507,802	4,748,317	10.69	12,694	49,353	1,947,361	2.53
Ending Fund Balance	<u>3,231,154</u>	<u>3,231,154</u>	<u>855,944</u>	<u>377.50</u>	<u>1,757,405</u>	<u>1,757,405</u>	<u>397,551</u>	<u>442.06</u>

	Sanitation Fund				Community Center			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	515,835	504,966	445,000	113.48	24,261	21,718	18,500	117.39
Plus: Revenues	109,485	331,475	1,449,344	22.87	1,926	7,820	18,800	41.60
Less: Expenditures	71,838	282,959	1,633,871	17.32	1,916	5,267	29,096	18.10
Ending Fund Balance	<u>553,482</u>	<u>553,482</u>	<u>260,473</u>	<u>212.49</u>	<u>24,271</u>	<u>24,271</u>	<u>8,204</u>	<u>295.84</u>

	Library				Warrenton Urban Renewal Agency Capital Projects Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	113,810	162,397	160,000	101.50	9,037	9,011	12,184	73.96
Plus: Revenues	2,985	9,556	254,179	3.76	1,586	4,789	6,141,636	0.08
Less: Expenditures	24,019	79,177	303,013	26.13	1,580	4,757	6,153,820	0.08
Ending Fund Balance	<u>92,776</u>	<u>92,776</u>	<u>111,166</u>	<u>83.46</u>	<u>9,043</u>	<u>9,043</u>	<u>-</u>	<u>-</u>

## Financial data as of September 2022, continued

## (\$) Cash Balances as of September 30, 2022

General Fund	1,680,330	Warrenton Marina	682,144	Storm Sewer	1,702,943
WBL	111,638	Hammond Marina	455,763	Sanitation Fund	470,597
Building Department	704,980	Water Fund	2,414,176	Community Center	27,142
State Tax Street	2,936,085	Sewer Fund	2,983,353	Library	97,347

## Warrenton Urban Renewal Agency

Capital Projects	10,623
Debt Service	2,716,568

General Fund Revenues	Collection Frequency	2022-2023 Budget	Actual as a % of Current Budget	Collections/Accruals Year to date		(over) under budget
				September 2022	September 2021	
Property taxes-current	AP	1,229,211	0.00	-	-	1,229,211
Property taxes-prior	AP	30,000	62.47	18,741	3,801	11,259
County land sales	A	-	0.00	-	-	-
Franchise fees	MAQ	612,000	11.50	70,403	70,652	541,597
COW - franchise fees	M	330,319	27.17	89,750	89,020	240,569
Transient room tax	Q	622,492	2.29	14,229	25,579	608,263
Liquor licenses	A	575	4.35	25	-	550
State revenue sharing	MQ	195,819	7.18	14,066	12,983	181,753
Municipal court	M	128,700	13.71	17,648	29,079	111,052
Planning Fees	I	110,500	10.97	12,123	11,681	98,377
Police charges	I	18,000	47.01	8,462	5,377	9,538
Fire charges	SM	112,329	0.47	525	325	111,804
Park charges	I	-	0.00	865	655	-
Miscellaneous	I	3,000	81.50	2,445	12,098	555
Interest	M	8,000	105.63	8,450	1,556	(450)
Lease receipts	M	220,002	25.54	56,178	56,206	163,824
Proceeds from sale of assets	I	-	0.00	-	-	-
Grants	I	-	0.00	-	-	-
<b>Sub-total</b>		<b>3,620,947</b>	<b>8.67</b>	<b>313,910</b>	<b>319,012</b>	<b>3,307,037</b>
Transfers from other funds	I	685,618	0.00	73,374	-	612,244
Overhead	M	1,385,311	26.78	370,921	362,655	1,014,390
<b>Total revenues</b>		<b>5,691,876</b>	<b>13.32</b>	<b>758,205</b>	<b>681,667</b>	<b>4,933,671</b>

M - monthly

Q - quarterly

SM - Semi-annual in November then monthly

AP - As paid by taxpayer beginning in November

MAQ - Century Link, NW Nat & Charter-quarterly,  
all others monthly

S - semi-annual

I - intermittently

MQ - Monthly, cigarette and liquor and Quarterly, revenue sharing

R - renewals due in July and new licenses intermittently

A - annual

Note: Budget columns do not include contingencies as a separate line item but are included in the ending fund balance. Unless the Commission authorizes the use of contingency, these amounts should roll over to the following year beginning fund balance. For budget details, please refer to the City of Warrenton Adopted Budget for fiscal year ending June 30, 2023. Budget amounts reflect budget adjustments approved by the Commission during the fiscal year. Information and data presented in this report is unaudited.

CITY OF WARRENTON  
History of Assessed Property Values and Property Taxes to be Received

	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017	2015-2016	2014-2015	2013-2014	2012-2013
<b>Value</b>	<b>788,635,308</b>	<b>728,922,040</b>	<b>703,872,791</b>	<b>646,335,405</b>	<b>608,254,053</b>	<b>567,541,596</b>	<b>538,455,553</b>	<b>520,287,689</b>	<b>490,415,906</b>	<b>476,825,335</b>	<b>455,991,441</b>
percentage increase from prior year	8.192%	3.559%	8.902%	6.261%	7.173%	5.402%	3.492%	6.091%	2.850%	4.569%	6.552%
Perm Rate Tax	1,161,627	1,086,348	1,026,739	934,923	878,926	835,421	795,137	773,823	731,942	705,604	678,058
Local Option Tax	483,417	461,439	429,362	394,265	371,034	212,828	201,920	195,108	183,835	178,809	170,996
Bonded Debt	548,797	580,126	588,719	572,589	579,463	586,088	722,734	720,218	696,481	673,056	687,544
<b>Total Tax Amount to be Received</b>	<b>\$ 2,193,841</b>	<b>\$ 2,127,913</b>	<b>\$ 2,044,820</b>	<b>\$ 1,901,777</b>	<b>\$ 1,829,423</b>	<b>\$ 1,634,337</b>	<b>\$ 1,719,791</b>	<b>\$ 1,689,149</b>	<b>\$ 1,612,258</b>	<b>\$ 1,557,469</b>	<b>\$ 1,536,598</b>
<b>Urban Renewal Excess Assessed Value</b>	<b>96,479,483 *</b>	<b>102,167,928 *</b>	<b>89,104,514 *</b>	<b>86,558,966</b>	<b>81,999,845</b>	<b>67,343,430</b>	<b>62,370,427</b>	<b>56,963,784</b>	<b>52,179,015</b>	<b>54,333,847</b>	<b>50,006,896</b>
percentage increase from prior year	-5.568%	14.661%	2.941%	5.560%	21.764%	7.973%	9.491%	9.170%	-3.966%	8.653%	15.087%
<b>Outside Urban Renewal Boundary Value</b>	<b>692,155,825</b>	<b>626,754,112</b>	<b>614,768,277</b>	<b>559,776,439</b>	<b>526,254,208</b>	<b>500,198,166</b>	<b>476,085,126</b>	<b>463,323,905</b>	<b>438,236,891</b>	<b>422,491,488</b>	<b>405,984,545</b>
percentage increase from prior year	10.435%	1.950%	9.824%	6.370%	5.209%	5.065%	2.754%	5.725%	3.727%	4.066%	5.588%
<b>Total Assessed Value of the City</b>	<b>788,635,308</b>	<b>728,922,040</b>	<b>703,872,791</b>	<b>646,335,405</b>	<b>608,254,053</b>	<b>567,541,596</b>	<b>538,455,553</b>	<b>520,287,689</b>	<b>490,415,906</b>	<b>476,825,335</b>	<b>455,991,441</b>

**\*Amount Used to calculate tax**

<b>Actual Excess Assessed Value of Urban Renewal Area</b>	<b>133,960,309</b>	<b>130,365,118</b>	<b>121,547,366</b>
<i>Due to a substantial amendment in 2019 to increase the maximum indebtedness, the amount of assessed value that may be used to calculate the tax is limited per ORS 457.470</i>			
percentage increase from prior year	2.758%	7.255%	

CITY OF WARRENTON  
PROPERTY TAX ALLOCATION  
2022/2023

	1.6701	0.2800 0.3300	AMOUNT NEEDED		
	PERM RATE	LOCAL OPTION	OUTSIDE M5	TOTAL	
GENERAL FUND	100.00	0.4590			
LIBRARY		0.5410			
WWTP			1.0000		
<b>AMOUNT IMPOSED</b>	<b>1,155,982.00</b>	<b>481,068.00</b>	<b>546,130.00</b>	<b>2,183,180.00</b>	
<i>ADDL TAXES (ORS311.206) Roll Correction</i>	<i>0.53</i>	<i>0.22</i>	<i>0.25</i>		<i>10,661.00</i>
GENERAL FUND	5,644.94	1,078.31		6,723.25	
LIBRARY		1,270.86		1,270.86	
WWTP			2,666.89	2,666.89	
<b>TOTAL AMOUNT TO BE REC'D</b>	<b>1,161,626.94</b>	<b>483,417.17</b>	<b>548,796.89</b>	<b>2,193,841.00</b>	
					<b>PERCENTAGE</b>
GENERAL FUND	1,161,626.94	221,896.41	-	1,383,523.35	<b>0.6306</b>
LIBRARY		261,520.77		261,520.77	<b>0.1192</b>
WWTP			548,796.89	548,796.89	<b>0.2502</b>
	<b>1,161,626.94</b>	<b>483,417.17</b>	<b>548,796.89</b>	<b>2,193,841.00</b>	<b>1.0000</b>

**Tax Rate**

<b>GF LOCAL OPTION - POLICE</b>	<b>0.2800</b>	0.4590
<b>LIBRARY LOCAL OPTION</b>	<b>0.3300</b>	0.5410
	0.6100	1.0000

**Tax Rate**

<b>WWTP</b>	546,130.00	0.9951	<b>0.6925</b>	<b>Bonded Debt</b>
<i>(ORS 311.206)Roll Correction</i>	2,666.89	0.0049	<b>0.0034</b>	<b>Other Addl' Taxes</b>
	<b>548,796.89</b>	<b>1.00</b>	<b>0.6959</b>	

Urban Renewal Assessed Value (Used)	96,479,483
Outside Urban Renewal Boundary Value	692,155,825
<b>Total Assessed Value of the City</b>	<b>788,635,308</b>

**Comparison to Budget:**

	Budget	County Imposed Taxes	95.2% of Imposed Taxes	95.2% imposed taxes Variance to Budget	
GF - Permanent Rate	1,030,110	1,161,627	1,105,869	75,759	
GF - Local Option Police	199,101	221,896	211,245	12,144	87,903
Local Option Library	234,654	261,521	248,968	14,314	
GO Bond WWTP	517,330	548,797	522,455	5,125	
	<b>1,981,195</b>	<b>2,193,841</b>	<b>2,088,537</b>	<b>107,342</b>	

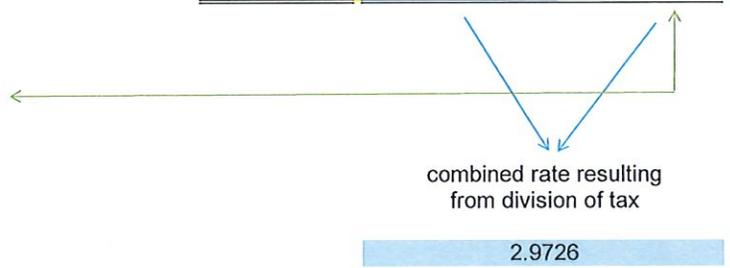
**City of Warrenton**  
**2022-2023 Analysis of Property Tax Rates and Assessed Values - Actual**

ADC  
 10/26/2022  
 9:16 AM

<b>Boundary Assessed Values</b>		
96,479,483	urban renewal	12.23%
692,155,825	other	87.77%
<u>788,635,308</u>	<u>total assessed value</u>	<u>1</u>

w/o division of tax	Tax Rates	
	Division of Tax cow rate	urban rate
1.6701	1.4658	0.2043
0.6100	0.6100	0
0.6925	0.6925	0
<u>2.9726</u>	<u>2.7683</u>	<u>0.2043</u>

<b>division of warrenton tax rates for URA</b>			
code 3004 and 3010		code 0113	
0.2043	city of warrenton	0.2043	
0.0065	4H	0.0065	
0.1876	clatsop county	0.1876	
0.0153	port of astoria	0.0153	
0.0215	care center	0.0215	
0.0952	clatsop community	0.0952	
0.0188	nw esd	0.0188	
0.5636	school 30/school 1	0.0000	
0.0198	sunset trans	0.0198	
<u>1.1326</u>	<u>division of tax rate</u>	<u>0.5690</u>	



code 3004 and 3010	785,720,655	X	1.1326 divided by 1,000	=	889,919.36
code 0113 (annexation)	2,914,653	X	0.5690 divided by 1,000	=	1,658.48
	<u>788,635,308</u>				<u>891,577.84</u>

Amount allocated to Urban Renewal

891,564.71 County Table 4f

13.13 variance immaterial

<b>tax rates from code 3004 and 3010 and 0113</b>		
1.4658		
0.6100		
0.6925	2.7683	City of Warrenton allocation
0.2043		
0.0000	0.2043	Warrenton Urban Renewal Agency allocation (Division of City of Warrenton Tax)
<u>2.9726</u>	<u>2.9726</u>	

approx. amount diverted from COW General Fund to URA \$ 161,130.38

WARRENTON URBAN RENEWAL AGENCY  
History of Assessed Property Values and Property Taxes to be Received

	<u>2022-2023</u>	<u>2021-2022</u>	<u>2020-2021</u>	<u>2019-2020</u>	<u>2018-2019</u>	<u>2017-2018</u>	<u>2016-2017</u>	<u>2015-2016</u>	<u>2014-2015</u>	<u>2013-2014</u>	<u>2012-2013</u>	<u>2011-2012</u>
Value	<sup>1</sup> 96,479,483	<sup>1</sup> 102,167,928	89,104,514	86,558,966	81,999,845	67,343,430	62,370,427	56,963,784	52,179,015	54,333,847	50,006,896	43,451,283
percentage increase from prior year	-5.57%	14.66%	2.94%	5.56%	21.76%	7.97%	9.491%	9.170%	-3.966%	8.653%	15.087%	11.167%
Total Amount to be Received <sup>2</sup>	\$ 891,565	\$ 944,114	\$ 823,344	\$ 799,814	\$ 757,703	\$ 622,259	\$ 593,665	\$ 543,717	\$ 497,892	\$ 519,858	\$ 479,857	\$ 415,863
Budget	\$ 847,234	\$ 878,301	\$ 773,935	\$ 735,979	\$ 602,456	\$ 574,761	\$ 525,284	\$ 478,982	\$ 496,364	\$ 452,000	\$ 389,465	\$ 362,452
Variance of Budget to Amount to be Received	\$ 44,331	\$ 65,813	\$ 49,409	\$ 63,835	\$ 155,247	\$ 47,498	\$ 68,381	\$ 64,735	\$ 1,528	\$ 67,858	\$ 90,392	\$ 53,411
Urban Renewal Assessed Value	96,479,483	102,167,928	89,104,514	86,558,966	81,999,845	67,343,430	62,370,427	56,963,784	52,179,015	54,333,847	50,006,896	43,451,283
Outside Urban Renewal Boundary Value	692,155,825	626,754,112	614,768,277	559,776,439	526,254,208	500,198,166	476,085,126	463,323,905	438,236,891	422,491,488	405,984,545	384,499,032
Total Assessed Value of the City	<u>788,635,308</u>	<u>728,922,040</u>	<u>703,872,791</u>	<u>646,335,405</u>	<u>608,254,053</u>	<u>567,541,596</u>	<u>538,455,553</u>	<u>520,287,689</u>	<u>490,415,906</u>	<u>476,825,335</u>	<u>455,991,441</u>	<u>427,950,315</u>

<sup>1</sup> Amount used to calculate tax. Due to a substantial amendment in 2019 to increase the maximum indebtedness, the amount of assessed value that may be used to calculate the tax is limited per ORS 457.470

<sup>2</sup> These amounts are not what will actually be received as they are subject to discounts, uncollected taxes, and other reductions.

**Area Cities' Property Tax Rates**  
Tax Year 2022-2023

Tax Code	City of Warrenton		City of Astoria	City of Gearhart	City of Seaside	City of Cannon Beach
	0113	3004, 3010	0100, 0101	1005	1001	1008
School	5.8730	5.5225	5.8730	5.8628	5.8628	5.8628
Government	4.6312	4.6312	10.5249	3.1250	6.7435	3.9155
School Bonds	2.8185	2.4128	2.8185	1.3714	1.3714	1.3714
Government Bonds	0.8528	0.8528	0.1603	1.0811	0.4091	0.6351
<b>Total Tax Rate</b>	<b>14.1755</b>	<b>13.4193</b>	<b>19.3767</b>	<b>11.4403</b>	<b>14.3868</b>	<b>11.7848</b>
<b>Total Tax on \$200,000 Assessed Value</b>	<b>\$ 2,835.10</b>	<b>\$ 2,683.86</b>	<b>\$ 3,875.34</b>	<b>\$ 2,288.06</b>	<b>\$ 2,877.36</b>	<b>\$ 2,356.96</b>

Source: Clatsop County 2022-2023 Assessment and Taxation Summary, Tax Rate Schedules

**Area Cities' Property Tax Permanent Rate Levies  
Tax Year 2022-2023**

	<u>City of Warrenton</u>	<u>City of Astoria</u>	<u>City of Gearhart</u>	<u>City of Seaside</u>	<u>City of Cannon Beach</u>
Population	6,352	10,197	1,872	7,157	1,498
Total Assessed Value	788,635,308	1,008,556,478	674,543,296	1,426,921,419	1,091,431,474
<b>Permanent Rate</b>	<b>\$ 1.6701</b>	<b>\$ 8.1738</b>	<b>\$ 1.0053</b>	<b>\$ 3.1696</b>	<b>\$ 0.7049</b>
Amount of tax raised by permanent rate after adjustments and division to Urban Renewal	\$ 1,161,627.00	\$ 8,043,239.00	\$ 678,119.00	\$ 4,366,432.00	\$ 769,350.00

*Sources: Clatsop County 2022-2023 Assessment and Taxation Summary, Table 4a  
Portland State University, Population Research Center, July 1, 2021*

WARRENTON COMMUNITY CENTER  
Advisory Board Meeting  
April 21, 2022  
4:00 – 5:00 PM

Meeting Date: April 21, 2022

Call to Order: Chairman, Debbie Little, called the regular meeting to order at approximately 4:05 PM. We met in the Commissioners Chambers at City Hall.

Roll Call: Chairman, Debbie Little; Vice Chair, Penny Morris, Secretary, Carol Snell, and Ken Culp and April Clark, Financial Director for the City of Warrenton. Absent and unexcused: None  
Debbie appointed Penny Morris as Vice Chair.

Introduction of Guests: None

Public Comment: None

Penny moved to approve the minutes of March 17, 2022 as corrected by April (the center will start having lunches again once a week (Thursday) instead of twice week). Seconded by Ken motion approved.

Financial Report: Things are going better at the Center. The seniors agreed to repair equipment that only they use. They had not hear about the 25% for wear and tear on other equipment.

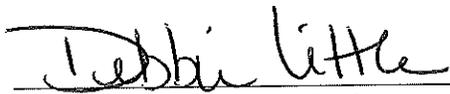
April reviewed the Breakfast with the Easter Bunny. Breakfast \$5,735.98; Net \$5,142.32; donations totaled \$2,900.00. Debbie will do the Thank you letters.

New Business: Carol moved and Penny second “ to ask Tommy from the Main Street Market to be our Santa, the breakfast will be Sunday, December 11, 2022 from 8 – 11 AM, we will set up the tree on Thursday December 1, 2022 either 9:30AM or 4PM.

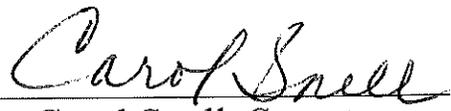
Correspondence: None

Next Regular Meeting: Special call

It was moved and seconded to close the meeting at 5:00 PM



Debbie Little, Chairman



Carol Snell, Secretary



# **CITY OF WARRENTON EMPLOYEE HANDBOOK**

**EFFECTIVE NOVEMBER 9, 2022**

I. USING THIS HANDBOOK .....	3
II. EQUAL EMPLOYMENT OPPORTUNITY POLICIES.....	5
A. NO-DISCRIMINATION, NO-RETALIATION POLICY.....	5
B. PAY EQUITY .....	5
C. NO-HARASSMENT POLICY .....	5
D. NO-BULLYING POLICY .....	9
E. DISABILITY ACCOMODATION PAY .....	10
F. PREGNANCY ACCOMODATION PAY .....	10
G. REPORTING IMPROPER or UNLAWFUL CONDUCT - NO RETALIATION .....	11
III. EMPLOYEE CLASSIFICATIONS.....	13
A. TRIAL SERVICE EMPLOYEES (Employment or Promotion).....	13
B. REGULAR EMPLOYEES .....	14
C. CASUAL PART-TIME EMPLOYEES.....	14
D. TEMPORARY EMPLOYEES.....	14
E. CHANGES IN CLASSIFICATION STATUS.....	14
F. EXEMPT AND NON-EXEMPT STATUS .....	15
G. VOLUNTEERS .....	15
IV. WAGE AND COMPENSATION POLICIES .....	16
A. PAYDAYS AND PAYCHECKS .....	16
B. OVERTIME AND COMPENSATORY TIME PAY .....	16
C. WAGE RATES AND POSITION CLASSIFICATION PLANS.....	17
D. WAGE INCREASES.....	18
E. OTHER PAY.....	19
F. TRAVEL EXPENSES .....	20
V. EMPLOYMENT BENEFITS .....	22
A. HOLIDAY BENEFITS .....	22
B. PAID VACATION BENEFITS .....	23
C. PAID SICK LEAVE BENEFITS.....	25
D. PAID BEREAVEMENT BENEFITS.....	29
E. HEALTH INSURANCE BENEFITS.....	29
F. LONG TERM DISABILITY & LIFE INSURANCE BENEFITS .....	30
G. RETIREMENT BENEFITS.....	30
VI. WORK SCHEDULES AND HOURS .....	31
A. ATTENDANCE AND TARDINESS .....	31
B. MEAL AND REST BREAKS .....	32
C. TIME SHEETS.....	32
VII. GENERAL WORKPLACE POLICIES AND EXPECTATIONS .....	33
A. COMPLIANCE WITH LAWS AND ETHICS.....	33
B. COOPERATION AND TEAMWORK .....	35
C. CUSTOMER SERVICE AND PUBLIC RELATIONS.....	35
D. CONFIDENTIALITY.....	35
E. DATING AND WORKPLACE RELATIONSHIPS.....	35
F. DRESS CODE/UNIFORMS.....	36

G.	DRIVING AND USE OF CITY VEHICLES.....	37
H.	FAMILY MEMBERS AT WORK / EMPLOYMENT OF RELATIVES .....	38
I.	INCLEMENT WEATHER.....	38
J.	OUTSIDE EMPLOYMENT.....	38
K.	PERSONAL PROPERTY .....	38
L.	PERSONNEL RECORDS .....	39
M.	PUBLIC RECORDS REQUESTS.....	39
N.	RESIDENCY RULES.....	40
O.	SMOKING/TOBACCO USE.....	40
P.	TRAINING AND EDUCATION .....	40
Q.	WORK PERFORMANCE .....	41
VIII.	ELECTRONIC EQUIPMENT AND COMMUNICATIONS.....	42
A.	OWNERSHIP AND ACCESS.....	42
B.	USE OF EQUIPMENT AND SYSTEMS .....	42
C.	SOFTWARE AND UPGRADES.....	43
D.	SECURITY.....	43
E.	SOCIAL NETWORKING AND PERSONAL ONLINE ACTIVITY.....	43
F.	VIOLATIONS.....	45
IX.	WORKPLACE SAFETY .....	46
A.	REPORTING WORKPLACE INJURIES AND ACCIDENTS.....	46
B.	REPORTING UNSAFE WORKING CONDITIONS AND PRACTICES.....	46
C.	ANTI-RETALIATION POLICY.....	46
D.	OPERATION OF EQUIPMENT .....	47
E.	USE OF SAFETY EQUIPMENT .....	47
F.	PRANKS, HORSEPLAY AND HOUSEKEEPING.....	47
G.	WORKPLACE VIOLENCE.....	47
H.	SAFETY COMMITTEE .....	48
I.	OTHER SAFETY RULES .....	48
X.	DRUG AND ALCOHOL POLICY.....	49
A.	PROHIBITED CONDUCT.....	49
B.	CONDUCT REPORTING .....	50
C.	MANDATORY TESTING .....	50
D.	SEARCHES.....	51
E.	SAFEGUARDS.....	52
F.	MEDICATIONS.....	52
G.	REHABILITATION AND RETURN TO WORK.....	53
H.	VIOLATIONS .....	53
XI.	EMPLOYMENT DISCIPLINE AND DISCHARGE .....	54
A.	MINOR INFRACTIONS.....	54
B.	MAJOR INFRACTIONS.....	55
C.	OTHER CONDUCT.....	56
D.	DISCIPLINE PROCEDURES.....	56
XII.	COMPLAINT PROCEDURES.....	57
A.	OPEN DOOR POLICY .....	57

B. COMPLAINT / APPEAL PROCEDURES .....	57
XIV. LEAVES OF ABSENCE .....	59
A. FMLA/OFLA POLICY.....	59
B. WORKER’S COMPENSATION LEAVES .....	65
C. OTHER MEDICAL LEAVES .....	65
D. JURY AND WITNESS DUTY.....	66
E. DOMESTIC VIOLENCE LEAVE AND ACCOMMODATION POLICY .....	66
F. OTHER CRIME VICTIM LEAVE.....	67
G. MILITARY LEAVES .....	67
H. MILITARY FAMILY LEAVES .....	68
I. PERSONAL LEAVES WITHOUT PAY .....	68
J. OTHER LEAVES.....	68
XV. LEAVING CITY EMPLOYMENT .....	69
A. VOLUNTARY RESIGNATION .....	69
B. LAYOFF .....	69
C. DISCHARGE .....	69
D. FINAL PAYCHECKS .....	69
E. REFERENCES.....	69
XVI. EMPLOYEE HANDBOOK ACKNOWLEDGEMENT OF RECEIPT.....	70

**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 November 9, 2022 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.

DRAFT

## 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.

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

The City 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; shouting or raising one’s voice at an individual in public or private; public reprimands, unless it falls under the immediate need for safety and wellbeing of staff; disclosure of private or personal information with the intent to insult or embarrass; psychologically manipulating someone so as to make them question their perception of reality; and or making false accusations or errors that are otherwise undocumented or without witness.
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. Persistent singling out of one person; manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberate ambiguous instructions).
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 ACCOMODATION 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 ACCOMODATION 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 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**

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 falls 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.

{00812994; 1 }

*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. A non-exempt employee may carry over into the next fiscal year up to twenty (20) hours of compensatory time with any remainder paid in the last pay period of the ending fiscal year. *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 a review of employee performance at the end of the trial service period. Thereafter, annual reviews precede any step increases which fall on either the anniversary date of hire or subsequent anniversary due to change of classification or promotion. In addition to the above considerations, employees are 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. **OTHER PAY**

### 1. **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

{00812994; 1 }

under their original pay range (including any merit reviews for which he or she may be eligible) at the end of the acting assignment.

## **2. LONGEVITY PAY:**

Employees' longevity pay shall be based on wage of the employee as follows:

- 1% after 15 years of continuous service (180 months)
- 2% after 20 years of continuous service (240 months)
- 3% after 25 years of continuous service (300 months)

Longevity steps are not cumulative.

## **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:**

Meal allowances, while on overnight travel, shall be paid on a per diem basis at published GSA rates. Rates can be located at [www.gsa.gov](http://www.gsa.gov). The standard published rate shall be paid unless travelling to a listed City/County with a higher published specified rate. Rates are published for each State. Rates are updated annually and are effective for the 12-month period beginning October 1. The published rates are broken out by breakfast, lunch, dinner, and incidentals.

On the day of departure and the day of return, the rate shall be paid at 75%. The time that departure and return take place will not factor into the reduction of the rate paid. Meals included with the conference or function will be reduced by the allotted amount for the applicable meal. Meals included with the conference or function on the day of departure and return shall be reduced at the 75% rate per meal.

No receipts from the employee are required. Required documentation include the date(s) of travel, the city, county, and state where travel takes place, and the business purpose. Travel that takes place in the same day (non-overnight travel), where a meal has been allowed by the supervisor to be reimbursed at the GSA Standard Rate only for the particular meal type. Receipts are required and the payments (reimbursements) are taxable compensation added to the employee's payroll check.

### **2. TRANSPORTATION AND MILEAGE:**

Employees who travel outside the City, on City business are expected to utilize City owned vehicles whenever possible. If a City vehicle is not available, or the employee is otherwise approved to use a personal vehicle, the City's reimburses employee mileage

{00812994; 1 }

for business travel at the established IRS rate at the time of travel, which covers all vehicle related expenses except parking, which may be separately reimbursed with approved itemized receipts. Employees are required to comply with all applicable laws while driving on City business. Costs associated with traffic violations (e.g., traffic citations, parking tickets, court costs and fees) are not paid by or reimbursed by the City.

Employees who choose to use a personal vehicle when a City vehicle is available or when the City has determined that another method of transportation is more efficient for the circumstances are not eligible for mileage reimbursement. Mileage and parking reimbursements are made only for pre-approved travel for City business and are not provided for travel to and from work.

Travel by common carrier such as a plane, train, etc., must be booked and paid in advance by the City.

### 3. **LODGING:**

Lodging is allowed only for travel on official City-approved business that involves an overnight stay. Lodging expenses are allowed at the actual cost for single room rate and must be booked at government or commercial rates, unless unavailable, and should be paid in advance with a City credit card or check.

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.*

## 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
Memorial Day	Christmas Eve
Independence Day	Christmas 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 used as a full day increment, 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 unpaid 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. If a non-exempt 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 will receive eight (8) hours of pay at their regularly hourly rate of pay for that day and the employee may use accrued time for the additional 2 hours or make up the time during the same work week.
  - 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. **VETEREAN'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 they work any part of a workday.

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 are typically used in increments of 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

{00812994; 1 }

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 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.*

{00812994; 1 }

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 are typically used in increments of 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 1,260 hours of paid sick leave benefits. For those employees hired before November 1, 2022 date, the maximum number hours that may be accrued is 1,920. 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, stepparents, 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.

{00812994; 1 }

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 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.

## 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 timecard 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 and federal 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**

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. 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 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

{00812994; 1 }

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.

## **F. 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 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.

## **G. 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.
- 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

{00812994; 1 }

prohibited unless authorized by the City Manager or his/her designee and in accordance with IRS regulations.

## **H. 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, stepparents/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.

## **I. 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.

## **J. 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.

## **K. PERSONAL PROPERTY**

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.

## **L. 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.

## **M. 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.

## **N. 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.

## **O. 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.

## **P. 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 their immediate supervisor for more information or questions about educational assistance.

Employee must achieve a B or higher in graded class, a passing grade in a pass-fail class, or

{00812994; 1 }

the minimum passing grade as stipulated by the educator or testing agency. If a sufficient grade 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.

#### **Q. 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 voicemail, 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 & 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 & 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 & 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

{00812994; 1 }

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.

DRAFT

## **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 & 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 walkway), 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, passageways, 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. 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:

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. 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**

**For employees covered by a CBA, Discipline Procedure rules applicable to your employment are established, governed, and superseded by the terms of that CBA.**

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 11 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) workdays 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.

DRAFT

## 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. FMLA/OFLA POLICY

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

Employees seeking further information should contact the HR Coordinator. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in the break rooms and other common areas in each Department, which are incorporated here by reference.

- Definitions

#### *Child/Son or Daughter*

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

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

### *Eligible Employee*

OFLA - To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week.

Parental Leave - To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

OMFLA - For purposes of Oregon Military Family Leave Act leave, the employee need have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under USERRA who seek OMFLA leave; see [Contact] for more information.

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

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days immediately before the date on which the leave would begin. This is available to employees who are eligible for OFLA only. See the definition of “public health emergency” below.

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

### *Family Medical Leave*

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

### *Family Member*

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

### *Serious Health Condition*

“Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Under OFLA only, “serious health condition” includes any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

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

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

### *Public Health Emergency*

For purposes of OFLA only, a “public health emergency” is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. Examples of this include when the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

- **Reasons for Taking Leave**

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

1. **Call to Active-Duty Leave:** Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.
2. **Employee’s Serious Health Condition Leave:** To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
3. **Family Member’s Serious Health Condition Leave:** To care for a family member with a serious health condition.
4. **Parental Leave:** For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. **Pregnancy Disability Leave:** For incapacity due to pregnancy, prenatal medical care or birth.
6. **Servicemember Family Leave:** Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.” This type of leave is available under FMLA only.
7. **Sick Child Leave:** To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does

{00812994; 1 }

not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.

8. Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy on pg. 25 for more information.

- Length of Leave

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

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

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

Spouses employed by the City, taking leave for Servicemember Family Leave are jointly entitled to a combined total of 26 weeks of leave during the One Year Calculation Period.

- One-Year Calculation Period

The "12-month period" during which leave is available (also referred to as the "One-Year Calculation Period") is a 12-month Fiscal Year (July 1-June 30).

- Intermittent Leave

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active-Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without his/her expressed consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of City operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both City and the employee. Intermittent leave for Parental Leave is not available.

- Employee Responsibilities — Notice

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

a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to City within 24 hours of commencement of the leave.

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

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

If circumstances change during the leave and the leave period differs from the original request, the employee must notify HR Coordinator within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.

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

- Certification

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

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

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

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

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

- Medical Certification Prior to Returning to Work

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

- Substitution of Paid Leave for Unpaid Leave

Generally, employees are required to use accrued paid sick leave first and then may use other forms of paid leave, including compensatory time off, personal holiday time, and then any earned and unused vacation leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. If the employee has no accrued paid leave, personal holiday, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

- **Holiday Pay While on Leave**

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

- **On-the-Job Injury or Illness**

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

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

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

- **Benefits While on Leave**

If an employee is on approved FMLA or OFLA Leave, City will continue the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave. Employees will accrue vacation and sick leave while the employee is on a paid FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City benefit plans.

- **Job Protection**

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

Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.

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

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

- Restoration of Leave Bank at Time of Re-Employment

An employee who leaves employment with City for any reason may be eligible for OFLA leave if they are re-employed by City within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for City for 180 days or less; please speak with HR Coordinator for more information.

## **B. 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 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.

## **C. 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.

#### **D. 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 mileage reimbursement pay he or she receives from the court for jury duty. If the employee receives any other compensation for jury duty, the employee must transfer that compensation 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.

#### **E. 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.

## **F. OTHER CRIME VICTIM LEAVE**

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.

## **G. 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

{00812994; 1 }

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.

## **H. 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 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.

## **I. 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.

## **J. 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 November 1,2022 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.*



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Mathew J. Workman, Chief of Police  
DATE: November 8, 2022  
SUBJ: LESO Program Authorization

### SUMMARY

The Warrenton Police Department became a part of the Federal LESO program in 2012. LESO stands for Law Enforcement Support Office and was established in 1997 under the Department of Defense (DoD) through the National Defense Authorization Act (NDAA), authorizing excess Property to be made available to federal, state, and local law enforcement agencies. Through the LESO program, agencies can obtain property like vehicles, protective clothing, night vision, watercraft, office equipment, etc. Small arms are available to law enforcement through the 1033 Program under the LESO. The Warrenton Police Department currently has a surplus HUMVEE vehicle and twelve rifles which we keep in a cache at the station.

During a recent Federal LESO program audit, two federal and one state auditors came to the WPD and physically inspected the Property and paperwork. All of our items and paperwork were in order, but I was informed I also needed to comply with Executive Order 14074 issued by President Biden on May 25, 2022. Under this Executive Order, we need to do the following items:

1. Have authorization from the Civilian Governing Body (CGB) to participate in the LESO Program.
2. Provide the CGB and local community with a comprehensive list of Controlled Property that may be requested through the LESO Program.
3. Certify that all requests for controlled Property comports/complies with all approval requirements of the CGB.
4. Provide annual training to personnel on the maintenance, sustainment, and appropriate use of controlled Property, including respect for the rights of citizens under the Constitution of the United States and de-escalation of force.
5. Collect and retain documentation for controlled Property used in a "Significant Incident" for a minimum of three (3) years after the incident.
6. Ensure that our department has no judgment finding that our agency had engaged in a pattern or practice of civil rights violations.
7. Certify that we understand that only LESO Program participants within the Regional Sharing Agreement may utilize the controlled Property.

Items 4 through 7 are items that we are already doing through our training programs and documentation procedures. Items 1 through 3 were not required when we joined the program in 2012 and will need to be completed.

I am requesting the City Commission, as the CGB for the City of Warrenton, affirm the authorization to participate in the LESO Program. I have attached a list of the controlled Property that **may be requested** through the LESO Program. I would like to ask that you grant the City Manager the authority to review any controlled property the WPD would like to request through the LESO program and be able to grant or deny permission to request that Property. A deny decision could then come before the City Commission to make the final decision. The reason for allowing the City Manager to make the initial decision is that the nature of any request for Property is on a first-come, first-served basis, and waiting for the next Commission meeting would mean the Property will not be available to reserve.

### **RECOMMENDATION/SUGGESTED MOTION**

Authorize the Warrenton Police Department to participate in the LESO Program and grant the City Manager the authority to review controlled property requests and then approve or deny the WPD to move forward with that request.

***I move to authorize the WPD to continue to participate in the LESO Program and give the City Manager the authority to approve or deny the WPD to request controlled Property from the LESO Program.***

### **ALTERNATIVE**

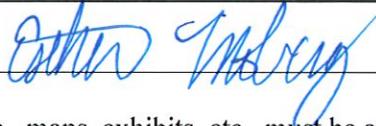
To not approve participation in the LESO Program and the WPD will need to stop participating and return all Property in its possession. You can also approve participation in the program but not grant the City Manager authority to approve controlled property requests, and all requests will need to go before the City Commission for approval.

### **FISCAL IMPACT**

There is a \$500 fee to participate in the State of Oregon Property Program, which the LESO program is part of that program. Whether or not we participate in the LESO program, we will still be a part of the State purchasing program.

### **ATTACHMENTS:**

- List of property that can be requested from the LESO Program

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

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

## LESO Program

Types of Property that can be requested through the LESO Program

### **Controlled Property**

Consists of military items that are provided via a conditional transfer or "loan" basis where title remains with DoD/DLA. This includes items such as small arms/personal weapons, demilitarized vehicles and aircraft and night vision equipment. This Property always remains in the LESO property book because it still belongs to and is accountable to DoD. When a law enforcement agency no longer wants the controlled Property, it must be returned to DLA's LESO for proper disposition.

### **Non-Controlled Property (also called General Property)**

Consists of common items DLA would sell to the general public, such as office equipment, first aid kits/supplies, hand tools, sleeping bags, computers and digital cameras. After one-year, general Property becomes the Property of the law enforcement agency. It is no longer subject to the annual inventory requirements and is removed from the LESO database. This general Property should be maintained and ultimately disposed of in accordance with provisions in state/territory and local laws that govern public Property.

The vast majority of Property issued to law enforcement agencies each year is non-controlled. In 2019 for example, 92 percent of Property issued was non-controlled. Normally, small arms weapons make up about 5 percent and less than 1 percent of property issued is tactical vehicles.



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Collin Stelzig P.E., Public Works Director  
DATE: November 8, 2022  
SUBJ: License to Occupy – Construct and Maintain Private Utilities Within SW 6<sup>th</sup> Street Right-of-Way

### SUMMARY

The city received a License to Occupy application from the property owners of vacant tax lot 81021CA03000, to lay private utilities within the SW 6<sup>th</sup> Street right-of-way. These utilities would be constructed parallel to SW 6<sup>th</sup> Street road alignment. The application has been reviewed by all departments as well as legal counsel.

Public Works is not supportive of allowing private utilities to be laid in the public right-of-way when laid parallel to the road alignment. As such, Public Works is not supportive of this license to occupy. Exhibit A is a memo that provides details of public works concerns and recommendations. Exhibit B is the proposed License to Occupy if approved.

Our recommendation is to deny the proposed License to Occupy. If denied, the applicant will still have the option to acquire an easement from an adjacent property and then connect directly to existing public utilities (water and sewer) on SW Cedar Avenue.

Without an easement, the applicant could connect to an existing public sewer system located in SW 6<sup>th</sup> Street, but this existing sewer system would need to be renovated to meet current City and State Standards. In addition, license to occupy

would still be necessary for the private water service, or a public water main would need to be constructed in SW 6<sup>th</sup> Street.

**RECOMMENDATION/SUGGESTED MOTION**

*"I move to deny the license to occupy application."*

**ALTERNATIVE**

*"I move to approve the application for license to occupy"*

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

**FISCAL IMPACT**

No fiscal impact is expected

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



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

PUBLIC WORKS DEPARTMENT 503-861-0912



**TO:** Dawne Shaw – City Recorder  
**FROM:** Trisha Hayrynen – Engineering Technician  
**DATE:** September 30, 2022  
**RE:** License to Occupy application for Sewell lot 81021CA03000

---

Public Works has reviewed the license to occupy (LTO) application for tax lot 81021CA03000. Attached to this memo, are supporting documents to complete our review. Those supporting documents include copies of the pre-application memo, email correspondence and some of the code sections applicable to developer's responsibilities and public vs private utilities.

It is required by city municipal code and engineering design standards, that private utilities are not laid within the public right of way. This LTO is a request for that reason. The code and standards require main line extensions for utilities to serve new development. This could be difficult due to the elevation differences between SW Cedar Ave and this tax lot.

Public Works found the three following options:

Option 1: Deny the LTO application.

- The request is for a large portion of right of way, 260 – feet by 60- feet wide. There is no need for the whole right of way to be occupied by the utilities. This right of way is used by other local homeowners to access their property.
- Private utilities do not belong in the right of way. The Oregon Utility Notification center – Call before you Dig – does not cover private utilities, therefore they will not be located and could be damaged by work within the right of way.
- The city has not been provided any evidence that an easement from neighboring properties has been attempted.
- Allowing private utilities in the right of way could set a precedent for other developers at a risk to the City.
- Allowing this large of a LTO could set a precedent for other developers.
- With the signed contractor affidavit, it is still not clear where the sewer connection was placed. The city has no as-built files, submittals, or red-line drawings for this single sewer connection.

Option 2: Require use of public sewer main in SW 6<sup>th</sup> St right of way after repair and update to standards.

- The existing 6” sewer main in SW 6<sup>th</sup> St right of way does not meet current standards. The sewer main shall be updated to include a manhole at the connection to the sewer

## PUBLIC WORKS DEPARTMENT 503-861-0912

main in SW Cedar Ave and a manhole to replace the existing clean out at the end of the main (on SW 6<sup>th</sup> St).

- The sewer main on SW 6<sup>th</sup> St has been video inspected by Public Works. It does not meet current standards and currently has three lateral connections – 2 to the north and 1 to the south. The pipe is also damaged and would need repair prior an additional connection.
- This will still require the LTO, but the dimension of area used could be reduced significantly for water and sewer service.
- Water meter would still be placed on SW Cedar Ave and LTO would need to cover private water line in right of way.

### Option 3: Conform to Low Pressure Sewer Policy

- The policy still requires the private force main to be on private property and not ran through public right of way. We have required the same for other users.
- Install a public low pressure sewer main on SW 6<sup>th</sup> St from the public gravity main on SW Cedar Ave to the westerly boundary of tax lot 81021CA03000. Connect property connection at a perpendicular location to the public low pressure sewer main.

If a LTO is granted, Public Works requests that the following be included in the agreement:

- Any private utility lines that are laid within the public right of way are not the responsibility of the city.
- Any damage caused as a direct result of the private utilities will be the responsibility of the LTO applicant/property owner.
- The location of the private utilities and the responsibility of the property owner for repair and replacement of those utilities is required to be added to the property deed.

## **Warrenton Municipal Code (WMC)**

### **WMC 16.136 Public Facilities Standards**

#### 16.136.040 Sanitary Sewer and Water Service Improvements.

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies. Where City sanitary sewers are not physically or legally available to service the site, the applicant must demonstrate provisions for a suitable on-site disposal system permitted by DEQ prior to issuance of City permits. All development within a growth management (GM) zone, as identified on the official Warrenton Zoning Map, shall comply with the growth management zone standards of Chapter 16.112.

B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City-appointed engineer has approved all sanitary sewer and water plans in conformance with City standards.

#### 16.136.070 Easements.

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also Chapter 16.212, Site Design Review, and Chapter 16.216, Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 20 feet unless otherwise specified by the utility company, applicable district, or City-appointed engineer.

#### 16.136.080 Construction Plan Approval and Assurances.

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by resolution of the City Commission. The City may require the developer or land divider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also Section 16.212.040, Site Design Review, and Chapter 16.216, Land Divisions and Lot Line Adjustments.

### **Chapter 16.28 INTERMEDIATE DENSITY RESIDENTIAL (R-10) DISTRICT**

#### 16.28.050 Other Applicable Standards.

i. All new sewer and water connections for a proposed development shall comply with all City regulations.

## **Chapter 13.08 SEWER SYSTEM REGULATIONS**

### 13.08.040 Building sewers and connections.

P. The connection of the building sewer into the public sewer shall be made at the property line where the City side sewer terminates. If no "T" or "Y" branch is available at a suitable location, a new hole may be cut into the public sewer to receive the side sewer. A 45-degree ell may be used to make such connection with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the side sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made secure and watertight with a saddle connection designed for this purpose.

"Building sewer" means that part of the lowest horizontal piping of a plumbing system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the property line of the abutting street, alley or right-of-way.

## **Chapter 13.04 WATER DEPARTMENT REGULATIONS**

### 13.04.030 Installation.

B. Water Availability Statements. New water service can be applied for through the Public Works Department. The City makes no guarantee of water availability. Water will be determined available if a water main is within 100 feet of the property line where the meter would be placed and no other restrictions apply. The property line may be adjusted in the case of an easement granting the property owner the right to a utility easement for water. If a water main is not available then the applicant is responsible to extend an adequately-sized water main in an established right-of-way (ROW) or dedicated utility easement across the full frontage along the ROW of the property being developed in accordance with the City of Warrenton Engineering Standards. These applications will expire after 90 days from the date of issuance if the appropriate connection fees listed on the statement are not paid in full. Applicant has the right to reapply if the previous application has expired. Meter connection charges that have been paid for but not installed after 12 months from the date of payment for connection charges will be refunded in full and the water availability statement will be void. Applicant has the right to reapply for a water availability statement.

## **Engineering Design Standards – April 2020**

### **4 Sanitary Sewers**

#### **4.2.5 Sanitary Sewer Laterals**

Sanitary sewer laterals shall be a minimum of 4-inch diameter for residential areas and 6- inch diameter for commercial areas and shall be perpendicular to the sewer main. Side sewer stubs shall have a minimum slope of 2% and extend from main line to the property line. Sanitary sewer laterals shall be marked at property line with a green OMNI Marker™ by Tempo, provided by the Public Works Department or by GPS coordinates. Sanitary sewer laterals shall have at least 36 inches of cover in all

traveled ways and not less than 2 feet of cover in other areas. Sanitary sewer lateral materials must meet the requirements of Section 4.2.1.

## **6 Water Systems**

### **6.9 Water Service Lines**

Water service line refers to the combined facility made up of both a "City service line" and a "customer service line." The City service line extends from the water main to the water meter. The customer service line extends from the water meter to the point of use. Customer service lines shall meet the standards of the current edition of the OPSC. Water service line taps shall not be closer than 5 feet to any other tap, on any water main. No water services are permitted on dead-end lines unless a blow off is provided at the end of the main.

#### **6.9.1 City Service Lines and Meters**

Domestic service lines 1-inch and 2-inch shall extend from the main to behind the curb, with an approved meter curb stop and meter box located at the termination of the service connection. Meter boxes shall be located 12 inches inside the public or street right-of-way. Whenever possible, individual service connections shall terminate in front of the property to be served along the street frontage where property is addressed. Meter boxes should be located outside a vehicle travel way and 12-inches inside the public or street right-of-way. Water service via an easement across a separate parcel under separate ownership, or capable of being sold off, is not allowed unless otherwise approved by the Public Works Director or their designee.



**Public Works Department**

**Pre-Application Memorandum**

To: Mike Morgan, Interim City Planner  
From: Richard Stelzig, Public Works Director  
Cc: Trisha Hayrynen, Engineering Technician  
Date: March 18, 2022  
Re: Pre-22-7 Stowell Vacant Lot 81021CA03000

---

Public Works understands that a new single-family home is proposed on vacant tax lot 81021CA03000. With this information, staff at public works has provided the following items that will need to be addressed in your design and planning documents, however this is not an exhaustive list, care should be taken to implement required City codes and standards:

1. The developer is required to follow the City of Warrenton Development Standards. These standards can be found in Title 16 of the Warrenton Municipal Code. Please provide documentation showing how this development will meet the standards set forth in the development code. Below is a link to the Development Code:  
<http://qcode.us/codes/warrenton/view.php?topic=16&frames=on>
2. The developer must follow the City's Water and Sewer Regulations. These regulations are included under Title 13 of the Warrenton Municipal Code. Please provide documentation showing how this development will meet the standards set forth in the development code. Below is a link to the Title 13 of our Code:  
<http://qcode.us/codes/warrenton/view.php?topic=13&frames=on>
3. The developer is required to follow the Engineering Design Standards. Please provide documentation showing how the development meets the standards set forth in this manual. This manual can be found on the Public Works webpage at the link below:  
<http://www.ci.warrenton.or.us/publicworks/page/engineering-specifications-design-guide>
4. Please work with the Fire Chief to determine appropriate Fire hydrant spacing for this development. Developer team is responsible for determining if fire flows are available at this location. This can include hydrant testing and/or water modeling.
5. Water meter will be placed on SW Cedar Ave There shall be a valve placed on the customer side behind the water meter in a separate box/valve can.
6. The private utility services can not be placed in the public right-of-way. A private utility easement will be required.

7. Sewer will be connected on either short lateral on SW 6<sup>th</sup> Ave or SW Cedar Ave. Which ever one you can make work. It appears that you will need to pump your sewer to existing gravity main.
8. SW 6<sup>th</sup> Ave is required to meet private street standards. Those can be found in the Engineering Design Standards, Chapter 3.2.
9. Sidewalks shall be a minimum of 5 feet wide and shall meet ODOT standards. Sidewalk in-lieu may be available for this property.
10. Driveway apron width is allowed between 10' & 24'.
11. Confirm and show private easement for the existing driveway for 609 SW Cedar Ave that runs through this lot.
12. A site plan and grading plan is required.
13. Existing flood elevation are 12' NAVD, Future flood elevations could be near 13' NAVD.
14. A stormwater report is required for this development. The stormwater report shall detail pre and post stormwater conditions and a downstream analysis, including the adjacent ROWs and flows from existing stormwater systems. In addition, the report shall analyze any loss in flood volume storage relative to fill proposed for this development. The stormwater management system shall be designed by a Registered Professional Engineer capable of meeting the requirements in the current version of the ODOT Hydraulics Manual.
15. All on-site driveways, parking areas, aisles and turn-a-rounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facility plans shall be prepared by a qualified engineer and constructed in accordance with City standards. Stormwater report shall detail pre and post stormwater conditions, including the adjacent ROWs and flows from existing storm system.



**From:** [Mrs. Rhonda Sewell](#)  
**To:** [Trisha Hayrynen](#); [Rhonda](#)  
**Cc:** [Dax Sewell](#)  
**Subject:** Re: Sewell 81021CA-03000 /Sewer connection Date  
**Date:** Tuesday, June 28, 2022 6:57:32 AM

---

Hi Trisha:

I haven't heard back from you regarding your efforts to locate the sewer connection permit issued in summer of 2011. Have you found it?

Rhonda Sewell

On Tuesday, June 7, 2022, 02:16:51 PM PDT, Rhonda <[rhonda@pacifictitlecompany.com](mailto:rhonda@pacifictitlecompany.com)> wrote:

Hi Trisha:

My apologies for having you look into the wrong years for the Sewer Connection. We have now pinpointed the time of the Sewer Connection. Please see the attached invoice, showing work was completed in August of 2011. This puts us in the summer of 2011. I'm still hopeful you will be able to find the actual permit or other documentation.

Would you like me to put together an affidavit for Robert Rush to sign as to the installation?  
Would you also like us to have the end of the sewer connection uncovered so we can take pictures for further evidence?

**Rhonda Sewell**

Warrenton, OR 97146

---

**From:** Mrs. Rhonda Sewell <[rhonda@pacifictitlecompany.com](mailto:rhonda@pacifictitlecompany.com)>  
**Sent:** Wednesday, May 4, 2022 6:39 AM  
**To:** Rhonda <[rhonda@pacifictitlecompany.com](mailto:rhonda@pacifictitlecompany.com)>; Trisha Hayrynen <[thayrynen@ci.warrenton.or.us](mailto:thayrynen@ci.warrenton.or.us)>  
**Cc:** Dax Sewell <[dax@pacifictitlecompany.com](mailto:dax@pacifictitlecompany.com)>

**Subject:** Re: Sewell / 81021CA-03000 /Sewer connection

Thank you for your efforts Trisha. I have Robert Rush digging into his records, and will continue to search. I think we are on the right tract.

Rhonda Sewell

On Tuesday, May 3, 2022, 08:03:31 AM PDT, Trisha Hayrynen <[thayrynen@ci.warrenton.or.us](mailto:thayrynen@ci.warrenton.or.us)> wrote:

Hello Rhonda,

I have done some additional research into the connection you are speaking of. I couldn't find a copy of a permit or ROW permit for this work. Unfortunately, without a closer date, I can't search our financial records, because we would have to look at each receipt that was paid by North Pacific Construction and/or Robert Rush through that time period.

However, we do have sewer video of the sewer main on SW Cedar Ave. I reviewed that video and it appears that a connection is there. It is a much smaller diameter pipe, which seems correct if you were in deed going to pump to the sewer. It isn't clear if this connection is for your lot or if it is for lot 2000 or 0600. If you can find documentation on this connection installation, that would be helpful for us moving forward.

Thank you,

Trisha Hayrynen  
Engineering Technician  
City of Warrenton – Public Works  
503-861-0912

"This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited."

**From:** Rhonda <[rhonda@ci.warrenton.or.us](mailto:rhonda@ci.warrenton.or.us)>  
**Sent:** Friday, April 29, 2022 11:21 AM  
**To:** Trisha Hayrynen <[thayrynen@ci.warrenton.or.us](mailto:thayrynen@ci.warrenton.or.us)>  
**Cc:** Dax Sewell <[dax@ci.warrenton.or.us](mailto:dax@ci.warrenton.or.us)>; Van Wilfinger <[vwilfinger@ci.warrenton.or.us](mailto:vwilfinger@ci.warrenton.or.us)>; Mrs. Rhonda Sewell <[rhonda@ci.warrenton.or.us](mailto:rhonda@ci.warrenton.or.us)>  
**Subject:** RE: Sewell 607 SW Cedar Ave. / 81021CA-03000 /Sewer connection

Hi Trisha:

Thank you for taking my call today. As we discussed, we are looking for a particular document:

Between 2015-2018, City of Warrenton, public works, Issued a Permit for Sewer Connection to the Main to Only benefit this specific lot. The line runs under SW Cedar to the main and is at a depth of 22 feet.

This permit was issued in the name of either Robert Rush or North Pacific Construction. It may have also included a Right of Way for the installation. This was applied for, paid for, granted and installed in compliance with the City's direction. I've asked planning, but they say it would be a Public Works document.

Please do a due and diligent search to locate this document for us. We thank you in advance for your efforts.

Rhonda Sewell

Warrenton, OR 97146

---

**From:** Trisha Hayrynen <[thayrynen@ci.warrenton.or.us](mailto:thayrynen@ci.warrenton.or.us)>  
**Sent:** Monday, April 25, 2022 3:18 PM  
**To:** Mrs. Rhonda Sewell <[redacted]>; Rhonda <[rhonda@\[redacted\].org](mailto:rhonda@[redacted].org)>  
**Cc:** Dax Sewell <[dax@ci.warrenton.or.us](mailto:dax@ci.warrenton.or.us)>; Van Wilfinger <[vwilfinger@ci.warrenton.or.us](mailto:vwilfinger@ci.warrenton.or.us)>  
**Subject:** RE: Sewell 607 SW Cedar Ave. / Sewer connection

Hello Rhonda,

Both your water service and sewer service lines will be required to be in easements. Neither service line will be allowed to be ran through the ROW in a parallel line. They must connect from a perpendicular location to the main.

We do not have requirements for private easement sizes. 20' wide easement is a City standard for our publicly owned utilities. You and the other party will dictate how wide your easement will be. You will want to make sure you have enough room within the easement area to maintain, repair, replace your private service line, when it is needed.

I suggested two locations in my previous email, but you do not have to use either one of them. It is up to you to determine which location will work the best for you and that you can obtain an easement for.

The image I had provided you is not a survey and shouldn't be used to dictate distances between property boundaries and stationary objects (like houses).

Thank you,

Trisha Hayrynen  
Engineering Technician  
City of Warrenton – Public Works  
503-861-0912

"This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred

the original document. Any use by others is strictly prohibited."

**From:** Mrs. Rhonda Sewell <[redacted]>  
**Sent:** Friday, April 22, 2022 2:39 PM  
**To:** Rhonda <[redacted]>; Trisha Hayrynen <[thayrynen@ci.warrenton.or.us](mailto:thayrynen@ci.warrenton.or.us)>  
**Cc:** Dax Sewell <[redacted]>; Van Wilfinger <[vwilfinger@ci.warrenton.or.us](mailto:vwilfinger@ci.warrenton.or.us)>  
**Subject:** Re: Sewell 607 SW Cedar Ave. / Sewer connection

Hi Trisha:

We are moving along with our required testing and we need to get more information on the sewer connection situation. In reviewing your suggested easement placement, it would appear you suggest we ask our neighbor Burkleo (lot 3500) to allow us to dig up their house foundation with a 20 foot wide easement. No one would agree to that, so we'll need to employ some "outside the box" thinking to make this work for everybody, with the least amount of disruption to our neighbors.

Could you please provide the following Information at your earliest convenience:

1. A larger color Aerial Map (like the one you provided before) Showing our neighbors sewer connections. Want to be able to see the sewer connection for 81021CA - 2000 (Jacob Bogh) and for 81021CA- 600 & 500 (Larry Allen). If we can see how our neighbors connected to the sewer, perhaps we can replicate that.

2. Between 2015-2018, City of Warrenton, public works, Issued a Permit for Sewer Connection to the Main to benefit Only this specific lot. The line runs under SW Cedar to the main and is at a depth of 22 feet.

This permit was issued in the name of either Robert Rush or North Pacific Construction. It may have also included a Right of Way for the installation. This was applied for, paid for, granted and installed in compliance with the City's direction. I've asked planning, but they say it would be a Public Works document.

Thank you for your assistance.

Rhonda Sewell

On Thursday, March 24, 2022, 08:24:04 AM PDT, Trisha Hayrynen <[thayrynen@ci.warrenton.or.us](mailto:thayrynen@ci.warrenton.or.us)> wrote:

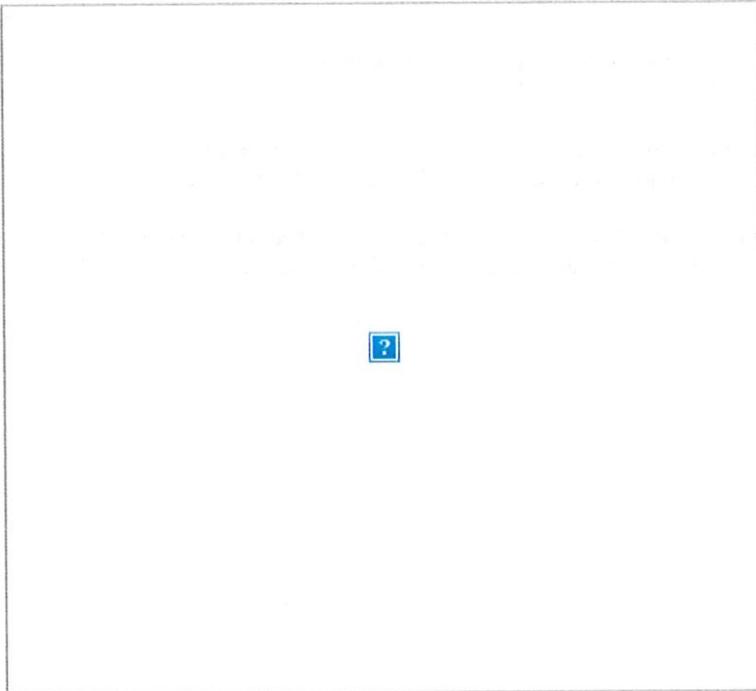
Good morning,

Yes, I did work for SERR/WOW/Recology for many years and was married to Kurt (who was friends with Lenny).

We do not have specific requirements for private easements. I can give you some advice, but understand it is simply that and not direction.

You will want enough area on private property that will allow you to maintain, repair, replace your private service line, when the time is needed. Our easements require 20' with the utility in the center of the easement. Since your using a private force main that will probably be 2" in diameter, you may not need 20'. Ten feet may be enough or even 7. If you are putting the sewer in the same or near the water service also, that might dictate your width of easement. You may want to check with a plumber on how close the water and sewer can be together. Make sure they know that it will be a private force main because that may change the rule they can follow. They may be able to be laid in the same trench, which will be helpful for your easement width.

Remember we will require your service line to be on private property and not in the ROW until you reach the gravity main. There is a sewer cleanout on SW 6<sup>th</sup> Ave. It appears (see screen shot below) that it is in the grassy area North of 613 SW Cedar Ave. I drew crud red lines on the snip to show examples of how your private sewer main could run. Remember you will want to do the same with water.



Thank you,

Trisha Hayrynen

Engineering Technician

City of Warrenton – Public Works

503-861-0912

"This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited."

---

**From:** Rhonda <[rhonda@ci.warrenton.or.us](mailto:rhonda@ci.warrenton.or.us)>  
**Sent:** Wednesday, March 23, 2022 11:47 AM  
**To:** Trisha Hayrynen <[thayrynen@ci.warrenton.or.us](mailto:thayrynen@ci.warrenton.or.us)>  
**Cc:** Dax Sewell <[dax@ci.warrenton.or.us](mailto:dax@ci.warrenton.or.us)>; Rhonda Sewell <[rhonda@ci.warrenton.or.us](mailto:rhonda@ci.warrenton.or.us)>  
**Subject:** Sewell 607 SW Cedar Ave. / Sewer connection

Good afternoon Tricia:

It was nice speaking with you last Wednesday at our Pre-Application meeting. Your face was familiar and I think you worked at the Sanitary Service in years past.

As we are working on the various items that were outlined, I had a question regarding the Sewer connection easement from the neighbors, Burkleo (tax Lot 3500). Please see the attached.

Question: How large of an area of their NorthWest Corner of lot 3500 will you require to allow us to obtain an easement for in order to connect to the existing sewer connection? I want to make sure I don't ask them for more than is needed.

Rhonda & Dax Sewell

Warrenton, OR 97146

**From:** [Trisha Hayrynen](#)  
**To:** [Linda Engbretson](#)  
**Cc:** [Richard \(Collin\) Stelzig](#)  
**Subject:** 607 SW Cedar Ave  
**Date:** Wednesday, July 6, 2022 1:34:00 PM  
**Attachments:** [PreApp memo SFR Stowell Vac Lot - PRE 22-7.docx](#)  
[image001.png](#)  
[Re Sewell 607 SW Cedar Ave. 81021CA-03000 Sewer connection Date.msg](#)  
[image003.png](#)

---

Linda,

Attached is PW pre-application memo for 607 SW Cedar Ave – Stowell. I also included the email correspondence between myself and Rhonda Stowell. This was the last email, which has all the correspondence that has happened between us since the pre-application meeting.

I hadn't responded to her last two emails. After she gave me the assumed correct year (2011). I did further research but wasn't able to find anything related to the sewer installation. I hadn't responded to her, as I was out of the office (working from home) for a little over a week, due to covid exposure. I saw her last email last week, and it is on my list to respond to. I just haven't yet got to it.

Please let me know if you need more information. I can respond to her also, if you think that is best.

Thank you,

## **Trisha Hayrynen**

Engineering Technician

Office : 503-861-0912

Fax : 503-861-9661

P.O. Box 250 | 45 SW 2<sup>nd</sup> St.

Warrenton OR, 97146

[ci.warrenton.or.us](http://ci.warrenton.or.us) | [facebook.com](https://www.facebook.com)

### ***“Making a difference through excellence of service”***

This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited.

**From:** [Trisha Hayrynen](#)  
**To:** [Linda Engbretson](#)  
**Subject:** RE: Sewell  
**Date:** Tuesday, July 26, 2022 10:51:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Hello Linda,

The information you are looking for is below. Please let me know if you are looking for more specific information. There are more requirements (stormwater, grading, etc.) for the development than these below, but that was what you had asked about. I had sent you the pre-app memo and email correspondence at the beginning of the month (attached).

Tax lot 81021CA03000

**Water Meter:**

Water meter will be placed on SW Cedar Ave connected to the existing water main along SW Cedar Ave. The City completes the installation after the applicant pays the fees associated with the connection. A private easement will be required to access the meter to the property – for the private water service line – prior to approval. Please see WMC 13.04.030 Installation and Chapter 6 of the Engineering Design Standards.

Alternatively, a water main extension could possibly be added on SW 6<sup>th</sup> Street for the full frontage of the property for water access. This would required a registered engineer design and calculations meeting the Engineer Design Standards, that would be reviewed prior to accepting. All costs associated with this project will be borne by the developer.

**Sewer:**

The closest public sewer main is on SW Cedar Ave.

Private utilities are not allowed to be built within the public right of way. A private easement will be required through a neighboring property for placement of the private sewer line to the active public sewer main.

The elevation of the proposed development is approximately 10' lower than SW Cedar Ave. Therefore, there is not a slope that will work with a gravity sewer system. The development will need to use a grinder pump system. All costs associated with this project will be borne by the developer.

**Access:**

A street vacation of SW 6<sup>th</sup> Street is not an option, as it currently provides access to more than three homes and there is additional vacant/developable land to the west.

SW 6<sup>th</sup> Street is required to meet private street standards. Those can be found in the Engineering Design Standards, Chapter 3.2

Thank you,

Trisha Hayrynen  
Engineering Technician  
City of Warrenton – Public Works  
503-861-0912

"This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited."

---

**From:** Linda Engbretson <lengbretson@ci.warrenton.or.us>  
**Sent:** Tuesday, July 26, 2022 9:18 AM  
**To:** Trisha Hayrynen <thayrynen@ci.warrenton.or.us>  
**Subject:** Sewell

Can you send me what the options are for the Sewell's for utility connections, please. She has contacted the Mayor and also me to say we are not being helpful.....

I want to send a certified letter outlining the options specifically for the utility connections. She mentioned a street vacation? I don't think that is an option?

## **Linda Engbretson**

City Manager  
Office : 503-861-2233 x100  
Fax : 503-861-2351  
P.O. Box 250 | 225 S Main Ave  
Warrenton OR, 97146  
[ci.warrenton.or.us](http://ci.warrenton.or.us) | [facebook.com](https://www.facebook.com)

### ***"Making a difference through excellence of service"***

This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited.

**From:** [Linda Engbretson](#)  
**To:** [Mrs. Rhonda Sewell](#)  
**Cc:** [Rhonda](#); [Trisha Hayrynen](#); [Dawne Shaw](#)  
**Subject:** RE: Ongoing difficulties with public works / new build utility connections  
**Date:** Friday, August 5, 2022 12:25:18 PM  
**Attachments:** [#1.Sewer.water.connection.pdf](#)  
[image001.png](#)  
[#2. License to Occupy.Blank.docx](#)  
[image002.png](#)  
[image003.png](#)

---

Rhonda:

After investigating our records and correspondence, the recommendation from Trisha Hayrynen, Engineering Technician, to get an easement from your neighbor through the small lot and connect to SW Cedar is probably the best/quickest option if your neighbors are agreeable (#1). Another option we were able to brainstorm would be to apply for a License to Occupy if you want to connect from SW 6<sup>th</sup> (#2). This application will go to the City Commission for approval, as it is outside of our code requirements and staff doesn't have the authority to grant an exception with this criteria. The recommendation is the LTO would require the line(s), up to connection with the City's main, to be entirely your responsibility and would be recorded with your property, the City isn't responsible for private lines in the right of way, and generally do not allow private lines in a city right of way. It doesn't appear there would be a lot of activity there; however, there could be a future risk if any work is done – the City can't do locates for private facilities so if granted by the commission, and lines are damaged, it would be entirely your responsibility to repair/replace. This is a complicated lot for sewer/water connection. But that could be an option (entirely up to the Commission) if connecting through your neighbor's property to SW Cedar is not available. The record you have provided regarding the work by Mr. Rush does not indicate which lot it is for (3101 or 3100), and the only payment from Rush in 2011 is for a business license fee, so it appears if it was placed it was not paid for or applied for through the City, at least not by Mr. Rush. Regardless, a connection on SW 6<sup>th</sup> will require the LTO.

I have copied Trisha and Dawne on this email. If you wish to move forward with the LTO, please submit your request and plans with the application. We will need to have Legal Counsel review the application so we are covering the appropriate no fault language for the City. City Commission meetings are the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month and items for the Agenda are due (ready to go) one week prior. Staff will need to write a memo to go with the application so I would recommend you submit at least two weeks prior to the meeting date so we have time to review with legal and write the staff response/recommendation.

Thank you for your patience. I've had a lot to get through these last few weeks.

Regards,

**Linda Engbretson**

City Manager

Office : 503-861-2233 x100

Fax : 503-861-2351

P.O. Box 250 | 225 S Main Ave

Warrenton OR, 97146

[ci.warrenton.or.us](http://ci.warrenton.or.us) | [facebook.com](https://www.facebook.com)

***“Making a difference through excellence of service”***

This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited.

---

**From:** Mrs. Rhonda Sewell <[redacted]>  
**Sent:** Friday, August 5, 2022 9:49 AM  
**To:** Linda Engbretson <lengbretson@ci.warrenton.or.us>  
**Cc:** dax@...; Rhonda <[redacted]>  
**Subject:** Re: Ongoing difficulties with public works / new build utility connections

Hi Linda:

I know that it's your last day. Congratulations on your retirement. Will that letter come from you or from the new City manager?

Rhonda Sewell

On Thursday, July 21, 2022 at 01:16:26 PM PDT, Rhonda <[redacted]> wrote:

Hi Linda:

I was wondering if you had a chance to look into our utility connection issues with Public works, or if you thought we should pursue a street vacation together with our neighbors.

Rhonda Sewell

Warrenton, OR 97146

**From:** Rhonda  
**Sent:** Tuesday, July 5, 2022 9:49 AM  
**To:** Linda Engbretson <[lengbretson@ci.warrenton.or.us](mailto:lengbretson@ci.warrenton.or.us)>  
**Cc:** Rhonda Sewell <[rhonda.sewell@ci.warrenton.or.us](mailto:rhonda.sewell@ci.warrenton.or.us)>  
**Subject:** RE: Ongoing difficulties with public works / new build utility connections

Much appreciated!

Rhonda Sewell

---

**From:** Linda Engbretson <[lengbretson@ci.warrenton.or.us](mailto:lengbretson@ci.warrenton.or.us)>  
**Sent:** Tuesday, July 5, 2022 9:48 AM  
**To:** Rhonda <[rhonda.sewell@ci.warrenton.or.us](mailto:rhonda.sewell@ci.warrenton.or.us)>  
**Cc:** Rhonda Sewell <[rhonda.sewell@ci.warrenton.or.us](mailto:rhonda.sewell@ci.warrenton.or.us)>  
**Subject:** RE: Ongoing difficulties with public works / new build utility connections

Let me look into this, and I will get back to you.

## **Linda Engbretson**

City Manager

Office : 503-861-2233 x100

Fax : 503-861-2351

P.O. Box 250 | 225 S Main Ave

Warrenton OR, 97146

[ci.warrenton.or.us](http://ci.warrenton.or.us) | [facebook.com](https://www.facebook.com/ci.warrenton.or.us)



*“Making a difference through excellence of service”*

This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited.

---

**From:** Rhonda <[redacted]>  
**Sent:** Tuesday, July 5, 2022 9:39 AM  
**To:** Linda Engbretson <[lengbretson@ci.warrenton.or.us](mailto:lengbretson@ci.warrenton.or.us)>  
**Cc:** Rhonda Sewell <[redacted]>  
**Subject:** Ongoing difficulties with public works / new build utility connections

Good morning Linda:

I'm hoping you have some advise for us. We completed our Pre-App hearing in March and have completed nearly all of our required reports (Geo-tech, hydrant, etc.) Just waiting on the stormwater report. As to utility placement, we have run into a Road block with Tricia at Public Works. We have a dedicated, permitted, sewer line that was placed in 2011, for which we have submitted documentation. Tricia refuses to find the permit in her records, as she says it was before her hire date.

Please see the attached. All of our neighbor sewer and water line placements are in platted, unimproved, 6<sup>th</sup> street. Tricia says we can't place them there. No reason stated, just "No". She even suggested we try to secure an easement from our neighbors to dig up their foundation and place it under there.

Mayor Henry was in our office last week and suggested I reach out to you for some kind of path forward. He even suggested the possibility of Vacating that portion of unimproved 6<sup>th</sup> Street West of SW Cedar. Would you share your thoughts with us?

I would be most happy to share the chain of Tricia's e-mails with you. She has been most un-helpful.

Rhonda Sewell

Warrenton, OR 97146



## License to Occupy

AN AGREEMENT, made and entered into this \_\_\_ day of \_\_\_\_\_, 2022, between the City of Warrenton, a municipal corporation of the State of Oregon, hereinafter referred to as "City", and Dax and Rhonda Sewell, hereinafter referred to as "Sewell". WITNESSETH:

WHEREAS, Sewell is the owner of certain real property in Warrenton, Oregon, hereinafter referred to as the "Sewell property", and more particularly described as (ADDRESS), Tax Lot 81021CA03000, in the City of Warrenton, County of Clatsop and State of Oregon, a legal description of which is attached hereto as Exhibit A and incorporated herein by reference, and

WHEREAS, City is the owner of public street rights-of-way adjacent to and abutting the Sewell property, hereinafter referred to as "SW 6<sup>th</sup> Street right-of-way", and

WHEREAS, Sewell wants to connect a new home on the Sewell property to utilities under the surface of a portion of SW 6<sup>th</sup> Street right-of-way as it abuts the Sewell property.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

- 1) City grants this license to Sewell and Sewell accepts said license to occupy a 260' by 60' portion of SW 6<sup>th</sup> Street (the "Licensed Area"), as shown in Exhibit B, attached hereto and incorporated herein by reference, for the purpose of connecting the Sewell property to public sanitary sewer, public water, and electric utilities via private connections located under the surface of the SW 6<sup>th</sup> Street right-of-way (such connections hereinafter referred to as the "private utilities"). This license shall be appurtenant to the Sewell property.
- 2) Sewell is by this licensed granted non-exclusive use of the Licensed Area for the stated purposes only.
- 3) Sewell shall bear sole responsibility for the installation, maintenance, replacement, and removal of all private utilities installed in the Licensed Area pursuant to this license. Prior to performing any work within the City's right-of-way, Sewell shall obtain all necessary permits and authorizations. All work shall be performed consistent with City standards. Upon installation, replacement, or removal of any private utilities within the Licensed Area, Sewell shall provide City with as-built drawings depicting the location of such private utilities. Notwithstanding the foregoing, Sewell shall be solely responsible for maintaining records of the location of such private utilities. City and its contractors, agents, officers, employees, and volunteers shall not be

responsible for any damage caused to such private utilities as a result of work performed by or on behalf of City within the Licensed Area.

- 4) Sewell's use of the Licensed Area is not "adverse" or contrary to the City in any way. Sewell will not by this license acquire any prescriptive rights in the Licensed Area.
- 5) City may revoke its permission for Sewell's continued use of the Licensed Area for any reason, in whole or in part, and in City's sole discretion upon sixty calendar days prior written notice to Sewell . Upon such notice, Sewell shall, at Sewell's sole expense, remove any private utilities installed therein, as directed by City in City's sole discretion, and restore the Licensed Area to a condition acceptable to the City.
- 6) Sewell acknowledges responsibility for liability arising out of this license and shall defend, indemnify, and hold harmless City and its officers, agents, volunteers, and employees against any and all liability, settlements, loss, damage, costs, and expenses (including attorney's fees and witness costs at both trial and on appeal, whether or not a trial or appeal ever takes place, including any hearing before federal or state administrative agencies) arising from or in connection with any action, suit, demand, or claim resulting or allegedly resulting from, attributable in whole or in part to, or in any way connected with Sewell's and Sewell's officers', agents', volunteers', and employees' acts, omissions, and activities relating to this license, to the fullest extent permitted by law. Sewell's activities are deemed to include those of subcontractors. The City may, at any time at its election assume its own defense and settlement in the event that it determines that Sewell is not adequately defending the City's interests, or that an important governmental principle is at issue, or that it is in the best interests of the City to do so. If any aspect of this indemnity is found to be illegal or invalid for any reason whatsoever, such illegality or invalidity does not affect the validity of the remainder of this indemnification. This section will survive the termination or revocation of this license, regardless of cause.
- 7) Sewell shall obtain at its expense, and maintain for the term of this license, occurrence form commercial general liability insurance, for the protection of Sewell, the City, its officers, agents, volunteers, and employees. Such coverage shall be primary and non-contributory. Coverage shall include personal injury, bodily injury, including death, and broad form property damage, including loss of use of property, occurring in the course of or in any way related to Sewell's operations, in an amount not less than \$2,000,000 combined single limit per occurrence and \$2,000,000 aggregate. Such insurance shall name the City as an additional insured and shall be endorsed to include contractual liability. All policies will provide for not less than thirty (30) calendar days' written notice to the City before they may be canceled. Prior to commencing work under this license, and thereafter upon request, Sewell shall furnish the City certificates of insurance and necessary endorsements evidencing the effective dates, amounts, and types of insurance required by this license.
- 8) The terms of this license shall be binding upon and inure to the benefit of the heirs, personal representatives, successors, and assigns of the parties hereto.
- 9) In the event suit or action is instituted to enforce any of the terms of this license agreement, the prevailing party shall be entitled to recover from the other party such sum as the Court may adjudge reasonable as attorney fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

- 10) If Sewell fails to perform any of its obligations under this license, City may, but is not required to, perform such obligation and submit an invoice to Sewell for City's actual costs incurred in so doing. Sewell shall submit payment in full within thirty calendar days of the date of such invoice. If Sewell fails to timely submit such payment, City may place a lien on the Sewell property for the amount owed.
- 11) Sewell must promptly pay any persons supplying services, material, or equipment to Sewell in its performance of the work under this license. Sewell shall not take or fail to take any action in a manner that causes the City to be subject to any claim or lien of any person without the City's prior written consent.
- 12) In connection with its activities under this license, Sewell comply with all applicable federal, state and local laws and regulations.
- 13) The term of this license is perpetual until terminated by mutual agreement of the parties or as otherwise provided herein.
- 14) The parties agree that if any term or provision of this license is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the license did not contain the particular term or provision held to be invalid.
- 15) The failure of the City to enforce any provision of this license shall not constitute a waiver by the City of that or any other provision.
- 16) This license and attached exhibits constitute the entire agreement between the parties. No waiver, consent, modification, or change of terms of this license shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this license.

City of Warrenton, a  
Municipal Corporation of  
the State of Oregon,

CITY:

\_\_\_\_\_  
City Mayor

\_\_\_\_\_  
Date

ATTEST:

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

\_\_\_\_\_  
Date

DAX SEWELL:

---

Date

RHONDA  
SEWELL:

---

Date



## AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Jay Blake, Planning Director

DATE: November 8, 2022

SUBJ: Quit-Claim Deed Approval

### SUMMARY

The Commission is asked to approve a proposed quit claim deed for a parcel of land currently owned by Clatsop County. It is part of SW Main Court and was developed in the 1990s. Currently, two duplexes and a four-plex gain access from this roadway.

The tract went tax forfeiture in 2008 and the City of Warrenton currently maintains public water lines under the roadway.

There have been complaints from neighbors regarding the storage of inoperable vehicles and the City has not been able to enforce the code requirements as they are on county owned land.

Clatsop County has offered to quit claim the tract to the City and is requesting Commission conceptual approval of the transfer.



*"I move to accept a quit-claim deed from Clatsop County for parcel number 81021AC00601. The tract is used as access to six residential units and the City of Warrenton currently maintains public water lines under the roadway."*

ALTERNATIVE

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

FISCAL IMPACT

N/A

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



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