



Welcome!

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

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

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

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

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## 1. Equal Employment Opportunity

The following Equal Employment Opportunities (EEO) policies apply to all employees, volunteers, elected officials, interns, and vendors. Management, elected officials, volunteers, and employees alike are expected to adhere to and enforce the following EEO policies. An 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 Human Resources at any time if they have questions relating to issues of harassment, discrimination, bullying, or what it means to work in a respectful workplace.

### **No-Discrimination, No-Retaliation Policy**

The City of McMinnville 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 McMinnville 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 McMinnville 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 hairstyles. "Protective hairstyles" is defined as "hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs and twists)".

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

### **Pay Equity**

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

### **No-Harassment Policy**

The City of McMinnville prohibits harassment and sexual assault in the workplace, and harassment and sexual assault outside of the workplace that violates employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, the City prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. 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 supervisor, any member of the management team, or with Human Resources, 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 McMinnville–related or –sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of the City’s employees. Such harassment is prohibited whether committed by employees or by non-employees (including elected officials, members of the community, volunteers, interns and vendors).

### **Sexual Harassment**

Sexual Harassment includes unwanted sexual advances, requests for sexual favors, and other verbal, visual or physical sexually oriented conduct (regardless of whether such conduct is “welcome”), when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- 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; an employee talking about their sex life or asking others 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, pansexual or transgender; or discriminatory treatment based on sex.

### **Bullying**

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

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

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

### **Other Forms of Prohibited Harassment**

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

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

- Jokes, pictures (including drawings), epithets, or slurs.
- Negative stereotyping.
- Displaying racist symbols anywhere on City of McMinnville 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" religious beliefs.
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity.
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of their protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style. Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

Courteous, mutually respectful, non-coercive interactions between employees that are acceptable and welcomed by both parties are not considered to be harassment, including sexual harassment.

### **Complaint Procedure**

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of Human Resources, the City Manager, or a supervisor as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form. Supervisors are required to inform Human Resources 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.

An employee who experiences or is a witness of harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want 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's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate corrective

action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the [Oregon Bureau of Labor and Industries \(BOLI\)](#) pursuant to Oregon Revised Statutes (ORS) 659A.820 to 659A.865, or in a court under any other applicable law, whether criminal or civil. Although the City cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five (5) years). Before an employee can take any legal action against the City, the employee must provide written notice of the claim within one hundred eighty (180) days of the act or omission the employee claims has caused them harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer.

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

### **Personal Property**

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

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

### **Reporting Improper or Unlawful Conduct**

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



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

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

In accordance with Oregon law, the City will not prohibit employee’s 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 county or metropolitan service district.

### **Protection Against Retaliation**

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

The City prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. No City employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City 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.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to HR, the City Manager, or a supervisor. Employees who are 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.

### **Additional Protection for Reporting Employees**

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

### **Disability Accommodation Policy**

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

## **Accommodations**

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

## **Pregnancy Accommodation Policy**

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

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave options under the Oregon Family Leave Act (OFLA) and the Family and Medical Leave Act (FMLA).

## **Religious Observance Leave and Accommodation**

The City of McMinnville respects the sincerely held religious beliefs and observances of all employees. The City will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on the City. Employees may use vacation, floating holidays, or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the supervisor and may require the requesting employee to provide proof of the “sincerely held” religious belief.

## **Requesting an Accommodation**

Employees should request accommodations as soon as it becomes apparent that accommodations may be necessary to enable the employee to perform the essential duties of their position. All accommodation requests should be made with HR. In most cases, medical verification will be required for reasonable accommodations.

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

## **No Discrimination, No Retaliation**

The City prohibits retaliation or discrimination against any employee who, under this policy:

1. asked for information about or requested accommodations
2. used accommodations provided by the City; or
3. needed accommodations.

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.

## 2. Performance and Conduct Policies

### Code of Ethics

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

City of McMinnville employees are considered public employees, and as such, are subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. Employees coming to the City of McMinnville from work in the private sector or a governmental organization outside of Oregon, may find that some activities that are common practices in the private sector are prohibited in the public sector. Information on these laws is available at the [Oregon Government Ethics Commission website](#).

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

### Nepotism

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

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

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

### Respectful Workplace Policy

The City of McMinnville is committed to a work environment that fosters mutual employee respect and promotes professional and productive work relationships. The City expects its employees to treat each other in the way they would like to be treated and to give to others the respect that is due to every individual

including fellow employees, community members, community partners or vendors. Therefore, the City prohibits any behavior that is demeaning, or disrespectful, including, but not limited to:

- Jokes of a sexual nature
- Jokes that demean an individual or group of individuals
- Name calling or nicknames that may be offensive or discriminatory
- Refusing to communicate or speak with another individual
- Offensive verbal, visual or physical conduct
- Negative comments about others either orally or in writing
- Photographing or recording video of other employees without permission
- Threatening comments
- Purposely invading another's personal space
- Gossiping about another individual or group of individuals
- Any type of bullying behavior.

The City expects all employees act to establish and maintain a respectful work environment. However, if an employee feels that they have been subjected to any form of disrespectful or demeaning behavior, the employee should report that conduct to a trusted supervisor or Human Resources.

Human Resources will investigate any reported disrespectful and/or demeaning behavior in as confidential a manner as possible. A resolution of each complaint will be reached and communicated to the employee.

### **Policy Against Workplace Violence**

Threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the City.

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

Human Resources may investigate an employee when the employee's behavior raises concerns about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others.

Verbal communication (including threats) and physical force used by police department employees in a manner consistent with the law, policy and/or practice of the Police Department are not violations of this policy.

Nothing in this policy prohibits an employee from defending themselves against an impending or actual physical attack, as authorized by law.

### **Conflict of Interest / Outside Employment**

Generally, employees may obtain outside employment or engage in private income-producing activities of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules. Employees may not accept outside employment that involves:

- The use of City of McMinnville work time, City of McMinnville facilities, equipment, computers, and supplies, or the prestige or influence of the employee's position with the City of McMinnville.
- The performance of an act that may later be subject to control, inspection, review, or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for the City of McMinnville.

To avoid potential conflicts of interest, employees must obtain written approval from their department director and the City Manager prior to accepting any outside paid employment. Requesting employees must affirm that such outside employment or activities:

- Do not interfere with or adversely affect the performance of the employee's work at the City
- Do not constitute a conflict of interest due to the nature, conditions, or another aspect of the activity
- Do not result in the acquisition of clients for private gain in connection with City employment
- Do not involve competing with the City in providing a service or product
- Do not interfere with extra duty required occasionally by the City
- Do not otherwise detract from employment or discredit the City

Any approval for outside work may be rescinded. Employees have a responsibility to inform their supervisors in writing of any changes in their outside work. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

### **Policy on Political Activities**

Employees may engage in political activity except to the extent prohibited by Oregon law (ORS 260.432) 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 McMinnville employees to express their personal political views).
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

### **Professional Appearance Policy**

Attire appropriate for the position at the City of McMinnville is important to ensure a professional and positive impression with the community. At a minimum, an employee's work attire is expected to be neat, clean, appropriate for their job and work location, and in compliance with department policies. Good personal hygiene must also be maintained.

### **Driving While on Business**

Employees using a private vehicle to conduct City of McMinnville business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for business use must make any necessary arrangements with their insurance carriers.

While on City of McMinnville business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business except for when providing patient care, as outlined

in the fire department policies and procedures. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited.

### **Driving Records and Infractions**

Employees who receive a ticket or citation while driving a City-owned vehicle or while on City of McMinnville business must promptly and fully disclose all driving infractions to their supervisor by the next working day. Employees will be responsible for paying the fine(s) associated with the ticket or citation and may face discipline, up to and including termination.

Any employee with driving responsibilities required to drive for the City are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within seventy-two (72) hours of the change or new restrictions/limitations.

The City will check motor vehicle records annually for all employees with driving responsibilities. Any employee with driving responsibilities that does not have a valid driver's license or has an unsatisfactory driving record will not be allowed to operate City vehicles or drive for City business. If driving is an essential job function and the employee cannot be reasonably accommodated, employment may be terminated.

An unsatisfactory driving record will be determined based on the position's driving requirements. Examples of unacceptable infractions include but are not limited to convictions of:

- Three (3) or more moving violations in the past thirty-six (36) months.
- Violations involving drugs, alcohol, controlled substances, etc., within the past twenty-four (24) months.
- Leaving the scene of an accident within the past twenty-four (24) months.
- Reckless driving within the past twenty-four (24) months.
- At fault in an accident resulting in fatality or serious injury within the past thirty-six (36) months.

### **Mobile Device Use While Driving**

Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City vehicles and the safe operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and City provided phones.

Employees are prohibited from using handheld cell phones for any purpose while driving for City business (other than those employees engaged in emergency services work). Employees are also prohibited from using a cell phone or other mobile device to send or receive messages while driving for City of McMinnville business (other than those employees engaged in emergency services work). Should an employee need to make a call while driving, the employee must locate a lawfully designated area to park and make the call, unless using a hands-free device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

### **Smoke Free Workplace**

The City of McMinnville provides a tobacco smoke-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product in any form including, without limitation, cigars, and e-cigarettes. Marijuana use in the workplace is also prohibited under this

policy. This policy applies to employees, volunteers, and any visitors to City of McMinnville property, vehicles, or facilities/buildings.

Employees are prohibited from using tobacco products in public spaces, public buildings, and City vehicles during working hours. City of McMinnville buildings and vehicles are smoke free areas. Employees wishing to smoke tobacco, must do so outside of the facilities/buildings. Smoking is not allowed near building entrances; Oregon law prohibits smoking within ten (10) feet of building entrances and other openings, including second-story windows. Employees who smoke should consider public perception and common courtesy when smoking and are responsible for disposing of cigarettes properly.

### **Drug and Alcohol**

The City of McMinnville works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with them.

The City of McMinnville expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective, and efficient manner. An employee's on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present substantial risks.

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

### **Prohibited Conduct**

*The following examples of prohibited conduct do not apply to the possession of drugs, alcohol or other items identified in this policy in connection with performing fire, emergency medical services (EMS), or law enforcement work.*

- Consuming or being under the influence of any alcohol while on City of McMinnville property, on City of McMinnville time, while driving City of McMinnville vehicles (or personal vehicles while on City of McMinnville business), or in other circumstances which adversely affect City of McMinnville operations, employees or others. An exception may be granted for City sponsored events.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within eight (8) hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City of McMinnville property, on City of McMinnville time, while driving City of McMinnville vehicles (or personal vehicles while on City of McMinnville business), or in other circumstances which adversely affect City of McMinnville operations or employees. A department head may grant exceptions strictly for the dispensing of prescribed medication to kids or adults in programs when the medication is required to participate. Exceptions must follow departmental policies for handling and administering medication.
  - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If the use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree (see definition of "reasonable cause testing" below), and if the employee tests "positive" for any such

substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.

- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in [Schedules I through V of the Federal Controlled Substance Act](#), including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing property, or possessing, items or objects on City of McMinnville property that contain any "controlled substance," including, for example, "pot brownies", "edibles" and candy containing marijuana. No employee may knowingly serve items containing marijuana or any other "controlled substance" to anyone while on work time or on City of McMinnville property.
- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana or controlled substances, such as pipes, bongs, "vape" pens, smoking masks, roach clips, and/or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including bringing marijuana plants to City property.

### **Prescription Drugs and Medical Marijuana**

Employees must inform their supervisor or HR about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position (employees are not required to provide the name of prescription medication but medical verification may be required). If an employee's use of such prescription drugs could adversely affect the operations or safety of City employees or others, the employee may be reassigned to other work, or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to discipline, up to and including termination.

### **Testing**

The City of McMinnville reserves the right to:

- Test employees reasonably suspected of using drugs or alcohol in violation of this policy
- Discipline or discharge an employee who tests positive or otherwise violates this policy
- Test employees when:
  - 1) the employee causes or contributes to an accident(s) that damages City of McMinnville vehicles, machinery, equipment, or property
  - 2) the employee injures themselves or another employee requiring offsite medical attention
  - 3) the City of McMinnville reasonably suspects that an employee has caused or contributed to an accident or injury that may have been caused by drug or alcohol use
- Conduct pre-employment and random drug tests on employees in positions that require this testing by law (e.g., when a position requires a commercial driver's license).

### **Reasonable Cause Testing**

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

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

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood, and urine.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the



influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for "reasonable cause" may include, without limitation:

- a pattern of abnormal or erratic behavior
- information provided by a reliable and credible source
- direct observation of drug or alcohol use
- presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes)
- unexplained significant deterioration in individual job performance
- unexplained or suspicious absenteeism or tardiness
- employee admissions regarding drug or alcohol use

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

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by Human Resources. The letter of notification shall state the substance identified by the laboratory tests. The employee may request a third test of the sample within twenty-four (24) hours of receiving the notification letter, but the test will be paid for by the employee.

### Test Results

A drug test result on an employee will be considered positive only if it has tested positive initially and been confirmed positive. A positive drug result is defined as the detection of any one or more of the substances listed below:

Substance or Grade	Initial Screening	Confirmation Screening
Amphetamines	>1000 ng/ml	>500 ng/ml
Cocaine	>300 ng/ml	>150 ng/ml
Marijuana (THC)	>50 ng/ml	>15 ng/ml
Opiates	>300 ng/ml	>300 ng/ml
Phencyclidine (PCP)	>25 ng/ml	>25 ng/ml

Breath alcohol testing will be performed by qualified breath alcohol technicians that are not employees of the City of McMinnville. If the initial test shows a result less than .02 blood alcohol content (BAC), no further testing is required. Test results of .02 BAC will be confirmed within thirty (30) minutes of completion of the initial screening test.

Before receiving the results of the test, the employee may choose to share information related to prescription drugs, medical history, and other relevant factors that may impact the drug test. Any information shared related to prescription drugs and medical history may require verification from the employee's medical provider.

Employees represented by a union subjected to testing as outlined above have a right to union representation prior to receiving the results of the tests.

### **Search of Property**

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City of McMinnville property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City may search any furniture, equipment or property provided by the City of McMinnville, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any property, equipment, or supplies.

### **Employee Refusal to Test/Search**

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to discipline, up to and including termination.

This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

### **Drug and Alcohol Treatment**

The City of McMinnville recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City of McMinnville is willing to help employees find appropriate treatment.

An employee who believes that they have a problem involving the use of alcohol or drugs should ask Human Resources for assistance. Human Resources will work with employees to identify benefits and programs that may be available to help deal with the problem.

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

### **Criminal Arrests and Convictions**

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

- All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas, or diversions
- All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
- If they are arrested, cited, or convicted of a violation of any law that will prevent them 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 in the police department may be subject to annual criminal history records check to review for any domestic violence arrests, convictions, or restraining orders. Any such records found will be forwarded to the Chief of Police for review.

### **3. Workplace Rules and Prohibited Conduct**

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

- Falsification of employment, time sheets, or other City of McMinnville records
- Theft or the deliberate or careless damage or destruction of any City of McMinnville property, or the property of any other employee, community member, vendor or third party
- Unauthorized use of City of McMinnville equipment, computers, materials, or facilities
- Provoking a fight or fighting during work hours or on City of McMinnville property
- Engaging in criminal conduct
- Causing, creating, or participating in a significant disruption of work during work hours on City property
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management
- Use of abusive or threatening language
- Failure to notify a supervisor when unable to report to work (unless incapacitated), or when leaving work during normal working hours without permission from a supervisor to do so
- Failure to observe work schedules, including rest breaks and meal periods.
- Shirking work responsibilities by avoiding work duties, especially if they are difficult or unpleasant
- Sleeping on the job when not approved by department policy (i.e., fire department employees)
- Excessive personal telephone calls during working hours
- Violations of the Ethics Policy or Oregon's Ethics laws
- Violation of any safety, health, security or City of McMinnville policy, rule, or procedure
- Harassment or discrimination

Verbal communication (including threats) and physical force used by police department employees in a manner consistent with the law, policy and/or practice of the Police Department are not violations of this policy.

#### **Corrective Action/Discipline Policy**

Employees are expected to always perform to the best of their abilities. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or act inappropriately. When performance or conduct does not meet City of McMinnville standards, the City will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline. The corrective action process will not always commence with verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In all cases, the City of McMinnville will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. When the City of McMinnville deems such action appropriate, discipline may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps. In conjunction with the above, the City may also require training and education related to performance concerns.

This statement of prohibited conduct and disciplinary process does not alter the City of McMinnville's policy of at-will employment. Except for employees subject to a collective bargaining agreement or employment contract, the City of McMinnville remains free to terminate employment at any time, with or without cause or notice.

## **4. Technology Policies**

It is the policy of the City to provide managed, secured technology resources to approved users of the network and systems, for purposes that are safe, legal, ethical, in support of the City's vision and mission, and in compliance with all other City policies and work rules.

### **Ownership**

The City owns all data stored on its network and systems (including e-mail, voicemail, and internet usage logs) and reserves the right to inspect and monitor any and all such communications at any time. The City may conduct audits of employee accounts to ensure compliance with policies and requirements, to investigate suspicious activities that could be harmful to the organization, to assist departments in evaluating performance issues and concerns, and to identify productivity or related issues that need additional educational focus within the City. Internet, e-mail, text messages and instant messenger communications may be subject to public disclosure and the rules of discovery in the event of a lawsuit. The City's Internet connection and usage by individuals is subject to monitoring. There is no right to privacy in an employee's use of City technology resources.

### **Internet and Intranet Usage**

Employees must abide by limitations listed below in the section "Prohibitions and Limitations" when using the Internet or Intranet. Usage should be focused on business-related tasks. Use of the internet, as with the use of all technology resources, must conform to all City policies and work rules.

### **E-Mail Usage**

E-mail content must be consistent with the same standards as expected in any other form of written (or verbal) communication occurring in a business setting where documents are subject to public disclosure. The City manages its e-mail in accordance with records retention policies and procedures as defined and identified by the City Recorder.

Users should be attentive to emails that have unusual or questionable subject lines to mitigate spam, phishing and script born viruses that come into the network through email attachments or by clicking on links that lead to hostile web sites. If an employee suspects phishing or script born viruses in email attachments, they should immediately report it to Information Services (IS) Staff.

Employees may access web-based personal email but should not download documents or attachments from these sites. Use of City email for personal use must be infrequent, and employees must always abide by the limitations listed below in "Prohibitions and Limitations".

### **Personal Use**

Technology resources may be used for incidental personal needs as long as such use does not result in or subject the City to additional cost or liability, interfere with business, productivity or performance, pose additional risk to security, reliability or privacy, cause or tend to cause damage to the City's reputation or credibility, or conflict with the intent or requirements of any City policy or work rule. Professional judgment, etiquette, and common sense should be exercised while using City technology resources for personal use. All data stored on City systems including but not limited to email, documents, and photos are property of the City and subject to public disclosure requests. There is no right to privacy in an employee's personal use of City resources.

## **Prohibitions and Limitations:**

The following prohibitions and restrictions apply to all uses of City technology resources:

- Conducting a private business
- Political campaigning
- Accessing inappropriate sites (e.g., adult content, online gambling, and dating site)
- Accessing sites that promote illegal activity, copyright violation, or that violate the City's ethical standards
- Using the internet to obtain or disseminate language or material which are prohibited in the workplace
- Using encryption technology that has not been approved for use by the City
- The use of personally owned technology for conducting City business, where official City records are created but not maintained by the City
- Transmission, distribution, or storage of any information or materials in violation of federal, state or municipal law
- Installing/using unauthorized software, instant messaging, soft VOIP phones, or peer to peer networking
- Sharing or storing unlicensed software or audio/video files
- Using security exploit tools (hacking tools) to attempt to elevate user privileges or obtain unauthorized resources or accessing sites that distribute computer security exploits (hacking sites)
- Excessive use of social networking sites for personal use during business or working hours
- Streaming videos for entertainment or downloading large files that could affect the network
- Exploiting or attempting to exploit any vulnerability in any application or network security
- Sharing of internal information with others that facilitates exploitation of a vulnerability in any application or network security
- Knowingly propagating any kind of spyware or virus onto the City network or computers.
- Disabling, altering, over-riding, or turning off any mechanism put in place for the protection of the network and workstation environments

## **Security**

The Information Services Department (referred to as IS or IT) is responsible for monitoring and authorizing access to central computer systems and applications. Each user is responsible for establishing and maintaining a secure password.

The use of another user's account and password or the attempt to capture other users' passwords is prohibited. Each employee is responsible for restricting unauthorized access to the network by locking their computer or logging out of their computer account when their computer is unattended. Employees who discover unauthorized use of their accounts must immediately report it to IS or their supervisor.

The City will take the necessary steps to protect the confidentiality, integrity, and availability of all of its critical information. Critical information is defined as information which if released could damage the City financially, put employees at risk, put facilities at risk, or could cause legal liability. Examples of critical data include employee information, social security numbers, credit card holder information, police investigation information, etc. The City will restrict access to critical information only to staff who have a legitimate business need-to-know. Anyone accessing critical information is responsible for keeping an inventory of critical information and ensuring that access to it is limited and secure.

Employees must take reasonable steps to ensure the safety of critical information including not storing critical data on laptops, encrypting data any time it is electronically transported outside the City network, not saving, or transmitting critical data to a home or external computer, ensuring inadvertent viewing of

information does not take place, and destroying or rendering the information unreadable when done with it. Employees should not transport critical City data on unencrypted devices such as thumb drives, CD's, or smart phones that have not been approved by the IS department.

### **Confidential Information**

Employees must not access, use, or disclose sensitive or confidential information or data except in accordance with City policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use, or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy. Please refer to the City of McMinnville Personally Identifying Information (PII) policy for more detailed information and guidelines.

No records or information including (without limitation) protected data, documents, files, records, computer files or similar materials (except in the ordinary course of performing essential job duties) may be removed from City of McMinnville premises without permission from the employee's supervisor.

Any materials developed by employees in the performance of their jobs is the property of the City of McMinnville and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained regarding the City of McMinnville's business may not be disclosed externally, except where required for a business purpose or when required by law.

### **Network Access and Usage**

IS must approve all connecting devices to the City's network. This includes personal PCs, network hubs and switches, printers, handhelds, scanners, remote connections, and wireless or wired devices. The use of personal routers and wireless access points on the City network is strictly prohibited.

### **Social Media**

Social Media is an umbrella term for various forms of communication consisting of user-created text, audio and video published in a shared online environment, such as over the internet or through mobile networks. Examples of social media include but are not limited to websites, social networking services, micro-blogs, blogs, wikis, photo-sharing, video-sharing, and podcasts.

#### **Authorized Use of Social Media**

City departments may utilize social media as one of several tools to enhance communications with community members and various stakeholder organizations in support of departmental goals and objectives. City staff authorized by their department will have the ability to make posts, publish articles, and communicate City information on behalf of their departments.

#### **Standards when using Social Media**

Employees who are authorized to represent their departments through the City's social media accounts must conduct themselves as representatives of the City and strictly adhere to City policies including the authorized use of City resources, political activities, non-discrimination, and ethics.

- Always be respectful when referring to the City's community members, customers, employees, business partners, service providers and vendors. This applies to both the type of information posted and the manner and context in which it is presented.

- Comments on a person’s appearance, ethnic characterizations, slurs, profanity, personal insults, or any conduct that would violate the City’s anti-harassment policies are prohibited.
- Do not discuss or otherwise disclose the City’s proprietary or other nonpublic business information, including private information about McMinnville community members, customers, employees, business partners, service providers and suppliers, or as otherwise required by applicable law.
- Post only information that has been verified and/or confirmed to be accurate and truthful.
- Do not support or endorse commercial products, services or entities, political parties, candidates or groups, or post any information or engage in any online conduct that may violate applicable local, state or federal laws or regulations, or prohibitions of on-the-job political activity by employees.

### **Personal Use of Social Media**

The City recognizes that employees, during off-duty hours, may use non-City social media site(s) as a medium of personal self-expression and conversation, and does not seek to discourage these activities. The City does not discriminate against employees who use these mediums for personal interests and/or other lawful purposes. Nothing in this policy seeks to restrict an employee’s ability to comment on matters of public concern or exercise their constitutionally protected, lawful speech and association rights.

As a general rule, the City 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 their potentially negative impact to the City’s workplace. When an employee is expressing their personal viewpoint in an online forum or on social media, employees should not create the impression that they are speaking on behalf of the City or that they have the authority to act as an agent of the City in any way. Employees should be cautious when posting or communicating information in on-line forums that may be considered discriminatory, abusive, profane, or offensive toward another employee, contractor, vendor or other person with whom the employee has contact with in the course of their job with the City. Internet and social media activity of off-duty employees may be reviewed by the City to the extent that there is a connection (nexus) to the City’s mission or interests, and as otherwise permitted by applicable law. Employees should always be aware that their use of social media may subject them to complaints or accusations from the public that they are engaged in prohibited political activities.

Employees who engage in conduct that violates City policy and/or interferes with the employee’s ability to carry out their employment responsibilities, may be subject to discipline, up to and including termination. It is important to keep in mind that the City’s policies against harassment, discrimination, and threats of workplace violence apply to off duty conduct and conduct online as well as in the workplace. Employee’s illegal conduct, including illegal conduct on-line, may also be subject to discipline where the conduct affects an employee’s ability to perform their job duties, inappropriately or adversely affects another City employee, reflects poorly on the City, or diminishes public trust.

### **Privacy Regarding Personal Use of Social Media**

Employees have privacy rights regarding off-duty use of personal social media on non-City owned devices and accordingly, managers and supervisors are generally prohibited by law (except as required by a judicial order or decree) from requiring or requesting:

- An employee or an applicant for employment to disclose their username or password for third-party social media sites.
- To review employee or applicant personal account(s) except pursuant to a lawful court order.
- An employee to “Friend” a manager or supervisor.
- An employee to establish or maintain a personal social media account.



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

### **Cell Phone and Mobile Device**

Employees who use personal or City provided mobile devices may not violate City of McMinnville policies against harassment and discrimination. Thus, employees who use a personal or City provided mobile device to send a text or instant message to another employee or another individual that is harassing or otherwise in violation of City of McMinnville policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline, up to and including termination.

Nonexempt employees may not use their personal or City-provided mobile device for work purposes outside of their normal work schedule or on-call hours without written authorization in advance from their supervisor. This includes, but is not limited to, reviewing, sending, and responding to emails or text messages, and responding to or making calls. Infrequent and insignificant periods of time, such as confirming work schedules, may be disregarded. Family and friends may not use an employee's City provided mobile device.

Mobile devices are made available to employees on a limited basis to conduct City of McMinnville business. Determinations as to which employees receive mobile devices will be made on a case-by-case basis; employees are not guaranteed a mobile device.

Employees who receive a mobile device from the City must not use the mobile device for personal use except in emergency situations and must abide by all City policies. Further, employees who receive a cell phone or mobile device should understand that because the mobile device is paid for and provided by the City of McMinnville, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if the City has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of City policy. Employees should have no reasonable expectation of privacy on City provided mobile devices.

### **Mobile devices and public records**

City of McMinnville related business conducted on City provided or personal mobile devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against the City of McMinnville or individual employees.

Employees must abide by all City policies and federal, state, and local laws related to public records. Any employee that refuses to provide access to their City of McMinnville provided or personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

## 5. Employment Categories

### Employment Types

The City of McMinnville classifies employees as follows:

- Full-time:
  - Employment in an established position requiring forty (40) hours or more of work per week.
  - Generally, full-time employees are eligible to participate in all benefit programs.
- Part-time Plus:
  - Employment is scheduled for at least twenty (20) hours per week but less than forty (40) hours of work per week.
  - Generally, a work schedule is established.
  - Occasional workweeks of over forty (40) hours will not constitute a change in employment type.
  - Part-Time Plus employees are eligible to participate in most benefit programs, which may be on a prorated basis.
- Part-time:
  - Employment is scheduled for less than twenty (20) hours of work per week.
  - Generally, a work schedule is established or there is an expectation for ongoing employment without large gaps in service.
  - Occasional workweeks of over twenty (20) hours will not constitute a change in employment type.
  - Part-time employees working twenty (20) hours or less per week are not eligible for benefits except those mandated by applicable law.
- Seasonal/Temporary:
  - Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments.
  - Employment may be sporadic or have large gaps in service.
  - Temporary employees may be scheduled for work up to forty (40) hours per week.
  - Temporary employees are not eligible for benefits other than those mandated by applicable law.

Details on benefit and leave eligibility are provided in chapters: Compensation and Pay, Benefits, and Leave and Time Off.

### Exempt vs. Non-Exempt

All employees are defined by federal and Oregon law as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime. When hired, promoted, or demoted, employees will receive information on whether their position is exempt or non-exempt. All employees, regardless of employment classification, are subject to all City of McMinnville policies and procedures.

Employees working in non-exempt positions are eligible for overtime and should report time worked and all absences. Employees working in exempt positions are paid on a salary basis and are not eligible for overtime. Exempt employees taking time off two hours or more, should record leave time as appropriate.

## 6. Compensation and Pay

The City strives to provide equitable and consistent administration of pay. The City's compensation structure reflects the level of the work performed, assists in the recruitment and retention of qualified and competent employees, and promotes performance excellence throughout the organization. The City will attempt to provide compensation to all employees in a manner that is competitive with the labor market as long as the overall economic and budget of the City permits.

### Classification

Human Resources (HR) will conduct or direct studies to determine the adequacy of salary ranges for new and existing positions. When determining the salary range for a position, consideration will be given to the general duties, specific tasks, responsibilities, qualification requirements, relationships to other classifications, and market comparisons.

### Classification Review

When the general duties, specific tasks, responsibilities, and/or qualification requirements of a position change, a classification review may be requested. A department director or incumbent employee may submit a request for a change in the classification of a position to Human Resources for consideration.

HR will review the changes to the position and will review the classification based on the general duties, specific tasks, responsibilities, qualification requirements, relationships to other internal classifications, and external market comparisons. The results of the classification will be provided to the requestor in writing within 30 days.

- If the HR review results in a reclassification to a higher salary range, the salary for the incumbent employee will be advanced to the closest step within the new salary range that represents a minimum five percent (5%) increase and the employee's merit increase date will be based on the first (1<sup>st</sup>) of the month following the reclassification date.
- If the HR review results in a reclassification to a lower salary range, the salary for the incumbent employee will be moved to the closest step on the new salary range that does not result in a loss in pay and the employee's merit increase date will be based on the first (1<sup>st</sup>) of the month following the reclassification date. If the employee's current salary exceeds the max salary in the new range, the employee's salary rate will remain frozen until the salary range is adjusted to exceed their current salary rate.
- If the HR review results in no change to the salary range, the employee's salary will remain the same.

### Appeal of Classification Results

The department director or incumbent employee may appeal the HR decision on classification to the City Manager. The written appeal must be filed in writing within ten (10) calendar days of the HR decision. The City Manager will review the findings and may either schedule a hearing, affirm, or overrule the decision represented by the findings, or refer the matter for further review within thirty (30) days. The decision of the City Manager is final.

### Merit Increases

Full-time employees will be considered for merit increases to the next step on the salary range on their established anniversary date (the first (1<sup>st</sup>) of the month following the date of hire). Part-time and part-time plus employees will be evaluated for a merit increase to the next step on the salary range after working two

thousand (2,000) hours. Increases will be effective the first (1<sup>st</sup>) of the month following the two thousand (2,000) hours.

Salary increases will be based on satisfactory performance, determined by a supervisor. When work performance is unsatisfactory a merit increase will be withheld for a specified period. If the supervisor determines the employee's work performance is unsatisfactory and a merit increase is withheld, the supervisor will provide the employee a written explanation which includes:

- The reason(s) for unsatisfactory performance and how the employee can improve performance
- Details on when performance will be re-evaluated for a merit increase
- A decision on whether the withheld merit increase will establish a new ongoing merit increase date

### **Promotion**

Promoted employees will move to a step in the new salary range which reflects at least a five percent (5%) increase over the employee's current rate. The employee's merit increase date will be based on the first (1<sup>st</sup>) of the month following the reclassification date.

### **Demotion**

If an employee is demoted to a position in a lower salary range, the salary for the employee will be moved to the closest step on the new salary range that does not result in a loss in pay and the employee's merit increase date will be based on the first (1<sup>st</sup>) of the month following the reclassification date. If the employee's current salary exceeds the max salary in the new range, the employee's salary rate will remain frozen until the salary range is adjusted to exceed their current salary rate.

### **Rehire**

Former employees rehired to the same classification within twelve (12) months of separation will be placed at their former step on the salary range. The merit increase date will be based on the rehire date.

Former employees who are rehired more than twelve (12) months after termination or are rehired to a classification other than the previously held classification will be treated as a new employee.

### **Work Week/Schedule**

The City has established regular working hours to promote a productive work environment that will serve our community. The general office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. However, each department may establish different regular working hours. Supervisors may also provide flexible schedules to meet the needs of the City and/or the employees.

The regular full-time workday is eight (8) hours, and the normal work week is forty (40) hours. Non-exempt employees should not begin work before the normal starting time nor continue to work beyond the normal quitting time without advance approval from their direct supervisor.

The regular work week varies by department and/or union representation. The general City work week begins on Sunday and ends on Saturday. The library work week begins on Monday and ends on Sunday. The wastewater department's work week begins on Tuesday and ends on Monday.

Supervisors may schedule specific work hours for individual employees or employee groups. Changes to work schedules may be made on an individual basis based on the needs of the City, at the discretion of the supervisor. Management reserves the right to modify schedules consistent with the needs of the City.

## Breaks and Lunches

Non-exempt employees are required to take a paid, uninterrupted ten-fifteen (10–15) minute rest break for every four (4) hour segment or major portion thereof in the work period (see chart below). The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two (2) hours, the employee must take a rest break for that segment.

Non-exempt employees are required to take at least a thirty (30) minute unpaid meal period when the work period is six (6) hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six (6) hours. If, on rare occasions unexpected events occur which require an employee to remain on duty or to perform any tasks during the meal period, the employee must inform their supervisor before the end of the shift so the employee can be paid for the work.

Meal periods and rest breaks are mandatory and are not optional. Meal periods and rest breaks may not be “skipped” except on rare occasions and with pre-approval and can never be skipped to start work late or leave early. Meal periods and rest breaks may not be taken together as one break. Employees who fail to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available should contact their supervisor or Human Resources.

<u>Length of Work Period</u>	<u>Rest Breaks</u>	<u>Meal Periods</u>
2 hours or less	0	0
2 hours and 1 min – 5 hours and 59 min	1	0
6 hours	1	1
6 hours and 1 min – 10 hours	2	1
10 hours and 1 min – 13 hours and 59 min	3	1

## Milk Expression Breaks

The City will provide reasonable rest periods to accommodate an employee who needs to express milk for their child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

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

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

The City will make a reasonable effort to provide the employee with a private location within close proximity to the employee’s work area to express milk. For purposes of this policy, “close proximity” means within walking distance from the employee’s work area that does not appreciably shorten the rest or meal period. A “private location” is a place, other than a public restroom or toilet stall, in close

proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

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

An employee who intends to express milk during work hours must give their supervisor or Human Resources reasonable notice of their intention to do so to allow the City time to make any preparations necessary for compliance with this rule.

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

### **Pay Day**

All employees are paid twice monthly, on the fifteenth (15<sup>th</sup>) and the last regular working day of each month. If a payday falls on a weekend or a holiday, pay will be issued the previous working day.

- Pay on the fifteenth (15<sup>th</sup>) of each month includes compensation for the twenty-third (23<sup>rd</sup>) of the prior month through the eighth (8<sup>th</sup>) of the current month.
- Pay on the last regular workday of each month includes compensation for the ninth (9<sup>th</sup>) through the twenty-second (22<sup>nd</sup>) of the current month.

Pay that is not directly deposited will be issued via paper check and mailed to the employee's address on file.

All regular full-time employees are salaried. The monthly salaries are tied to the traditional semi-monthly pay salary schedule published each year in the City's Adopted Budget.

The City makes all efforts to comply with applicable federal and state wage and hour laws. If an employee believes the City has made any improper deductions, has failed to pay properly, or has failed to pay in accordance with the law must immediately report the error to Payroll. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City's pay practices.

The City will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions.

### **Timekeeping**

All employees are required to record time worked and leave taken on an electronic or paper timesheet for payroll purposes. Except for supervisors, employees cannot ask another employee to fill out their timesheet, fill out a timesheet for another employee, or alter another employee's timesheet.

### **Overtime**

Employees working in non-exempt, full-time, salaried positions are eligible for overtime/compensatory time when time worked is in excess of their regularly scheduled hours for that day. Employees working in non-exempt, hourly positions are eligible for overtime when time worked is in excess of forty (40) hours in a work week. Overtime is paid at an hourly rate of one and one-half times (1.5) the employee's hourly rate.

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

Eligible Employment Types: All non-exempt employees

### **Compensatory “Comp” Time**

Overtime hours can be paid or, at the employee's option with supervisor approval, accumulated at time and one-half up to a maximum of fifty (50) hours and taken as comp time off. After fifty (50) hours have been accrued, future comp time hours will be paid as comp time, until the comp time balance has decreased.

Employees may request through their supervisor to have accrued comp time cashed out at their current rate of pay. When an employee separates from employment, any remaining comp time will be paid out.

Eligible Employment Types: Full-time non-exempt employees

### **Flex Time**

With supervisor approval, full-time, non-represented, positions may flex their time by working additional hours to make up any time taken off during the same work week. Flex time within a work week is not considered overtime.

Eligible Employment Types: Full-time employees

### **Working Out of Class**

Employees temporarily designated by their supervisor to act in the capacity of a position in a classification higher than the employee’s regular classification will receive a one (1)-step pay increase or the first step of the higher classification range, whichever is greater, after a total of ten (10) working days within any thirty (30) day period, or after a total of twenty (20) working days in any one (1) year period working out-of-class.

Eligible Employment Types: All employees not represented by a union

### **Call-Back/Emergency Return to Work**

When a supervisor calls a non-exempt employee back to work and:

- The work is not a continuation of the employee’s scheduled shift, the employee will be compensated for hours worked with a minimum of two (2) hours pay at a rate equal to one and one-half (1.5) times the employee’s regular rate of pay
- The employee is called to work one (1) hour or less before their scheduled shift is to begin or recalled within one (1) hour of the end of their shift is not entitled to minimum call back.
- The call-back occurs less than one (1) hour before or one (1) hour after the end of the shift, the time worked will be an extension of the shift and will be compensated as such and not as call-back pay.

Eligible Employment Types: All employees not represented by a union

### **On-Call/Pager Pay**

On-call duty requires the employee to always be within thirty (30) minutes driving time of the work location to respond to calls for assistance. During the time that an employee is designated by their supervisor to be on-call, the City will compensate the employee at the rate of \$44.57/day (\$312/week) and an additional \$78.00 if the employee is on-call during a City recognized holiday. If the employee is called in to work, the callback and overtime provisions apply. Employees receiving on-call pay should refer to department policy for additional guidelines.

Eligible Employment Types: Full-time non-exempt employees not represented by a union

## **Bilingual Pay**

Employees who serve in a position designated as bilingual by Human Resources, may complete bilingual proficiency testing. Employees who pass proficiency testing will begin receiving incentive pay at the beginning of the pay period following testing. Employees will be paid bilingual pay as follows:

- 3% of base salary - Testing at level 2 (low intermediate)
- 4% of base salary - Testing at level 3 (high intermediate)
- 5% of base salary - Testing at level 4 (advanced) or 5 (educated professional)

Eligible Employment Types: All employees

## **Longevity Pay**

Employees employed by the City in one or more full-time positions for more than ten (10) years of continuous service shall receive seventy-five dollars (\$75) per month in deferred compensation. This amount shall be withheld and placed in a City-sponsored 457 deferred compensation program. An employee shall continue to earn this benefit if promoted, transferred, or demoted and may contribute additional earnings to the deferred compensation fund.

Employees employed by the City in one or more full-time positions for more than twenty (20) years of continuous service will receive an additional seventy-five dollars (\$75) per month. The employee may choose any one of three options. These options are subject to the employee signing an agreement committing the employee to a specific choice for two years. The three options are:

1. Additional seventy-five dollars (\$75) to be placed in a City-sponsored 457 deferred compensation plan
2. Additional seventy-five dollars (\$75) to be taken as regular income
3. Receive an additional four (4) hours per month of vacation leave

Eligible Employment Types: Full-time employees

## **Employee Records**

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping personnel records current regarding pay, deductions, benefits, and other matters is important. If employees have changes in any of the following items, they should notify their supervisor, HR, or Payroll to ensure that the proper updates are completed:

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

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



## 7. Benefits

### Healthcare Benefits

The City provides health insurance (medical, vision and dental) to eligible employees, as follows:

- Full-time employees
- Part-time plus employees
- Although, not generally allowed by City policy, part-time and temporary employees who regularly work thirty (30) hours a week or more for at least six (6) months may be eligible for health-coverage under the Affordable Care Act (ACA).

Health benefits are effective as follows:

- Full-time and part-time plus: the first (1<sup>st</sup>) day of the first full month of employment (e.g. If the hire day is May 1, insurance will be effective May 1. If the hire date is May 2, insurance will be effective June 1).
- Part-time and temporary: the first (1<sup>st</sup>) day of the first full month after meeting eligibility requirements.

Health plan selections are made at the time of hire. Changes can be made during open enrollment in the Fall (for a January effective date) or when an employee experiences a qualifying status change (QSC) event. Qualifying status changes generally relate to loss of insurance that was provided by a spouse or parent or changes in the family such as marriage, divorce, death, birth or adoption. Employees experiencing a QSC event should contact Payroll or HR no later than fourteen (14) days after the qualifying event.

### Premium Contributions

The City pays benefit premiums in alignment with union bargaining agreements when applicable. All employees not represented by a union are responsible for ten percent (10%) of the premium costs for medical, dental, and vision insurance. The City pays the balance of the premium.

Insurance premiums will be deducted from paychecks in accordance with state and federal law. An employee wishing to maintain health insurance during a period of approved leave will be responsible for the costs of their share of health plan premiums and should make payment arrangements with Payroll.

When an employee terminates employment with the City, their insurance will continue through the last day of the month in which the termination is effective.

### Opt-Out Incentive

Eligible employees who opt out of health insurance are eligible for an opt out incentive of one hundred dollars (\$100) per month (two hundred dollars (\$200) if the employee and their spouse/ domestic partner both work for the City of McMinnville). Proof of other coverage is required. Employees purchasing insurance through any state or federal sponsored exchange (i.e., Oregon Health Plan, Medicare, etc.) are not eligible for the opt out incentive.

### Additional Benefits

*Employer-Paid Benefits:* The City offers flexible spending accounts, basic life insurance, disability insurance and accidental death and dismemberment (AD&D) insurance at no cost to the employee. Employees have the option to elect additional employee-paid benefits.

Eligible Employment Types: Benefits eligible employees

*Recreation passes:* Parks and Recreation offers passes to the City of McMinnville's Aquatic Center and Community Center.

Eligible Employment Types: All employees

### **Social Security:**

The City contributes to Social Security benefits through payroll deductions; employees contribute according to federal law and the City contributes an equal amount. Social Security benefits provide retirement income and/or disability or survivors' benefits. To learn more about Social Security benefits visit the <https://www.ssa.gov/benefits/>.

Eligible Employment Types: All employees

### **Employee Assistance Program**

The City partners with our insurance provider to provide an Employee Assistance Program (EAP) program at no cost to employees. The EAP is a confidential benefit for employees and their dependents who may need support related to personal life problems. The EAP generally provides support through educational tools such as resources relating to work-related stress, marital conflict, depression, stress management, alcohol and drug abuse, eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts. For more information visit <https://canopywell.com/Personal-Assistance>

Eligible Employment Types: All employees

### **Public Service Loan Forgiveness (PSLF):**

The City of McMinnville is a qualifying employer under the Public Service Loan Forgiveness (PSLF) program. For more information, contact HR or visit <https://studentaid.gov/pslf/>.

Eligible Employment Types: All employees that meet federally established PSLF Established Guidelines

### **Public Employees Retirement System (PERS)**

The City participates in the Oregon Public Employees Retirement System (PERS). PERS is a complex state retirement system that abides by many laws and regulations. An employee's designation and eligibility for participation in PERS is determined by these laws. The information below has been provided as an overview of the program to meet the general needs of employees and does not account for all circumstances. More detailed information is available through PERS at 1-888-320-7377 or the website at [www.oregon.gov/PERS](http://www.oregon.gov/PERS).

**Plan Memberships:** Designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on prior PERS service and PERS rules as follows:

- **Tier I:** Members are considered Tier I if they began working for a PERS-participating employer on or before December 31, 1995, and worked six (6) full calendar months for a PERS-participating employer in a qualifying position requiring at least six hundred (600) hours per calendar year.
- **Tier II:** Members are considered Tier II if they began working for a PERS-participating employer on or after January 1, 1996, and before August 29, 2003, and worked six (6) full calendar months for a PERS employer in a qualifying position requiring at least six hundred (600) hours per calendar year.
- **OPSRP:** Members are considered a member of Oregon Public Service Retirement Plan (OPSRP) pension program if they started working for a PERS-participating employer after August 28, 2003, and worked six (6) full calendar months for a PERS-participating employer in a qualifying position requiring at least six hundred (600) hours per calendar year.

**Establishing membership:** To establish membership in PERS, an employee must complete the following four requirements simultaneously:

1. Be employed in a qualifying position (positions that are expected to work at least six hundred (600) hours in a calendar year in the State of Oregon).
  - a. Employees working in non-qualifying positions may override this requirement by working more than six hundred (600) hours in a calendar year.
2. Complete waiting time with one employer.
  - a. Waiting time consists of six (6) full calendar months of employment with no break greater than thirty (30) consecutive working days.
3. Be employed the day before their contribution start date (CSD).
4. Be employed on their contribution start date.

**Earning Service Credit:** Once PERS membership has been established, employees must work at least six hundred (600) hours in a qualifying position each calendar year to earn service credit for that year.

**Vesting:** An employee is vested in PERS on the earliest date in which they complete at least six hundred (600) hours of service in each of five (5) calendar years (the years do not have to be consecutive). Once an employee is vested, they cannot lose their benefit rights unless they withdraw from the program.

**Contributions:** The City makes two (2) contributions toward an employee's retirement benefit. One is a mandated employer contribution, which is determined by actuarial review. The City also makes a second contribution "picking up" the cost of the employee contribution that employees are required to make, currently six percent (6%) of gross salary.

**Retiree Workback:** As permitted by Oregon law the City may allow PERS-eligible employees to retire from their employment and return as a retiree on a workback. Requests to workback are considered on a case-by-case basis with consideration for applicable [policies and collective bargaining agreements](#), the needs of the City, the employee's skills or experience, the employee's job performance, and the ability of existing employees to perform the work of the retiring employee.

Non-represented retirees on a workback will maintain their eligibility for benefits and will accrue paid leaves at the same rate as when they retired. Leave will begin accruing the first of the month following the date of rehire and the retiree will receive the equivalent of three (3) months' leave accruals frontloaded upon rehire. If the employee has not used their floating holidays or management leave at time of retirement those leave balances will carry forward.

### **Deferred Compensation/Retirement Saving Options**

Full-time, part-time plus, and part-time employees are eligible to contribute to established deferred compensation/retirement saving plans through payroll deductions. Enrollment and changes to these plans may happen at any time. For more information on deferred compensation plans contact Payroll.

Eligible Employment Types: Full-time, part-time plus, and part-time

### **Workers' Compensation**

All employees are protected by workers' compensation insurance under Oregon law. This insurance covers employees in case of occupational injury or illness by providing medical care, compensation, and other disability benefits. Employees are expected to work safely and maintain a safe working environment. Wages for an employee who is absent because of an occupational injury/illness and have an approved workers compensation claim are referenced in Chapter 9 under Sick Leave.

### **When an Employee is Injured at Work**

If an employee is injured on the job, the City expects to learn about it within twenty-four (24) hours of the injury.

If an employee seeks treatment for a work-related injury and wants to apply for workers' compensation benefits, they must do all the following:

1. Report any work-related injury to their supervisor within twenty-four (24) hours of the injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.

Failure to timely follow these steps may negatively affect your ability to receive benefits. For more information and to complete required forms, please visit the [Human Resources website](#).

### **Return to Work**

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

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

### **Early Return-to-Work Program**

Our Return-to-Work program assists in helping employees return to work at the earliest possible time after they have suffered an on-the-job injury or illness that results in time loss. If the employee's doctor determines that the employee is able to perform modified work, the City will attempt to provide the employee with a temporary job assignment for a reasonable period of time until they can resume their regular duties. If the employee is offered a medically approved modified position, and they do not report to work, the employee's compensation and employment may be affected up to an including termination.

The Return-to-Work Program is intended to be transitional work, to enable employees to return to their regular job in a reasonable period of time. This program is not intended as a substitute for reasonable accommodation when an employee also qualifies as an individual with a disability.

### **Overlap with other laws**

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

## 8. Employee Incurred Expenses

Reimbursement for training, travel, and related expenses is provided for official City business including conferences, meetings, hearings, consultations, professional societies, or other business relevant to the affairs or functions of the City. Prior approval must be obtained from the supervisor for all training, travel, and related expenses.

Employees are encouraged to pay for travel, training and related expenses with a City purchasing card or via other normal accounts payable methods. If using a personal credit card allows the City to pay a lower cost for the trip or related expenses, documentation of these savings should be included in the employee incurred [expense reimbursement request](#).

Official representatives and employees of the City will be entitled to reimbursement for training, travel, and related expenses incurred by them on authorized trips as follows:

- **Transportation** for business travel should be selected based on the most expedient and economical form of transportation. For example, for overnight travel, if it is more economical to fly and the employee chooses to drive, reimbursement and paid travel time will be based on the cost and time to fly.

When using City vehicles, all policies and standard practices associated with its reservation, use and fueling should be observed, which should not result in employee incurred expenses.

When using privately owned vehicles, the employee assumes personal liability and their insurance will be primary in the event of an accident or injury. Reimbursement for the use of a private automobile will be at the rate per mile set each year by the Internal Revenue Service (IRS).

- **Lodging** should be obtained at a hotel as near to the conference site as practical. Often conferences will provide rooms at reduced rates; employees should opt for the least expensive option that allows them to fully take advantage of the learning and networking opportunities associated with their trip. When a spouse or other non-City employee is sharing a room and the rate for additional occupants is higher than for single occupancy, the employee is responsible for the increased cost.
- **Meals – Travel:** Meals will be paid either on an actual reimbursement basis or on a [per diem rate](#) basis specific to the travel city. The City will not pay per diem or reimburse meal expenses when meals are provided through event registration. Employees are responsible for identifying these meals when requesting per diem or meal reimbursement. Including a conference agenda in travel-related reimbursement requests is recommended for transparency and establishing business purpose. Meals occurring before the trip starts and after the trip ends will not be reimbursed or receive per diem pay.
  - If an employee selects the actual meal reimbursement basis for the trip, all meal receipts for the entire trip will be required to receive reimbursement (tips for meals are reimbursable within customary levels).
  - If an employee selects the per diem meal reimbursement, the per diem payment will serve as the City's total responsibility for the employee's meals and no meal receipts are required. Per diem is paid at the [IRS daily rate](#) specific to the destination city. The City breaks the IRS per diem daily rate into three dollar amounts for specific meals (breakfast, lunch, and dinner). Per diem requests must

be submitted prior to travel. If the employee would like to have the per diem funds in advance of the trip, they must submit the request at least two (2) weeks in advance.

- **Other Travel Expenses:** Reasonable expenses supported by detailed records and receipts include the actual cost of rideshare fares, parking, tips, and similar items necessary to perform official business. The City does not pay for, whether directly or as an employee reimbursement, the following:
  - personal items (i.e. hygiene products, gym fees, seat upgrades)
  - alcoholic beverages
  - personal entertainment
  - expenses related to pets, guests and/or family members
  - expenses related to extending travel time beyond what is required

If an employee is injured while traveling for work the injury should be reported to their supervisor as soon as possible. See [Chapter 7: Benefits](#) for more information on reporting work-related injuries.

Travel time is paid in accordance with state and federal laws and applicable collective bargaining agreements. Home-to-work and work-to-home travel is unpaid time. Travel time that occurs during a regularly scheduled work shift will be paid. When non-exempt employees travel overnight, travel time may also be considered hours worked and therefore paid in accordance with state laws and regulations. For more information on work related travel time, visit the [Oregon BOLI website](#).

**Non-Travel Related Meals:** The City will pay for meals that include employees and business associates when the primary purpose of the meal is to conduct City business. Such meal expenses must be approved in advance by the supervisor. Whether the meal is paid for using a City purchasing card or a personal card, names of the attendees at the meal and the business purpose of the meal is required information for the authorization requesting reimbursement or payment of a credit card bill or restaurant invoice.

**Purchasing Items for City Business:** All City employees and City volunteers who purchase items for City business must follow City of McMinnville purchasing guidelines. The procedures include the following:

- Purchase orders must be approved by the department director before City purchases are made.
- Charge accounts may be available at local businesses. A current list can be obtained from the Finance Department. New charge accounts must be opened by the Finance Department only.
- Purchase receipts must be retained and attached to payment requests.
- City purchasing cards are issued to some employees authorized by the department directors. Responsibilities include the following:
  - Immediate authorization of credit card receipts for payment
  - Immediate notification to the Finance Department of a lost or stolen card; and
  - Immediate reimbursement to the City if the card is inadvertently used for a personal purchase.
- Documentation of informal and formal purchasing processes must be kept by department purchasing employees for the duration required by public records law or, if purchased by grants, the requirements of the grant agreement.
- Petty cash may be requested for items purchased for up to twenty-five dollars (\$25). Reimbursement checks are issued for items over twenty-five dollars (\$25). Reimbursements for City employees and City volunteers are made using the City reimbursement form. Original receipts and any other required information must accompany the reimbursement request.

## 9. Leave and Time Off

### Attendance

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

### Reporting Absences

Unless specified by a supervisor or in department policy, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via phone, text, or email no later than thirty (30) minutes before the start of the employee's shift/workday. Not reporting to work and not calling to report the absence is a no-call/no-show. The first instance of a no call/no show may result in a final written warning. A no call/no show lasting three (3) days may be considered job abandonment and may result in termination of employment.

### Holidays

The City of McMinnville recognizes eleven holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Part-time plus, part-time, seasonal, and temporary employees are not eligible for paid holidays. Employees represented by a union should refer to the applicable bargaining agreement.

The holidays recognized are:

New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25th

A holiday that falls on a weekend will be observed on either the preceding Friday or the following Monday. In general, holidays that fall on a Saturday will be observed on the preceding Friday and holidays that fall on a Sunday will be observed on the following Monday.

To be eligible for holiday pay, an employee must have worked their regularly scheduled hours the workday before and the workday after the holiday or have been on approved paid leave. Whenever a holiday listed above occurs during an employee's approved paid leave, the employee will receive holiday pay (regular pay) in lieu of using paid leave for that day(s).

Employees who work a flexible/irregular schedule or rotating shifts, the holiday is taken on the calendar date on which it occurs regardless of whether the holiday is a Saturday or Sunday. If the holiday falls on a calendar day other than one of the employee's regular workdays, the employee will be given eight (8) hours of

compensatory time to be taken in the future. If an employee is required to work on a holiday, they will earn overtime or compensatory time equal to one and one-half (1.5) times the number of hours worked.

All holidays are based on an eight-hour (8) workday. Employees working a flexible schedule of more than an eight-hour (8) day will be expected to make up the additional hours above eight (8) hours with compensatory time, vacation time, floating holiday leave, management leave, or through other pre-approved arrangements with their supervisor.

### **Floating Holidays**

Employees working in full-time positions may select two (2) additional days off with pay, known as “floating holidays”, during a fiscal year (July – June). All floating holidays are based on an eight-hour (8) workday and may be used in 2-hour increments.

During the initial year of employment with the City, those hired between July 1 and December 31 will receive two floating holidays, and those hired between January 1 and June 30 will receive one floating holiday. Floating holidays will be scheduled in the same manner as paid vacation leave and may not be carried forward into the following fiscal year, be converted to compensatory time, or converted to monetary compensation.

Eligible Employment Types: Full-time employees

### **Vacation Leave**

Employees working in regular full-time positions accrue vacation leave beginning the first of the month following the date of hire (e.g. If the hire day is May 1, leave will accrue beginning May 1. If the hire date is May 4, leave will accrue beginning June 1). Vacation leave may be used when it is earned. Vacation leave will not accrue during unpaid leave but will accrue during a paid authorized leave of absence, including any paid leave resulting from an on-the-job injury, military leave, or jury duty.

Employees working in part-time plus, part-time, seasonal, and temporary positions are not eligible to accrue vacation leave benefits.

Employees hired **on or after July 1, 1993** will accrue vacation as follows:

Year 1 through 3	3.34 hours semi-monthly
Year 4 through 7	4.17 hours semi-monthly
Year 8 through 13	5.00 hours semi-monthly
Year 14 through 20	6.00 hours semi-monthly
Years 21 and thereafter	6.67 hours semi-monthly

Employees hired **prior to July 1, 1993** will accrue vacation as follows:

Year 1 through 2	3.34 hours semi-monthly
Year 3 through 4	4.00 hours semi-monthly
Year 5 through 9	5.00 hours semi-monthly
Year 10 through 14	6.00 hours semi-monthly
Year 15 through 20	6.67 hours semi-monthly
Year 21 and thereafter	8.34 hours semi-monthly

### **Prior Public Service Vacation Credit**

To establish vacation accrual rates upon hire, prior public service may be considered. For each year of prior public service with another jurisdiction, new hires in full-time positions may receive six (6) months



credit toward vacation accrual rates (*example: ten (10) years of public service will count as five (5) years toward vacation accrual and the new hire would earn 8.33 hours of vacation per month*).

**Part-time plus and part time employees** who have worked continuously in a regular budgeted, part-time, or part-time plus position for a minimum of four (4) years immediately prior to being hired in a full-time position will be granted credit toward vacation accrual for one-half (.5) of the years previously worked as part-time or part-time plus. This prior service credit will be adjusted based on the full-time equivalent (FTE) of the previous employment (*example: an employee who worked for four (4) years at twenty (20) hours per week (.50 FTE) would be credited with one half (.5) of two (2) years (4 years divided by .50 FTE) prior service*).

**Temporary employees** who have worked a minimum of one thousand nine hundred sixty (1960) hours per year for at least two years immediately prior to employment in a full-time position will be granted credit toward vacation accrual for one half of the years previously worked in a temporary position.

All credits will be in full-year increments, partial year credit will not be granted. Any such credit will be provided at the time of hire and may not be awarded later.

Except in extenuating circumstances, vacation should be scheduled at least two (2) weeks in advance of the date(s) the employee wishes to take as vacation.

Employees eligible for vacation accrual may accumulate a maximum of three hundred twenty (320) hours vacation leave. If the maximum accrual is reached, additional vacation leave will not accrue until the leave balance has been brought down below the maximum hours allowed.

Employees who have worked at least six (6) continuous months and who separate from employment with the City will be paid unused vacation time that has been earned through the last day of work.

### **Sick Leave**

Paid sick leave is an accrued benefit granted to eligible employees to provide time off from work for personal and immediate family illness, injury, or medical care.

Full-time employees:

- Will accrue four (4) hours sick leave semi-monthly.
- Will begin accruing leave the first of the month following the date of hire.
- Can accrue a maximum of nine hundred sixty (960) hours.
- May begin using sick leave when it is earned.

Part-time plus:

- Will accrue pro-rata of four (4) hours sick leave semi-monthly based on hours worked.
- Will begin accruing leave the first of the month following the date of hire.
- Can accrue a maximum of nine hundred sixty (960) hours.
- May begin using sick leave when it is earned.

Part-time and temporary employees:

- Will accrue sick leave at a rate of one hour for every thirty (30) hours worked.
- Will begin accruing leave on the date of hire.

- Can accrue a maximum of eighty (80) hours.
- Can use up to forty (40) hours of leave per leave year (July 1 – June 30).
- A maximum of forty (40) hours may be carried over to the next leave year (July 1 – June 30).
- May begin using sick leave after ninety (90) days.

Paid sick leave will be paid at the employee's regular rate of pay. Exempt employees are presumed to work forty (40) hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than forty (40) hours, in which case sick leave is accrued based on the employee's normal workweek.

Any unused sick leave will not be paid out upon separation from employment. If an employee leaves employment and is rehired within one hundred eighty (180) days, the employee's sick leave balance will be restored.

Paid sick leave may be used each calendar year for any of the following reasons:

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

If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before the leave is to begin. If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable and in compliance with call-in procedures outlined under attendance.

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

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

If an employee takes more than three (3) consecutive scheduled workdays as sick leave, the City may require reasonable documentation showing that the employee was absent for an approved reason. Generally, reasonable documentation includes documentation signed by a healthcare provider.

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

**Sick Leave Bonus**

When full-time and part-time plus employees accrue nine hundred and sixty (960) hours of sick leave, sick leave accumulation shall cease. Eligible employees will be paid a semi-monthly sick leave benefit of seventy-five percent (75%) of one-half day’s salary for each pay period in which their sick leave balance is nine hundred sixty (960) hours on the first day of the month. If any sick leave is taken during the pay period, then no bonus will be paid. Any time an employee’s sick leave accumulation drops below the nine hundred sixty (960) hour cap, sick leave shall accumulate as it would regularly.

**Coordination with Workers’ Compensation**

In the event an employee suffers a compensable injury or illness on the job and cannot report for work, the City will, during thirty (30) calendar days starting with the date of injury, pay the difference between the employee’s regular wage and the amount paid by the workers compensation carrier with no deduction from the employee’s leave accruals. During any period of time loss after the thirty (30) days have run, employees must utilize leave to make-up the difference between the employee's regular wage and the amount paid by the workers' compensation carrier. Deductions from accrued leave will be pro-rated to equal one-third of the hours of time loss per day. The employee will turn over to the City any workers compensation checks they receive from the workers compensation carrier.

Leave will be utilized in the following order, unless otherwise requested: management leave, floating holidays, vacation leave, sick leave. All accrued leave must be exhausted before utilizing leave without pay. The City cannot require the use of accrued compensatory time off in coordination with workers' compensation, but an employee may choose to use compensatory time off in coordination with workers' compensation.

Employees receiving workers' compensation benefits will be considered on duty from 8:00 a.m. to 5:00 p.m., Monday through Friday. It is the employee’s responsibility to check in with their supervisor at least weekly by telephone during the time covered by worker’s compensation.

**Management Leave**

Exempt employees receive management leave time as designated by the position held (e.g., forty (40) hours/year or twenty-four (24) hours/year). Management leave time is awarded at the beginning of each fiscal year (July – June) and is compensable only in the form of leave. It is not cumulative from year to year and must be used by June 30.

Positions receiving forty (40) hours of management leave per leave year:

- City Manager
- City Attorney
- Department Directors

Positions receiving twenty-four (24) hours of management leave per leave year:

- Managers
- Supervisors

**Bereavement Leave**

Full-time employees will be granted four (4) days of paid bereavement leave in the event of a death of a family member (spouse, registered domestic partner, parent, grandparent, child, sibling, grandchild, stepparent, and stepchild of the employee and their spouse or registered domestic partner). Part-time plus and part-time employees will be granted a pro-rata of thirty-two (32) hours paid bereavement leave based on their position’s budgeted FTE (full time equivalency).

In accordance with the Oregon Family Medical Leave Act (OFLA), employees who have worked for the City for at least one hundred eighty (180) calendar days, and averaged at least twenty-five (25) hours per week, may take up to two (2) weeks of unpaid bereavement leave per death of a Family Member (spouse of an employee, the biological, adoptive or foster parent or child of the employee, the grandparent or grandchild of the employee, a parent-in-law of the employee or a person with whom the employee was or is in a relationship of in loco parentis). Employees using OFLA for additional bereavement leave may use accrued paid sick leave.

### **Leave Without Pay**

A leave of absence without pay may be granted for personal reasons for up to thirty (30) days without loss of benefits and seniority when such leave will not place an undue hardship on the City. Requests for more than eight (8) hours of leave without pay per pay period must be approved by the City Manager. Requests for eight (8) hours or less of leave without pay per pay period must be approved by the employee's supervisor.

Any leave of absence without pay exceeding thirty (30) days that does not qualify for protected leave, will not be counted toward a step increase, promotion, or longevity bonus, nor will fringe benefits be paid.

### **Inclement Weather/Administrative Closure**

If there are circumstances beyond the City's control, such as inclement weather, a national crisis, or other emergencies that make City work locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or designee) will decide whether to and to what extent the City will close.

If the City Manager (or designee) closes the City, employees who are required to work at City facilities will still be required to work and will be paid their regular rate. Employees should consult with their supervisor to determine if they are required to work during an inclement weather event.

If the City remains open during inclement weather and an employee cannot safely report to work, they should contact their supervisor. If they cannot reach the office and are able to serve the City from home, they should do so, subject to approval by their supervisor.

Employees who are not required to work and cannot work at home will be required to use accrued leave other than sick leave or, as approved by their supervisor, assume a flexible schedule during the same work week to account for hours not worked.

### **Jury Duty**

The City will grant employees paid time off for mandatory jury duty, if they submit the pay they receive for jury duty (excluding mileage) to the City. A copy of the court notice must be submitted to the employee's supervisor to verify the need for such leave.

Part-time plus and part-time employees will be paid for jury duty that is scheduled during their regularly scheduled work hours. Temporary/seasonal employees do not qualify for paid jury duty.

If jury duty concludes within two (2) hours of the end of the work shift, employees do not need to return to their job. If jury duty concludes two (2) or more hours prior to the end of the work shift, employees are expected to return to work.

## **Witness Duty**

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees (excluding mileage) to the City. Part-time plus and part-time employees will be paid for witness duty that is scheduled during their regularly scheduled work hours. Temporary/seasonal employees do not qualify for paid witness duty.

Except for employee absences covered under the City's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation leave, compensatory time, or floating holiday leave to cover their absence from work. If the employee does not have any available vacation leave, compensatory time, or floating holiday leave, the employee's absence will be unpaid. Employees must present a copy of the subpoena to their supervisor for scheduling and verification purposes no later than twenty-four (24) hours after being served.

## **Administrative Leave**

Administrative leave is provided in restricted situations where the outcome of a due process hearing is pending, or when it is in the best interests of the City to place an employee on paid leave. Administrative leave is not regarded as disciplinary. Administrative leave must be authorized by the City Manager.

## **Oregon Crime Victims Leave**

Any employee who has worked an average of at least twenty-five (25) hours per week for one hundred eighty (180) days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or their immediate family member 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.

For the purposes of Oregon Crime Victims Leave, "Immediate family member" includes a spouse, registered domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

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

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

## **Leave for Victims of Domestic Violence, Sexual Assault, or Stalking**

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or their minor dependents. Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek

counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

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

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

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

Employees who are victims of domestic violence, harassment, sexual assault, or stalking may be entitled to reasonable safety accommodations that allow the employee to continue more safely to work, unless such an accommodation would impose an "undue hardship". Please contact HR for more information.

### **Military Leave**

Employees who wish to serve in the military and take military leave should contact Human Resources for information about their rights before and after such leave. Employees are entitled to reinstatement upon completion of military service, provided they return or apply for reinstatement within the required time. Eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a single period not to exceed fifteen (15) calendar days in any federal training year, October 1 – September 30 (i.e. the fifteen (15) days must be used in a single instance of leave and cannot be spread throughout the year); other requirements apply. In all instances of military leave the City will comply with applicable federal and state law.

### **Oregon Paid Family and Medical Leave**

Oregon Paid Family and Medical Leave (PFML) allows eligible employees to take up to twelve (12) weeks of paid time off in a rolling 52-week period, for the following reasons:

- *Family leave* – for an employee to care for a family member with a serious illness or injury, or to bond with a new child after birth, adoption, or foster care placement.
- *Medical leave* – an employee experiencing their own serious health condition or pregnancy disability.
- *Safe leave* – for an employee or eligible child dependent experiencing issues related to sexual assault, domestic violence, harassment, or stalking.

The PFML program also allows employees to take an additional two (2) weeks of paid leave for pregnancy, childbirth, or related medical conditions. An additional four (4) weeks of unpaid leave is also allowed for other OFLA protected reasons. PFML may be taken in increments not less than one full workday.

## **Eligibility**

Any employee, no matter how many hours you work, who earned at least \$1,000 in the year before claiming paid leave may be eligible.

## **Benefits Received from Oregon Paid Family and Medical Leave**

Employees that earn sixty-five percent (65%) or less than Oregon's state average weekly wage will receive a weekly benefit amount equal to one hundred percent (100%) of their average weekly wage.

Employees that earn more than sixty-five percent (65%) of Oregon's state average weekly wage, will have a weekly benefit amount of one hundred percent (100%) of the sixty-five percent (65%), plus fifty percent (50%) of the portion of their average weekly wage that exceeds the sixty-five percent (65%). Benefits are capped at the maximum weekly benefit, which is one hundred twenty percent (120%) of Oregon's state average weekly wage.

## **Contributions for Oregon Paid Leave**

Payroll deductions for PFML contributions will begin in September 2023 at a rate of .6% of gross wages.

## **Employee Responsibilities – Notice**

If leave is foreseeable, employees are required to provide notice to their supervisor or HR at least thirty (30) days before starting PFML. If the required notice is not provided, the benefit may be reduced. In an emergency, employees must tell their supervisor or HR within twenty-four (24) hours and give them written notice within three (3) days of starting leave.

## **Job Protection**

Employees who have worked for the City for more than ninety (90) consecutive calendar days prior to taking PFML leave will be reinstated to their former position if the position still exists. If the position has been eliminated, the employee will be reassigned to an available equivalent position for which the employee is qualified with equivalent employment benefits, pay and other terms and conditions of employment. 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 PFML leave have been resolved. If an employee does not return to work at the end of a PFML leave, reinstatement may not be available unless the law requires otherwise.

Employees who work for other employers while taking PFML leave may be subject to discipline up to and including termination. Additionally, all employees who use PFML leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

## **PFML and Other Leave**

If an employee's PFML leave is also eligible for protected leave under the Oregon Family Leave Act (OFLA) and/or the Family Medical Leave Act (FMLA), OFLA and/or FMLA leave must be taken consecutively with PFML leave. Employees must provide sufficient information to determine if the leave qualifies for FMLA and/or OFLA protection. If an employee is eligible for OFLA and/or FMLA leave due to a "serious health condition" or has a family member with a "serious health condition", employees must provide medical certification information as required by the City's FMLA and/or OFLA policy.

PFML is not applicable for any week in which the employee received Worker's Compensation or Unemployment benefits.

### **Benefits While on Leave**

If an employee is on an approved PFML leave, the City will continue the employee's medical, dental, life, disability, and all eligible voluntary coverage, on the same terms as if the employee had continued to work. An employee wishing to maintain coverage when on PFML leave, is responsible for paying their share of premiums, the same as when premiums were paid by the employee, prior to the PFML leave.

PFML benefits will not provide most employees with one hundred (100%) of their gross regular wages, so employees receiving PFML benefits, may choose to supplement their PFML benefits with other available paid leave such as accrued paid leave (sick, vacation, etc.), and/or accrued comp time. The offset pay must not exceed the employee's usual pay for a full workweek.

### **Medical Certification Prior to Returning to Work**

If PFML is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification that they are able to resume work.

## **FMLA/OFLA**

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 twelve (12) weeks of unpaid leave (see below for information on using paid leave with FMLA/OFLA) 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 of McMinnville's rights and obligations, not this policy. Contact HR for additional information.

### **Terms and Definitions**

- Child - For purposes of OFLA, "child" includes a biological, adopted, foster or stepchild, the child of a registered 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 OFLA leave, the "child" must be under the age of eighteen (18) or over eighteen (18) if incapable of self-care.
- Eligible Employee
  - *OFLA* - To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must be employed for at least one hundred eighty (180) days and worked an average of at least twenty-five (25) hours per week.
  - *Parental Leave* - To qualify for Parental Leave under OFLA, an employee must have been employed for at least one hundred eighty (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; see HR for more information.
  - *FMLA* - Employees are eligible for FMLA leave if they have worked at least one-year (which may be based on separate stints of employment) and for one thousand two hundred fifty (1,250) hours during the twelve (12) months preceding the date leave is to begin.
  - *Public Health Emergency Leave* - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than thirty (30) days immediately before the date on which



the leave would begin; or (b) an average of twenty-five (25) hours per week in the thirty (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.

- **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 child (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 domestic partner, and parent or child of a registered 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 HR for more information. The common cold, flu, earaches, upset stomach, headaches other than migraine, routine dental or orthodontia problems, 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.

## **Reasons for Taking Leave**

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

1. **Employee’s Serious Health Condition Leave:** To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
2. **Family Member’s Serious Health Condition Leave:** To care for a family member with a serious health condition.
3. **Parental Leave:** For the birth of a child or for the placement of a child under eighteen (18) years of age for adoption or foster care. Parental leave must be completed within twelve (12) months of the birth of a newborn or placement of an adopted or foster child.
4. **Pregnancy Disability Leave:** For incapacity due to pregnancy, prenatal medical care, or birth.
5. **Servicemember Family Leave:** Eligible employees may take up to twenty-six (26) weeks of leave to care for a “covered servicemember” during a single twelve (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 their 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.

6. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.
7. Bereavement Leave: This type of leave is addressed under OFLA; see the Bereavement Leave Policy for more information.
8. Call to Active-Duty Leave: Eligible employees with a spouse, child, 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 twelve (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 fourteen (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.

### **Length of Leave**

In any one (1) year calculation period, eligible employees may take:

- Up to twelve (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 twelve (12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- Employees who take the entire twelve (12) weeks of OFLA Parental Leave may be entitled to an additional twelve (12) weeks of Sick Child Leave.

When leave is taken for Servicemember Family Leave, an eligible employee may take up to twenty-six (26) weeks of leave during the One (1) Year Calculation Period to care for the servicemember. During the One (1) Year Calculation Period in which Servicemember Family Leave is taken, an eligible employee is entitled to a combined total of twenty-six (26) weeks of FMLA Leave (which may include other types of FMLA-specific leaves).

### **One-Year Calculation Period**

The “twelve (12) month period” during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a rolling twelve (12) month period measured backward from the date an employee uses any Family Medical Leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months.

### **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 their 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 to work out a treatment schedule which best suits the needs of both the City and the employee.

### **Employee Responsibilities — Notice**

Employees must provide at least thirty (30) days of 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 thirty (30) days of 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 HR within twenty-four (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 Human Resources 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 Human Resources 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 regular call-in procedures. Employees who fail to comply with procedures may be denied leave, subject to discipline, or the start date of Family Medical Leave may be delayed.

### **Certification**

Employees must provide sufficient information 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:

- 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.
- 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 (3) days (i.e., one (1) three (3) day occurrence or three (3) separate instances) of sick child leave within a one (1) year period.

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

### **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**

Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. If the employee has no accrued paid leave, floating holidays, 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 will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved Family Medical Leave in which a holiday occurs will qualify for 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.

### **Benefits While on Leave**

If an employee is on approved FMLA or OFLA Leave, the employee's health coverage will continue 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 the costs of their share of health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave.

Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on unpaid 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 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 FMLA/OFLA 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 OFLA Leave Bank at Time of Re-Employment**

An employee who leaves employment with the City for any reason may be eligible for OFLA leave if they are re-employed by the City within one hundred eighty (180) days of the separation and if the employee was eligible for OFLA leave at the time of the separation.

## **10. Recruitment**

The City provides employees with an opportunity to indicate their interest in open positions and to advance within the organization according to their skills and experience. In general, notices of job openings are posted on the City website for the designated open application period.

Employees will be eligible for consideration for those posted jobs for which they possess the required experience, skills, competencies, and qualifications. To apply for an open position, employees should apply through the online hiring system.

The City recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employee efforts to gain experience and advance within the City. When the selection process occurs during an internal applicant's work hours the applicant may participate in the process on City paid time. Internal applicants are encouraged, but not required, to inform their supervisor that they are participating in a selection process for a position within the City.

### **Employment Applications**

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### **Pre-Employment Requirements**

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

To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, the City may check the employment references and employment history of all applicants being considered for employment.

Prior to employment, the City will perform background checks for all prospective employees that are at least eighteen (18) years old. Prospective employees will be required to sign an authorization allowing the check to be conducted. A record of convictions or pending criminal court action may exclude the candidate from employment with the City.

At the City's discretion and for positions requiring a commercial driver's license (CDL), the City may require pre-employment driving records checks, medical examinations, and/or drug screens. Information obtained will be treated confidentially and only those with a need to know will be made aware of the results. See Chapter 2 for more information on testing.

## **11. Performance**

### **Training and Professional Development**

Training and Professional Development activities include on-the-job training, cross training, workshops, seminars, webinars, conferences, computer-based training, developmental assignments, career development programs and educational courses.

Job related training, development, and education activities will be paid for when the activity is directed by a supervisor, required by law, required by policy, required by agreement with the City, required for certification or licensure, or when it is required to achieve minimum acceptable performance standards. Job related training, development, and education activities that are not required for successful job performance may be paid for in full or in part at the discretion of the City.

Payment for or reimbursement for education, development, and training costs requires prior approval in writing from the supervisor. Documentation of successful completion of training, education, or development activities must be submitted when requesting payment or reimbursement.

### **Probationary Period**

Full-time, part-time plus, and part-time employees, including current employees who are promoted or transferred, are hired into a probationary training period that generally lasts no less than one hundred (180) days and no more than five hundred forty (540) days. During this period, employees are considered in training and under observation and evaluation by their supervisor. Evaluation of the employee's adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the probationary period. This gives employees an opportunity to demonstrate satisfactory performance and provides an opportunity to determine if the employee's knowledge, skills and abilities and the requirements of the position match.

At or before the end of the probationary period, a decision about the employee's employment status will be made. The City will decide whether to: (1) Extend the probationary period; (2) Move the employee to regular, status; or (3) terminate employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both the employee and the City may terminate the employment relationship during the probationary period for any lawful reason. Further, completion of the probationary period or continuation of employment after the probationary period does not entitle the employee to remain employed for any definite period of time. Both the employee and the City are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

### **Performance Evaluations**

All City of McMinnville employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention, and discipline/termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action (including termination).

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of employee accomplishments

- A review of areas needing improvement
- Setting of performance goals for the employee for the following year

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed no later than thirty (30) days following the date the performance evaluation was received.

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



## 12. Separation of Employment

### Retirement or Resignation

If an employee chooses to resign or retire, it is expected that they will give as much notice as possible — preferably a minimum of two weeks. Notice should be provided in writing to their supervisor and/or Human Resources. To resign in good standing, the employee must give their supervisor at least two (2) weeks of notice unless, because of extenuating circumstances, their supervisor agrees to a shorter period of notice. If they do not provide at least two weeks of notice of their intent to leave, they will not be eligible for re-employment.

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

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with their supervisor or Human Resources before making a final decision.

Employees must return all City of McMinnville property, including phones, computers, computer equipment, City issued clothing, personal protective equipment (PPE) gear, identification cards, credit cards, and keys, to their supervisor before or on their last day of work.

All accumulated compensatory time and vacation leave earned will be paid upon separation. Leave may not be used to extend the terms of employment for any reason. As such, paid leave is not authorized on the last day of employment, except in extenuating circumstances. At no time will leave be authorized on the last day of employment.

All insurance benefits will be terminated at the end of the month in which the termination is effective.

### Layoff

Any employee may be laid-off due to the elimination of a position, a shortage of funds or work, or a material change in duties or changes in a department or section. In the event layoffs are necessary, they will be handled according to the following guidelines:

- Layoffs will be determined by classification and department.
- Employees within such classifications will be laid off based on skills, abilities, experience, and performance. Where these factors are relatively equal, the employee with the greatest length of service will be retained.
- Those working in temporary positions or in orientation status will be laid off before employees who have achieved regular status in the classification.
- The City will make every effort to give at least twenty (20) working days of notice of pending layoff but will in all events provide at least ten (10) working days of notice.
- Any regular status employee who has been notified of pending layoff may file a written request to Human Resources for demotion in lieu of layoff.

The City will continue to pay health insurance premiums for one (1) month from the date of layoff. Employees will not accrue benefits or longevity while on layoff.

**Recall**

Employees who work in regular budgeted positions and who are laid off or demoted in lieu of layoff will be eligible for recall to the classification held prior to the layoff or demotion. All rights to recall for employees who are laid off or employees who are demoted in lieu of layoff will be limited to twelve (12) months following the layoff or demotion.

Selection for recall will be based on the same factors used in selection for layoff.

Eligible employees will be notified of their recall by certified mail sent to the most recent address the City has on file. Employees must respond to this notice within ten (10) days of mailing of the notice or lose recall rights. Failure to respond or to report to work as notified will be considered a voluntary resignation and will cause forfeiture of all reemployment rights.

Any employee who has been laid off and subsequently returns to City employment through the recall process will have a new anniversary date established. The employee will retain past employment months of service credit for benefit accruals. Recalled employees returning to the same classification return at the same step of the salary range at which the layoff occurred.

**References**

All requests for references or recommendations must be directed to Human Resources. No manager, supervisor or employee is authorized to release references for current or former employees, without written consent from the employee. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

By policy, the City of McMinnville discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

### 13. Employee Acknowledgement

#### Acknowledgment of Receipt

I acknowledge that I have received and will read a copy of this Employee Handbook. I also understand that a copy of the handbook is available to me at any time to review on the [Human Resources website](#).

I understand that the City of McMinnville has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time. I also understand that the Employee Handbook takes control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Employee Handbook is not an employment contract and is not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

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

I have reviewed the City’s policies regarding equal employment opportunity and understand that the City aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to Human Resources, the City Manager, or any trusted manager or supervisor.

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

I have read this acknowledgement carefully before signing.

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date