

**RESOLUTION No. 14/15-3**  
**City of Dayton, Oregon**

**TITLE:**        *A Resolution Adopting Revisions to the City of Dayton Employee Handbook*

**WHEREAS**, on December 6, 2004, the Dayton City Council adopted a City of Dayton Employee Handbook, which was amended by Resolution 08/09-14 on September 2, 2008, and Resolution 08/09-36 on March 16, 2009; and

**WHEREAS**, the purpose of the Handbook is to communicate with employees about the City's expectations for employees and to answer questions about basic employment issues; and

**WHEREAS**, the City will continue to update and revise the City of Dayton Employee Handbook as needed and necessary to comply with law, communicate expectations, and support City of Dayton employees.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Dayton, Oregon:

1. **THAT** revisions to the City of Dayton Employee Handbook (attached hereto as Exhibit A and by this reference incorporated herein) is adopted; and
2. **THAT** this resolution shall become effective immediately upon adoption, as will the proposed changes.

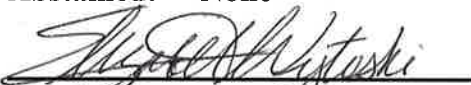
**ADOPTED** this 3<sup>rd</sup> day of November, 2014.

**In Favor:**     **Bixler, Collins, Frank, Marquez, Price, Utt, Wytoski**

**Opposed:**     **None**

**Absent:**       **None**

**Abstained:**   **None**

  
\_\_\_\_\_  
Elizabeth Wytoski, Mayor

12/17/2014  
\_\_\_\_\_  
Date Signed

**ATTEST:**

  
\_\_\_\_\_  
Peggy Selberg  
City Recorder

11/3/2014  
\_\_\_\_\_  
Date of Enactment

## INTRODUCTION

Communication is the most important aspect of the employment relationship. This handbook is designed to improve your understanding of what we expect of employees. We have developed it to provide you with answers to questions that frequently arise about basic employment issues. We ask that you read the handbook carefully and keep it for reference.

Your daily contact with the public has two effects: First, the perception that the public gains from your appearance and behavior reflects on the City; second, what you see and hear can be very useful in improving the public's perception of our City. Improving the public perception of City services and how well we provide them is the ultimate goal we are striving to achieve.

The handbook cannot anticipate every situation that may arise while you work here. However, it does address the most common issues and questions. If you have any questions about this handbook, contact the City Manager (manager).

Beth Wytoski  
Mayor

Scott Pingel  
City Manager

## 1.0 OVERVIEW

**1.1 Purpose:** These rules provide systematic and equitable procedures affecting the status of employees of the City of Dayton. It is important that you understand that this handbook is not intended to serve as a contract for employment or benefits. Because our ability to serve the public and provide employment depends upon our ability to remain flexible, the City reserves the right to make changes in rules and practices that are believed necessary to ensure its efficient operation. Nothing in this handbook should be construed as a guarantee of continued employment; employment with the City is on an at-will basis. This means that the employment relationship may be terminated by you or by the City for any reason not prohibited by law.

**1.2 Application:** These personnel rules apply to all City employees but do not apply except as noted for elected officials and independent contractors. If there is a conflict between these rules and any valid collective bargaining unit contract, individual contract, City ordinance, state or federal law, the terms and conditions of the contract, ordinance or law will apply. In all other cases, these rules apply. All references in these rules to the City Manager also include a supervisor or other person designated by the City Manager to act with the authority of the City Manager.

**1.3 Effective Date:** This handbook is effective [November 3, 2014](#) and replaces all prior handbooks and employment rules, written and unwritten. We want to avoid misunderstandings. Consequently, any future amendments or additions to these rules must be approved by the City Council to be valid.

## 2.0 EQUAL EMPLOYMENT OPPORTUNITY

**2.1 Policy Statement:** The City of Dayton maintains a policy of providing equal employment opportunities to all qualified persons without regard to race, religion, color, sex, national origin, mental or physical disability, veteran's status or other protected status consistent with applicable [federal or Oregon](#) law. We ~~strive to~~ make employment decisions based on our evaluation of an individual's qualifications, ability and contribution to the success of our City.

### **2.2 Policy Against Harassment:**

**2.2.1** [The City prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace. This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City-related or City-sponsored trips \(such as conferences or work-related travel\), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of the City's employees. This policy also provides protection to City employees who](#)

are unlawfully harassed during working hours by individuals who are not employed by the Organization, such as elected officials, members of the community, and vendors. All employees have a right to work in an environment where the dignity of each individual is respected. For that reason, we expect all employees to accomplish their work in a business-like manner with concern for the well-being of their co-workers. Any harassment of employees by fellow employees is not permitted, and will not be tolerated regardless of working relationship or supervisory status.

**2.2.2 Sexual harassment** has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

- a. submission to such conduct is made either implicitly or explicitly a term or condition of employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- c. 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; graphic, verbal commentary about an individual's body, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; or discriminatory treatment based on sex. This is not a complete list.

**2.2.3 Other forms of prohibited harassment** under City policy and Federal and Oregon law include harassment against an individual based on the individual's race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law. Such harassment may include verbal or physical conduct that denigrates or shows hostility towards an individual because of any protected status, such as jokes, pictures (including drawings), epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to a protected class, or written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

Harassment of a sexual (including sexual orientation), racial, ethnic, religious or disability related nature is specifically forbidden. This includes unwelcome sexual advances, innuendoes, unwelcome touching, dirty jokes, sexually explicit posters, and other aural, graphic or physical conduct of a sexual nature that has the purpose or effect of creating an offensive work environment. This also includes racial slurs, ethnic jokes, derogatory comments or gestures about a person's physical or mental limitations and other oral, graphic, physical or other conduct of

~~a racial, religious, and ethnic or of a disability related nature that creates an offensive work environment.~~

**2.2.43** No one should suggest or threaten that an employee's cooperation, tolerance or objections to unwelcome conduct of a sexual, racial, ethnic, and religious or disability related nature (or any other form of harassment prohibited by this policy) will have any effect on that employee's employment. The City does not condition nor condone employment decisions on such irrelevant factors.

**2.2.45** ~~If you are subjected to any type of harassment (particularly of a sexual, racial, ethnic, religious or disability related nature) by either an employee or anyone you come into contact with through your job, you should promptly contact your supervisor or the City Manager. Employees who, for whatever reason, feel uncomfortable reporting to their supervisor or to the City Manager should promptly report the harassment to the Mayor or President of the City Council. We encourage employees to report complaints and work with us to informally resolve problems involving harassment. Our ability to resolve problems is dependent on your cooperation in reporting incidents that create an offensive or hostile work environment for you. If an incident is reported, an investigation will be undertaken immediately. Violators are subject to appropriate disciplinary action including termination. Retaliation will not be tolerated.~~

All employees are responsible for respecting the rights of other City employees and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their supervisor or the City Manager at any time if they have questions relating to the issues of discrimination or harassment.

If you believe that you have experienced any harassment, discrimination, or bullying, you are expected and required to bring the matter to the attention of your supervisor or the City Manager as soon as possible. If you believe that it would be inappropriate to discuss the matter with your supervisor or the City Manager, or if you are uncomfortable discussing the issue with your supervisor or City Manager, you may **take** the matter directly to the Mayor or the President of the City Council.

In addition, any employee who observes any conduct that he or she believes constitutes harassment or discrimination, or who receives information about these types of incidents that may have occurred, must immediately report the matter to their immediate supervisor or the City Manager.

### Investigation

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.

### Protection Against Retaliation

The City prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy, has reported (in good faith) harassing or discriminatory conduct directed at others, or has participated in an investigation of such conduct. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

### **Confidentiality**

All complaints under this policy will be treated as confidentially as is possible under the circumstances and as is consistent with the City's need to investigate and respond to the complaint.

**2.2.6 Disability Accommodation Policy.** The City is committed to complying fully with Oregon's disability accommodation and discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

### **Accommodations**

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

### **Requesting an Accommodation**

Oregon's disability discrimination laws provide protections to people with disabilities in employment. In recognition of the barriers to full participation faced by this group, and in compliance with Oregon law, accommodations may be implemented to the extent that they are not an undue hardship for the City.

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

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to

perform the essential duties of a position or participate in the employment process. All requests for accommodation should be made with the employee's supervisor or the City Manager, and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his or her need for a reasonable accommodation.

### **3.0 EMPLOYEE CLASSIFICATIONS AND DEFINITIONS**

#### **3.1 Trial Period Employees:**

**3.1.1** The trial period for new employees is six continuous calendar months from the date of hire. During this period you will have an opportunity to evaluate whether the work for which you were hired, the people with whom you work, and the general atmosphere and conditions at the City meet your expectations. At the same time, we will evaluate your performance and provide feedback. The attitude and aptitude you show in your work habits during the trial period, in particular, attendance, punctuality, ability to learn, and ability to get along with people, and your ability to successfully and satisfactorily perform the essential functions of the position for which you were hired, will be the primary factors used in determining whether you will be assigned to regular employment status.

**3.1.2** This first six months is merely an introductory period. However, completion of this period of trial service does not provide an employee with any particular job rights or guarantees. You should also understand that you have no obligation to stay through the introductory period. The City has no obligation to retain you as an employee for this entire period if, in our view, your performance or other business considerations warrant termination of your employment.

**3.1.3** At the end of the trial period, the City Manager will evaluate you and either extend the trial period (not to exceed an additional three months), terminate your employment or recommend you receive the designation as regular employee.

#### **3.2 Regular Employees:**

**3.2.1** Regular employees are employees who have completed their trial period and have been appointed or hired for ongoing employment to a position established in the annual budget.

**3.2.2** A regular full-time employee has completed the trial period, and regularly and consistently works at least 40 hours a week. Regular full-time employees are eligible to receive all the employee benefits outlined in this handbook if they meet the eligibility requirements.

**3.2.3** A regular part-time employee has completed the trial period and regularly works less than 40 hours a week. Regular part-time employees are eligible to

receive employee benefits, as outlined in this handbook if they meet the eligibility requirements.

**3.3 Temporary & Casual Employees:** Temporary and casual employees are those who perform services on a relief or on-call basis or as needed for short-term employment. Temporary and casual employees are not eligible for employee benefits, except as set forth in this handbook or as required by law.

## **4.0 WHAT THE CITY EXPECTS FROM YOU**

### **4.1 Public Service, Teamwork and Excellence:**

**4.1.1 Public Service:** Service to the community is the primary responsibility of the City and all employees. Each employee must strive to provide the highest quality service in a caring, responsive, and effective way. All employees should remember that, to the public, each employee represents the City of Dayton.

**4.1.2 Teamwork:** Every employee should keep in mind that each is a part of a team of City employees. A cooperative spirit and teamwork are essential to high morale, productivity and personal job satisfaction. Each employee should always strive to be a positive, constructive member of the City team.

### **4.2 Personal Conduct:**

**4.2.1 Personal Conduct:** All employees must conduct themselves in a manner that is appropriate for an employee in the public's service. Employees must be courteous, considerate, efficient, and helpful to everyone in their work and do the best job possible on every assignment. Each employee should strive to provide services that are a source of pride to the employee, fellow employees, elected officials and the citizens of Dayton.

**4.2.2 Public Relations:** Public relations are an integral component of each employee's job. When answering the telephones or greeting the public, employees must be courteous, considerate, efficient, and helpful. In addition, each employee will listen to questions and concerns and respond to the citizen in a friendly, professional manner. Each employee should actively work to serve the public and demonstrate capability and willingness to help citizens. Favorable impressions created by employees' public behavior can help develop good will and support for City services.

**4.3 Ethical Practices and Honesty:** The City conducts its business affairs in compliance with applicable laws and rules. Oregon has ethical rules that apply to all public employees. The City expects its employees to understand the scope of those rules and what an employee can and cannot do. We expect all employees to strictly comply with these standards and to refrain from engaging in activities that are unlawful or unethical. If you have questions on what is covered by



Oregon's Ethics Law (ORS 244.010 to ORS 244.040), you should talk to the City Manager. If an employee feels that any City official or employee is engaging in unlawful business activities, we encourage them to immediately report the concern to the City Manager. We respect the right of employees to raise such issues and will address any concerns reported.

#### **4.4 Attendance & Tardiness:**

**4.4.1** Part of being a good employee is dependability. Your punctuality and regular attendance are essential for efficient operations. ~~Remember, when you are absent, your co-workers often have to perform extra work.~~

**4.4.2** If you know that you will be late or absent, clear it with your supervisor so that substitute arrangements can be made to cover your work. If you are going to be unexpectedly unavoidably late or absent, you should notify your supervisor at least one hour prior to the beginning of your normal starting time, but no later than 15 minutes after the beginning of your normal starting time.

**4.4.3** Employees who fail to report to work or call in for one workday may be terminated, unless we determine special circumstances existed to justify the lack of notice.

**4.4.4** When you are off work due to illness or injury, you must keep your supervisor informed of your condition and anticipated date of return to work on a daily basis, unless you receive approval from the City Manager to be absent until a specific date. This allows us to make staffing arrangements to meet the City's needs. The reporting rule for employees on a medical leave absence, including employees off work on workers' compensation, is addressed under the Leaves of Absence section of this handbook.

#### **4.4.5 Inclement Weather:**

**4.4.5.1** If employees determines that they cannot safely travel to work because of severe weather conditions, they must notify their supervisor (preferably before the start of their shift), and then must use vacation, compensatory time, or administrative leave (if eligible) for that time. If no appropriate accrued leave is available to an employee, the time off will be unpaid.

**4.4.5.2** If the City Manager or Mayor decides to close City Hall during periods of severe inclement weather, employees will not be automatically released from work. On a case-by-case basis, employees may be reassigned to other duties, or released from work. A decision will be made during each severe weather incident about how compensation will be handled.

**4.4.5.3** On call personnel will receive the same compensation as noted in section 4.4.5.2 above, plus compensatory time at time and a half if they work during the closure time.

**4.5** **Appropriate Dress & Grooming:** As a City employee, you are a representative of the City and a role model to the public. Although we do not have a formal dress code, you are required to be neatly groomed and wear clothing suitable for your work environment and activity.

## **5.0 GENERAL EMPLOYMENT POLICIES**

### **5.1 In General:**

**5.1.1** City employees must use common sense and sound judgment, and conscientiously perform work duties while following our rules and management directives. As a City employee, you should familiarize yourself with our rules and keep yourself abreast of changes. When new or revised sections of this handbook are issued, you are responsible for inserting those sections in your copy of the handbook. Discard any sections that have been replaced and sign and return the acknowledgement.

**5.1.2** If you have questions about your position, your employment status, your job requirements, or any other matter, please discuss your questions with your supervisor. If your supervisor is not available, discuss them with the City Manager.

### **5.2 Use of Telephones, Computers & Fax Machine:**

**5.2.1** Although there will be times when personal phone calls or messages must be made or received during business hours, we appreciate your cooperation in keeping personal phone calls or e-mails (both incoming and outgoing) to a minimum. This enables us to keep our telephone lines available for business. You should make personal calls and take care of personal business on your breaks or during your meal period. Personal, long-distance telephone calls must be approved prior to making the call and billed to your home or a credit card.

**5.2.2** Except for the limited use for receipt of e-mail, the City's computers and provision of internet access are only to be used for City business. Employees should not load personal software, change or delete current setup, programs or system files, download or use City-provided computers and related equipment for personal reasons without authorization from the City Manager. City-computers and equipment, regardless of whether they are personally owned or provided by the City, may not be used at any time to access inappropriate web sites or to transmit or receive inappropriate information via email, cellular data, or the internet. Pornography, hate groups, and gambling are examples of inappropriate sites and access to them is a misuse of City property. Similarly, any distribution or use of

emails or other information retrieved or sent to the internet that would otherwise violate City policies is prohibited. Information kept on the City's computers, and information sent and received via the City's internet portal, is not considered "private" or "personal" and as a result, you should have no expectation of privacy for any City computer material or information you send or receive using City-provided internet.

**5.2.3** Review the City of Dayton's Policy on Use of City of Dayton Communications and Information Technology for a more detailed description of proper use of information technology.

### **5.3 Political Activity:**

**5.3.1** City employees may not hold a City elective position and work for the City simultaneously. State law restricts political activities and no City employee may use their employment to solicit any money, influence, service or other thing of value, or otherwise aid or promote any political committee, or the nomination or election of any person to public office, while on the job or during working hours.

**5.3.2** This does not restrict the right of City employees to express their personal political views, to vote in any election or to support candidates or ballot issues, as long as it is done outside of working hours.

### **5.4 Solicitation & Distribution:**

**5.4.1** To prevent disruptions and interference with work, we have established the following rules to govern solicitations and the distribution of literature on our premises:

**5.4.2 Employees of the City:** Solicitation by an employee of another employee is prohibited while either the person doing the soliciting or the person being solicited is on working time. Solicitations must be limited to meal and break periods. Also, employees may not distribute literature for any purpose during working time or in working areas.

**5.4.2.1 'Solicitation'** is verbal communication for the purpose of selling, political campaigning, organizing for civic activities or any other cause. Distribution is an exchange of printed materials such as handbills, letters, and pamphlets for any sale, candidate or any cause.

**5.5 References:** Employees who leave City employment will be given the option of authorizing the release of information regarding their work performance, attendance, inter-personal relations, or information limited to their length of employment, position and pay rate. When employees leave City employment without giving written authorization to release more detailed information, the City

will release only information about length of employment, position and pay rate. All reference requests should be directed to the City Manager for response.

## **5.6 Personnel & Payroll Records:**

### **5.6.1 Personnel Records:**

**5.6.1.1** The City maintains a central personnel file at City Hall for each City employee.

**5.6.1.2** The central personnel file shows the employee's name, employee number, home address, birth date, sex, title of position held, the department assigned, salary, change in employment status, emergency medical information, names of persons to contact in emergency, evaluations, training received, and other information relating to the employee's qualifications for employment, promotion, compensation, dismissal, or other disciplinary action, and any other information the City deems relevant to the employee's City employment.

**5.6.1.3** Personnel records are confidential and generally accessible only to the supervisor, City Manager and others authorized by the City Manager under Oregon law. Employees may examine their personnel records at a mutually convenient time, upon request to the City Manager.

~~**5.6.1.4** Employees will be notified of any materials or adverse entries into the employee's central personnel file.~~

**5.6.1.4** For each employee's benefit, it is important that all personnel records be kept up-to-date. If there is a change of name, address, telephone number, marital status, or number of dependents, the employee shall notify the supervisor or City Manager within 10 calendar days of the event and complete and sign the appropriate authorization forms.

### **5.6.2 Time Records:**

**5.6.2.1** Timesheets must serve as an accurate record of the time for which each employee is paid. Each employee is expected to record accurately the time he or she spent working on City business; no one should fill out a time card for anyone else. Each timesheet must be signed by the employee, certifying that it is accurate in all respects and reflects all time worked during the pay period. The timesheet will be submitted to the employee's supervisor for approval at the end of each pay period. All timesheets will be retained with City payroll records.

**5.6.2.2** In fulfilling this responsibility you should report your hours starting from the time you begin working and ending when you stop working, excluding your meal period.

**5.6.2.3** Non-exempt employees should not start working before their scheduled starting time or work beyond their scheduled quitting time. Similarly, non-exempt employees are fully relieved of all work responsibilities during their meal periods and rest breaks. If you are a non-exempt employee, we do not want you to remain at work to perform even incidental duties, like telephone answering, during your meal period or rest breaks. Your lunch meal periods and rest breaks are-is to be used only to eat or attend to non-work related matters.

## **5.7 Outside Employment:**

**5.7.1** Generally, the City does not object to employees holding other jobs or being self-employed as long as:

- Employees are able to meet the performance, attendance, overtime and other requirements of their job;
- Off-duty work activities do not constitute a conflict of interest, interfere with or negatively reflect on the interests and reputation of the City; and
- Employees do not engage in off duty work activities which directly compete with the City.

**5.7.2** Employees must obtain advance approval for outside employment from the City Manager. Employees are required to conduct only City business related activities during scheduled hours.

**5.8 Residency Requirements:** Employees are encouraged to live within the City limits. However, residency is not a condition of City employment or continued employment.

~~**5.9 Promotions:**~~ To be eligible for promotion, an employee must meet the minimum requirements of the higher level position, and must have a satisfactory performance rating in the present position. The final decision whether to promote a current employee or hire someone outside the City will be made solely by the City Manager.

**5.9 Transfers:** Employees may be transferred from one position to another, with approval of the City Manager, provided such transfer is at the same salary level, and minimum qualifications for the new position are met.

**5.10 Temporary Assignment:** The City has the right to temporarily assign an employee to any position, in any department, when it is deemed to be in the best interest of the City. The transferred employee must meet the minimum qualifications for the new position.

**5.11 Job Description & Performance Reviews:**

**5.11.1 Job Descriptions:** A job description has been developed for each position at the City. These include the classification, duties and functions, to whom the position reports, and required qualifications. A list of specific duties may be assigned in addition to responsibilities in the basic job description.

**5.11.2 Performance Reviews:** Employee performance reviews are an essential tool for communication between an employee and their immediate supervisor. The goal of the employee performance review is to establish a pattern of expected work habits, give employees and supervisors an opportunity to review and reset goals, reward or acknowledge good performance, create incentives, and identify and correct behavior or activity that does not meet City work performance expectations.

**5.11.2.1** Written performance reviews are to be completed on the form prescribed by the City Manager. The supervisor will ensure that performance reviews are completed appropriately and by the scheduled due date. The original performance review will be placed in the employee's personnel file and the employee will be provided with a copy of the review. The employee may respond in writing to the performance review or any aspect of that review, and the response will also be placed in the employee's personnel file.

**5.11.2.2** Trial period employees will participate in an initial goal setting interview and will receive a written performance review at the end of ~~four~~ **four** ~~six~~ months of employment. Thereafter, regular performance reviews will occur annually on the anniversary of the date the employee becomes a regular employee.

**5.11.3** A supervisor may conduct more frequent performance or progress reviews. A supervisor may initiate a special written performance review whenever a special review is deemed necessary.

**5.11.4** All performance reviews will be submitted to the City Manager regardless of whether a pay increase is involved.

**5.12 Layoffs:**

**5.12.1** The City attempts to provide stable employment for City employees by operating effectively and efficiently. However, change of services by the City, lack

of work, lack of funds, or other changes may affect City employment needs. If it is necessary to eliminate or consolidate jobs or otherwise curtail staff, layoffs may be necessary. The decision of which individuals to be laid off will be made by the City Manager based on an evaluation of the comparative work performance of the employees affected, as well as the skills and abilities of those employees to perform the work remaining. If ~~we feel~~the City concludes that the performance, skills and abilities of the employees ~~we are considering~~ for layoff are relatively equal, ~~preference will be given to~~ the employee with the longest length of service with the City will not likely be selected for layoff.

**5.12.2** If the position from which the employee was laid off becomes available within 12 months after the effective date of the layoff, the employee who was laid off will be offered the position provided they are in good standing with the most recent performance evaluation grade of "satisfactory" and they accept the position within five days of notice by the City that the position is available. Notice of the position vacancy will be sent to the employee's last known address by certified mail, return receipt requested.

### **5.13** Voluntary Resignation:

**5.13.1** To resign in good standing, employees must give their supervisors not less than 10 working days' prior notice of the resignation, unless the supervisor waives this provision because of extenuating circumstances.

**5.13.2** The notice of resignation must be in writing and contain the reasons for leaving the City's service. The notice of resignation will be placed in the central personnel file.

**5.13.3** Failure to comply with this requirement will be entered in the employee's personnel record and may result in denial of future employment by the City.

**5.14** Re-Employment: Employees with a satisfactory record of service who resign their positions in good standing will be allowed to apply for vacancies under the conditions stated in the application procedures section of this handbook.

### **5.15** Employment of Relatives:

**5.15.1** The City will not refuse to employ nor discriminate against an individual in terms or conditions of employment because a member of the individual's family is a City employee. The City will not employ family members where an employee would be in a supervisory relationship over a member of that individual's family, or where there are other bona fide business reasons not to employ a member of an employee's family. The employment of relatives will be considered on a case-by-case basis, and will be submitted to the City Manager for hiring approval. Whenever family members are employed, neither will be responsible for conducting performance evaluations for the other.

**5.15.2** For the purposes of this section, "a member of an individual's family" includes the spouse, registered same-sex domestic partner, children, parents, brothers and sisters, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent or step-child of the individual, and any person residing in the same household with the individual.

**5.15.3** If two employees become married and a supervisor-subordinate relationship exists between them, they must disclose their marriage to the City. The City may choose to take appropriate action, including reassigning one of the employees or asking one of the employees to resign.

## **5.17** Volunteer Services:

~~5.17.1 Any services volunteered will be offered freely and without pressure or coercion, direct or implied, from any supervisor, the City Manager, the Mayor or a Councilor.~~

~~5.17.2 No employee will be allowed to volunteer services for the City for work that is related to, or is an extension of, the employee's regular duties for the City.~~

~~5.17.3 Any voluntary service performed must be outside normal or regular working hours, and it must be performed without any expectation or contemplation of payment for work performed.~~

**5.16** Personal Property: The City will not reimburse an employee for the loss or damage of personal property brought to the work site by the employee. Employees will be provided appropriate tools or equipment, as determined by their supervisor, to perform the duties of their job. Employees who choose to bring personal property and equipment into the workplace do so at their own risk. Precautions should be taken with all tools and equipment to place them in a secure location. Employees should report the loss of personal items to the Yamhill County Sheriff's Office.

**5.17** Reporting of Vehicular and/or Occupational Accidents: Whenever a vehicular accident occurs involving a City-owned vehicle or a personal vehicle, ~~if the employee is using the vehicle while on City business~~, the accident must be reported immediately to the employee's supervisor, and to the appropriate law enforcement agency.

## **5.18** Use of City Property & Information:

**5.18.1** All City property and information is to be used solely for job-related purposes, except as specifically authorized by the City Manager. Use of such property or information for personal purpose is strictly prohibited unless specifically authorized by City policy or the City Manager. Employees should not have any expectation of privacy in the use of City property or any information



contained therein at any time. For purposes of this rule, City property includes all equipment, information, materials and facilities owned by the City of Dayton. Examples include software, electronic equipment, information systems (including, but not limited to computers, cellular telephones, fax machines, copiers, voice mail, e-mail), all communications and information stored in the City's information systems and electronic equipment, passwords, codes and keys to gain access to such equipment, buildings, motor vehicles, lockers or desks.

**5.18.2** The City reserves the right to access all City property and may periodically monitor the use of such property. The City reserves the right to review or disclose all information contained in such property at any time and for any purpose.

**5.18.3** Employees are prohibited from using any City property to solicit other individuals for any purposes or to send messages that may be interpreted as harassing, discriminatory, obscene or defamatory. The City's anti-harassment policy fully applies to employees in this use of City property.

**5.18.4** Employees may not use a code, access a file, or retrieve any stored information, other than where authorized. City property or information that is confidential and/or proprietary information cannot be shared with individuals outside of the City without prior clearance of the City Manager. Any employee who leaves employment with the City is prohibited from taking or copying any City property or information unless specifically authorized by the City Manager.

**5.18.5** If, for any reason, you leave our employment, you must return any City property in your possession. These items should be returned no later than your last day of work. Our property may only be used in work related activities.

**5.18.6** Review the City of Dayton's Policy on Use of City of Dayton Communications and Information Technology for a more detailed description of proper use of information technology.

## **6.0 HOURS & WORK SCHEDULES**

**6.1 Schedules:** Our workweek begins at 12:01 AM on Saturday and ends on Friday at 12:00 Midnight. Employee work schedules are established on an individual basis. A normal workweek for full-time employees is 40 hours or more per week excluding meal periods. If you have any questions about your work schedule or meal and break periods, ask your supervisor for clarification. [See also section 5.6.2.3., above, and 6.5., below.](#)

**6.2 Reporting for Work:** You are expected to report for work in sufficient time to begin working at the scheduled starting time. You are also expected to continue working during your regular work schedule, except [rest breaks and](#) meal periods,

unless otherwise approved by the City Manager. If it is necessary for you to leave work during working time, be sure to obtain prior approval.

**6.3 Changes in Work Schedules & Hours:** The City needs to remain flexible in order to respond to the changing public needs. Consequently, we reserve the right to change the schedules and hours of all or any part of our work force to provide for efficient and uninterrupted service. Although we are interested in providing our employees with a stable work schedule, our ability to do so depends on our assessment of work needs and financial conditions. Nothing in this handbook is intended to be a guarantee of employment for a specified number of hours per day or week. Employee hours may be reduced if the City believes it is necessary due to lack of work, interruptions in work flow, or other business reasons.

**6.4 OverCompensatory time:**

**6.4.1 Exempt Employees:** ~~Employees are classified as exempt or non-exempt for overtime purposes. Exempt employees are not entitled to overtime pay. An employee who receives a pre-determined amount of compensation on a weekly or monthly basis is "salaried". Salaried employees are classified as exempt and are not eligible for overtime pay. Other employees are compensated on an hourly basis and are considered "non-exempt". All employees are defined as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs.~~

**6.4.2 Non-exempt Employees:** Non-exempt employees will be awarded ~~compensatory~~ overtime at a rate of 1.5 hours for each hour worked in excess of 40 hours in a workweek. If you are a non-exempt employee and you are absent during the workweek, you will receive straight time pay until you have worked a total of 40 hours that week. Pay received for hours not worked is not counted toward the computation of ~~overcompensatory~~ time. As deemed appropriate and necessary by the City Manager, the City may award non-exempt employees compensatory time at a rate of 1.5 hours for each hour worked in excess of 40 hours in a work week in lieu of overtime pay.

**6.4.3** Non-exempt employees who may be required to work on a recognized City holiday will be awarded ~~compensatory~~ overtime at a rate of ~~24.0 times~~ 1.5 times ~~hours~~ their regular pay for each hour worked on the holiday. ~~in addition to their regular salary for that time.~~ As deemed appropriate and necessary by the City Manager, the City may award non-exempt employees compensatory time at the above-mentioned overtime rate in lieu of overtime pay.

**6.4.4** Eligible employees are allowed to carry ~~over~~ a maximum of 16 hours of compensatory time each month, unless the City Manager determines that conditions prevented use of accrued time above that limit.

**6.4.5** All overtime must be authorized by the employee's supervisor before it is worked, unless emergency circumstances prevent prior approval. Unauthorized overtime will result in a written warning or termination as we deem appropriate.

**6.4.6** Employees are expected to perform overtime work when it is required. If the assignment of overtime work presents a hardship for you, discuss your concern with the City Manager. The City will consider a particular employee's needs and desires to the extent the City believes it is practical and fair to your co-workers.

**6.4.7 Administrative Leave:** The City recognizes that exempt employees routinely work additional hours during the course of a year and therefore should receive paid "administrative leave" equal to 40 hours per year. This leave will be pro-rated during the calendar year for those exempt employees hired during the course of the calendar year. This time off is to be scheduled in the same manner as vacation time and is subject to the approval of the City Manager.

## **6.5 Meals / Rest Periods:**

**6.5.1** During any period in which you work ~~six~~five hours or more, an unpaid meal period of at least 30 minutes will be arranged by your supervisor. Your supervisor will make every effort to schedule your meal period so that you will enjoy a full uninterrupted 30 minute break. The meal period will be scheduled to not disrupt work or interfere with normal duties. If you are asked to perform work or return to duty during your meal period, you will be paid for that meal period. You should also report the occurrence and circumstances to your supervisor to ensure proper payment for your meal period and any necessary adjustments to scheduling.

**6.5.2** Oregon law requires the City give you a rest period of not less than 10 minutes without a deduction in pay for every four-hour segment, or major portion thereof in each work period. ~~This time is to be taken in addition to and separately from the time allowed for the meal period.~~ Insofar as possible these breaks should be taken approximately midway in each four-hour segment.

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

**6.6 Flex Time:** Employees may vary their work schedule with the approval of the City Manager. Such decisions will be made based on the impact on other employees and the best interest of the City.

## **7.0 COMPENSATION**

**7.1 Paydays:** Paychecks are issued monthly ~~with a mid-month draw of up to 50% available on the 15<sup>th</sup> of the month.~~ If you want your paycheck released to your spouse or another person, you must sign a statement authorizing release. Timesheets must be turned in according to the schedule provided by the payroll processor.

**7.2 Payroll Deductions:** Deductions from your paycheck fall into two categories: legally required deductions and voluntary deductions. Legally required deductions, such as federal and state taxes are automatically deducted. Other items you wish to have deducted from your paycheck, such as insurance contributions, etc. will be deducted only upon written authorization from you.

**7.3 Corrections:** If you have questions or feel your paycheck is not accurate, promptly notify your supervisor. We do not want to make mistakes in paying our employees. By bringing mistakes in payment of your wages to our attention as soon as possible, you will help us make sure you are properly paid for all the work you perform.

### **7.4 Salary Increases:**

**7.4.1** As needed, the City Manager will analyze compensation policies, job requirements, cost of living, fluctuations in the personnel requirements of the City and salary range for each position to determine whether adjustments should be made in compensation either generally or in specific positions.

**7.4.2** Increases are not automatic – increases are based on individual employee performance and annual evaluations which are reviewed and discussed with each employee and maintained in the employee's permanent personnel file. The availability of funds for salary increases will be determined by the City Council as part of its annual budget deliberations and decisions.

**7.5 New Appointments/Hires:** Normally new employees are hired at the entry level of the pay plan for their classification. However, in instances when a new employee has specific experience, educational background, or specialized skills which exceed those required for the position, such applicants may be hired in above the minimum or entry level salary with the approval of the City Manager.

**8.0 TRAVEL EXPENSES**

When employees are required to travel outside the City on City business, reimbursement for incurred expenses will be determined as follows:

- An employee must obtain prior approval for the trip expenses and the mode of travel from the supervisor or City Manager.
- If the employee is authorized to use a private vehicle, mileage will be paid in accordance with the IRS mileage reimbursement rate as of January 1 each year. This rate includes all travel and insurance of the vehicle. The City may reimburse for actual and reasonable parking expenses.
- Employees using personal vehicles for City business may be required to furnish the City proof of personal insurance coverage. The City Council may set the levels of such required coverage from time to time and will consider the financial burden on the employee.
- When travel by City-owned vehicle is authorized, employees may not use such vehicles for personal reasons. Travel between home and work using City owned vehicles is prohibited unless authorized by the City Manager.
- The City may establish the maximum amount to be expended for daily meals and lodging, and may use per diem rates set by the federal or state government.

**9.0 HOLIDAYS & LEAVE TIME**

**9.1 Recognized Holidays:** The City observes the following holidays, as well as any other day designated a federal holiday by the President of the United States or a state holiday by the Governor, but not an observance or all national holidays. When a holiday falls on Sunday, the following Monday is observed as the holiday. When a holiday falls on Saturday, the previous Friday is observed as a holiday.

<ul style="list-style-type: none"> <li>⊙ New Year's Day</li> <li>⊙ Martin Luther King Jr. Day</li> <li>⊙ President's Day</li> <li>⊙ Memorial Day</li> </ul>	<ul style="list-style-type: none"> <li>⊙ Independence Day</li> <li>⊙ Labor Day</li> <li>⊙ <u>Veteran's Day</u></li> <li>⊙ Thanksgiving</li> </ul>	<ul style="list-style-type: none"> <li>⊙ Friday after Thanksgiving</li> <li>⊙ Christmas Eve Day</li> <li>⊙ Christmas Day</li> </ul>
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**9.2** Additional holidays may be declared from time to time by the City Council.

~~9.3 Unless covered as overtime under Section 6.4, non-exempt employees who are required to work on a recognized city holiday will be awarded compensatory time at the rate of one hour for each hour worked on the holiday.~~

**9.34 Floating Holiday:** In addition to the recognized holidays listed above, each regular employee is eligible for eight hours of floating holiday per fiscal year. The holiday is available for use on July 1 and must be used by June 30 of the following year.

## 10.0 VACATION LEAVE

**10.1** All regular full time and regular part time employees are eligible to receive vacation leave. ~~Introductory-Trial service~~ period employees earn vacation leave during their trial service but are not entitled to begin using paid vacation until successful completion of six months of their trial service. Temporary and casual employees are not entitled to vacation leave.

**10.2** The amount of vacation leave a regular employee is entitled to receive depends on length of continuous service and the number of hours you work during your vacation anniversary year; (A "vacation anniversary year" runs from an employee's date of hire to the same date the following year). The following chart shows the current vacation accrual schedule. Maximum vacation accrual is ~~200~~168 hours. ~~Employees will not accrue vacation above 200 hours at any time unless approved by the City Manager. The City Manager may not accrue vacation time above 200 hours unless approved by the City Council. Any employee who has accrued 168 vacation hours as of any June 30 may accrue additional vacation hours in excess of 168 hours.~~

YEARS WORKED	HOURS EARNED	DAYS PER YEAR
0 thru 5 YRS	8 HRS/MO	12 DAYS/YR
6 thru 10 YRS	10 HRS/MO	15 DAYS/YR
11 thru 15 YRS	12 HRS/MO	18 DAYS/YR
16+ YRS	14 HRS/MO	21 DAYS/YR

**10.3** Employees are not allowed to take paid vacation that has not been accrued. Vacation leave is considered accrued at the end of the month, and may not be used in the month in which it is earned.

### **10.4 Vacation Scheduling:**

**10.4.1** Vacations must be scheduled in a way that allows the City to meet the needs of our operations. Consequently, requests for vacation time must be approved at least two weeks in advance by your supervisor and the City Manager.

**10.4.2** If vacation time is requested by two or more employees and it is determined by the City Manager that approving the time off will result in under staffing, the employee with the most seniority will be given preference. The City

reserves the right to deny any requests for vacation time if it is determined that time off will be disruptive to its operations.

**10.5 Payment Upon Termination:** When an employee is discharged, resigns, or the employment relationship is otherwise terminated, the employee will be paid for all vacation benefits earned and accrued that have not been used or forfeited. Introductory-Trial service employees who did not achieve regular employee status will not be paid for accrued vacation benefits.

## **11.0 SICK PAY**

**11.1 Eligibility for Benefits:** Regular employees are entitled to sick pay after the first month of employment. Sick leave shall accrue at the rate of eight hours for each full month of service, to a maximum accrual of 720 hours. Part-time employees earn sick leave by pro-rating the actual number of hours worked over a 2080 hour year.

**11.2 Accumulation and Payment of Unused Sick Leave:** Sick leave benefits are carried forward from one calendar year to the next. However, after an employee accumulates 720 hours of sick leave, no further sick leave will accrue until leave hours fall below the 720 hours.

### **11.3 Use of Sick Leave:**

**11.3.1** Sick leave will be used in amounts of not less than one hour increments. All employees may use accrued sick leave when unable to perform work by reason of:

- Personal illness or injury.
- Personal medical or dental care.
- Exposure to contagious disease under circumstances by which the health of the public or fellow employees would be endangered.
- Caring for an injured or ill immediate family member.

**11.3.2** If an employee is receiving compensation under Workers Compensation, and is on sick leave from the Cityunable to work, the pay that the employee receives from the City will be the difference, if any, between the disability payments and regular rate of pay, using the employee's accrued sick leave. This will continue until the employee's accrued sick leave is depleted, at which time the City will discontinue any additional compensation.

**11.4 Payment of Sick Leave:** Sick leave benefits are paid only for the hours when an employee would normally be scheduled to work. Employees who are unable to report for work after depleting all accrued sick leave may be eligible for a medical leave of absence. For further information, refer to the Leaves of Absence section of this handbook.

### **11.5 Sick Leave Abuse & Verification:**

**11.5.1** Abuse of sick leave is considered a serious matter. Sick leave may not be used for more than three consecutive days without a written explanation from the attending physician unless approved by the City Manager. If we determine an employee has abused sick leave, the employee will be subject to termination.

**11.5.2** In some circumstances, a medical fitness for duty report may be required before an employee is allowed to return to work from an absence due to injury or illness.

**11.6** **Payment Upon Termination:** Sick leave benefits do not vest. There is no payment of unused sick leave benefits when employment with the City is terminated.

**11.7** **Leave-Sharing Policy:** The City has adopted a "Leave-Sharing Program" to give employees the ability to donate accrued or unused vacation or compensatory time - in one hour increments - to another city employee who otherwise may need as the result of a serious illness or injury suffered by them or a family member (see definition below).

- No more than a total of 96 hours of vacation or more than 16 hours of compensatory time may be donated by the donating employee to the recipient employee per year;
- After taking in consideration the amount of time donated, the donating employee must maintain at least 96 hours of vacation time in the donating employee's vacation account.
- The donated time has no cash value; the value of the time is what is donated for the use of the benefited employee.
- The donated time will be credited to the recipient employee's particular account only after that employee has exhausted all accrued vacation, sick leave and compensatory time and only for such period as the employee remains seriously ill. It will be used on an as-needed basis and only during the serious illness. Any time not used will be returned to the particular donating employee and re-credited to the account from which time it was taken.
- An employee who wishes to donate time to another employee has to inform their supervisor in writing of their intent to donate time, the amount of time they wish to contribute and determine the account from which the donated time will be taken. The supervisor will determine whether the donating employee has sufficient hours remaining in the affected account to make the donation and, if so, inform the donating employee in writing of the hours remaining in the account. If an employee does not have sufficient time remaining in the account, the supervisor must so inform the employee in writing. In such a case, the employee may elect to forgo the donation entirely.
- If more than one employee wishes to make a donation of time, the City Manager will determine from which accounts the time donation will come, in what order the donations will occur and whether the donations will be allocated between all employees who elect to donate. The City Manager



may consult with the affected donating employees to ascertain their desire and take those desires into account.

- The City Manager may adopt additional procedures concerning this rule and its implementation.
- Employees are eligible to request donations of leave if they have been employed by the City for a period of not less than one consecutive year, completed a "Request for Leave" Form, and if they or a family member is experiencing a serious illnesses or injury. As used in this rule:
  - "Family member" means the employee's spouse, [registered same-sex domestic partner](#), parent, child or sibling by blood, [marriage](#) or adoption.
  - "Serious illness or injury" means an illness, disease or injury of such character that it prevents an employee from working at their position with the City for not less than one week. The employee must provide the City Manager with documentation from their treating physician that [they he/she or are his/her family member is](#) seriously ill.

## 12.0 INSURANCE

The City provides group health insurance plans covering medical, dental, vision and prescription drugs for regular ~~full-time~~ employees who are regularly scheduled to work at least ~~30~~5 hours per week. Under these plans, the City and eligible employees share in the costs of coverage of the employee, employee and one dependent and employee plus two or more dependents. The ratio of sharing in costs shall be stated each year when Council approves the employee compensation package. ~~Employees working a minimum of 20 hours per week shall be eligible for medical, dental, vision and prescription drug benefits and shall share the cost of coverage on a prorated basis up to 50% plus the contributory share paid by full time employees.~~ The City also provides Life Insurance for regular ~~full-time~~ employees who are regularly scheduled to work at least ~~30~~5 hours per week.

### 12.1 Eligibility Requirements:

**12.1.1** Regular employees, [including Trial Service employees](#), become eligible to participate in the plan on the first day of the month following a full month of employment.

**12.1.2** Eligible employees must sign and submit an enrollment form to the City before the first day they are eligible to participate in the plan to be eligible for coverage. It is an employee's responsibility to submit the fully completed enrollment card on a timely basis. Failure to do so could result in delays or denial of coverage by the City insurance carrier.

### 12.2 Termination of Coverage:

**12.2.1** The City's paid contribution toward employees' group health insurance plans will end on the last day of the month in which an employee resigns, is terminated, laid off, or otherwise stops receiving compensation from the City. The City will continue to pay its portion of the premium for employees who have been off work and receiving workers' compensation time loss benefits for at least 30 days and up to six months. The City will resume its payment of contributions beginning with the first month following employee's return to work as a regular full time employee.

**12.2.2** Employees who lose their coverage may elect to self-pay the premium for continued coverage if permitted by the City's health insurance plan.

**12.3** **Changes in Status:** Employees must advise the City Manager and City Recorder's-designated Plan Administrator if there is a change in family status to maintain the proper amount of health insurance coverage, including address changes.

**12.4** **Changes in Coverage:** It may become necessary to change insurance carriers or plans at any time. Employees will be notified prior to any such change. Employees should also recognize that the City's obligation extends only to pay contributions to eligible employees after any necessary enrollment cards and eligibility requirements are submitted and satisfied. Disputes regarding scope of benefits should be directed to the provider of the specific benefit. Summaries of benefits are available through the City Manager, and included in the plan summary provided employees.

### **13.0 OTHER BENEFITS**

**13.1** **Retirement:** All employees hired for 600 hours per year are eligible for the group retirement plan when they have completed six months of employment. See the employees' plan (PERS) description for details.

**13.2** **Supplemental Insurance:** The City offers several supplemental insurance programs paid by employees. Please contact the City Recorder for additional information.

**13.3** **Industrial Accidents & Illnesses:** The City provides insurance coverage for all employees through the Oregon Workers Compensation Board covering job related injuries and illnesses occurring during employment with the City. When an employee must take time off from work as a result of such injury or illness, the employee will receive compensation as scheduled by the State Compensation Board and as determined by the City's workers' compensation insurance carrier (not the City).

**13.4** **Conferences & Conventions:** The City Manager will decide when employees may attend conferences, conventions, or other meetings, at City

expense. Permission may be granted on the basis of an employee's required participation in the meeting. Members of professional societies may be granted permission to attend meetings of their society, when such attendance is considered to be in the best interest of the City.

### **13.5 Educational Aid & Training:**

**13.5.1** The City encourages training opportunities for employees so that City services may be more effective. At the discretion of the City Manager, training sessions may be conducted during regular work hours.

**13.5.2** The City will pay 100% of an employee's tuition cost upon successful completion of a job related course. Written approval must be obtained from the City Manager before enrollment and the employee must be actively employed on the date reimbursement is to be made.

**13.5.3** When attendance is required by the City, 100% of the cost will be paid by the City. In such cases, all educational materials provided to the employee become the property of the City.

### **13.6 Leaves of Absence:**

**13.6.1** The City is not presently covered by either Oregon's Family Leave Act (OFLA) or the federal Family Medical Leave Act (FMLA) because the City does not employ twenty-five employees.

**13.6.2** When employees are hired, it is expected that they will work continuously as needed. We recognize that uncontrollable conditions do arise that require employees to take a temporary absence from employment. The City may consider unpaid time-off of more than three days a leave of absence. The City Manager has discretion to grant a leave of absence after all accrued vacation and sick hours are used, and to determine the length of the leave of absence. The reason for such leave must be compelling such as:

- For the birth of, or placement of, a child for adoption or foster care;
- To care for an immediate family member (spouse, registered same-sex domestic partner, child or parent), with a serious health condition; or
- To care for a parent-in-law with a serious health condition;
- To care for an ill or injured child that requires home care;

#### **13.6.3 Other Requirements:**

- Requests for personal leaves of absence must specify a requested starting and ending date;
- A leave will not be granted to work another job or seek employment or career opportunities elsewhere; and

- Medical verification of an employee's need for medical leave (or an employee's family member) will be required before the leave begins except in emergency situations.

**13.6.4** Employees returning from personal leaves of absence are not guaranteed reemployment. Reemployment is subject to the availability of a position that the City Manager determines is suited to an employee's skills, qualifications and experience.

**13.6.5** During any leave of absence, no wages or benefits are accrued or paid, unless specifically granted in this handbook or required by law. Employees who wish to continue their medical insurance benefit during the period of a leave of absence ~~will be responsible for paying the premium. are referred to the Health Insurance section of this handbook for an explanation of how long the City may continue to pay its portion of the insurance contribution.~~

**13.6.6** Leaves of absence must be requested by the employee in writing as far in advance as possible to allow the City to make arrangements for proper staffing during the absence. Employees who do not notify the City and obtain approval for leaves of absence will be considered absent without authorization.

**13.6.7** To be eligible for a personal leave of absence, employee must have worked for the City a total of at least 12 months and worked a minimum of 1,250 hours over the previous 12 months.

~~**13.7** Unpaid Personal Leave: The City Manager may grant an unpaid leave of absence at the request of an employee, if the City Manager finds that: (1) the employee's proposed absence will not cause a hardship to the City, (2) a temporary employee, costing the City no additional or unbudgeted payroll, can perform the job in the employee's absence, and (3) the proposed leave is for a purpose promoting a public interest.~~

~~**13.8** Reinstatement: In order to have reinstatement rights when returning from leave, an employee must request reinstatement promptly upon the expiration of leave. If the request for reinstatement is timely and complies with other requirements, the employee will be reinstated to the former position. If the employee cannot be reinstated to the former position because that position no longer exists, the employee will be reinstated to an available equivalent position in accordance with applicable law. If there is not an available equivalent position, the employee must continue to submit written requests for extensions of leave until a suitable job becomes available. Otherwise, the City will assume that the employee is no longer interested in employment and employment will be terminated. Reinstatement rights expire after two years.~~

### **13.79** Jury Duty Leave:

~~13.9.1 An employee will continue to receive regular wages to perform jury duty.~~

**13.7.1** Employees who are required to be absent from work due to jury duty will, upon proper verification, be granted time off to serve. The City will pay the difference between an employee's regular pay rate and the payments received for serving on jury duty, not to exceed 10 days. Employees must notify their supervisor as soon as possible after receiving a jury duty summons.

**13.7.2** If an employee is excused from jury service during working hours at a time that reasonably permits return to work, the employee is required to call their supervisor to see if they should report to work that day.

## **13.10 Bereavement Leave**

**13.10.1** If there is a death in the employee's immediate family, an employee may be granted a leave of absence with pay not to exceed **three business days**. "Immediate family" includes spouse, registered same-sex domestic partner, children, parents, brothers and sisters, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent or step-child of the individual, and any person residing in the same household with the individual. ~~father, mother, children, brother, sister, father-in-law and mother-in-law.~~

**13.10.2** When possible, the City Manager will also grant vacation leave or unpaid leave for the funerals of other relatives or friends.

**13.10.3** Requests for bereavement leave must be made to the City Manager.

**13.11 Military Leave:** Employees who wish to serve in the military and take military leave should contact the City Manager or City Recorder for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law. Upon entry into the U.S. Armed Forces, National Guard or Reserves, employees are granted a leave of absence for the period of their military services in accordance with applicable law.

## **13.12 Medical Leave:** ~~\_\_\_\_\_~~

~~13.12.1 Occasionally, employees are required to be absent from work for extended periods of time due to serious medical illnesses or injuries regardless of whether they are a result of on-the-job or off-the-job factors. In such circumstances, employees should contact their supervisor regarding an extended leave of absence. Employees who are absent from work due to work-related illnesses and injuries are eligible to receive workers' compensation benefits.~~

~~13.12.2 Employees on medical leave of absence must keep the City Manager or supervisor apprised of their anticipated date of return to work and changes in medical status. All employees on a medical leave of absence for on or off the job~~

~~injuries and illnesses are required to call the City Manager to report their medical status, progress and anticipated date of return to work at least once a week, unless they are granted written approval to be absent until a specific date.~~

~~13.12.3 Reporting to a coworker or another person is not sufficient to comply with this reporting requirement.~~

~~13.12.4 The reemployment of persons returning from medical leave is subject to the availability of suitable work. The City will comply with applicable laws.~~

~~13.12.5 All employees who are released to return to work from on-the-job injuries or illnesses must request return to work within three days after receipt of notice by certified mail from the City's workers' compensation insurer that the employee has been released to return to work by a doctor. This applies to limited and full duty releases. All employees who are released to return to work from a medical leave for extended off-the-job injuries or illnesses must also request return to work within seven days after receipt of a full or light duty release from a doctor.~~

~~**13.12.6 Definition of Serious Health Condition:**~~

~~"**Serious health condition**" means an illness, injury, impairment, or physical or mental condition that involves:~~

~~1) **Hospital Care:** Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.~~

~~2) **Absence Plus Treatment:**~~

~~(a) A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:~~

~~(1) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or~~

~~(2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.~~

~~3) **Pregnancy:** Any period of incapacity due to pregnancy, or for prenatal care.~~

~~4) **Chronic Conditions Requiring Treatments:** A chronic condition which:~~

~~(a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;~~

~~(b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and~~

~~(c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).~~

- 5) ~~**Permanent/Long-term Conditions Requiring Supervision:**~~  
A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- 6) ~~**Multiple Treatments (Non-Chronic Conditions):**~~  
Any period of absence to receive multiple treatments (including any recovery period) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy), kidney disease (dialysis).
- (a) ~~**"Incapacity"**~~ means the inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment, or recovery.
- (b) ~~**"Treatment"**~~ includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of ~~**"continuing treatment"**~~ includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

~~**13.12.7 Other Requirements:**~~ Employees seeking a medical leave of absence will be required to provide the following:

- ~~Thirty days advance notice of the need to take medical leave when the need is foreseeable;~~
- ~~Medical verification of the need for leave due to a serious health condition affecting the employee or an immediate family member;~~
- ~~Medical verification of the need for leave to care for an ill or injured child that requires home care if you are absent for more than three workdays in a one-year period for this purpose;~~
- ~~Second or third medical opinions (at the employer's expense), periodic recertification and fitness for duty reports; and~~
- ~~Weekly reports during medical leave regarding the employee's status and intent to return to work.~~

~~13.12.8 When an employee gives notice of any leave of absence, the City shall give the employee specific information on what is required of the employee and what might occur in certain circumstances, such as if the employee fails to return to work after such leave.~~

### **13.13 Domestic Violence Victim Leave:**

~~13.13.1 If an eligible employee is a victim of domestic violence, sexual assault, or stalking or is the parent or guardian of a minor child or dependent who is the victim of domestic violence, sexual assault or stalking, an employee may be granted a leave of absence with pay not to exceed three business days.~~

~~13.13.2 The City Manager may grant an unpaid leave of absence to an eligible employee who is the victim of domestic violence, sexual assault, or stalking or is the parent or guardian of a minor child or dependent who is the victim of domestic violence, sexual assault or stalking. The employee's leave of absence may be limited if the City Manager finds that the employee's proposed absence will cause an undue hardship to the City.~~

~~13.13.3 "Eligible employee" is an employee who worked an average of more than 25 hours per week for the City at least 180 days immediately before the date the employee takes leave.~~

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

13.13.2 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.

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

13.13.4 When seeking this type of leave, the employee should provide as much advance notice as is practicable of his or her intention to take leave, unless giving advance notice is not feasible. Notice of need to take leave should be provided by submitting a request for leave in writing to **the City Manager** as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

13.13.5 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 oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

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

**13.14 Miscellaneous Leave with Pay Search and Rescue Leave:** A part-or full-time employee, with approval, is entitled to leave without loss of time, pay, or other leave-benefits for an absence caused by employees who are requested by an appropriate agency to participate in a search and rescue operation or disaster relief assistance. These employees are eligible for leave with pay for a period not to exceed five regular work days for each such operation (incident), provided the employee fully complies with ORS 652.250.

~~13.15 Other Leaves: The City will comply with other applicable laws regarding leaves of absence.~~

**13.16 Payment for Spouse/Guest at Official City Functions:** The cost of meal(s) at officially sanctioned or recognized City functions for the guest of employees will be deemed part of the City's compensation to those employees and a legitimate City expense in consideration of the services and contributions to the community made by these individuals. The payroll records shall keep copies of the expenses related to this section.

## 14.0 SAFETY

Nothing is of greater concern to the City than the safety of its employees and the public. For the employee's protection, job-related injuries, accidents, vehicular accidents, illnesses, or unsafe conditions must be reported immediately. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices, and to bring any unsafe condition to the attention of their immediate supervisor. Employees are also expected to read and abide by the City's adopted Safety Plan. Every employee is responsible for safety. Our goal is to have zero accidents and injuries. Only through your complete cooperation will we achieve this goal.

**14.1 Tobacco Free Work Environment:** ~~The City seeks to promote a safe, healthy and pleasant work environment for all employees and the public. Effective January 1, 2009, City facilities, including city-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the City will be tobacco free. Visitors to any of the City's facilities will be requested to comply with the City's efforts to maintain a~~

tobacco-free environment. The City provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. This policy applies to employees, volunteers, and any visitors to Organization property, vehicles or facilities/buildings.

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

If you wish to smoke, you must do so outside of the City's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. Please speak with **your supervisor** if you would like to learn where the designated smoking areas are located.

**14.2 Reporting Unsafe Working Conditions:** It is the responsibility of all employees to report any unsafe working condition promptly to a supervisor or the City Manager. We encourage our employees to work with us to maintain safety by alerting us to potentially unsafe conditions.

**14.3 Reporting Injuries:**

**14.3.1** Work related injuries and illnesses must be reported to a supervisor or the City Manager as soon as possible. This is essential. Even though a work related injury may appear to be of little consequence, it is important that it be reported in sufficient detail to establish a claim should complications follow.

**14.3.2** All employees are also required to report any accident involving City employees and other persons. These accidents must be reported in sufficient detail to allow the City to respond. Employees are expected to cooperate fully with all accident investigations.

**14.4 Safety Guidelines:**

**14.4.1** The City has established safety guidelines that require all employees to work with management to prevent accidents and injuries.

**14.4.2** All employees are expected to have an interest in the general promotion of safety and health for the City. Employees are responsible for making recommendations on improving safety and health in the workplace by:

- Identifying potential hazards and suggesting corrective actions.
- Maintaining and promoting the interest of all City employees in occupational safety and health matters.

**14.4.3** Employees who have suggestions for improving work site health and safety should submit them to the City Manager.

**14.5 Emergencies:** If there is a need to respond to a medical emergency that occurs at the office, an employee should first dial 911 and then notify a supervisor or the City Manager.

**14.6 Workplace Violence:**

**14.6.1** The City is committed to the safety and security of employees, citizens and visitors. All employees are expected to maintain high standards of employee behavior, including respect for the dignity of all individuals. As a result, threats, threatening behavior, or acts of violence against or by employees, visitors, or guests on the City property will not be tolerated. Furthermore, threats, threatening behavior, or acts of violence off City property by city employees will also not be tolerated.

**14.6.2** Any person who exhibits threatening behavior or engages in violent acts on City property should be removed from the premises as quickly as reasonably possible, and will be required to stay off City premises pending the outcome of an investigation into any incident. If an investigation discloses prohibited behavior, the City has the right to take any steps the City Manager deems necessary. This response may include suspension or termination of any business relationship, reassignment of job duties, suspension of at least one week without pay, termination of employment, and criminal or civil prosecution of the person or persons involved.

**14.6.3** The need to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing supersedes any rule, practice, or procedure that may appear to prohibit taking action to avoid the violence.

**14.6.4** All employees must notify their supervisors or the City Manager of any threat that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should also report any suspicious behavior that relates to City property or City employees. If the supervisor is not available, employees must report the threat to the City Manager. All supervisors are responsible for taking workplace violence issues seriously and following prevention policies and procedures as appropriate.

**14.6.5** All individuals who obtain a protective or restraining order which lists the City property as protected areas must provide the City Manager with a copy of the orders. The City understands the sensitivity of the information requested and will recognize and respect the privacy of the reporting employees.

**15.0 DRUG AND ALCOHOL POLICY**

**15.1 Introduction:** The City is committed to a policy of maintaining high standards of employee safety, productivity and reliability. This policy promotes a safe and productive working environment, and prevents accidents, injuries and property damage that may result from drug and alcohol abuse. The purpose of this rule is to enforce this policy.

**15.2 Prohibited Conduct:** The following conduct by City employees is prohibited:

- Reporting to work or returning to duty following breaks or meal periods with any amount of [illegal](#) drugs or alcohol in your system.
- Consuming, manufacturing, buying, selling, distributing or possessing drugs or alcohol on City premises or while off City premises doing City work. This rule applies regardless of whether you are on paid time. "City premises" includes all property rented, leased, owned or controlled by the City, including parking lots and adjacent areas. It also extends to City equipment and vehicles on or off City property.
- Failing to fully cooperate with any aspect of the City's enforcement of this policy, including refusing to promptly submit to required testing; giving false, diluted or altered urine samples and failure to comply with rehabilitation conditions imposed by the City or rehabilitation counselors.
- Failure to promptly report conviction, arrest or plea bargaining for an alcohol or drug related offense. All drug and alcohol related convictions, arrests and plea bargaining arrangements must be promptly reported to the City Manager. This obligation to disclose applies to all convictions, arrests or plea bargains which occur after the effective date of this handbook.

**15.3** "Drugs" refers to all controlled substances and medication containing controlled substances, including "designer drugs" not approved for use by the U.S. Food and Drug Administration. "Drugs" also applies to prescription medication [for which an employee does not have a prescription](#). For more detailed information on the requirements which apply to employees using prescribed medication, refer to the "Prescribed Medications" below.

**15.4** Employees who engage in any prohibited conduct will be subject to discipline, including termination of employment.

**15.5 Mandatory Testing:** Mandatory testing is required in the following circumstance:

**15.5.1 Reasonable Suspicion Testing**

**15.5.1.1** All employees will be required to immediately submit to alcohol and drug testing whenever the City has reasonable suspicion that the employee has been using drugs or alcohol before reporting to work or returning from breaks. Urine will be used to test for drugs; blood will be used to test for alcohol. Employees who are required to submit to

reasonable suspicion testing are prohibited from transporting themselves to the collection site. A supervisor or the City Manager will provide transportation.

**15.5.1.2** Refusal to submit to a test or otherwise cooperate in City investigations and enforcement of this rule will subject an employee to discipline, including termination of employment.

**15.5.1.3** "Reasonable Suspicion" exists when an employee exhibits patterns of behavior that suggest impairment from drug or alcohol use or when job performance or safety is affected.

## **15.6 Safeguards:**

**15.6.1** The City recognizes the sensitivity of enforcement of this rule. The City will use qualified medical personnel and supervisory personnel to administer this rule.

**15.6.2** The City will use equipment, procedures and facilities that have a high degree of accuracy and integrity in testing and analysis.

**15.6.3** The detectable presence of any drug in the system will constitute a "positive" test. All positive test results will be confirmed using the GCMS testing method. Employees who wish to challenge a positive test result are required to notify the City Manager of their doubts as soon as possible but no later than 10 days after notification of the test result.

**15.6.4** Test results and other information concerning drug and alcohol investigations will be treated confidentially and released only when there is a need-to-know.

## **15.7 Prescribed Medication:**

**15.7.1** Employees using prescribed drugs or non-prescription medications that have any side effects that could affect their ability to competently and safely perform job duties must notify their supervisor of the substance taken and its side effects before reporting for work. Medical verification of ability to competently and safely perform job duties may be required before the employee is allowed to continue a work assignment.

**15.7.2** Although the use of prescribed drugs or non-prescription medications that contain controlled substances as part of a prescribed medical treatment program is not grounds for disciplinary action, failure to report the use of such substances, illegally obtaining the substance or use that is inconsistent with a prescription or label, will subject an employee to disciplinary action as determined appropriate by the City Manager.

## **15.8 Rehabilitation Assistance:**

**15.8.1** Employees who have alcohol or drug dependency problems, or feel they may have such problems, are encouraged to contact their supervisor or the City Manager. Although the City will support voluntary treatment efforts for employees with drug and alcohol dependency problems who voluntarily seek assistance, it is up to each employee to pursue treatment before dependency problems result in unsatisfactory performance, attendance, or safety records and before the employee violates this rule.

**15.8.2** When an employee voluntarily reports a drug or alcohol dependency problem and seeks assistance, the employee will be placed on a leave of absence or adjusted working hours to allow for in-patient or out-patient rehabilitation treatment. The employee will not be permitted to work until such time as a competent medical authority, approved by the City Manager, has certified the employee has controlled the problem and is able to competently and safely perform the job assignment.

**15.8.3** The time an employee is off work undergoing rehabilitation is unpaid. However, employees may draw their unused, accumulated vacation pay and sick leave. Also, employees who are receiving health insurance coverage will be eligible for insurance benefits as outlined in their plan and will continue to receive health insurance contributions from the City as required by applicable laws.

**15.8.4** In order to continue working for the City, an employee seeking assistance must agree to all treatment, rehabilitation, after-care and follow-up testing as set forth in a written Rehabilitation to Work Agreement required by the City.

## **16.0 STANDARDS OF CONDUCT**

**16.1** We believe that most employees prefer to work in an environment in which serious or repeated violations of the City's standards are not permitted. With that in mind, we have established standards of conduct that employees are required to obey. Aside from the City's right and your right to terminate our relationship at any time and for any reason, the City may issue oral or written warnings, suspend, demote, or take other disciplinary action against employees for violation of these rules, standards or procedures as the City Manager deems appropriate.

**16.2** ~~We have grouped examples of the types of conduct that are not acceptable into two basic categories: minor and major infractions.~~

**16.2** The following list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and the City's operations, may also be grounds for discipline, up to and including termination.

~~When we believe a regular employee has committed a minor infraction, the employee will generally receive a written warning prior to termination. Trial period, temporary or casual employees will not generally be given a written warning prior to termination. However, each situation will be evaluated according to the circumstances involved and the type of discipline administered may vary from that listed in each group based upon our determination of the seriousness of the offense. Also, a warning for different minor infractions may be combined to determine the type of discipline administered. Written warnings will remain in an employee's personnel file indefinitely. Employees may respond in writing to warnings that will also remain in the employee's personnel file indefinitely.~~

~~**16.4** When we feel an employee has committed a major infraction, the employee is subject to immediate termination or suspension.~~

~~**16.5** Minor Infractions: These types of infractions include the following:~~

- ~~• Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, failure and failure to give notice of intended absence or tardiness, or failure to comply with other reporting rules.~~
- ~~• Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity.~~
- ~~• Interfering with or impeding any other City employee's work.~~
- ~~• Performing other than City work during work hours.~~
- ~~• Failure to follow safe working practices. Employees that commit serious safety violations are subject to immediate termination.~~
- ~~• Failure to promptly report an accident or injury or cooperate in accident or injury investigations.~~
- ~~• Using City property for personal use, without advance approval of the City Manager~~
- ~~• Being rude or otherwise uncooperative in dealing with co-workers, supervisors or the public in the course of City business.~~
- ~~• Violating any City rule or practice that is presently in effect or subsequently adopted.~~
- ~~• Any other conduct that the City Manager believes justifies discipline.~~

~~**16.5.1** Receiving three written warnings for minor infractions within a 12 month period may result in termination or suspension.~~

~~**16.6** Major Infractions: These types of infractions include the following:~~

- ~~• Threatening, intimidating, coercing or assaulting another employee, supervisor, or others in the course of City business.~~
- ~~• Insubordination, including failure to follow any oral or written job instructions issued by the City Manager or a person in the position of authority as determined by the City.~~

- Provoking or instigating arguments, dissension or fights during working hours or engaging in horseplay which results in injury or property damage on City property.
- Deliberately delaying or restricting work, or inciting others to delay or restrict work.
- Discussing internal City matters or personal subjects that are not of public concern that would be disruptive to the City or may interfere with the regular operation of the City, or knowingly or recklessly making false statements about the City.
- Engaging in off-duty conduct that the City Manager reasonably believes affects your ability to effectively perform your job duties and responsibilities.
- Any deliberate or reckless act of destroying or damaging City property or the property of others on City premises.
- Falsifying any reports or records, such as applications, absence and sickness reports, or time records.
- Removing an item from a personnel file, without the approval of the City Manager.
- Dishonesty of any type.
- Committing violations of safety rules or safe working habits that the City Manager believes are repeated or serious.
- Engaging in discriminatory behavior or harassment of a sexual, racial, ethnic, or religious nature.
- Violation of our Drug and Alcohol rules.
- Unauthorized possession of firearms or explosives on City property.
- Violating any City rule, state or federal law presently in effect or subsequently issued that the City Manager believes is serious enough to justify immediate termination.
- ~~Receiving three written warnings within a 12 month period~~

~~16.6.1 Any other conduct that the City Manager believes is serious enough to justify termination or suspension.~~

**16.3** We believe these rules are clear and require little explanation; however if you have any questions concerning the application or intent of these rules, please consult your supervisor or the City Manager. ~~Rules cannot be listed to cover every situation. Conduct not specifically mentioned will be disciplined according to the standards followed for what we feel is the most equivalent type of conduct listed.~~

**16.4** An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate. Rules will be enforced in a manner that respects employee's constitutional and statutory rights. If you feel you have been



unfairly disciplined, we encourage you to use the appeal procedure described below.

**16.5 Appeals Procedures:** Notwithstanding all of the above listings and other oral and written statements, employment may be terminated, with or without notice at any time and for any reason the City considers sufficient at its option or the employee's option. The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its termination options.

**16.5.1 Appeals Rule:** All employees (including trial or introductory employees) may seek to have the City Manager reconsider any discipline or corrective action imposed on them by the City. In order to avail oneself of this review, an employee must present a written appeal to the City Manager within five days after the discipline that is the basis of the appeal. The City Manager will then meet with the employee within the next five working days and attempt to resolve the issue. Within five business days of that meeting, the City Manager will prepare a written decision to the employee that addresses the appeal.

## **16.6 Open Door Policy:**

**16.10.1** Generally, a satisfactory solution to workplace problems can be worked out if the employee's supervisor and the City Manager knows about the problem. A satisfactory solution to an employee's problem will not result if the employee merely discusses it with his fellow employees, friends or family. The City can only deal effectively with problems or complaints of which it is made aware. Therefore, to provide an effective and acceptable means for employees to bring problems and complaints to the City's attention we have established a complaint procedure for all non-disciplinary matters.

**16.10.2** Employees should first discuss their problem with their supervisor and if not resolved then with the City Manager as soon as possible after the event prompting the complaint. If the employee believes, for whatever reason, that his or her supervisor is not suitable to hear the complaint, he/she may bring the complaint to the City Manager's attention first. After learning of the problem from the employee, the City Manager will review the matter and respond in writing within 10 workdays after notification. If the employee is not comfortable discussing their problem with the City Manager, the employee should discuss their problem with the Mayor.

## **17.0 RECRUITMENT, APPLICATIONS & SELECTION**

**17.1** All recruitment announcements will be posted in City Hall and at least two other locations. Position vacancies may also be advertised in the local newspaper or appropriate labor markets. Positions may be opened internally for City regular and temporary employees only, or externally for City employees, volunteers, and non-employees at the discretion of the City Manager.

~~17.2~~ All persons applying for employment with the City must fill out an employment application form. In addition, they may be requested in the recruitment announcement to provide a resume, letters of reference, or other appropriate information that fairly test and determine the qualifications, fitness and ability of a candidate to perform the duties of the City position.

~~17.3~~ All applications will be thoroughly screened for abilities and qualifications. Selection mechanisms may include performance tests, experience and education ratings, oral examinations, demonstrations of skill and tests of physical fitness and written examinations.

**17.2** All statements on employment applications and application materials are subject to investigation and verification prior to appointment.

**17.3** **Appointment:** The City Council appoints the City Manager and other charter officials. The City Manager appoints all other City employees. For some positions, such as the Public Works ~~Superintendent~~**Director**, a Council Committee may be involved in the interview process and assist the Manager with the selection.

**17.4** **Pre-Employment Requirements:**

**17.6.1** All safety-sensitive position applicants offered a position with the City are required to submit to medical examination, and a drug and alcohol screening process.

**17.6.2** Driving and criminal background checks may also be required.

**17.6.3** The City will pay for all testing required.

**17.5** After a vacancy is filled, applications will be placed in an inactive application file and retained for three years. Application material will not be returned. A new application must be filed for each new job vacancy.

**17.6** **Acceptance of Employment Applications:** The City will accept applications for employment only when a job vacancy exists and a job announcement has been posted. When no vacancy exists, unsolicited applications, letters, or resumes, will not be accepted by the City.

## EMPLOYEE HANDBOOK ACKNOWLEDGMENT OF RECEIPT

I acknowledge that I have received a copy of the Employee handbook of the City of Dayton that is effective November 3, 2014, and that I am covered by all City rules contained in this handbook.

I understand that the City reserves all rights necessary to the efficient and orderly management of its business. The handbook is intended to guide City practices; it is not a contract between the City and any employee. It may become necessary for the City to change its rules, practices and this Handbook from time to time as it deems necessary for the management of City business.

I have carefully read and understand the rules and procedures stated in this handbook. I recognize and understand that my employment and compensation may be terminated with or without notice at any time at the discretion of either the City or myself.

I also understand that no one other than the City Manager has any authority to enter into any contract or agreement for employment for any specified period of time, to assure me of any future position, benefits, or terms or conditions of employment, or to make any promises contrary or in addition to this handbook. Any past or future promises contrary or in any way different from this handbook, including my right and the right of the City to terminate our relationship at any time must be in writing, signed and dated the City Manager and me.

I understand this handbook replaces all previous handbooks, rules and procedures.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Name (Print Name)