R1112-11

RESOLUTION ADOPTING ADMINISTRATIVE AND PERSONNEL POLICIES FOR THE CITY OF GOLD BEACH AND REPEALING R0708-3 AND ANY OTHER RESOLUTIONS THAT MAY CONFLICT

Whereas: The adoption of administrative and personnel policies for the City of Gold Beach is necessary for efficient and effective delivery of city services; and

Whereas: The adoption of administrative and personnel policies that align with current state and federal laws helps reduce liability risk to the City; and

Whereas: The existing personnel policies for the City of Gold Beach, which were adopted in August 2007, are significantly out of date; and

Whereas: The City of Gold Beach lacks formally adopted city administrative policies; and

Whereas: The Gold Beach Charter 1986, Chapter II Sections 4 and 5 and Chapter III Section 6 provide the City Council of the City of Gold Beach with the authority to adopt administrative and personnel policies for the City of Gold Beach; and

Whereas: The City of Gold Beach Administration Code Section 1.405 authorizes the City Council of the City of Gold Beach to establish city personnel policies by resolution; and

Whereas: City administrative and personnel policies will be administered by the City Administrator under the provisions of the City of Gold Beach Administration Code Section 1.110.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of Gold Beach, Oregon does hereby adopt the City of Gold Beach Administrative and Personnel policies attached hereto as Exhibit A; and
2. The City Council of the City of Gold Beach, Oregon may, at any time, amend these policies by resolution; and
3. That these policies will be administered by the City Administrator of the City of Gold Beach under the provisions of Section 1.110 of the City of Gold Beach Administration Code; and
4. Resolution R0708-3 and any other resolutions that may be in conflict are hereby repealed.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 8TH DAY OF AUGUST, 2011.

James H. Wernicke, Mayor

ATTEST:

Jodi Frits, City Recorder

City of Gold Beach
Policy Manual

The policies included in this City of Gold Beach Policy Manual are applicable to all city employees, volunteers and elected officials unless it is clear that a specific policy applies only to city employees.

RESOLUTION R1112-11
EXHIBIT A

City of Gold Beach
Policy Manual

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Chapter 1 – Administrative Policies

100 Risk Management

100.1 Workplace Safety

Employees are expected to give their full-time skill and attention to the performance of their job responsibilities and to utilize the highest standard of care and good judgment. Employees also are expected to follow all safety rules and regulations at all times, including the use of protective clothing and equipment, attendance at all training sessions related to their job, following the directions of warning signs or signals and following directions of supervisory personnel. Safety rules and regulations will be issued or modified from time to time and notice of these changes will be communicated in writing.

100.2 Workplace Violence

In addition to providing a safe place to work, the city is committed to providing a violence-free place to work. To this end, employees, visitors, and anyone else on city premises or engaging in city-related activities are prohibited from behaving in a violent manner or threatening to behave in a violent manner. In order to prevent any workplace violence before it begins, the city reserves the right to address any behavior suggesting a propensity towards violence, even prior to the occurrence of any violent behavior. Workplace violence includes, but is not limited to the following:

a) Threatening words or behavior of any kind;

b) Behavior that is threatening, physically aggressive, or violent, such as intimidation or attempts to instill fear in others

c) Belligerent speech, excessive arguing, swearing, threats of sabotage, or any other verbally violent behavior

d) Causing physical damage to property;

e) Unwanted physical contact; and

f) Bringing any form of weapons or firearms onto city premises, including in vehicles on city parking lots, or while conducting city-related activity in any location (this does not apply to employees authorized to carry weapons as part of their job responsibilities, such as police officers).

Any employee who believes that workplace violence has occurred should report the circumstances immediately to their supervisor, their department director, the city administrator, or any other

person in a supervisory position with whom the employee feels comfortable. No employee will suffer any adverse consequences as a result of acting in good faith to bring workplace violence to the city's attention or participating in an investigation.

Any report of workplace violence will be promptly investigated and prompt corrective action will be taken to address any workplace violence found to have taken place, including action against the party engaging in workplace violence. If an employee is found to have committed workplace violence, the employee will be subject to discipline up to and including termination.

100.3 Accident/Incident Reporting

Employees should always report accidents as promptly as possible because prompt reporting will help mitigate damage and processing delays after an incident. Each employee is expected to cooperate fully and assist in reporting and gathering accident information. This policy applies equally whether the employee is at the employee's usual work site or on other city-related business or travel away from the work site.

A city accident report should be completed whenever:

a) An employee is involved in an accident that results in injury or damage to any person or property:

b) An employee is involved in an accident that may result in injury or damage to any person or property;

c) City property is lost, damaged or stolen; or

d) An employee is injured on-the-job.

Medical Assistance. Employees should render first aid consistent with their first aid/CPR training or seek medical attention as soon as possible for any injured person.

Accident Reports. Employees should report accidents to a supervisor immediately. As soon as possible after the accident, the employee and supervisor must complete a city accident report. The accident report is submitted to the administrative services director with the supervisor retaining a copy for the department's records.

Accidents or Incidents Involving Private Parties. Accidents involving private parties can and do occur. In these situations, never discuss who was at fault or who should pay for any costs. Doing so may prejudice the city's rights in any subsequent dispute and may hinder the city's ability to

recover from insurance companies. Always complete an accident report with as much information as possible and, if possible, take pictures to ensure complete documentation of the incident.

100.4 Motor Vehicle Driver Requirements

Driving is among the most hazardous tasks performed by employees and volunteers of the City of Gold Beach. Therefore, it is the policy of the City of Gold Beach that employees and volunteers will follow safe driving practices. Safe driving practices include steps to ensure the driver's total concentration and safe operation of vehicles, such as determining clear directions before departing, refraining from operating equipment such as cell phones and radios while the vehicle is moving, and not operating a vehicle when the driver's ability to react is impaired. Drivers are expected to follow defensive driving principles and Oregon laws and regulations in order to prevent accidents in spite of unsafe driving by others and/or adverse driving conditions.

Department directors are responsible for enforcing this policy and shall ensure all employees and volunteers who drive for the city are notified of this policy and the potential consequences of policy violations.

The City of Gold Beach will allow only drivers that meet the following eligibility criteria to drive while conducting city business:

a) Job Applicants. When any position is being filled for which driving is an essential function, the applicant's driving record for the previous five (5) years will be evaluated according to the following procedure:

   1. Any certification of eligible applicants sent to department directors for selection processes will contain a reminder to conduct a driving record check through DMV prior to finalizing an employment offer.

   2. Hiring managers may offer employment contingent upon receiving a successful driving record check. However, it is suggested that the applicant's driving record is checked prior to a contingent hiring offer whenever possible.

b) Employees/Volunteers. Any City of Gold Beach employee or volunteer must meet the following criteria in order to be allowed to drive while on city business:

   1. Must possess a valid Oregon driver's license or provide an alternate means of transportation that is approved by the department director or city administrator.

   2. Be at least 18 years old.

3. Possess a valid Commercial Driver's License (CDL) if driving a vehicle requiring such.

4. If involved in an at-fault accident on City of Gold Beach business, an employee/volunteer is required to complete a defensive driving course within six (6) months of the accident.

5. If in possession of a driver's license, sign a release form allowing the City of Gold Beach access to his or her motor vehicle records.

6. If driving their personally owned vehicle, provide the city proof of insurance evidencing liability limits no less than the state required minimum of $25,000 single occurrence/$50,000 annual aggregate.

7. In addition to the above requirements, any City of Gold Beach employee/volunteer holding a position that requires driving as part of their job duties will maintain an acceptable driving record. Requirements for an acceptable driving record are as follows:

    i. No class "A" infraction convictions during the past thirty-six (36) months and no more than one (1) class "A" infraction conviction between the past thirty-six (36) and sixty (60) months.

    ii. No more than one (1) class "B" infraction conviction during the past twelve (12) months and no more than two (2) class "B" infraction convictions during the past thirty-six (36) months.

    iii. No more than two (2) class "C" infraction convictions during the past twelve (12) months and no more than three (3) class "C" infraction convictions during the pas thirty-six (36) months.

    iv. Demonstrated ability to maintain a driver's license without suspension for the past sixty (60) months.

    v. No felony or misdemeanor driving convictions within the past sixty (60) months.

EXAMPLES OF VIOLATIONS BY CLASSIFICATION

INFRACTIONS			
Class A	**Class B**	**Class C**	**Class D**
▪ Failure to obey a traffic flagger ▪ Driving while suspended ▪ Careless driving (w/ accident) ▪ Speed racing ▪ Speeding (30+ MPH over limit) ▪ Failure to stop for school bus	▪ Passing in a no pass zone ▪ Failure to drive on right side of the road ▪ No operator's license ▪ Careless driving (no accident) ▪ Failure to obey a traffic control device ▪ Driving uninsured	▪ Failure to use traction devices ▪ Defective headlights ▪ Illegal U-turn ▪ Failure to yield to pedestrian in crosswalk ▪ Speeding (11-20 MPH over limit)	▪ Impeding the flow of traffic ▪ Failure to signal lane change ▪ Failure to display license plates ▪ Speeding (1-10 MPH over limit) ▪ Failure to use safety belts ▪ Failure to change information on driver's license
MISDEMEANOR			
▪ D.U.I.I ▪ Reckless endangerment of a highway worker ▪ Providing false information to a police officer ▪ Hit and run (no injury) ▪ Reckless driving ▪ Driving while suspended	▪ Providing false information regarding liability insurance ▪ Providing false information on accident report	▪ Failure to display a driver's license ▪ Failure to return suspended license	
FELONY			
▪ Hit and run (injury) ▪ Attempting to elude a peace officer ▪ Driving while suspended/revoked			

Employees or volunteers who are found to have violated this policy may be subject to disciplinary actions as provided in the City of Gold Beach Personnel Policy and applicable union contracts up to and including termination. It is the intent of this policy that unsafe behavior be identified and corrected.

In addition to City of Gold Beach employees and volunteers, the following people can be allowed to drive vehicles on city business:

a) An officer or agent representing the City of Gold Beach.

b) Another person designated to act on behalf of the City of Gold Beach.

Drivers who are not a City of Gold Beach employee or volunteer must meet the following criteria in order to be allowed to drive on city business:

a) Possess a driver's license valid in the state of Oregon; and

b) Be at least 18 years old; and

c) Possess a commercial driver's license if driving a vehicle requiring such; and

d) If driving their personally owned vehicle, provide the city with proof of insurance evidencing liability limits no less than the state required minimum of $25,000 single occurrence/$50,000 annual aggregate; and

e) Obtain permission from the city administrator or designee.

The following responsibilities apply to anyone who drives any vehicle while on City of Gold Beach business:

a) Drivers and passengers are required to wear seatbelts at all times when the vehicle is in motion.

b) The vehicle's lights must be turned on when driving. Exceptions will be allowed for police vehicles involved in law enforcement operations.

c) Drivers will inspect vehicles at the beginning of each shift or prior to each trip to ensure that the vehicles are in safe operating condition prior to their use. This should include tires properly inflated, clean windows, mirrors properly positioned and all lights in working order.

d) Drivers will comply with all applicable state and local driving laws, parking regulations, and all City of Gold Beach and departmental safety policies and rules.

e) Drivers will drive in a manner appropriate for the road conditions and will take extra precautions during inclement weather. Drivers will be prepared for bad weather and adverse road conditions to the greatest extent possible, for example, by carrying chains and a vehicle maintenance kit in the vehicle.

f) Drivers will be held personally responsible and liable for any tickets received while driving a vehicle on City of Gold Beach business. All tickets for moving violations and/or parking fines received while driving city vehicles will be paid or otherwise resolved promptly by the driver. Drivers will notify their supervisor within 48 hours of receiving any citation involving a City of Gold Beach vehicle under their control or responsibility.

g) For photo radar or other citations issued against the vehicle's registration, the employee or volunteer's department director will complete the "Affidavit of Non-Liability" or similar document issued with the citation to identify the driver. The driver will be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.

h) In the event an accident occurs while the driver is on city business, the driver will immediately contact his or her supervisor and follow all City of Gold Beach instructions and procedures for reporting accidents.

i) A driver whose license has been suspended or revoked will immediately notify his or her supervisor.

j) For employees who are required to drive or maintain a valid driver's license as part of their official duties, felony or misdemeanor driving convictions may be considered as grounds for disciplinary action up to and including termination, whether the offense and/or infractions occurred during or outside work hours. Volunteers with driving record convictions on or off the job may be subject to reassignment or removal from volunteer placement.

k) Drivers will ensure that any passengers who ride with them in a city vehicle or in any vehicle while on city business, other than those authorized passengers defined in Section 100.6, are authorized by their supervisor. Drivers will not transport passengers unless the passengers are wearing safety belts or other appropriate restraint devices in accordance with Oregon Revised Statutes.

l) In the event of a citizen emergency that requires the use of a city vehicle, department directors can grant prior authorization for specific uses of city vehicles under specific circumstances they establish. Such grants of authority should be made in writing and kept in an area accessible to department employees. If an employee or volunteer on city business encounters a stranded motorist, please be aware: a) there is no obligation to stop and render assistance; b) consider all objective circumstances regarding personal safety before choosing to stop; and c) unless other actions were previously authorized in writing by the employee or volunteer's supervisor, the employee or volunteer is only authorized to help connect the motorist with appropriate roadside assistance.

m) Drivers will not drive city vehicles or private vehicles for city business when they are required to take medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee or volunteer should first obtain written approval from his or her physician that it is safe to drive while taking the medication. If the employee or volunteer comes to work, but due to a medication cannot drive, and is required to drive as a condition of the job, the employee or volunteer shall immediately inform his or her supervisor and ask for an alternate work assignment. If there is no work available, the employee or volunteer may be assigned to another department or sent home.

n) Employees and volunteers are expected to use good judgment at all times while driving on behalf of the city. In circumstances where the employee or volunteer is uncertain if he or she should be operating or continue to operate a vehicle, the employee or volunteer is expected to contact his or her supervisor to assist in making the determination whether the employee will be allowed to operate a vehicle.

100.5 Cell Phone Use While Driving

Employees and volunteers must use common sense and adhere to all federal, state, and local rules and regulations regarding the use of cell phones, texting devices, pagers, palm pilots and similar electronic communication devices while driving. Whenever possible, employees and volunteers should not make or respond to calls, texts or messages while driving. Except for 9-1-1 communications and for law enforcement and fire response purposes, employees and volunteers are prohibited from using hand held communication devices for any purposes while driving. Should an employee or volunteer need to make or respond to a business call while driving, he or she should locate a lawfully designated area to park and make the call or use a hands-free communications device.

For employees and volunteers whose job duties require driving, the City of Gold Beach will provide for or reimburse for purchase of a phone capable of use with a hands-free device. The city will provide or reimburse (not to exceed $100) employees and volunteers no more than one phone every three years. Employees and volunteers will be personally responsible for replacement of damaged or lost devices within the three-year cycle.

Employees in violation of this policy are subject to disciplinary action up to and including termination.

100.6 Vehicle Use

City-owned/supplied vehicles. The city provides vehicles for use by qualified drivers to conduct official city business in the course and scope of their job and/or to maintain the ability to respond to city business outside the employee or volunteer's normal work hours when special equipment or tools are available in or on the vehicle. City vehicles will not be used for personal business. Use

of city vehicles to commute to and from work, except as according to union contract, is prohibited, unless approved in advance by the department director or city administrator.

Privately owned motor vehicles. The city allows use of privately owned motor vehicles to conduct official city business. A privately owned motor vehicle used for city business must be a conventional, at least four-wheel vehicle, and must be in safe mechanical condition that is adequate to provide safe transport for the applicable road and weather conditions. Vehicle equipment must conform to state of Oregon requirements. A city vehicle or rental vehicle will be used when a personally owned vehicle does not meet these standards. Vehicle registration and insurance must be current.

Insurance requirements

a) The driver of a privately owned motor vehicle used to conduct official city business is responsible for and must maintain liability insurance against injury to persons or property in an amount not less than the minimum requirements of the state of Oregon. Mileage reimbursement for the use of a privately owned motor vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

b) The vehicle owner is responsible for any comprehensive and collision coverage the owner may elect to carry.

Rental cars

a) Drivers will purchase the offered insurance through the rental company. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the city if an accident occurs when the vehicle is used outside the scope of city business.

b) Travelers on city business are required to know the driving laws for any state they drive in, apply common sense, and may only use the vehicle for city business.

Passengers. Only authorized passengers are allowed to ride in city vehicles and other vehicles while in use for city business. Authorized passengers are:

a) City employees conducting city business;

b) Officers and agents representing the city;

c) Volunteers acting on behalf of the city;

d) Vendors and contractors working on behalf of the city;

e) Participants in official city business, training, tours and programs;

f) Representatives of other governmental agencies working with the city;

g) Anyone with prior authorization by the department director, city administrator, or the Gold Beach City Council.

100.7 Security Inspections

The city provides desks, drawers, vehicles, appliances, and other spaces for employees to use in the performance of a job or for personal use. These items remain the property of the city at all times and are subject to search, seizure, transfer, or removal by the city with or without notice at any time. Consequently, employees should have no expectation of privacy when using any property or equipment owned by the city.

100.8 Emergency Closing

Emergencies, such as severe weather, fires, etc., can disrupt city operations. In extreme circumstances this may require the closing of a city work facility. If the event occurs during non-working hours, local radio stations will be asked to broadcast notification of the closing. The city administrator, or his or her designee, will contact each department director, who is responsible for contacting affected employees to notify them of the closure.

When the decision to close is made after the workday has begun, employees released from work will be paid for the full workday. When the decision to close is made before the workday has begun, employees released from work will be authorized to use any paid leave available, or unpaid leave if no paid leave is available. Public safety employees will follow procedures established by their departments.

In cases where extreme weather conditions make coming to work dangerous, employees may choose not to report to work. Employees who choose not to report to work must contact their supervisor as soon as possible. Nonexempt employees may either make up missed work time within the same workweek or use compensatory time, paid leave, or unpaid leave if no accrued paid leave time is available. The option to make up missed work time is available only with the supervisor's approval.

Employees in essential operations may be asked to work on days when some or all city facilities are closed. In these circumstances, employees who work will receive pay in accordance with federal and state wage and hour laws and applicable union contract.

100.9 Sensitive and Non-Public Information

Recognizing that the City of Gold Beach may need to collect and maintain sensitive information in conducting city business, this policy has been adopted to help protect employees, customers, contractors, and the city from damages related to loss or misuses of sensitive information.

This policy applies to all employees, contractors, consultants, temporary employees, interns, volunteers, or anyone working for or under the auspices of the City of Gold Beach.

All information gathered and maintained by employees for the purpose of conducting business is considered institutional information and each individual who uses, stores, processes, transfers, administers and maintains this information is responsible for and will be held accountable for its appropriate use.

Sensitive information includes the following items, whether stored in electronic or printed format, including but not limited to:

a) Credit card information including credit card number (in part or whole), expiration date, cardholder name and cardholder address.

b) Tax identification numbers including social security number, social insurance number, business identification number, employer identification number.

c) Payroll information including paychecks, pay stubs and pay rates.

d) Medical information for any employees, customers or contractors including doctor names and claims, insurance claims, prescriptions, and any related personal medical information.

e) Other personal information belonging to employees, customers, or contractors, such as a name in combination with a social security number, Oregon (or other state issued) driver's license or Oregon (or other state issued) identification card, passport number, or financial credit or debit card numbers along with a security or access code or password.

f) Corporate information including confidential, proprietary information or trade secrets. Proprietary and/or confidential information, among other things includes business methods, customer utilization information, retention information, sales information, marketing and other company strategy, computer codes, screens, forms, information about or received from the City of Gold Beach's current, former, and prospective customers, sales associates, or suppliers, or any other non-public information.

g) Any document marked "Confidential", "Sensitive", "Proprietary", or similarly labeled.

Collection and use of any of the above pieces of information should be limited to situations where there is legitimate business need and no reasonable alternative. Directors must ensure their employees understand the need to safeguard this information and that adequate procedures are in place to minimize risks. Access to such information may be granted to authorized individuals only on a need to know basis.

All non-public information gathered and maintained by employees, for the purpose of conducting city business, that personally identifies any living or deceased individual names is considered "confidential" unless otherwise specified.

Some pieces of personally identifiable information are considered public information and may be shared such as: directory information, including name, office address and phone number and e-mail address. If an employee is uncertain of the sensitivity of a particular piece of information, he or she should contact his or her department director or the city administrator for guidance.

Employees are reminded that the full range of information collected on any living or deceased individual in hard copy or electronic form may be subpoenaed and entered into the public records of a court case, or requested to be disclosed pursuant to the Oregon Public Records Law. Appropriate discretion should be exercised in the drafting of any document that will be stored in any City of Gold Beach file.

100.10 Identity Theft Protection Program

100.10.1 Definitions

a) "Account" means a continuing relationship established by a person with the city to obtain a product or service for personal, family, household, or business purposes. Account includes:

   1. An extension of credit, such as the purchase of property or services involving a deferred payment; and

   2. A deposit account.

b) "Covered account" means:

   1. An account that the city offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a utility account; and

2. Any other account that the city offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the city from identity theft, including financial, operational, compliance, reputation, or litigation risks.

c) "Customer" means an individual that has a covered account with the city.

d) "Identity theft" means a fraud committed or attempted using the identifying information of another person without authority.

e) "Notice of address discrepancy" means a notice sent to the city by a consumer reporting agency that informs the city of a substantial difference between the address for the consumer that the city provided to request the consumer report and address(es) in the consumer reporting agency's file for the consumer.

f) "Personal information" means an individual's name in combination with the following information: a Social Security Number; Oregon driver's license or Oregon identification card number; passport number; or financial, credit, or debit card numbers along with a security or access code or password; when the information is not rendered unusable through encryption, redaction or other methods.

g) "Program" means the policies and practices adopted by the city for protection of personal information and detection prevention, and mitigation of identity theft.

h) "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

i) "Service provider" means a person that provides a service directly to the city.

100.10.2 Periodic Identification of Covered Accounts

Each city department must conduct an annual risk assessment to determine whether it offers or maintains covered accounts. The department shall take into consideration:

a) The methods it provides to open its accounts;

b) The methods it provides to access its accounts; and

c) Its previous experiences with identity theft.

100.10.3 Identification of Relevant Red Flags

After considering the types of covered accounts the city offers and maintains, the methods the city provides to open its covered accounts, the methods the city provides to access its covered accounts and the city's previous experience with identity theft, the city administrator has identified the following categories and types of Red Flags:

a) Alerts, Notifications or Warnings from a Consumer Reporting Agency.

1. A fraud or active duty alert included with a consumer report provided to the city;

2. A notice of credit freeze provided by a consumer reporting agency in response to a request for a consumer report by the city;

3. A notice of address discrepancy provided to the city by a consumer reporting agency;

4. The city receives a consumer report indicating a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

   (i) A recent and significant increase in the volume of inquiries;

   (ii) An unusual number of recently established credit relationships;

   (iii) A material change in the use of credit, especially with respect to recently established credit relationship; or

   (iv) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

b) Suspicious Documents.

1. An identification document that appears altered, forged or inauthentic;

2. The photograph or physical description on the identification is inconsistent with the appearance of the applicant or customer presenting the identification;

3. An identification document that includes information which is inconsistent with information provided by the person opening a new covered account or by the customer presenting the identification;

4. An identification document that includes information that is inconsistent with readily accessible information on file with the city, such as a signature card or a recent check (for example, person's signature on a check appears to be forged);

5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

c) Suspicious Identification Information.

1. Identification information that is inconsistent with external information sources used by the city. For example:

   (i) The address provided to the city does not match any address in the consumer report; or

   (ii) The Social Security Number (SSN) provided to the city has not been issued, or is listed on the Social Security Administration's Death Master File.

2. Identification information provided by the customer is inconsistent with other identification information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

3. Identification information provided by the customer is associated with known fraudulent activity as indicated by internal or third-party sources used by the city. For example:

   (i) The address on an application is the same as the address provided on a fraudulent application; or

   (ii) The phone number on an application is the same as the number provided on a fraudulent application.

4. Identification information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the city. For example:

   (i) The address on an application is fictitious, a mail drop, or a prison; or

   (ii) The phone number is invalid, or is associated with a pager or answering service.

5. The SSN provided is the same as that submitted by other persons opening an account or by other customers.

6. The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other persons opening accounts or by other customers.

7. The person opening the covered account or the customer fails to provide all required identification information on an application or in response to notification that the application is incomplete.

8. Identification information provided is not consistent with identification information that is on file with the city.

d) Unusual Use of, or Suspicious Activity Related to, the Covered Account.

1. Shortly following the notice of a change of address for a covered account, the city receives a request for the addition of authorized users on the account.

2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud. For example:

   (i) The majority of available credit is used for cash advances or merchandise that is easily convertible to cash (e.g., electronics equipment or jewelry); or

   (ii) The customer fails to make the first payment or makes an initial payment but no subsequent payments.

3. A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

   (i) Nonpayment when there is no history of late or missed payments;

   (ii) A material increase in the use of available credit; or

   (iii) A material change in purchasing or spending patterns.

4. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

6. The city is notified that the customer is not receiving paper account statements.

7. The city is notified of unauthorized charges or transactions in connection with a customer's covered account.

e) Notice from Customers, Victims of Identity Theft, Law Enforcement Authorities, or Other Persons Regarding Possible Identity Theft in Connection with Covered Accounts Held by the city. The city is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that the city has opened a fraudulent account for a person engaged in identity theft.

100.10.4 Detection of Red Flags

a) New Covered Account. To facilitate detection of Red Flags, city staff will take the following steps to attempt to verify the identity of the person opening a new covered account:

1. Request certain identifying information such as:

(i) Name, date of birth, Social Security Number, driver's license number, residential or business address (current and/or previous), documentation showing the existence of a business entity and address of principal place of business, or other similar identification;

(ii) Review the documentation provided for Red Flags.

b) Existing Covered Account. To facilitate the detection of Red Flags in connection with an existing account, city staff will take the following steps:

(i) Attempt to verify the identity of customers if they request information related to the covered account;

(ii) Attempt to verify the validity of requests for address changes or other information related to the covered account;

(iii) Attempt to verify changes in information for payment purposes.

100.10.5 Prevention and Mitigation of Identity Theft

a) The city administrator or designee may take the following steps to protect personal information:

1. Require that any website or computer program used for storing or processing personal information is secure, or provide clear and obvious notice that the website or program is not secure;

2. Require that office computers are password protected;

3. Require that when not needed for work purposes, documents containing personal information be stored in a secure location not accessible to the public;

4. Require that computer virus protection software is up to date;

5. Provide training for employees on identity theft protection issues; and

b) Printing SSNs or other tax identification numbers on any mailed materials not requested by the employee or customer unless the SSN or tax identification number is redacted; or on cards used to access products, services, or city buildings; or publically posting or displaying SSNs or other tax identification numbers is prohibited. Exemptions include requirements by the state of Oregon; documents required by federal law, including tax documents, such as W2s, W4s, 1099s, etc; records that are required by law to be made available to the public; records used for internal verification or administrative processes; and records used for enforcing a judgment or court order.

c) File cabinets, desk drawers, cabinets and other storage space containing documents with sensitive information will be locked when not in use.

d) City Hall and all other facilities used for records storage must be locked at the end of each workday and when not in use.

e) Documents containing sensitive information must be stored in secure/locked locations when not in use. Employees must not leave documents containing sensitive information on desks, workstations, work areas, printers and FAX machines.

f) Physical documents containing sensitive information must be destroyed (i.e. shredded, acid dipped, etc.) prior to being discarded in accordance with city public records retention schedules. Any computer hard drive or removable magnetic medium, such as a diskette, USB, magnetic tape, zip disk, etc., that has been used to hold any kind of sensitive information must be electronically "scrubbed" prior to being discarded or being reused. On such media, the mere deletion of confidential data is not sufficient, as deleted

information is still accessible to individuals possessing any of a number of available software tools. Any non-erasable medium, such as a CD or DVD that has been used to hold any kind of sensitive information must be physically destroyed before being discarded.

g) Notary journals that contain personal information must be kept in a secured area or a locked file cabinet or drawer.

h) Internally, sensitive information may be transmitted using approved city e-mail. Any sensitive information sent externally must be encrypted and password protected and may only be sent to recipients approved by the city administrator or designee.

i) All city e-mail containing sensitive information must include the following disclaimer.

"This electronic communication, including any attached documents, may contain confidential and/or legally privileged information that is intended only for use by the recipient(s) named above. If you have received this communication in error, please notify the sender immediately and delete the communication and any attachments."

j) Any elected official or city employee or volunteer who comes across any evidence of sensitive information being compromised or who detects any suspicious activity that could potentially expose, corrupt, or destroy information must report such information immediately to his or her department director, the administrative services director, or the city administrator.

k) In the event city staff detect one or more Red Flags, staff may take one or more of the following actions, depending on the degree of risk that the identified Red Flag indicates identity theft:

1. Continue to monitor a covered account for evidence of identity theft;

2. Contact the customer;

3. Change any passwords, security codes, or other security devices that permit access to a covered account;

4. Reopen a covered account with a new account number;

5. Decline to open a new covered account;

6. Close an existing covered account;

7. Not attempt to collect on a covered account or not refer a covered account to a debt collector;

8. Notify law enforcement; or

9. Determine that no response is warranted under the particular circumstances.

l) The city will provide notification of a the unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of personal information maintained by the city to each individual whose personal information has been compromised, as soon as possible in writing, or electronically if it is the primary manner of communication between the city and the individual, or by telephone. The exception is if the notification would impede a criminal investigation.

m) The head of each department, or the department head's designee, shall be responsible for implementation of the Program for his or her department. The city administrator will periodically update the Program (including the Red Flags determined to be relevant) to reflect changes in risks to customers or to the city from identity theft, based on factors such as:

1. The experiences of the city with identity theft;

2. Changes in methods of identity theft;

3. Changes in methods to detect, prevent, and mitigate identity theft;

4. Changes in the types of accounts that the city offers or maintains; and

5. Changes in the business arrangements of the city, including service provider arrangements.

n) Each department head shall report to the city administrator by December 31st of each year beginning in 2011, on his or her department's compliance with the Program. The report should address:

1. The covered accounts overseen or maintained by the department;

2. The effectiveness of the Program in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

3. Service provider arrangements;

4. Significant incidents involving identity theft and the department's response;

5. Steps taken by the department to protect personal information; and

6. Recommendations for changes to the Program.

o) If a department does not oversee any covered accounts, the annual report to the city administrator may be limited to addressing steps taken by the department to protect personal information.

100.11 Oversight of Service Provider Arrangements

Whenever the city engages a service provider to perform an activity in connection with one or more covered accounts, the city will take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

100.12 Verifying Information in Consumer Reports

a) If the city receives a notice of address discrepancy from a consumer reporting agency, city staff will take reasonable steps to verify that the consumer report relates to the consumer about whom the city has requested the report. Those steps may include:

1. Comparing the information in the consumer report with information the city:

(i) Obtains and uses to verify the consumer's identity;

(ii) Maintains in its own records, such as applications, change of address notifications, other customer account records; or

(iii) Obtains from third-party sources.

2. Verifying the information in the consumer report provided by the consumer reporting agency with the consumer.

b) After taking reasonable steps to verify the consumer's address, the city shall furnish an address for the consumer that the city has reasonably confirmed is accurate to the consumer reporting agency if city staff:

1. Can form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;

2. Have established a continuing relationship with the consumer; and

3. Regularly and in the ordinary course of business furnish information to the consumer reporting agency from which the notice of address discrepancy relating to the consumer was obtained.

c) The city will furnish the consumer's address that city staff have reasonably confirmed is accurate to the consumer reporting agency as part of the information it regularly furnishes for the reporting period in which it establishes a relationship with the consumer.

102 Information and Communication Systems

102.1 General Purpose and Scope

It is the city's goal to enhance both external and internal communication through the use of electronic communication tools and information systems including, but not limited to, telephones, voice mail, fax transmissions, personal computers, laptops, notebooks, cellular phones, smart phones, tablets, PDAs, e-mail, instant messaging, Internet, intra-net, social media, and video/multimedia applications.

All electronic equipment, devices, files and software purchased, licensed to or developed by the city are the property of the City of Gold Beach.

All data, electronic files, applications, and programs created or stored by an employee on any city-owned computer, network or other electronic device are the property of the City of Gold Beach.

All data, electronic files, applications, and programs created by an employee for city business on his or her personally owned computer, personal network, or other personal electronic device are the property of the City of Gold Beach.

Employees should have no expectations of privacy in connection with the transmission, receipt, or storage of information on any city-owned computer, network, or other device. The city reserves the right to trace, review, audit, access, intercept, encrypt, store, block, restrict, screen, delete, recover, restore, publish, or disclose any information on its computers, networks, or other devices without notice.

This policy applies to any personally owned computer, network, or other electronic device an employee uses for city business.

This policy applies regardless of the location of the equipment, software or stored information if used to conduct city business.

Any employee found in violation of the city's information and communication systems policies may have e-mail access and Internet privileges suspended and be subject to progressive discipline up to and including termination depending on the severity and frequency of infractions.

102.2 Telephone and Voice Mail

The city's telephones and voice mail system are intended to be used only for official business.

Limited personal telephone calls (such as those involving family emergencies, child/family care

needs, medical/dental appointments, service appointments and similar matters that can only be accomplished during regular work hours) from city telephones may be made during working hours so long as the use does not impact overall work performance. Personal calls should be brief and infrequent. Personal long distance calls, even if the employee intends to reimburse the city for the cost, may not be made on city telephones.

102.3 FAX Equipment

Personal use of FAX equipment by employees, elected officials and the general public, for other than city business, is discouraged. FAX transmission capacity is generally available through commercial sources and all employees are encouraged to use local business enterprise for FAX transmissions. Employees with FAX capacity on their computer systems are discouraged from any personal use of the equipment and are financially responsible for any such use in accordance with this policy.

This policy applies to all city staff members, elected officials, and committee and commission members who use the city's FAX machines to transmit private or personal business.

The fee for personal use of city FAX machines is $.25 per page. Fees will be paid to the City of Gold Beach Business Office.

102.4 Cellular/Smart Phones and Personal Digital Assistants

Upon the recommendation of the department director and approval of the city administrator, an employee may be required to carry a cellular (cell) phone, smart phone, or personal digital assistant (PDA) as part of the employee's job duties.

City Provided Devices. City provided cellular phones, smart phones, and PDAs are intended for official city business only. Only limited personal use that is in accordance with Oregon statutes and the administrative rules adopted by Oregon Government Ethics Commission and that does not impact overall work performance will be permitted. Examples of such use include contacting a spouse or childcare provider to advise that the employee is going to be late getting home or picking up children for a reason directly related to official duties such as a meeting running later than expected or a schedule change; or receiving an incoming call regarding a family emergency. Employees will not be required to reimburse the city when use follows these guidelines.

Use of Personal Devices for City Business. In lieu of using a city issued cellular phone, smart phone, or PDA, with permission from his or her supervisor or the city administrator, an employee may elect to use a personally owned device and obtain a monthly reimbursement from the city for the employee's data plan, which the employee uses for city business. Monthly reimbursement will be determined based on the individual data plan and employee usage for city business purposes but will not exceed $40 per month. The monthly reimbursement will be calculated as taxable income

to the employee. The city may restrict the make and model of any device or software that connects to city equipment.

Posting and synchronizing of data between a city computer and a personal PDA or smart phone is permitted.

Information stored on a cell phone, smart phone or PDA used for city business may be a matter of public record and subject to retention and disclosure laws and regulations as set by federal and/or state law or local ordinance.

In the event of a lost or broken cell phone, smart phone or PDA purchased with city funds, the department director will determine if the loss occurred as a result of employee negligence when deciding whether the city will fund a replacement device.

102.5 Pagers

Any employee designated for pager use by a department director or city administrator is authorized to use the pager for personal use as long as such use does not impact their overall work performance.

102.6 Information/Data Access and Sharing

Use of city owned computers, networks and electronic devices is restricted to city employees, elected officials, city volunteers and professionals contracted to help support city computers and information systems.

Access rights to data and information stored on city-owned equipment and networks will be given to employees on an as-needed basis. Only those rights needed to accomplish tasks related to job functions will be granted to an employee. Department directors will determine what access rights are permitted to employees in their department.

Sharing of login names, access codes and/or passwords with other employees is prohibited.

102.7 Information and System Security

Employees may not engage in any activity that is intended to circumvent computer security controls.

Employees are prohibited from attempting to crack passwords, to discover unprotected files, and/or to decode encrypted files. This also includes creating, modifying, or executing programs that are designed to surreptitiously penetrate computer systems

Employees are prohibited from accessing the accounts of others with the intent to read, browse, modify, copy, and/or delete data, files, or directories unless they have been given specific written authorization to do so by their supervisor or the city administrator.

Employees may not use an account for a purpose not authorized when the account was established, including personal and/or commercial use.

Employees are prohibited from using software that is designed to destroy data, provide unauthorized access to information systems, or disrupt computing processed in any other way. Using viruses, worms, Trojan horses, and other invasive software on city computers, networks and devices is expressly forbidden.

Employees are prohibited from attempting to degrade the performance of the city's computer systems or subvert the systems in any other way. Deliberately causing harm to the city's computers, network, servers, and/or networked resources is expressly forbidden.

Employees are required to use anti-virus software installed on city computers. Employees are prohibited from tampering with this software in any way or turning it off.

All employees have a responsibility to take reasonable precautions against theft or damage to the city's information systems. Employees should immediately report theft or damage of city systems to their supervisor, administrative services director or the city administrator.

Employees should not leave their computer(s) unattended without locking them or logging out first.

Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Except with the prior written approval of an employee's department director, employees are prohibited from downloading or otherwise removing city files, programs, or anything else stored on city computers or information systems out of the workplace.

Only software owned by the city and approved by the department director, administrative services director, or city administrator is permitted to be installed on city computers. Installation of personal software on any city-owned equipment is expressly prohibited.

Employees are prohibited from using city computers to make illegal copies of licensed or copyrighted software. Copyrighted software must only be used in accordance with its license or purchase agreement. Employees do not have the right to use unauthorized copies of software or make unauthorized copies of software for themselves or anyone else.

City equipment, information or data that is confidential and/or proprietary cannot be shared with unauthorized and/or non-city personnel without prior clearance from a department director or the city administrator.

An employee who leaves employment with the city is prohibited from taking or copying any city property or information unless specifically authorized in writing by their department director or the city administrator.

102.8 Internet Use/Use of City Computer Systems

Use of the Internet is intended for official city business. Personal use of the Internet is only allowed as follows:

a) With the department director's approval.

b) To access city sponsored benefits or promotional events.

c) To schedule appointments for the employee or immediate family members or for other personal matters as permitted under Oregon Government Ethics Commission rules.

Permitted personal use must be done during personal time (meals and breaks). No personal use of city computers is allowed during scheduled work hours.

Personal use of the Internet may not interfere with your work, another employees' work or have an undue impact on the network.

Oregon ethics rules prohibit employees from using city computer systems for personal or private financial gain. Employees are not permitted to use city computer systems to access any investment, deferred compensation or retirement benefit sites or accounts.

The Internet may not be used to access inappropriate sites or to transmit, view or receive inappropriate information. Pornography, hate groups, and gambling are examples of inappropriate sites and access these sites is a misuse of city property.

Using the Internet to play or download games is prohibited.

Posting of threatening, slanderous, sexist, obscene, racially and/or sexually harassing messages is strictly prohibited.

Employees are prohibited from using city resources, including the city's computer systems for political campaigning or fundraising or in any other way that violates state laws and rules concerning political activities of public employees

The representation of yourself as someone else, real or fictional, or a message posted or sent anonymously while using city computers or networks is prohibited.

Downloading a file from the Internet can bring viruses with it. All files must be scanned with city standard virus prevention software before being installed on any city computer or device.

Posting or providing access to any confidential city data, information, or materials is prohibited.

Employees must verify the integrity of information used for city business decisions that is acquired from an Internet site. Employees are responsible for verifying that information acquired from an Internet site is not out of date, and that the source is a valid/qualified provider of the information.

102.9 Electronic Mail (E-Mail) and Instant Messaging Use

The city's electronic mail system is to be used only for city business and is not to be used for personal e-mail.

The city provides all employees with an e-mail account for conducting city business. City employees are required to use this account and the city's e-mail system when using electronic mail for city business.

The city will use a standard format for all network IDs and e-mail accounts. The format will be the initial of the city personnel's first name followed by last name. Example: Robert Smith = rsmith. As needed to prevent confusion, an employee's middle initial may also be used.

Employees are prohibited from using city computers or networks to transmit fraudulent, harassing, degrading, racist, sexist, suggestive, or obscene electronic mail or instant messages.

Employees are prohibited from using the city's electronic mail or instant messaging systems for political campaigning or fundraising or in any other way that violates state laws and rules concerning political activities of public employees.

Chain letters are illegal and may not be transmitted through the city's electronic mail system.

Employees are not permitted to send any electronic mail, message or other form of electronic communication by using another person's identity or attempting to conceal the origin of the communication in any manner.

The city reserves the right to access and review all e-mail files and instant messages created, received, or stored on city information systems. The city can access these files and messages without prior notification.

102.10 Public Records Requirements

The Public Records Law (PRL), Oregon Revised Statutes Section 192.410, *et seq*, requires the city to make all non-exempt public records available for inspection and to provide copies upon request. Under Oregon's public records law, most electronic communication and files are considered public records. The definition of public records in ORS 192.005(5) "includes, but is not limited to, a document, book, paper, photograph, file, sound recording, or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."

Data, information, and electronic files created or stored on any city-owned computer, network, or other electronic device may be a matter of public record and subject to retention and disclosure laws and regulations as set by federal and/or state law or local ordinance.

City work completed on personal computers, networks or other electronic devices, regardless of physical location, may be a matter of public record and subject to retention and disclosure laws and regulations as set by federal and/or state law or local ordinance.

Although some messages may not fall under the definition of public record, it is safest to assume all messages created and received could be considered public record. E-mails and messages should not to be deleted until a hard copy version is produced and appropriately filed.

The city's e-mail system should not be used for document storage. Generally, if an e-mail has value, it should be printed and put in an appropriate file.

102.11 Off-Site Information Technology Equipment Use and Data Access

Employees are required to obtain permission from their supervisor prior to taking computer equipment off site. Department directors are responsible for knowing who within their respective departments has possession of and the location of all equipment taken off site.

City equipment taken off site is to be used for city business only. Personal use of the equipment is prohibited.

Employees are responsible for taking reasonable precautions against theft or damage to computer equipment taken off site. Employees may be held personally responsible for repair or replacement of damaged or stolen equipment or devices.

Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Equipment must be returned to the Gold Beach Business Office for examination and virus scanning before being reconnected to the city's networks.

102.12 City Website Guidelines

The City of Gold Beach's World Wide Web site address is www.goldbeachoregon.gov. The Gold Beach Promotion and Visitor Center World Wide Web site address is www.goldbeach.org

To preserve the public nature of the city's websites and to avoid any perception that the city endorses or provides favorable treatment to any private person or business enterprise (collectively referred to as "vendor"), no corporate or commercial logos or links to vendor sites are allowed on city websites. When a service has been donated by a vendor that enables the development or maintenance of a city website, the name may appear once at the site and must include the following statement "Acknowledgment of (xxxxx) at this site does not constitute the city's support or endorsement of it or its products or services."

The city's website is for "official use" only. All information disseminated through the city's website must be related to the official duties and responsibilities of employees and city departments.

The Oregon Public Records Law's ("PRL") disclosure and retention requirements apply to information processed, sent and stored on the Internet. Confidential information should not be posted on the city's websites. Each department director must approve all posted information pertaining to their department.

Each department director is responsible for content related to their respective department that is posted on city websites.

No city website may be used for campaign-related purposes. No city employee or official may use any city website for campaign-related purposes. Campaign-related purposes include, but are not limited to, the following: statements in support or opposition to any candidate or ballot measure;

requests for campaign funds or references to any solicitations of campaign funds; and references to the campaign schedule or activities of any candidate. No city website may link to any private website related to a candidate's campaign for elective office or a ballot initiative, but it may link directly to city recorder or state or county elections division generated and maintained election-related pages where general election and candidate information can be found.

102.13 Social Media Use

Social media refers to communication created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. The following types of technology are considered social media:

a) Blogs

b) RSS/Nixle

c) Social networking sites (i.e. Facebook, Twitter, Myspace, LinkedIn)

d) Social bookmarking sites (i.e. Twitter, Digg, Delicious)

e) Event Sites

f) Internet Radio

g) Internet Video (i.e. YouTube, Flickr)

City employees, elected and appointed officials, and volunteers are permitted to use social media to conduct city business. Use of social media for city business is limited to disseminating information about the city and city operations, city promotions, and emergency communication.

Employees are not permitted to access or use social media during working hours while at work unless conducting official city business. Personal use of social media while at work during working hours is prohibited. Personal use of social media using city-owned equipment or networks is prohibited.

Except as expressly provided in this policy, a city employee accessing any social media site shall comply with all applicable city policies pertaining to communications and the use of the Internet by employees, including e-mail content.

City social media sites will be managed consistent with Oregon open meetings laws. Members of the city council and city boards, commissions or committees are not permitted to respond to any

published posting, or use any social media site or any form of electronic communication to respond, blog, engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body in violation of the Oregon Public Meetings Law.

Use of social media for city business must first be approved by the city administrator. Any social media used for city business will clearly state that the site is maintained by the city and that the site complies with the city's social media policy.

All city social media sites will use authorized city contact information for account set-up, monitoring and access. Employees are not permitted to use personal e-mail accounts, phone numbers or other personal contact information for setting up, monitoring, or accessing a social media site for city business.

Employees using social media to conduct city business must conduct themselves at all times as professional representatives of the city and in accordance with all city policies.

Employees, elected and appointed officials and volunteers may not publish content on any blogs or other social media sites that is disparaging, threatening, offensive, demeaning, defamatory, obscene, proprietary or libelous to the City of Gold Beach or any other person or entity. Such postings are not sanctioned by the city and employees, elected and appointed officials, and volunteers may be personally liable for such postings.

Employees are not permitted to follow (e.g. "click onto") the profiles of friends, fans, followers or other persons or entities accessing or posting at city social media sites.

Employees while conducting city business are not permitted to express ***personal*** views or concerns through postings on any of the city's social media sites. Postings on any social media site by an employee while conducting city business must only reflect the views policies and positions of the city.

Content posted to city social media sites is limited to city-sponsored or city-endorsed information, programs, services, and events. Content includes, but is not limited to, written information, photographs, videos, and hyperlinks.

Employees may not post or publish content that would violate copyright laws. To avoid copyright infringement, employees should only post or upload content developed or owned by the city. If copyrighted materials are used, employees must maintain physical records of copyright licenses and honor any branding or labeling requirements specified in the copyright license.

Use of social media for city business is subject to the Oregon Public Records Law. Any content that is related to city business that is posted to a social media site, including, but not limited to, subscriber lists, posted communication, communication submitted for posting, video, images, and recordings may be considered a public record and subject to retention and disclosure provisions in the Oregon Public Records Law. Because of this, the following provisions apply to the use of social media for city business:

a) Social media should be used for information distribution only. Employees are not permitted to engage in dialogue or online discussions with visitors to city social media sites. Employees should direct visitors with questions and/or requests for additional information to make such requests via e-mail, mail, in person, or by telephone. City social media sites will refer users to the city's official website or e-mail system for forms, documents, online services and other information necessary to conduct business with the city.

b) Employees may not create new material (data, documents, information) on any social media site. Employees may only post content that is retained elsewhere by the city.

c) Hard copies of all information posted on social media websites by employees in the course of conducting city business must be maintained by the city in accordance with Oregon Public Records Law retention schedules. Hard copy versions of information must be kept in appropriately marked files maintained in the department director's office or Gold Beach City Hall Business Office.

The city reserves the right to monitor and/or moderate use of any social media site used to conduct city business. Postings to city social media sites may not contain any of the following:

a) Comments that are not specifically related to the topic being presented;

b) Profane language or content

c) Harassing language or content

d) Content or links to content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, or any other category protected by federal, state, or local laws

e) Sexual content or links to sexual content

f) Illegal conduct or encouragement of illegal activity

g) Information that may tend to compromise the safety or security of the public or public services including but not limited to: public buildings; public utilities; public transportation systems; police, fire and other emergency services; and public infrastructure.

h) Content that violates an ownership interest of any other party

i) Promotion or opposition of any person campaigning for election to a political office, or promoting or opposing any ballot proposition

j) Disclosure of information that a city or an agency and its employees must keep confidential by law or administrative rule.

The guidelines identified in this policy must be displayed to users or made available by hyperlink on all city social media sites. Users also must be notified that any content in violation of these guidelines may be edited, revised or removed from the site and that use of the site constitutes acceptance of this policy. Users also must be informed that content posted on a city social media site is considered public information and may be subject to monitoring, moderation, or disclosure to third parties.

Any content removed from a city social media site or content received and not posted must be retained, including the time, date and identity of the poster, when available.

The city's social media policy will be displayed to users or made available by hyperlink at the social media site.

All city social media sites will adhere to applicable federal, state and local laws and regulations and policies. Furthermore, all city social media sites will comply with usage rules and regulations required by the site provider/vendor, including privacy policies.

The city reserves the right to terminate any city social media site at any time without notice.

104 Americans with Disabilities Act Compliance

104.1 Purpose and Scope

This policy identifies the responsible positions and areas of responsibility for compliance with the American with Disabilities Act (ADA) provisions. This policy also identifies the grievance procedure for any individual with complaints arising from acts or omissions tied to the ADA.

The City of Gold Beach will continuously seek positive compliance with the provisions of the ADA and will seek to assure a program of continuous improvement for physical facilities covered under the provisions of the Act. For employment and hiring practices, the city will meet the letter and intent of the law, making reasonable accommodations for any recognized disability to the extent required by the law.

104.2 Applicability

This policy applies to all complaints and assertions that may be covered under the provisions of the ADA for any recognized disability, including but not limited to, physical disabilities and mental disabilities.

104.3 Statement of Grievance Policy

In all matters except those of employment, hiring, and conditions of employment, the following grievance process for those complaining or raising issues concerning compliance with the ADA will be followed:

Step 1: The complaining party will provide a written statement of the complaint to the responsible city director. Within ten (10) working days, the responsible director will provide written response of the city's position on compliance, plan for correction, rejection of the assertion, or similar action.

Step 2: Should the complaining party not be satisfied with the determination of the responsible director, the complaining party may file a written statement identifying the complaint and the positions taken by the city, along with any further assertions or facts with the city administrative services director. The administrative services director will have ten (10) working days to review the actions proposed and will make an independent determination on the merits of the complaint. Written findings of determinations will be provided to the responsible director, the city administrator, and the complainant.

Step 3: Should the party complaining remain dissatisfied with the city's response to the filed complaints, the complaining party may file a written statement with the city

administrator. The city administrator will have ten (10) working days to make a final determination of the actions that will be taken by the city, with a written statement provided to the complainant, responsible director and city attorney.

Step 4: Should the party complaining remain dissatisfied he or she may appeal to the City of Gold Beach City Council. The city council will hear the matter at their next regularly scheduled meeting, with a written statement of final determination provided to the complainant within ten (10) calendar days of the council meeting.

Should an applicant remain dissatisfied with the response from the city, the methods for further compliance are described in the ADA.

Nothing in this process will be construed as limiting or otherwise prohibiting the complainant's right to file a formal complaint with applicable state or federal agencies. However, this city process may be suspended if a formal complaint is pending.

At any state of the ADA grievance process, the complainant may choose to be represented by an attorney or other representative, but the complainant will bear all costs for such representation.

The ADA grievance and appeal process may be modified by the city administrator to assure equal access to programs, services and activities for people with disabilities.

In matters of employment, hiring or conditions of employment, the grievance procedure outlined in Chapter 2 Personnel Policies, Section 226 will apply.

106 Public Meeting Administration

106.1 Noticing and Minutes Requirements

Oregon Public Meetings Law defines a public meeting as the convening of any "governing body" for which a quorum is required to make a decision or deliberate toward a decision on any matter. Meetings where information is gathered for a future deliberation must also be noticed if a quorum is likely to be present.

The term "governing body" includes "two or more members of any public body which have the authority to make decisions for, or recommendations to a public body". Thus, all city committees, commissions and advisory bodies must comply with Oregon public meeting, noticing, and minutes requirements.

Notice of a regular meeting should be given sufficiently in advance so as to be reasonably calculated to give actual notice of the time and place of the meeting to the news media and interested persons who have stated in writing they wish to be notified of every meeting. It is preferable to give notice at least three (3) or more days in advance of the meeting and notice should not be given less than twenty-four (24) hours in advance except in an emergency.

Every public meetings notice should contain the following:

a) Date and time of the meeting.

b) Location.

c) List of principal subjects anticipated to be discussed or considered.

Every public notice should be distributed as follows:

a) Provided to members of the council, committee, commission or advisory body.

b) Posted on the city's Internet website.

c) Posted in the City Hall lobby.

d) Posted at the Gold Beach Post Office.

e) Transmitted to local news media.

Minutes must be taken or audio, video or digital recordings must be made of every public meeting and must include the following:

a) Date and time of the meeting;

b) Members present;

c) Motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

d) Results of all votes and the vote of each member by name;

e) The substance of any discussion on any matter; and

f) A reference to any document discussed at the meeting.

Copies of minutes of all public meetings must be submitted to the City of Gold Beach Business Office within two (2) weeks of the meeting.

Staff representatives to each governing body are responsible for ensuring this public noticing and minutes policy is followed.

106.2 Media Representative During Executive Sessions

This policy applies to all representatives of the news media (whose credentials have not been previously recognized by the city administrator or the Gold Beach City Council) seeking attendance in executive sessions of the city council or other city boards, committees, or commissions.

A person seeking attendance at an executive session and purporting to represent a news medium and whose credentials have not been previously recognized by the city administrator or the city council must complete and submit the application form "Media Representative Application for Attendance at Executive Session" to the city administrator at least seven (7) days prior to attendance at their first executive session. Applications may be obtained at the City of Gold Beach Business Office.

When the application is submitted, it will be reviewed by the city administrator and either approved or denied. In order for an application to be approved, the person must ordinarily report on city issues and activities or on the specific subject matter under consideration at the executive session.

The applicant will be notified of the city administrator's decision prior to the scheduled executive session meeting. The applicant may appeal the city administrator's decision by submitting a written appeal to the city administrator within ten (10) days of the city administrator's decision. The city council will consider the appeal at the next regularly scheduled council meeting following the date the appeal is submitted to the city administrator.

Chapter 2 – Personnel Policies

200 Employment Policies

GENERAL STATEMENTS

As an employee of the city, you are engaged in an "***at-will***" employment relationship. This means that either the employee or the city may terminate the employment relationship at any time, with or without cause or prior notice.

The policies in this policy manual shall apply to all employees of the city. If there is a conflict between these polices and the terms of a specific collective bargaining agreement or employment agreement, the terms of the collective bargaining agreement or employment agreement shall control. In the event of conflict between these polices and any federal, State of Oregon, or local law, the terms and conditions of the law or city ordinance will control. The city retains the right to repeal, modify or amend these policies at any time with or without prior notice. Some of the rules in this policy manual, including the Ethics Policy, Rules of Conduct, Harassment and Discrimination Policies and the Travel Policy apply to everyone serving or representing the city including all elected officials, appointed officials, employees, agents, and volunteers.

DEFINITIONS

a) "Probationary" means newly hired, promoted, or transferred employees are considered probationary employees if they are within the introductory/probationary period from the date of hire, promotion or transfer. The length of probationary period for new hires and promoted individuals is provided in section 202.8. Vacation, holiday and sick hours accrue, but only sick leave and holidays can be taken within this period without the city administrator's prior written approval.

b) "Regular Full time" means a regular full-time employee is an employee who has successfully completed the introductory/probationary employment period and is regularly scheduled to work forty (40) hours or more per week. Generally, regular full-time employees are eligible for all benefits, subject to the terms, conditions, limitations, and waiting periods of each benefit program.

c) "Promoted or Transferred Employees" means employees promoted or transferred into a new position within a new or secondary six (6) month probationary period. These employees are typically eligible for all benefits, subject to the terms, conditions, limitations and waiting periods of each benefit program.

d) "Regular Part-time" means a regular part-time employee is an employee who has completed the Probationary Period and is regularly scheduled to work less than forty (40) hours per week. Benefits for these employees include prorated vacation, sick and holiday hours, based on the number of hours worked. They are eligible for city paid insurance, prorated based on the number of hours worked. These employees may be eligible for other benefits or compensation as determined by state law (such as PERS, Social Security, Workers Comp, State Disability and unemployment insurance).

e) "Temporary" means an employee who is hired for a specified period of time on either a full-time or part-time basis is a temporary employee. If a temporary employee is hired by the city, their wages and eligibility for benefits will be outlined in their letter of hire as approved by the city administrator. These employees are not eligible for benefits unless specifically stated in their letter of hire. They may be PERS eligible as determined by state law.

f) "Volunteers" mean individuals who perform various duties for the city on a voluntary, uncompensated basis. The city provides workers' compensation insurance for volunteers, but no other benefits are provided to volunteers without city administrator approval.

Other Employment Classifications

Positions are further classified as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA) and applicable state of Oregon wage and hour laws. Management will make the appropriate designation regarding the exempt/non-exempt status of each new position, or when a position changes substantially. Employees with questions regarding their status as an exempt or non-exempt employee should speak with their supervisor.

a) "Exempt" means an employee who is exempt from the overtime pay requirements under federal and state wage and hour laws. Exempt employees typically include managers, supervisors, administrators, professional staff and others who are paid on a salaried basis <u>and</u> whose duties and responsibilities allow them to be exempt under federal and state law. In order to be classified as exempt, a position must meet the specific tests established by the FLSA and applicable Oregon wage and hour laws. Some exempt employees may qualify for city flex or comp time programs in lieu of overtime.

b) "Non-exempt" means an employee whose job does not meet the exemption criteria under the FLSA and applicable Oregon law. Non-exempt employees are compensated for overtime hours worked, as required by federal and/or state of Oregon laws. Non-exempt employees are usually paid on an hourly basis and are assigned a regular work shift of not more than forty (40) hours per week.

200.1 Equal Employment Opportunity

It is the policy of the City of Gold Beach to treat applicants and employees without regard to race, religion, creed, color, national origin, sex, sexual orientation, age, disability, marital, military or veteran status, or any other basis prohibited by local, state or federal law (except where there are bona fide occupational qualifications). Equal employment opportunity will be extended to all persons in all aspects of the employment relationship including recruitment, hiring, promotion, layoff, termination, demotion, transfer, training, rates of pay, fringe benefits, use of facilities and other terms, conditions and privileges of employment. All employment decisions will be based on the occupational qualifications and essential job functions of the position and the individual's demonstrated skills, knowledge, and ability to succeed in the position.

200.2 Disability Accommodation

The City of Gold Beach's hiring procedures provide persons with disabilities meaningful employment opportunities. The city will afford reasonable accommodation to qualified applicants and employees with a known disability, unless to provide the accommodation creates an undue hardship for the city. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. This policy governs all aspects of employment including selection, transfer, promotion, compensation, reclassification, discipline, layoff, termination, and access to benefits and training.

200.3 Immigration Law Compliance

Employees must be citizens of the United States, resident aliens or persons possessing a visa permitting them to work in the United States. The immigration status of an alien will be ascertained by the city as part of the hiring process. Employment of a permanent nature, whether full-time or part-time, is possible only for those aliens having immigrant status as permanent resident aliens; however, employment of a temporary nature may be provided for under certain non-immigrant visa classifications.

200.4 Prohibition Against Harassment and Discrimination

The City of Gold Beach is committed to a work environment that is free of illegal bias, prejudice and harassment and where all individuals are treated with respect and dignity. The City of Gold Beach intends to provide a professional atmosphere that promotes equal employment opportunities. Therefore, workplace harassment is prohibited.

Employees who believe that they have been subjected to harassment, discrimination or retaliation have an obligation to take advantage of these policies and this complaint process. An employee's failure to fulfill this obligation, including the failure to report or complain about harassment, could adversely affect his or her other rights.

Nothing in this policy is intended to restrict an individual's right to file a complaint with the Bureau

of Labor and Industries or the Equal Employment Opportunity Commission or to file a grievance under a union contract. However, notifying a union steward or other union official does not constitute filing a complaint with the city under these complaint procedures.

200.4.1 Definition of Harassment

Harassment is verbal or physical behavior or conduct that is perceived by the receiver as unwelcome, derogatory or that shows hostility towards an individual because of his or her race, religion, gender, marital status, familial status, national origin, age, mental or physical disability (as defined by the Americans with Disabilities Act and state law), sexual orientation, gender identity, Vietnam era veterans status or other military status protected by law and all other protected status under applicable law and:

a) Has the purpose or effect of creating an intimidating, hostile, abusive or offensive work environment; or

b) Has the purpose or effect of unreasonably interfering with an individual's work performance; or

c) Otherwise adversely affects an individual's employment and employment related opportunities.

200.4.2 Definition of Sexual Harassment

Sexual harassment includes any unwelcome sexual advances, comments, requests for sexual favors or other verbal or physical conduct of a sexual nature where:

a) Submission to the conduct is made either explicitly or implicitly a term or condition of employment; or

b) Submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting the individual; or

c) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

200.4.3 Examples of Prohibited Conduct

Examples of prohibited conduct include, but are not limited to, the following:

a) Verbal or Physical Conduct:

- Use of epithets, innuendos or slurs because of an individual's race, religion, gender, marital status, familial status, national origin, age, mental or physical disability (as

defined by the Americans with Disabilities Act and state law), sexual orientation, gender identity, Vietnam era veterans status or other military status protected by law and all other protected status under applicable law.

- Jokes, pranks or other banter, including negative stereotyping, that is derogatory or shows hostility because of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability (as defined by the Americans with Disabilities Act and state law), sexual orientation, gender identity, Vietnam era veterans status or other military status protected by law and all other protected status under applicable law.

- Unwelcome physical touching or contact, such as pinching, kissing, grabbing, slapping, patting, or hugging.

b) Written, graphic or electronic material that is disparaging or displays hostility on the basis of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability (as defined by the Americans with Disabilities Act and state law), sexual orientation, gender identity, Vietnam era veterans status or other military status protected by law and all other protected status under applicable law. This includes sexually explicit or pornographic material and offensive or derogatory emails including jokes and cartoons. The city specifically prohibits placing any such material on walls, displaying it on computer screens, circulating it in the workplace, sending it in e-mails or by FAX, or accessing it by the Internet.

200.4.4 Procedures for Filing a Complaint for Discrimination or Harassment

a) An individual who is not a current city employee and believes he or she has been subjected to prohibited discrimination or harassment is encouraged to notify the city administrator or a department manager of the harassment or discrimination. If the complaint is about the city administrator, the individual is encouraged to notify the mayor or a city council person, the administrative services director or another city department director.

b) City Employees who believe they have been subjected to prohibited discrimination or harassment should take affirmative action to stop it immediately either by telling the alleged harasser to stop the offensive conduct or by filing a harassment complaint by reporting it immediately to their supervisor, the city administrator or any department director with whom the person filing the complaint feels comfortable. If the subject of the complaint is the city administrator, the employee should notify the mayor or a city councilor.

Discrimination and harassment complaints should be filed in writing. The information provided

should specifically state the incident(s) leading to the complaint and any other pertinent information that will assist in the investigative process.

The city administrator will create or delegate the creation of a written investigatory report documenting the nature of the alleged harassment and the steps taken during the investigative process. The report will be made as soon as practical. At the conclusion of the investigation, the city administrator will make a decision relative to what, if any, immediate, appropriate and corrective action should be taken. If the city administrator is the alleged harasser, then the mayor or his or her designee will make such a decision. Prior to any such decision being finalized, the city administrator, mayor or designee will consult with the city's attorney regarding the investigatory report findings. The results will be communicated to the employee and may be discussed with other parties involved, Appropriate corrective action, up to and including termination, will be taken against any employee engaging in discrimination and/or harassment. An employee dissatisfied with the investigatory report or decision regarding corrective action may file an appeal to the Gold Beach City Council.

All the information in connection with inquiries or with the filing, investigation, and resolution of workplace harassment or discrimination complaints is treated as highly sensitive. Employees or agents authorized by the city to receive and investigate complaints are required to maintain confidentiality to the extent possible. It is expected and anticipated that all parties involved in complaints will observe the same standard of sensitivity. However, because the matter will be investigated, absolute confidentiality cannot be guaranteed. The accused and the accuser will certainly know about the complaint and if it is necessary to interview witnesses, third parties will have, at least, some information regarding the investigation.

200.4.5 Prohibition against Retaliation

The City of Gold Beach will not tolerate retaliation against any individual who makes a report of discrimination or harassment, testifies, assists, or participates in any investigation, proceeding or hearing, regardless of the outcome of the complaint. Retaliation occurs when employee supervisor's actions could deter someone from making a claim. Retaliation can occur even if the underlying complaint of harassment or discrimination is not substantiated. Examples of retaliation towards an individual include the following actions: demoting, suspending or failing to hire someone, failing to treat impartially when making employment-related decisions, and assigning the individual the least desirable jobs. Retaliation may also include co-worker harassment due to another co-worker's complaint, report, or participation in an investigation.

200.4.6 Manager Responsibilities for Policy Enforcement

All managers are expected to enforce these policies and maintain a productive, non-hostile work environment. Managers and supervisors must take immediate action to stop and prevent discrimination, harassment or retaliation, where they know or have reason to know that it is occurring. Managers and supervisors can inappropriately give tacit approval of discrimination or

harassment by laughing, remaining silent when obvious harassment or discrimination has occurred, treating a situation as a joke, failing to take action, or by advising an employee not to complain. Such tacit approval is a violation of this personnel policy and may be subject to discipline up to and including termination.

If a manager receives a complaint from a city employee, an applicant, a member of the public or a third party vendor or contractor about discrimination, harassment or retaliation in the city workplace, they should contact the city administrator immediately and no later than one (1) day after receiving the complaint. If the complaint is about the city administrator, the report should be made to the mayor or city council member.

Any manager who is aware of harassment, discrimination or retaliation and condones it by action or inaction, including failing to report the complaint or observation to the city administrator will be subject to disciplinary action.

202 Recruitment and Hiring

202.1 Job Postings

All position vacancies will be advertised sufficiently to obtain a pool of qualified candidates. At minimum, notice of employment opportunities will be posted in the lobby at City Hall and on the city's website (www.goldbeachoregon.gov).

202.2 Employment Applications and Reference Checks

All persons interested in applying for a position with the City of Gold Beach must complete a City of Gold Beach Employment Application, available on the city's website (www.goldbeachoregon.gov), at the City of Gold Beach Business Office (29592 Ellensburg Avenue, Gold Beach, OR 97444), or by calling the City of Gold Beach Business Office at (541) 247-7029. In addition to a completed City of Gold Beach Employment Application, other application materials (e.g. resume, letter of interest, etc.) may be required and will be specified in the vacancy notice.

All employment applications received by the City of Gold Beach become the property of the city and will not be returned. The city will maintain on file only employment applications for open positions and of those individuals who are hired as city employees. Employment applications of unsuccessful applicants will be destroyed. The City of Gold Beach does not accept unsolicited applications for employment.

Employment reference checks will be conducted on all applicants being considered for employment to ensure that individuals who join the city are well qualified and have strong potential to be productive and successful.

All information submitted as part of an application for employment is subject to investigation and verification. False or misleading statements submitted on application materials or made during an employment interview may result in an applicant's disqualification from consideration. False and/or misleading information discovered after an offer for employment has been made and accepted may result in the employment offer being rescinded or in discipline up to an including discharge.

202.3 Employment Credit History Checks

OAR 839-005-0060; 839-005-0065; 839-005-0070; 839-005-0080; 839-005-0085 makes it unlawful for employers in the state of Oregon to use credit history for employment purposes, except for employers that are federally insured banks or credit unions; state or federal employers required to use individual credit history for employment purposes; law enforcement units employing public safety officers; and positions for which an applicant's or employee's credit history is substantially job related.

The City of Gold Beach may request credit history reports only from applicants to law enforcement positions and positions for which an applicant's credit history is substantially job related, as defined by OAR 839-005-0080. Credit history information of an applicant is substantially job-related, according to OAR 839-005-0080, if:

a) An essential function of the position at issue requires access to financial information not customarily provided in a retail transaction that is not a loan or extension of credit; or

b) The position at issue is one for which an employer is required to obtain credit history as a condition of obtaining insurance or a surety or fidelity bond.

Furthermore, the city may request a credit history report from an applicant only with the applicant's written authorization and upon providing the applicant in writing the city's reasons for use of credit history information.

202.4 Employment Medical Examinations

To help ensure that employees are able to perform their duties safely, medical examinations may be required for some job classifications. All such examinations will be uniformly required within the particular job class and will be conducted after a conditional offer of employment has been made. Satisfactory completion of the examination and appropriate medical clearance will be conditions of employment. Prospective applicants will be notified of medical examination requirements. The examination will be performed by a health professional of the city's choosing and at the city's expense.

Current employees may be required to take medical examinations to determine fitness for duty. These examinations will be scheduled at reasonable times and also performed at the city's expense and by a health professional of the city's choosing.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained in confidentiality by the administrative services director. Access to this information will be limited to those who have a legitimate need to know and in accordance with the federal and state laws.

202.5 Employment Motor Vehicle Record Checks

Driving is among the most hazardous tasks performed by employees and most employees are required to drive at some point while on duty, whether as part of their job duties, or to attend an education or training program, an event, or meeting. In order to ensure employee safety, the city will conduct a motor vehicle record check for all applicants for employment for positions for which

driving is an essential function. Only applicants with an acceptable motor vehicle record will be eligible for employment for those positions.

Applicants for positions for which driving is an essential job function will be required to provide a five (5) year (consecutive, beginning from date not more than 30 days prior to date of application) driving history with their application. An applicant will not be offered employment if the applicant's five year record does not meet the following standards:

a) No class "A" infraction convictions during the past 36 months and no more than one (1) class "A" infraction conviction between the past 36 and 60 months.

b) No more than one (1) class "B" infraction conviction during the past 12 months and no more than two (2) class "B" infraction convictions during the past 36 months.

c) No more than two (2) class "C" infraction convictions during the past 12 months and no more than three (3) class "C" infraction convictions during the past 36 months.

d) Demonstrated ability to maintain a driver's license without suspensions for the past 60 months.

e) No felony or misdemeanor driving convictions within the past 60 months.

202.6 Offers for Employment

Only the city administrator or his or her designee is authorized to extend offers of employment to fill vacancies for regular, full-time and part-time positions. Department directors provide their hiring recommendations to the city administrator, who makes the final decision. Only written offers of employment are considered valid offers.

Department directors, working with the administrative services director, may hire temporary and/or intermittent employees for positions that are seasonal, project-oriented, designed to cover work for an absent employee or manage a temporary shift in workload. Temporary and/or intermittent employees will typically be utilized only when the need for the position is originally estimated to be twelve months or less, unless otherwise approved by the city administrator. Temporary and/or intermittent positions originally designated to exceed twelve months or which are extended beyond twelve months require the approval of the city administrator. Department directors should seek consultation with the administrative services director prior to recruiting for temporary and/or intermittent positions.

202.7 Employment of Relatives

Members of an employee's immediate family may not be employed at the same time if such employment results in an employee supervising a member of his or her immediate family. For the purposes of Oregon's anti-nepotism law, "immediate family" means the:

- **Spouse** of a public official
- **Children** of the public official or spouse
- **Parents** of the public official or spouse
- **Stepparents** of the public official or spouse
- **Stepchildren** of the public official or spouse
- **Brothers** of the public official or spouse
- **Sisters** of the public official or spouse
- **Half-brothers** of the public official or spouse
- **Half-sisters** of the public official or spouse
- **Brothers-in-law** of the public official or spouse
- **Sisters-in-law** of the public official or spouse
- **Sons-in-law** of the public official or spouse
- **Daughters-in-law** of the public official or spouse
- **Mothers-in-law** of the public official or spouse
- **Fathers-in-law** of the public official or spouse
- **Aunts** of the public official or spouse
- **Uncles** of the public official or spouse
- **Nieces** of the public official or spouse
- **Nephews** of the public official or spouse.

The provisions of this section shall apply to promotions, demotions, transfers, reinstatements and new appointments, but shall not be construed retroactively to affect situations of employment in effect prior to the enactment of this section.

In the event that two employees become immediate family members and a supervisory relationship exists, the employees and the city will jointly attempt to find an alternative work arrangement for one of the two employees. If no alternative assignment is available within ninety (90) days, it may be necessary for one of the two employees to resign. If neither employee resigns, the city administrator shall terminate one of the employees.

202.8 Probationary Period

The probationary period is designed to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the selection, promotion, or transfer of the employee serves the overall interests of the city. This is the final step in the competitive selection, promotion or transfer process. In some cases, probation of

employees represented by a collective bargaining agreement is addressed in the agreement, in which case the provisions of the agreement controls.

The length of the probationary period for all new hires or promoted individuals, excluding law enforcement hires, is the first six (6) continuous months of employment, promotion, or transfer. Periods of prior temporary employment with the city do not count toward satisfying the probationary period. The city administrator may extend any employee's probationary period, upon written notification of the extension, if the administrator believes that additional time to fairly evaluate the employee's competencies and appropriateness for the position is necessary. With the exception of sworn law enforcement officers, no probationary period will exceed twelve (12) months; however, no employee shall be deemed to be taken off probationary status without receiving a written notice by his or her supervisor expressly relieving the employee of probationary status. The date of this notice shall be the date of the employee's status as a regular employee.

Civilian law enforcement personnel are required to complete a minimum twelve (12) month probationary period before being eligible for permanent employment status (see Gold Beach Police Department Policy Manual, Policy 1002). Sworn law enforcement personnel must complete an eighteen (18) month probationary period before being eligible for permanent employee status (see Gold Beach Police Department Policy Manual, Policy 1002).

Any probationary employee, including law enforcement personnel, may be terminated at any time during the probationary period without cause and without access to the grievance process or an appeal process. Similarly, probationary employees may resign at any time without notice.

Employees serving probationary periods as a result of a transfer or promotion who do not perform satisfactorily may be allowed to return to their former position or to a comparable position for which the employee is qualified, depending on the availability of the positions and the city's need, and if the employee is not otherwise terminated. A position is not considered available if it is or has been filled.

Probationary employees, except those on probation solely due to a transfer or a promotion from another regular position, are not entitled to take vacation leave, but will accrue vacation time pursuant to the city's vacation policy. Probationary employees, except those on probation solely due to a transfer or promotion from another regular position, terminated prior to the completion of probation will not be paid for accrued vacation.

During any probationary period, the supervisor will observe the employee's performance. Prior to the end of the period, a formal performance evaluation will be conducted by the supervisor, recommending one of the following actions in writing:

a) Termination or return to previous position in accordance with this subsection

b) Extension of probation

c) Promotion to regular employment status

Any extension of probationary time must be established at the time of evaluation.

204 Hours of Work and Work Schedules

204.1 Work Schedules

The standard city workweek is a 40-hour week, beginning and ending Saturday at midnight. Most employees work five 8-hour days, but department directors may authorize alternative work schedules (AWS). AWS is a schedule that varies from the standard workweek, but is not adjustable by the employee on a daily or weekly basis. The city may terminate or alter work schedules, including AWS, at any time. The city will strive to provide reasonable notice of the need to alter an employee's work schedule.

Employee work schedules vary throughout the city's departments. Department directors will advise each employee of their individual work schedule. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled in each day and week. The city has the right to alter an employee's workday or workweek and to require an employee to work overtime and on weekends or holidays.

City required attendance at work-related training sessions, workshops and other meetings, whether before, during or after the employee's regular work schedule is considered work time and will be paid accordingly.

Whether travel time to and from city-required activities and events is considered as hours worked depends on the circumstances and must be determined on a case-by-case basis. The city administrator must approve all paid travel time before the travel is undertaken.

204.2 Rest and Meal Periods

Supervisors will advise employees of the regular rest and meal period length and schedule. To the extent possible, a rest period of 15 minutes will be provided in the approximate midpoint of each work period of four hours or longer. This time is counted and paid as time worked. Generally, employees will be granted a one hour unpaid meal period for shifts of six hours or longer; however, employees may at times be asked to take only a 30 minute meal period, depending upon the job requirements, workload, or supervisor requests. This time is not counted or paid as time worked and employees are relieved of all active responsibilities during meal periods. Department directors are responsible for setting meal period schedules that best accommodate work needs.

An employee may not shorten the workday or receive overtime by foregoing a break or meal period. It is important for employees and supervisors to understand that under state law, and unless otherwise provided in a collective bargaining agreement, employees must take all required rest and meal breaks and the breaks cannot be deducted from the beginning or end of the work period.

204.3 Lactation Break Policy

Employees who want to express breast milk for their infant child during work hours will be permitted to do so during any authorized break. A rest period of up to 30 minutes will be permitted for an employee to express breast milk for each four-hour work period or major portion of a four-hour work period; however, any such time exceeding regularly scheduled paid breaks will be considered unpaid. Such breaks, when feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

The city will make reasonable efforts to provide lactating employees with the use of a room or other location, other than a public restroom or toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. Employees occupying such private areas will either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy.

Employees are permitted to store expressed milk in any authorized refrigerated area within the department provided they clearly label the containers as such. Alternatively the department will make reasonable provisions to provide a place for the employee to store her own cooler for the purpose of storing expressed milk. No expressed milk may be stored in the department beyond the employee's work shift.

206 Work Policies and Practices

206.1 Outside Employment

For purposes of this policy, the term "outside employment" applies when any city employee receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated with the city for services, product(s) or benefits rendered. The definition includes those employees who are self-employed.

An employee may engage in outside employment so long as they meet the performance standards of their job with the city and so long as the outside employment does not constitute a conflict of interest with the city.

A regular, full-time employee, who accepts outside employment, whether part-time, temporary or permanent, must give written notice to his or her department director. Outside employment is to be regarded as secondary to the regular city employment and should not interfere with the availability of the employee for emergency or call-in duty or interfere with or negatively affect the employee's performance while on duty with the city.

If the city determines that outside employment interferes with performance or ability to meet the requirements of the city, the employee may be asked to terminate the outside employment if they wish to remain employed by the city.

An employee's private business may not be conducted during work hours. An employee may not receive any outside income or material gain for materials produced or services rendered while on the job.

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This includes the prohibition of access to official city records or databases or other agencies through the use of the employee's position with the department.

There will be no Worker's Compensation payment by the city to any individual injured in the course of outside employment.

206.2 Outside Overtime

For purposes of this policy, outside overtime applies to any employee who performs their city duties for services on behalf of an outside organization, company, or individual outside of their general scope of duties required by the city.

Any private organization, entity or individual seeking special city services from a city employee must submit a written request to the department director in advance of the desired service. The department director must receive approval from the city administrator before scheduling any outside overtime. All outside overtime will be assigned, monitored and paid through the department working with the administrative services director.

Any private organization, entity or individual seeking special city services will be required to enter into an indemnification agreement with the city prior to approval.

206.3 Outside Employment While on Disability

Employees engaged in outside employment who are placed on disability leave or modified/light-duty will inform their department director in writing within five (5) business days whether they intend to continue to engage in such outside employment while on disability leave or light-duty status. The department director will make a recommendation to the city administrator whether the employee should be allowed to continue to engage in outside employment activities.

Criteria for disallowing outside employment while on disability leave or light-duty status includes, but is not limited to the following:

a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the city's professional medical advisor.

b) The outside employment performed requires the same or similar physical ability, as would be required of employee performing his or her regular duties.

c) The employee's failure to make timely notice of his or her intensions to their department director.

206.4 Residency Requirement

All regular full-time employees, excluding office staff, but including the city administrator, will reside within fifteen (15) minutes travel time of City Hall. The Gold Beach City Council may allow a reasonable time for new employees to comply with this policy, or waive the policy if it poses a hardship.

208 Employee Records

208.1 Personnel Files

This section governs the maintenance, retention and access to personnel files in accordance with established law. It is city policy to maintain the confidentiality of personnel records pursuant to Oregon Revised Statutes 192.502.

The administrative services director maintains the official personnel records for all city employees. These files are the only authorized record of an employee's status and history with the city. Departments are allowed to keep copies of individual employee files, only if the department director can demonstrate to the administrative services director that the files will be kept secured and that information will be kept in confidence according to this policy.

Official personnel files for the City of Gold Beach consist of information gathered by the city relating to the following:

Individual's application
Selection or non-selection
Promotions, demotions, transfers
Salary and leave
Performance appraisals, commendations
Disciplinary actions and termination of employment
Work history, status and tenure
City required training, certification, and other educational records
Other documents relevant to their employment

An employee may include written statements, comments, or rebuttals to any material placed in their file. Employees also may include in their files documentation relevant to their employment.

Personnel files are the property of the City of Gold Beach and are considered and kept confidential. Except as pursuant to lawful process, no information contained in any personnel file will be disclosed to any unauthorized employee or other person(s) without the express prior written consent of the involved employee.

Certain information contained in personnel records is confidential and is not subject to disclosure except as provided by Oregon Public Records Law, or pursuant to lawful process. Only the employee (or person designated by the employee in writing), the employee's supervisor and management personnel are allowed to review information in a personnel file. Information in a personnel file may also be disclosed in response to a lawfully issued judicial or administrative

subpoena, an order of a court of competent jurisdiction, to officials of the U.S. Internal Revenue Service or the Oregon Department of Revenue when authorized by applicable federal or state law or regulation, or city auditors when required by federal rules and regulations. Information in a personnel file may be disclosed to the degree it is classified as public information by federal and state public records laws.

No request for the disclosure of any information contained in any personnel record will be considered received unless it is in written form. Since the format of such requests may be strictly governed by law with specific responses required, all such requests will be promptly brought to the attention of the administrative services director charged with the maintenance of such records.

Upon receipt of any such request, the responsible person will notify the affected employee(s) as soon as practicable that such a request has been made. The administrative services director will ensure that an appropriate response to the request is made in a timely manner and consistent with applicable law. All requests for disclosure, which result in access to an employee's personnel file(s), will be logged in the corresponding file.

Materials that may be construed as negative toward the employee will not be placed in the personnel file without the employee's written acknowledgement. The employee's written acknowledgement does not constitute the employee's agreement with the contents of the material. The employee may include his or her own written statement of explanation or rebuttal with any material placed in the file.

Current and former employees have the right to inspect and obtain copies of their own personnel records as provided by applicable law. The city may charge current and former employees seeking a copy of their personnel file a fee for costs of providing the information, including costs for labor involved in locating and copying the file and copying costs.

Current and former employees wishing to examine their personnel file should contact the city's administrative services director or city administrator. The administrative services director is the designated record keeper for the City of Gold Beach. At no time during the examination of the employee's file shall the file be out of the direct supervision of the administrative services director, city administrator, or other city-designated record keeper.

Official personnel files will be retained for a minimum of ten (10) years after an employee's separation from the city and pursuant to OAR 166-200-0090.

208.2 Medical Records

All information regarding medical examinations of employees that is collected and maintained by the city will be treated as a confidential in accordance with applicable federal and state laws and regulations. Information contained in employee medical records includes, but is not limited to the following:

a) Materials relating to medical leaves of absence.

b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

e) Any other documents or material that reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

Employee medical information needed by the city to carry out its obligations under federal and state laws, such as ADA and FMLA, will be placed in the employee's personnel file and is not protected under HIPAA.

210 Performance Reviews

210.1 Performance Reviews

The purposes of the city's performance review program are to enhance the motivation and productivity of each employee and provide the city with a means by which it can continuously monitor the effectiveness of its operations and the services it provides. Performance reviews serve as one factor in decisions related to employment such as training, merit pay increases, job assignments, employee development, promotions and retention. Written reports identify specific performance levels as compared to established standards, to acknowledge the merit of above standard performance, and to prescribe the means and methods for correcting performance deficiencies to the required level of performance.

Under the city's performance review program, all employees receive annual performance evaluations. Supervisors are encouraged to provide ongoing assessment of employee performance. In addition, supervisors also may conduct formal performance appraisals at other times the supervisor believes appropriate. During an employee's probationary period, monthly performance reviews conducted by the employee's immediate supervisor will help determine the extent to which new employee understands his or her job duties, performance standards and is adapting to the work environment.

Performance reviews will be signed by the city administrator, department director, immediate supervisor and the employee. The employee's signature does not necessarily indicate that the employee agrees with the evaluation, but that the evaluation has been reviewed with the employee. Any disagreement with the review should be addressed in writing by the employee to the department director or evaluating supervisor indicating the specific area(s) of disagreement. The city administrator also should review the comments. These comments will be placed in the employee's personnel file along with the performance appraisal.

212 Compensation and Pay Administration

212.1 Compensation Schedule

The policy of the City of Gold Beach is to recruit and retain the most qualified employees available, to compensate the employees based upon their duties and responsibilities and to acknowledge those employees who have performed successfully. To this end, to the best of its ability the city will develop a pay plan that strives to be competitive with comparable labor markets; compensates employees according to the level of their tasks, responsibilities and other relevant job evaluation factors; and provides a system to acknowledge successful performance based on evaluations of employee performance.

The city administrator will recommend to the Gold Beach City Council, for adoption by resolution, a pay plan covering all classes of positions, including the minimum and maximum rates of pay and such intermediate rates as are appropriate (salary ranges).

The salary ranges assigned to each classification will be established to reflect the differences in the duties and responsibilities between it and other classifications taking into consideration salary rates and benefits paid by other employers for similar work in public and private employment, the city's financial condition and other relevant factors. The salary ranges in each classification do not constitute a promised or guaranteed rate of pay, nor do they constitute a promised or guaranteed percentage regarding any raises or pay increases. The city reserves the right to amend employees' pay schedules, salary rates, benefits, and classifications as needed.

The city administrator is responsible for maintaining a compensation plan that is current and reasonable. The city administrator or Gold Beach City Council may initiate salary studies at any time. As a result of these studies, the Gold Beach City Council may approve adjustments to the city's pay plan.

All new or newly appointed employees generally will begin at the base level for the classification assigned to their position. However, upon the recommendation of the department director and with approval of the city administrator, an employee may be hired to any level of the range within their classification. Whether an employee qualifies for a higher level will depend on the employee's education and experience, market factors, and budget. Employees hired at advanced levels in the range, due to their education and experience, may receive increases at the interval appropriate to that level.

It is the city's current policy to grant regular employees, who are performing satisfactorily, level increases according to the schedule in their classification; however, this policy does not guarantee future pay or level increases or rates of pay. Performance appraisals must be completed prior to

receiving a level increase.

Salary and wages are administered within the budgetary constraints of the city. If, at the discretion of the Gold Beach City Council, insufficient funds exist or the interests of the city require a change in its compensation policies and practices, compensation practices may be altered or suspended.

Approved, outside training required by the city will be paid for by the city and approved time spent in required training will be considered time worked. With department director approval, paid time off may be granted in lieu of considering the time spent in required training or participating in examinations for the required certification as time worked.

Employees are not entitled to pay for travel between their home, or other off duty location, and their workplace for their regular shift, for overtime, or for extra duty assignments. Employees are entitled to receive pay while engaged in approved business travel for the purpose of carrying out city business, in accordance with the Fair Labor Standards Act and city policies.

212.2 Pay Changes

Promotion. Employees may be eligible for advancement to the next step in their salary range upon completion of one year of employment and/or successful completion of the probationary period, whichever occurs first. Salary reviews occur annually on the anniversary of the first date of employment.

Transfer. An employee who is transferred to a classification in the same salary range as their current classification will remain at the same level in the salary range. Salary review dates will not be changed as a result of a transfer. Employees who are transferred to a classification in a different salary range will serve a probationary period in accordance with the policy on probation, and salary review dates will change as a result.

Reclassification and Reallocation. Reclassification and reallocation occur as a result of a change or re-evaluation of duties, responsibilities and/or knowledge, skill, and ability requirements of a position. Reclassification or reallocation may occur as a result of reorganization, reduction in force, or voluntary reassignment.

The potential salary increase and salary review date of an employee holding a position that is reclassified or reallocated to a classification in a higher salary level is handled in the same manner as a promoted employee.

If an employee is in a position that is reclassified or reallocated to a lower salary level, the employee's pay rate will be the highest level in the lower salary range that is less than or equal to

the employee's former pay rate. The employee's eligibility for a level increase will be based on the time served in the previous level plus the time served at the new level.

Demotion. Demotion is a disciplinary action resulting in the employee being reclassified to a lower salary range. A demoted employee will be placed on the level in the lower salary range that is closest to, but not lower than, the employee's current pay rate. The first salary review date will be on the successful completion of the probationary period and successive salary review dates will be on the anniversary of the first date of employment in the reclassified position.

212.3 Pay Deductions

The city makes certain pay deductions from an employee's earnings in accordance with state and federal law, such as income taxes, social security taxes, and worker's benefit fund assessments. Additional deductions may be authorized by an employee in writing to cover costs of participation in city-provided programs, such as insurance.

Court ordered wage withholding or garnishments on an employee's wages will be processed in accordance with applicable law.

212.4 Pay Day

All city employees are paid every other Friday. In the event that Friday falls on a holiday, employees will be paid the working day immediately preceding the holiday.

It is city policy to pay employees for all hours worked during that payroll period. Each paycheck will include earnings for all work performed and reported through the end of the previous payroll period. If time sheets are not provided on time, the employee's paycheck will reflect base earnings only. Adjustments to base salary will appear on a subsequent paycheck for which time sheets were timely received.

Employees may choose to receive a standard paper paycheck or have their wages electronically deposited. Employees who choose to have their wages deposited electronically will receive a copy of a voided check or check stub on payday showing their earnings, deductions, accruals and net pay.

Electronic Payroll Deposit. Participation in electronic payroll deposit is voluntary. Employees must complete an authorization form in order to have their payroll funds electronically deposited. Funds deposited electronically are available to the employee on payday. Electronic payroll deposit authorization forms are available in the Gold Beach Business Office.

212.5 Time Sheets

All employees are responsible for accurately recording time worked and leave used. Federal and

state laws require the city to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Timesheets will be provided to department directors following each payday. Timesheets are to be completed by the employee, signed submitted to the department director for verification and signature.

Timesheets are due in the Gold Beach Business Office on the Wednesday immediately preceding the Friday payday.

Employees will need to project time worked and leave used for the days between when timesheets are due and the end of the pay period. Any needed adjustments to these projected days will be made in the following pay period.

Overtime earned will be paid in the pay period earned, except if it falls within the days between when timesheets are due and the end of the pay period. Overtime earned within that time period will be paid in the following pay period.

214 Benefits

214.1 Holidays

The city grants paid holiday time off to all regular and probationary full-time employees on holidays listed below. Probationary employees must have been employed and due compensation by the city for at least the day prior to the holiday to receive the holiday as a paid holiday.

New Year's Day (January 1)	Veteran's Day (November 11)
Martin Luther King, Jr. Day (3rd Monday in January)	Thanksgiving Day (4th Thursday in November)
President's Day (3rd Monday in February)	Day after Thanksgiving
Memorial Day (3rd Monday in May)	½ Day Christmas Eve (December 24)
Independence Day (July 4)	Christmas Day (December 25)
Labor Day (1st Monday in September)	½ Day New Year's Eve (December 31)

A holiday listed above that falls on a Saturday will be observed on the proceeding Friday. A holiday that falls on a Sunday will be observed on the following Monday.

Regular part-time employees working a minimum of 20 hours per week are eligible for paid holiday time off in an amount proportionate to that which they would earn under full-time employment, if the holiday falls on a regularly-scheduled workday.

Any employee, other than a police officer, required to work during a designated holiday shall, in addition to being paid for the holiday, be compensated for each hour worked. Compensation shall be either cash or compensatory time off, at the discretion of the city administrator. Such compensation shall be based on straight time for the first eight (8) hours worked and one and one-half (1 ½) times the hours worked thereafter. Exempt employees are expected to schedule their work so that holiday work is not required. In the event that an emergency requires work by such an employee, the employee will be granted compensatory time off on an hour for hour basis.

214.2 Vacation

All regular full-time employees are eligible for vacation based on the schedule below. All accruals begin from the date of employment. Although vacation leave shall accrue from the beginning of employment, no vacation time will be authorized during an employee's probationary period, unless specific arrangements have been made at time of hire. Vacation leave cannot be used in advance of accrual.

MONTHS OF SERVICE	MONTHLY ACCUMULATION
0 – 60 (to 5 years)	8.00 hours
61 – 120 (5 - 10 years)	10.00 hours
121 – 180 (10 - 15 years)	12.00 hours
181 – 240 (15 – 20 years)	14.00 hours
240+ (20 years)	16.66 hours

Regular part-time employees working a minimum of 20 hours per week are eligible for vacation leave in an amount proportionate to that which they would earn under full-time employment.

Employees may accrue vacation leave to a maximum of 200 hours Any vacation time accrued beyond the maximum of 200 hours will be forfeited. There will be no pay in lieu of accrued vacation time except at termination, at which time any remaining accrued and earned vacation hours not exceeding 200 hours will be paid in full. For purposes of calculation, one normal work day is the equivalent of eight hours of vacation leave for a full-time employee.

Earned vacation shall be paid at current salary rate.

No vacation shall be accrued while an employee is on a leave of absence without pay.

Vacation leave will not be granted beyond the amount of vacation leave accumulated.

Vacations must be taken at a time mutually agreed upon by the department director and employee. Vacations may be taken only with the advance approval of the employee's immediate supervisor and department director.

When a paid holiday falls within an employee's vacation, the holiday will not be deducted from the vacation balance.

Any regular employee leaving the city in good standing after one year of service and after giving proper notice of termination as provided in Section 224 shall be compensated for vacation leave accrued not exceeding 200 hours and unused to date of separation. In case of the death of the employee, compensation for accrued vacation not exceeding 200 hours shall be paid in the same manner that any salary due the decedent is paid.

214.3 Sick Leave

Regular full-time employees will earn eight (8) hours of sick leave with full pay for each full calendar month worked from date of hire. Regular part-time employees working a minimum of 20 hours per week shall accrue sick leave on a pro-rata basis. Temporary or seasonal employees or any employees working less than 20 hours per week do not accrue sick leave.

Employees will be charged sick leave on an hour by hour basis for each hour absent.

Sick leave may not be taken until the successful completion of the first month of a new employee's probationary period. Sick leave cannot be used in advance of accrual.

Employees may utilize sick leave for the following reasons:

a) Non-occupational personal illness or injury.

b) Quarantine of an employee by a physician.

c) Illness or injury in the immediate family requiring the employee to be absent from work, providing the immediate family member is a member of the employee's household.

Employees shall notify their supervisor of absence due to illness or injury or the illness or injury of an immediate family member requiring the employee to be absent from work as early as possible prior to the time they would otherwise report to work.

The city may require proof of the reason for utilization of sick leave, and may require a physician's verification after more than three (3) consecutive working days.

When an employee must take time off from work as a result of an on-the-job injury or illness, the employee may receive compensation as scheduled by the city's worker's compensation benefit provider and he or she may supplement it with sick leave or vacation pay to equal regular take home pay. Such supplemental pay shall be deducted from the employee's sick or vacation pay accruals at the employee's choice. Employees must submit a copy of their workers' compensation pay stub to request use of his or her accrued sick or vacation leave.

Any regular full-time employee in need of an extended amount of time off due to illness or injury of self or an immediate family member may apply for leave without pay for up to ninety (90) calendar days once all other accrued leave with pay has been depleted.

An employee who is not eligible for sick leave with pay may apply for leave without pay pursuant to Section 214.5.

An employee may annually donate up to a total of 40 hours of accrued but unused sick leave to any regular employee(s), provided that the donating employee maintains at least 150 hours of accrued but unused sick leave for his or her own use and that the receiving employee has used all of his or her own accrued paid time off, including sick leave, vacation time, and compensatory time, and requires additional sick leave to recover from an illness or injury. An

employee who chooses to donate time must notify the city in writing of the donation and receive city approval of the donation.

Because sick leave is provided to protect employees' income while employed, no payment is made for accumulated unused sick leave upon termination. Employees' sick leave balance will be reported to PERS for possible use in calculating possible retirement benefits. Such retirement benefits will be calculated according to PERS rules. To review these rules, go to: http://www.oregon.gov/PERS/.

The improper use of sick leave is cause for disciplinary action up to and including dismissal.

214.4 Family Medical Leave

Family medical leave is unpaid leave for certain family or medical reasons. It is generally a leave of absence for up to 12 weeks and is provided pursuant to both the Oregon Family Leave Act (OFLA) and the federal Family and Medical Leave Act (FMLA). The FMLA also allows unpaid leave to care of a covered service member.

The following description of the FMLA and OFLA current leave benefits is provided to you for informational purposes only and is not promise of continuing OFLA or FMLA leave benefits because these benefits are subject to modification by state and/or federal laws. Before taking OFLA or FMLA leave, you should contact your supervisor to discuss proper procedures.

OFLA eligible employees are those who have been employed by the city for at least 180 calendar days immediately preceding the day on which the leave begins and have worked an average of 25 hours per week or more during the 180-day period. If the leave is to care for a newborn child or newly placed adoptive or foster child, the 25-hour per week requirement does not apply. FMLA eligible employees are those who have been employed by the city for at least 12 months (which need not be consecutive) and worked at least 1,250 hours during the 12-month period immediately preceding the leave. The city uses a "rolling forward calendar" for administration of FMLA.

Employees eligible for family medical leave are entitled to leave in the following circumstances:

a) Employee's own "serious health condition as defined in OFLA and including pregnancy related conditions.

b) A "serious health condition" of employee's family member: spouse; parent; parent-in-law; biological, adopted or foster child (of any age); same sex domestic partner; grandparent; grandchild.

c) Newborn, or newly adopted or newly placed foster child ("parental leave").

d) Non-serious health condition of a child requiring home care ("sick child leave").

e) Qualifying exigency under FMLA when a spouse, son, daughter or parent is on active duty or has been notified of an impending call to active duty.

f) Care for a covered service member by a spouse, son, daughter, parent or next of kin.

Parental leave is available to both male and female employees. Parental leave must be pursued within twelve (12) months of the birth of a newborn or placement of an adopted or foster child.

A serious health condition is defined by federal and state law as an illness, injury, impairment or physical or mental conditions that involves:

a) Conditions requiring constant or continuing care.

b) Inpatient care.

c) Critical illness or injuries diagnosed as terminal or that pose an imminent danger of death.

d) Permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke, or terminal stages of a disease.

e) Permanent or long-term incapacity for more than three (3) consecutive calendar days involving: 1) two or more treatments by a health care provider, or 2) one treatment followed by a regimen of continuing treatment.

f) Absences for pregnancy related disability.

g) Absences for parental care.

h) Absences for chronic conditions.

i) Multiple treatments for conditions that if not related would likely result in incapacity of more than three (3) days.

Serious health conditions are usually not common colds, flu, ear aches, upset stomach, routine headaches, sore throat, or routine medical or dental visits. Periods of employee disability resulting from occupational injury or illness will qualify as family medical leave under this policy if the injury or illness is a serious health condition.

An FMLA qualifying exigency is defined by U.S. Department of Labor regulations. The number of weeks available under FMLA to care for a service member is 26 weeks. The 26 weeks must be used in a single 12-month period.

Generally, an eligible employee may take a total of 12 weeks of leave per year for any combination of qualifying purposes. More than 12 weeks is available under OFLA in two circumstances: a) a female employee who takes leave for a pregnancy related disability may take up to an additional 12 weeks for any other OFLA qualifying purpose; and b) any employee who uses a full 12 weeks of parental leave may use up to 12 additional weeks in the same leave year for sick child leave.

Because OFLA has more qualifying circumstances than FMLA, where an eligible employee takes up to 12 weeks leave of OFLA leave for an OFLA purpose not covered by FMLA, the employee may still have 12 weeks of FMLA leave available. Otherwise, OFLA requires that family leave be taken concurrently with any leave taken under FMLA.

Except for holidays, all other available paid leave will run concurrently and must be used during family medical leave. Worker's compensation leave will also run concurrently with family medical leave, unless the employee is unable to work because of a compensable disabling injury. However, OFLA leave will automatically begin when the employee refuses a bona fide offer of light duty or modified work.

The per year calculation period during which leave is available is measured backward from the date the employee first uses any family medical leave. The leave may be taken in full, intermittent, or reduced time increments. Prior written approval from the employee's department director is required for leave taken in intermittent or reduced time increments. Requests for this option are reviewed on a case-by-case basis and granted at the department director's discretion.

Employees must give the city at least 30 days' written notice of the need for leave when it is foreseeable. If 30 days' notice is not possible, employees should give as much notice as practical. In unanticipated or emergency situations, employees must give verbal or written notice as soon as possible, but in no event within one or two business days. Another person on the employee's behalf may provide verbal notice. The city may designate absences as FMLA after the employee's return to work.

Written notice should be provided on the city's form and should be delivered to the employee's department director or the administrative services director. Whether or not a written notice is given or is provided on the city's form, the notice must describe the situation they believe qualifies for family medical leave. Failure to provide notice required under this policy may result in a reduction or delay of leave, and may be cause of disciplinary action.

The employee must make a reasonable effort to schedule treatment for serious health conditions in a manner that does not unduly disrupt the city's daily operations.

The city is not required to grant a leave request for sick child leave during the period of time in which another family member is willing and able to care for the sick child. The city also is not required to grant a leave request to care for a family member with a serious health condition unless:

a) The family member with the serious health condition is unable to transport their self to a health care provider.

b) The family member with the serious health condition is unable to care for their own basic medical, hygienic, or nutritional needs or safety.

c) When the employee is needed to make arrangements for changes in care, such as transfer to a nursing home.

d) When the employee is providing psychological comfort and reassurance that would be beneficial to the family member with a serious health condition who is receiving inpatient or home care.

Following receipt of the employee's notice and prior to the commencement of leave, unless it is unanticipated or an emergency, the administrative services director will provide the employee with notice regarding the designation of OFLA and FMLA qualifying leave, the use of paid leave during family medical leave, and of the employee's rights and responsibilities.

The department director or city administrator may require the employee to provide periodic reports during leave regarding the employee's status and intent to return to work.

Employees may be required to provide a medical certification from a health care provider in support of a family medical leave request. The certification must be provided prior to the leave if the leave is anticipated or not an emergency. In some cases, the city administrator may require a second or third opinion, at the city's expenses. Medical certification is not required for parental leave, although an employee may be required to provide documentation of birth, adoption, or foster placement. Medical certification may also be required if sick child leave is requested after three occurrences in a year; although, second opinions may not be required in these instances.

If the employee's medical leave is for their own condition, the city administrator may require a fitness for duty certification, at the city's expense, prior to returning to work at their former position.

During family medical leave of one month or longer the employee should call to report their status to their supervisor or the city administrator every 30 days. During shorter family medical leave, the employee should call to report their status on a weekly basis. Employees are expected to immediately report to their supervisor or the city administrator any change in their need for leave or their intention to return to work.

During the time that family medical leave runs concurrently with other paid leave, all benefits, including vacation, will continue to accrue (except for those portions used). During the time that family medical leave runs concurrently with any unpaid leave, no benefits will accrue. Employees are allowed to use any existing accrued paid leave, but must exhaust all accrued paid leave before taking some or all of the family leave as unpaid leave. Further, the city may direct the order in which different types of leaves are to be used. With respect to group health insurance benefits (medical, dental and vision), the city will continue to pay its share of the employee's insurance premiums during the first 12 weeks of family medical leave and during any period thereafter that constitutes FMLA leave, unless the employee declines coverage. During the paid portion of family medical leave, the employee's portion will be deducted from the employee's paycheck; during the unpaid portion of family medical leave, the employee must pay their portion by the first of each calendar month. The city is not required to maintain group health insurance coverage during unpaid OFLA leave. The employee should contact the administrative services director regarding the employee's rights and responsibilities to continue coverage.

If an employee returns directly from family medical leave, group health insurance benefits will be reinstated immediately but other benefits will be reinstated at the first of the following month. If the leave exceeds the limit, the employee will be required to meet the eligibility guidelines before coverage is reinstated and pre-existing condition limitations may apply.

Reinstatement following family medical leave is to the employee's former position, unless the position has been eliminated, in which case the employee may be entitled to reinstatement to an available equivalent job. An employee who gives notice of intent not to return to work will not have reinstatement rights. An employee who fails to return to work at the conclusion of approved family medical leave may be deemed to have voluntarily terminated employment, particularly if the employee's continued absence does not quality as OFLA leave.

214.5 General Leave of Absence

A general leave of absence with or without pay is available to regular full-time employees. A general leave of absence is time off from work (other than sick leave, vacation or holidays). A leave of absence may be with or without pay, at the discretion of the city administrator.

A request for a general leave of absence must be made in writing to the department director (or in the case of a department director requesting leave, to the city administrator), who will provide a recommendation to the city administrator. The written request must state the purpose and reason for requesting the leave and identify the beginning and ending dates of the proposed leave.

Only the city administrator may grant a general leave of absence of up to thirty (30) calendar days. Requests for a leave of absence, other than military leave, for thirty (30) calendar days or more must be approved by the Gold Beach City Council.

An employee who is granted a leave without pay for a period in excess of thirty (30) consecutive calendar days for a purpose other than military leave must take any accumulated vacation leave prior to being placed on leave without pay.

An employee who is granted a leave without pay for less than 30 days will continue to receive and accrue benefits during the period of the leave. Benefits will cease to accrue for leave without pay beyond 30 consecutive calendar days. An employee may continue to receive insurance coverage if the employee pays the insurance premiums. Arrangements must be made with the administrative services director prior to beginning any leave in order for insurance to continue.

Reinstatement following a general leave of absence is not guaranteed. When taking a general leave of absence, the employee should thoroughly understand that their former position might not be available. Operating conditions may change during the period of leave to such an extent as to make reinstatement impracticable. Failure of the employee to return to work on the day following the expiration of the approved general leave will be considered a voluntary termination of employment.

214.6 Military Leave

Military leave will be granted to an employee who is absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Act (USERRA) and the Oregon Military Leave and Reemployment Rights Act. Advance notice of military services is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The following is a description of current military leave benefits offered pursuant to state and federal law. It is provided to you for informational purposes only and is not promise of continuing military leave benefits because these benefits are subject to modification by state and/or federal laws. Before taking military leave, you should contact your supervisor to discuss proper procedures

An employee requesting military leave may use any available and appropriate paid time off for the absence. If accrued paid time off is to be used for military leave, the request must be made in writing to the administrative services director.

All employees who are members of the Oregon National Guard or any reserve component of the armed forces of the United States are entitled to a paid leave of absence for up to 15 consecutive work days in any federal fiscal year (October 1 to September 30) for training, provided the employee has been employed by the city at least six months prior to the leave. This provision does not apply to weekend duty.

Continuation of health and dental insurance benefits is available as required by USERRA based on the length of leave and subject to terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.

An employee on military leave for up to 30 days is required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA.

An employee returning from military leave that did not exceed 90 days will be placed in their former position. If the military leave exceeded 90 days, the employee will be returned to a position they would have attained had they remained continuously employed in a comparable position depending on the length of military service in accordance with USERRA. The employee will be treated as though they were continuously employed for purposes of determining benefits based on length of services. Employees who have not completed their probationary period prior to the time the military leave commences must complete the remainder of the probationary period upon return.

214.7 Court Leave

Regular employees will be granted a leave of absence with pay when required to report for jury service or to appear before a court, legislative committee or judicial or quasi-judicial body as a witness in response to a subpoena or other direction by proper authority.

a) Jury Duty. Regular employees may be granted a leave of absence with pay when required to serve as a juror in Federal, State, or County Court. When requesting leave, the employee must provide the department director with a copy of the summons documents. In order to receive pay for the time served, the employee must submit an attendance slip from the court verifying the dates and time of service and compensation received. Either the city or the employee may request a postponement of jury duty if, in the city's judgment, the employee's absence would create serious operational difficulties.

b) Witness Duty. Regular employees will be granted court leave with pay to appear as a witness in a judicial, legislative, or quasi-judicial proceeding only if the summons is required for a city-related matter or as a result of employment with the city. Witness duty does not qualify as on duty time, or for overtime, unless the employee's appearance has been requested by the city. All other appearances are without pay, but the employee may use any accrued paid leave.

All payments to the employee by the court, except mileage, must be turned over to the city if the court leave was paid leave.

An employee is expected to report to work whenever the court schedule permits or when they are released from service for the remainder of a scheduled workday.

214.8 Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. Immediate family members is defined as spouse, eligible domestic partner, child, parent, spouse's or domestic partner's parent, sister, brother, grandchild or grandparent for the purpose of bereavement leave. Up to three (3) days of paid bereavement leave will be provided to employees working in regular, full-time, and part-time positions, and who have successfully completed their initial probation period. Bereavement leave is calculated on the base pay rate at the time of leave, and will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with supervisory approval, use any available paid leave for additional time off as necessary.

214.9 Overtime, Compensatory Time, Call-outs

214.9.1 Overtime

Occasionally, employees may be required to work overtime. Prior approval must be obtained from your supervisor before working overtime hours. Supervisors are to ensure that no unauthorized overtime hours are worked. Employees who work unauthorized overtime will be compensated for the time worked in accordance with Federal and Oregon law; however, employees who work unauthorized overtime are subject to disciplinary action, up to and including termination. The city complies with the provisions for overtime pay for non-exempt employees, as outlined in the Federal Fair Labor Standards Act and state wage and hour laws.

Overtime compensation shall be paid to non-exempt employees for all hours worked by the employee *in excess of forty (40) hours in a work week* at a rate of one and one-half times the employee's regular rate of pay. "Hours worked" for purposes of determining whether an employee has worked overtime in a work week shall only include actual hours worked and do not include holiday hours, vacation leave hours, sick leave hours or any leave without pay.

Supervisors and employees shall make every effort to keep the hours worked of non-exempt employees to the regular forty (40) hour work week. This can be accomplished by flexing the hours worked during the week (Sunday through Saturday), with the supervisor's approval. This will enable the employee to maintain their regular hours in the week and reduce the accumulation of overtime. If scheduling adjustments cannot be made during the week, compensatory time will be granted (refer to Compensatory Time policy below). However, supervisors should attempt to avoid accumulated overtime by employees.

214.9.2 Call-out of Public Works Employees

A Public Works employee who is called to work outside the assigned work shift shall be paid at the rate of time and one-half (1½) the employee's regular rate of pay for a minimum of two (2) hours. If the call out occurs one (1) hour or less before or after the start of the work shift the overtime worked shall be considered an extension of the work shift and be compensated as such.

214.9.3 Compensatory Time (Comp Time) for Non-Exempt Employees

In lieu of overtime pay, non-exempt employees may request to receive compensatory time off for hours worked in excess of 40 hours in a workweek. Compensatory time off is provided at the rate of one and one-half (1 ½) hours for each overtime hour worked. Regular breaks that are not taken cannot be used to accumulate compensatory time.

An employee may not accumulate more than 40 hours of compensatory time. Any accumulated overtime in excess of 40 hours will be paid to the employee in the paycheck for that pay period. Employees will have the option to cash out accumulated compensatory time in excess of 40 in November each year.

Compensatory time off must be arranged by mutual agreement between the employee and the department director and is not transferrable between employees.

214.9.4 Comp Time for Exempt Employees

The city recognizes that some exempt employees work well in excess of 40 hours per week. Due to their exempt status, these employees are not paid overtime compensation. However, the city administrator (or designee), at his or her sole discretion, may grant comp time to exempt employees upon request. Such comp time will be granted only if the exempt employee regularly works in excess of a 40 hour work week.

An exempt employee may not accrue more than 40 hours of Comp Time. Comp Time granted to exempt employees must be used before November of each year. After November, any Comp Time accrued is forfeited. Comp Time must be arranged by mutual agreement between the employee and the city administrator and his or her designee and is not transferrable between employees.

214.9.5 Social and Recreational Activities

Participation in all off-duty social or recreational activities such as city picnics and holiday parties is entirely voluntary. Participation or non-participation will not have any effect on employee wages, hours, working conditions or employment opportunities.

214.10 Health Insurance

The city's health insurance plan provides employees and their dependents access to medical, dental and vision care insurance benefits. The health insurance providers, level of benefits, percentage of premium paid by the city or employee, and other aspects of an employee's health insurance plan are all subject to change. All regular and probationary employees are eligible to participate in the health insurance plan after a waiting period. Regular part-time employees participate on a pro-rated basis based on their regularly scheduled work hours.

All health insurance becomes effective on the first of the month following the first full month of employment.

A change in employment status that would result in loss of eligibility to participate in the health insurance plan may qualify an employee or dependent for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Other common events qualifying for COBRA are death of an employee, an employee's divorce or legal separation, or dependent children no longer meeting eligibility requirements. Because COBRA applies to events and dependents not related to the employee's employment, it is the employee's responsibility to notify the administrative services director of any qualifying events.

Questions regarding COBRA and any other questions regarding city health insurance plans and eligibility should be directed to the administrative services director.

The city reserves the right to adjust policy provisions, employee contribution requirements, and to discontinue providing one or more of these coverages at the city's sole option.

214.11 Life Insurance

The city pays the premium for $10,000 of life and Accidental Death and Dismemberment at no cost to the employee with no option for dependents. Coverage begins on the first day of the month following hire date. Part-time employees are not eligible for life insurance coverage.

Eligible employees may participate in the life insurance and AD&D plans subject to all terms and conditions of the agreement between the city and the insurance carrier.

214.12 Disability

The city does not provide disability insurance. However, disability insurance is available for purchase by the employee through the city's carrier.

214.13 Worker's Compensation

All employees of the city are covered from their initial date of hire by Worker's Compensation Insurance. Premiums for this protection are paid by the city.

Worker's compensation benefits are paid if an employee is disabled from an injury suffered while on the job. Benefits normally begin on the 3rd day of disability. If the disability continues beyond the 14th day, benefits are paid from the date of the disability.

An injured employee is responsible for notifying his or her supervisor immediately following on on-the-job injury unless the seriousness of the accident prohibits the employee from doing so. The employee is responsible for completing an accident report and initiating a claim for worker's compensation coverage. Information and forms to initiate the claims process can be obtained from the City of Gold Beach Business Office. An employee's supervisor will prepare an accident report and initiate a claim in the event that the employee is incapable of doing so. Failure of an employee to report an accident or injury may result in delay or denial of coverage.

Temporary transitional work may be available to employees whose physician approves a release to return to work with limitations or restrictions (see Sections 214.14.1, 214.14.2).

The city will continue to make contributions toward health insurance on behalf of an employee receiving worker's compensation benefits for a work-related injury to the extent permitted by the city's health insurance administrator guidelines, after which the employee may be required to obtain COBRA coverage in order to continue to receive benefits.

An employee receiving worker's compensation benefits for a work-related injury resulting in time away from work will continue to accrue vacation and sick leave for a period not to exceed three (3) months.

When the injured employee receives payment for worker's compensation, the employee must remit the worker's compensation payment(s) to the city. The city will pay the employee his or her regular salary from the employee's accrued sick leave account until his or her accrued paid sick leave is exhausted.

An employee receiving worker's compensation benefits may use the same procedure described in Section 214.2 for accrued vacation at his or her option.

214.14 Early Return to Work for Injury or Illness

It is the policy of the City of Gold Beach to return employees to work as early as possible following a work-related injury or illness. This policy is not intended as a substitute for reasonable accommodation when an individual also qualifies as an individual with a disability, nor is it intended to deny time off rights under the city's Family and Medical Leave Policy.

214.14.1 Definition of Transitional Work

To minimize serious disability due to on-the-job injuries, as well as reducing workers' compensation costs, the City of Gold Beach has developed the following procedures to handle time loss claims in which the worker can be offered temporary transitional work. Transitional work will be identified after the injured employee provides his/her supervisor with the physical limitations or restrictions as outlined by the employee's physician. Transitional work may be any of the following:

- The worker's regular job, changed temporarily by removing heavier tasks; or
- Responsibilities associated with another regular position currently existing at the workplace; or
- Newly developed transitional work that is specifically designed around the worker's restrictions.

214.14.2 Offer of Transitional Work

The temporary transitional work, if offered, will end with the date the worker receives a regular release, at any time if there is no longer a need for the temporary assignment, or at such time that the city is no longer able to offer transitional work. Each case will be assessed individually based on need. Employees granted a transitional work assignment will receive a Notice of Temporary Transitional Work that describes the nature and duration of the transitional work, is approved by the city's CIS claims examiner and employee's physician. Transitional work may last up to 90 days and is not intended as a permanent modified position. The transitional work will be reviewed and can be extended with management approval as long as the work is available and the worker continues to improve medically.

Transitional work may not be implemented in every time loss claim. Wage rate will not necessarily be the same as that of the regular job, but in most cases, will be comparable depending upon the extent of restrictions. Acceptance of transitional work will be on a voluntary basis at the option of the employee. However, refusal may affect time loss compensation under workers' compensation. Failure to accept temporary transitional work following non-work related injuries or illnesses may result in termination.

Employees requesting early return to work must complete a City of Gold Beach Early Return to Work Employee Acknowledgment Form. The employee' must also have his or her physician complete Medical Release to Transitional Duty, Medical Return to Work Release, and Transitional

Duty Description/Work Release forms.

Employees unable to perform regular job duties because of a non-work related illness or injury may be offered temporary transitional work duty based on the needs of the department in which the employee works. Temporary transitional work is offered only at the discretion of the department director and city administrator. If there is no business need, the employee will be expected to use available leave time.

214.15 Retirement

The city participates in the Oregon Public Employees Retirement System (PERS) retirement system provided through the state of Oregon. Employees who have worked more than six months in a position requiring 600 hours or more of work a year are eligible to participate in the program. Eligibility for future employees is subject to modification by the Oregon Legislature.

The city makes contributions toward the employee's retirement benefit in accordance with state law.

Normal retirement age for employees depends on the classification and term of service of the employee, as well as the terms of the retirement plan or tier to which each employee belongs.

For more details, please refer to the PERS Handbook, the PERS website at www.oregon.gov/pers or other official sources of information.

214.16 Deferred Compensation

The city participates in a deferred compensation program through the United States Conference of Mayors PEBSCO Securities Corporation (USCM/West). All regular employees are permitted to participate in this program.

216 Professional Organizations, Travel and Expenses, and Educational Opportunities

216.1 Professional Organizations

The city may authorize membership in professional organizations where the membership is of benefit to the city in terms of keeping the employee abreast of current developments in their field or profession. Additionally, the city recognizes the value of community service through applicable organizations and in membership in those programs. In all cases, membership fees paid by the city must be approved by the department director in advance of payment.

The city encourages attendance at related meetings programs and the employee's supervisor may approve periodic absences to attend these meetings.

Miscellaneous expenses associated with the programs conducted by professional organizations (i.e. luncheons and seminars) may be reimbursed in accordance with the Travel and Expense Guidelines if there has been prior approval from the department director in accordance with this section.

216.2 Travel and Expenses

All out of town travel must be approved by the department director and city administrator (or designee in the absence of the city administrator) in advance of travel taken.

The city will reimburse an employee for reasonable, approved business travel expenses incurred while on assignments away from the normal work location, but only for expenses that are deemed non-taxable by the IRS. The paid and reimbursed amounts will be determined in accordance with the following guidelines.

Employees are expected to limit expenses to reasonable and economical amounts and to utilize providers (i.e., airlines and hotels) that result in the lowest cost to the city. Room service is not a reasonable or economic expense and will not be reimbursed. The city retains the right to determine the mode of transportation most appropriate to the type of travel involved.

With prior approval, a family member or friend may accompany employees on business travel when not traveling in a city owned vehicle and when their presence will not interfere with the successful completion of business objectives. Generally, the employee also is permitted to combine personal travel with business travel, so long as time away from work is approved and, once again, a city vehicle is not being used. Additional expenses arising from non-business travel or incurred by the friend or family member are the responsibility of the employee and

will not be reimbursed or otherwise charged or billed to the city.

When employees are required to travel outside the city on city business, the city will pay reasonable costs of meals, lodging, and other necessary expenses such as parking and tolls.

An employee may request a cash advance or receive reimbursement for travel expenses incurred while on city business. The city will pay for employee travel expenses based on actual costs and/or standard federal CONUS destination per diem rates as follows:

a) Lodging. If overnight lodging is required, employees must reserve rooms at the lowest available government or discount rate at the location of the training/meeting, or other nearby lodging establishment. Approved lodging expenses are paid at actual cost.

b) Air Travel. If air travel is required, employees should select the lowest cost flight that best meets his or her needs. In some cases, it is important to consider the best use of the employee's time or the employee's effectiveness upon arrival when selecting travel arrangements. Approved air travel expenses are paid at actual cost.

c) Personal Vehicle Travel (Mileage). The city will reimburse employees at a rate of ten (10) cents per mile for general vehicle operating expenses for use of their personal vehicle for city business. Employees also will be temporarily issued a city fuel credit card to pay for fuel expenses during business travel. If a city fuel credit card is unavailable, employees will be reimbursed for fuel expenses upon remittance of fuel receipts. Employees are encouraged to carpool whenever possible.

d) Rental Car. If a rental car is required, employees are required to reserve a rental car at the lowest cost rate that will meet the employee's needs. The city provides excess liability coverage to supplement the coverage automatically provided by car rental companies. However, the Oregon Tort Claims Act does not apply outside Oregon. For that reason, drivers will purchase the offered insurance through the rental company. Excess liability coverage, collision coverage deductibles, and other charges not covered by the car rental company insurance will not be paid by the city if an accident occurs when the vehicle is used outside the scope of city business.

e) Meals. The city uses a per diem basis for employee meals during travel. Employees will receive a federal standard CONUS destination per diem rate for meal expenses. These rates are available at http://www.gsa.gov/portal/category/100120.

Upon return, employees are required to complete a Travel Expense Form (available from the City of Gold Beach Business Office) and attach receipts (and/or other reasonable documentation of travel expenses) for all travel expenses in order to receive reimbursement.

Employees will not be reimbursed for expenses for which they do not submit receipts.

Employees receiving a cash advance also are required to complete a Travel Expense Form and submit receipts for travel expenses. Employees will return to the city all cash not spent or accounted for with receipts (or other reasonable documentation of travel expense).

The city will not pay for non-employee travel expenses or for alcoholic beverages.

Any non-exempt city employee traveling to or returning from out of town meetings, trainings or programs more than 30 miles from Gold Beach will be paid their regular hourly rate for their travel time from the meeting, training or program to the city offices.

216.3 Educational Opportunities

It is the policy of the city to encourage city employees to upgrade their job skills through education and training. The city may, at its discretion, choose to pay the cost of tuition, books and required supplies for training and education provided that:

a) The specific class or course is job related as determined by the department director.

b) The employee's department has sufficient funds to cover the costs.

c) The employee completes the class or course and receives a satisfactory grade (defined as a grade of "C" or equivalent or better).

d) The employee requested and was approved for reimbursement by his or her department director prior to registering for the class or course.

The city may allow time off with pay and/or reimburse an employee for the expenses of attending classes, lectures, conferences, or conventions when attendance is determined by the department director to be a benefit to the city and to promote the employee's knowledge of his or her position. Time off will be approved only if the employee's absence will not create a hardship to the department.

218 Personal Conduct

218.1 Code of Ethics

The successful operation and reputation of the City of Gold Beach is based on the ethical conduct of the city's employees. The city's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, regard for the highest standards of conduct and personal integrity and fairness.

All city elected officials, employees and volunteers are considered public officials and are subject to the state of Oregon's Government ethics laws. The city will comply with these and all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, use of good judgment based on high ethical principles will guide you with respect to lines of acceptable conduct. If a situation occurs where it is difficult to determine the proper course of action, the matter should be discussed with your supervisor or department director for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every city employee. If you believe anyone has violated this code of ethics, you should report it to a department director or city administrator immediately.

218.2 Gratuities

The giving and receipt of gifts (favors or gratuities) for an employee's personal benefit or gain is disfavored because of the appearance of impropriety it creates. Therefore, employees of the city may not accept any gift from any person (person includes individuals and entities, such as corporations or other governmental bodies) engaged in or attempting to engage in business transactions with the city or who has a legislative or administrative interest in the employee's work with the city. This is because such gifts might affect or give the appearance of affecting the employee's judgment in the impartial performance of his or her duties.

However, unsolicited gifts such as flowers and candy may be acceptable under Oregon law and may be accepted so long as the gift does not provide the employee with any personal gain. If you are offered a gift and are not sure whether to accept or deny it, contact a department director or the city administrator for guidance.

218.3 Conflict of Interest

Employees must conduct the city's business in such a way that prevents actual or potential conflicts of interest. An actual conflict of interest occurs when an employee will personally

financially benefit (or avoid a financial detriment) from a decision or action he or she may take. A potential conflict of interest occurs when an employee or public official could personally financially benefit (or avoid a financial detriment) from a decision or action.

If an employee is met with either an actual or potential conflict of interest, he or she should refrain from taking any action or making any decisions that could financially benefit the employee and report the situation in writing to the employee's immediate supervisor and ask for assistance.

In Oregon, these rules apply to any financial benefit (or avoidance of financial detriment) that could affect the employee or that could affect the employee's relative or member of the employee's household. For the purpose of this section, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

The mere existence of a relationship with an outside firm or member of the public seeking a city services does not necessarily create a conflict of interest. However, if an employee has influence on transactions or on the decision making process, the employee must refrain from taking action or making a decision and disclosure of the relationship must be made immediately to the employee's supervisor or department director so that safeguards can be established if necessary to protect all parties.

218.4 Political Activity

City employees are free to express political views on their own time. Nothing in this section is intended to restrict the political actions or activities of employees outside of their regular working hours.

City employees are prohibited from presenting themselves as representing the city in the conduct of their personal political activities.

Oregon (ORS 260.432(2)) prohibits any city employee from soliciting money, influence, service or other thing of value or otherwise aiding and/or promoting or opposing any political cause or the nomination or election of a person for public office while on the job during working hours. While on the job during working hours, employees may not gather signatures on any initiative, measure referendum or petition, either for or against. Further, an employee may not use any city resources, such as printers, paper, vehicles, or phones, to support or oppose such political advocacy measures. Lastly, city elected officials and supervisors may not direct city employees to use city time or resources to support or oppose such political advocacy measures. However, city time and resources may be used to provide purely informational, non-advocacy material about elections, initiatives, measures, referenda, or petitions.

Under the federal Hatch Act, an employee whose principal job responsibilities are financed all or in part from federal loans or grants may not use official influence to interfere with or affect the result of an election or a nomination for office. An employee covered by the Hatch Act may not directly or indirectly coerce or advise another employee to contribute anything of value in any form to any person or entity for political purposes.

218.5 Public Information

Media inquiries or other similar inquiries should always be referred to a department director and the city administrator before responding. If an employee has received permission to communicate to others, such as the media, on behalf of the city in the course of their work duties, the employee should remember that they are representing the city and should ensure that any comments made reflect the city's position on the issue being discussed.

The city has an obligation to keep citizens informed about issues of public interest. Citizens will be provided information through a variety of sources such as newsletters, websites, press releases, etc. Citizen requests for written information may be subject to the Oregon public records law. All public records requests should be processed through the city recorder. Anyone requesting a copy of or access to city public records must complete a public records request, available from the city recorder.

218.6 Personal Appearance

The city respects an employee's individuality and expects the employee to use common sense in choosing the appropriate clothing to be worn during business hours. Each employee should recognize the importance of personal appearance to the professional image of the city and dress and groom according to the requirements of the position. This is particularly true if the job involves dealing with members of the public.

Generally, neat and casual businesslike or professional apparel is appropriate. Jeans are acceptable if permitted by your department director. Shorts and T-shirts generally are not permitted, although city T-shirts displaying the city logo and provided to employees by the city may be acceptable. Employees performing labor or fieldwork may have additional guidelines. In some cases, such as police employees, uniforms are required, which will be provided by the city.

If a supervisor feels that an employee's personal appearance is inappropriate, the supervisor may ask the employee to leave the workplace until the employee is properly dressed and groomed. Under these circumstances, the employee will not be compensated for time away from work.

218.7 Employment Identification Cards

This policy applies to all regular and part-time employees and volunteers of the City of Gold Beach who have the authority to enter municipal premises or enter onto private lands on behalf of the

city. Temporary and seasonal employees may also be required to obtain employment identification cars at the direction of their supervisor.

Within thirty (30) days of employment with the city, the employee or volunteer will obtain an official City of Gold Beach identification card.

At time of initial employment orientation with the city, the employee will be instructed as to time and place to obtain their individual I.D. card.

Cards, as processed by the Curry County Sheriff's Department, will be returned to the administrative services director for log-in and distribution.

Any employee who interacts with the public outside of any municipal building is required to carry their I.D. card with them at all times during working hours and present it upon request to the public.

When an employee reports a change of name to the administrative services director, it is the administrative services director's responsibility to insure a new I.D. card is issued and the old card retrieved from the employee.

Upon departure from employment with the city, employees must surrender their I.D. card to the administrative services director. The identification card will be handled in the same manner as other municipal property at the time of departure from employment.

Should an I.D. card become lost or stolen, it is the employee's responsibility to notify the City of Gold Beach Business Office within three (3) working days. The administrative services director will notify the Gold Beach Police Department of the occurrence and make arrangements with the employee to obtain a new card.

218.8 Smoking/Tobacco Products

The city seeks to promote a safe, healthy and pleasant work environment for all employees and the public. All city facilities, including city-owned buildings, vehicles, individual employee offices or other facilities rented or leased by the city are smoke free. In accordance with state law, designated locations outside of the buildings will be established for employees to smoke.

Visitors to any city facility will be required to comply with the city's efforts to maintain a smoke free environment. Visitors failing to comply may be asked to leave the facility.

220 Controlled Substance Use /Drug Testing

220.1 Controlled Substance Use Policy and Rules

The city is committed to providing a safe work environment and to promoting high standards of employee health and performance. Using or being under the influence of or impaired by drugs or alcohol on the job may pose serious safety and health risks to the employee and to members of the public. The policy and rules in this section cover all city applicants and employees, except those in the Police Department when covered by separate drug and alcohol rules.

The city recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. An employee who seeks assistance with a drug or alcohol problem may contact the administrative services director for assistance in identifying any city benefits and benefit programs that may be available to help deal with the problem. Employees can be assured that the contact will remain confidential to the extent legally possible. If an employee believes at any time that the employee's ability to perform the essential functions of his or her job is compromised, the employee should immediately discuss this concern with the employee's supervisor. The city will, if required to do so by law, provide a reasonable accommodation which would allow an employee in good standing to perform the essential functions of his or her job.

The possession, transfer, offering, manufacture, use or being under the influence of, or impaired by, alcohol or illegal drugs while on city premises and while conducting business related activities off the city premises is prohibited. The conduct prohibited by these policies includes use of illegal drugs and/or consumption of alcohol prior to reporting to work, during breaks or lunch periods, or on the job, and includes the presence of the odor of alcohol or drugs on the employee's breath when reporting to work.

The legal use of prescribed drugs or over-the-counter medications is permitted on the job only if it does not impair an employee's ability to perform the functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. The legal use of marijuana may be permitted only if the use is while off-duty, the effects of the off-duty use do not render the employee unqualified for the job, unable to perform job duties, and/or unable to work safely. In all cases, clearance from a qualified physician may be required and the city retains the right to make the final determination concerning the employee's fitness to perform work.

Employees must notify their department director of any felony drug arrest and of any drug conviction by the next regularly scheduled workday.

220.2 Discipline

Employees who violate the provisions of this section will be judged on a case-by-case basis. Discipline up to and including discharge may be imposed. Other corrective action may also be imposed as the city deems appropriate. If corrective action includes treatment or counseling, any part of the cost of treatment or counseling not covered by the employee's then existing health insurance policy will be the employee's responsibility. If an employee is subject to a valid collective bargaining agreement, the city and the employee will follow the discipline and or grievance procedures provided for within that agreement.

220.3 Searches

The city reserves the right to search, without employee consent, all areas and property over which the city maintains joint or full control. All city vehicles, equipment, offices, desks and lockers are subject to search by management. Searches that are undertaken specifically to investigate violations of these rules will be conducted in the presence of the employee, if practical. If the employee is not available, or if the employee requests, a reasonable time will be allowed for a representative to be present before a search is conducted of property used by only one employee.

For areas neither jointly controlled nor fully controlled by the city, the manager or supervisor shall first ask the employee to consent to a search of the area where the manager or supervisor believes there is evidence of violation of this policy. The city also has the right to search or inspect any item (lunch box, vehicle, purse, etc.) brought onto city premises if there is reasonable suspicion that alcohol or a controlled substance will be found. Under no circumstances shall a city employee frisk, pat down, or otherwise physically search another city employee. Refusal by an employee to cooperate with a properly authorized search or inspection is cause for disciplinary action.

"Reasonable suspicion" for the purposes of this policy means the specific articulable observations by a supervisor or department director concerning the work performance, appearance, behavior, speech, or noticeable odor of alcoholic beverage of, on, or about the employee. Any accident or incident involving physical injury to any person and where human factors contribute to the accident or incident shall also constitute reasonable suspicion. Specific articulable observations which constitute reasonable suspicion include, but are not limited to, the following:

a. Observable phenomena such as direct observation of drug, prescription medication, or alcohol use; observation regarding possession of drugs or prescription medications; or observation of the physical symptoms of being under the influence of a drug or prescription medication;

b. An observable pattern of abnormal conduct or erratic behavior;

c. Arrest or conviction for a Drug or alcohol related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;

d. Information regarding the employee's drug, prescription medication, or alcohol use provided by a reliable and credible source and independently corroborated;

e. Evidence that the employee has tampered with a previous drug test.

220.4 Drug and Alcohol Testing

220.4.1 Applicant Testing

All applicants (including current employees) for employment in safety-related or safety-sensitive positions with the city must consent to testing for drug usage as part of the pre-employment process. As part of the application process, the applicant will be requested to sign an Applicant Consent to Drug Testing form. All conditional offers of employment for safety-related or safety-sensitive positions are conditioned upon the applicant producing a negative drug test result. Employees who are being considered for promotion or movement to a new position that is safety-related or safety-sensitive will also be requested to sign an Applicant Consent to Drug Testing form and such promotion or change in position will be dependent upon a negative drug test result.

Factors to consider when determining which applicants will be subject to pre-employment drug testing shall be:

1) Whether the applicant is required to hold a CDL or works with or operates vehicles or other machinery.
2) Whether the applicant's work is related to public safety.
3) Whether the applicant works with children.
4) Whether the applicant works around hazardous areas and/or hazardous materials.

220.4.2 Results of an Applicant Test

A positive result from a drug and/or alcohol test may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could negatively affect public safety, job duties or essential functions, or job responsibilities.

If a drug test is positive, the applicant must provide as soon as possible (but no later than within 48 hours of request) a verification of a valid prescription drug identified in the test. If the prescription medication is not in the applicant's name or the applicant does not provide acceptable verification, or if the prescription medication is one that is likely to impair the applicant's ability to perform essential job functions or negatively affect public safety, the applicant may not be hired.

220.4.3 Employee Testing

In those instances where an employee's impaired job performance or conduct, whether on or off site, provides a department director or supervisor with reasonable suspicion of drug or alcohol use, the city may require appropriate testing. An employee in a position that requires a Commercial Driver's License (CDL) will be subject to random drug and alcohol testing pursuant to the federal Department of Transportation (DOT) guidelines. Employees may also be tested pursuant to the terms of any collective bargaining agreement or any agreement between the employee and the city that is designed to address the employee's substance abuse and work behavior problems such as "last chance" agreements.

The employee will be placed on paid administrative leave until the test results are received and a determination is made regarding the appropriateness of the reasonable suspicion determination. Testing of employees will occur at the request of the city administrator and upon the concurrence of the city attorney. All drug and alcohol testing and result validation will be performed by a laboratory selected by the city and in accordance with the then prevailing practices in the medical field. An employee who initially tests positive may request a second verifying test, at the employee's expense.

220.4.4 Management of Test Results

Laboratory test results will be retained in an employee or applicant's confidential medical file. The laboratory or laboratories shall retain a sample for retesting for a minimum of six (6) months. The test results will be delivered to the administrative services director and the results will be disclosed to the city administrator and appropriate department director and supervisor on a need-to-know basis. Disclosure of the written records without the applicant or employee's consent will be made only in accordance with state and/or federal law; however, disclosures, without patient consent, may also occur when: (1) the information is compelled by law or by judicial process; (2) the information has been placed at issue in a formal dispute between the employer and employee or applicant; (3) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

222 Standards of Conduct/Discipline

222.1 Employee Performance and Conduct

To attain the highest standards of performance and conduct from each employee, all employees are expected to conform to the following standards of conduct and, in accepting a position with the city, each employee accepts responsibility for conduct both on and off the job that reflects and builds a positive image for the city. The standards of conduct set out in this section serve as the basis for selection, evaluation, and discipline (including termination) of city employees, but are not meant to be an exhaustive or exclusive list. There will usually be a detailed job description and there may be other types of behavior or conduct that form the basis for performance review or are cause for disciplinary action.

222.2 Performance Standards

a) Achieves and maintains a level of knowledge, skill and ability required by the employee's job classification and assignment.

b) Is able to carry out assignments with the level of training and supervision appropriate to the employee's job classification and assignment.

c) Exercises appropriate judgment, decision-making and initiative, including selection of work techniques, procedures and priorities.

d) Knows and follows all relevant city and departmental policies and procedures.

e) Carries out work assignments in a diligent, cost-effective, efficient and timely fashion.

f) Expresses disagreements in an appropriate setting and in a manner that is constructive and not disruptive or harmful to the delivery of services.

g) Maintains required levels of accuracy and quality.

h) Develops and maintains satisfactory working relationships with others, including the public, as necessary to effectively carry out job responsibilities.

i) Maintains necessary licenses and certifications.

j) Acts with proper authority.

k) Maintains the level of punctuality required in the employee's job assignment.

l) Maintains an acceptable attendance record and follows required procedures for requesting and reporting absences.

222.3 Prohibited Conduct

Any action or inaction by a city employee that is a hindrance to the effective performance of city functions or reflects discredit upon the city will be considered cause for disciplinary action. By way of illustration and not limitation, the following list provides examples of cause for disciplinary actions:

a) Falsification of official records or documents, including applications and pre-employment documents.

b) Misrepresentation of qualifications for employment.

c) Unauthorized absence from duty, including failure to return from leave, or taking of unauthorized or excessive breaks while on duty.

d) Insubordination or refusal to obey instructions that pertain to the employee's work or city requirements issued by a supervisor.

e) Use of force or intimidation or abusive, offensive, derogatory language or mannerisms or other conduct that is inappropriate in a business setting.

f) Violation of city rules, ordinances, and policies.

g) Criminal violations that are related to job performance or are of such a nature that to continue an employee in their position could constitute negligence on the city's part.

h) Discrimination or harassment based on any prohibited basis in the exercise of the employee's job responsibilities.

i) Illegal possession, sale or use of controlled substances or intoxicants while on duty.

j) Use of city property or equipment for personal purposes in violation of the city's policies regarding such use.

k) Misuse or abuse of city or public funds or theft or misappropriation of the property of others.

l) Acceptance of a fee, gift or other item of value in the course of the employee's work for the city.

m) Unauthorized disclosure of confidential or privileged information.

n) Actions or conduct that is violations of ethical standards and/or the conflict of interest rules.

o) Reporting for work under the influence of intoxicants or controlled substances.

p) Making false accusations that discredit, embarrass, or abuse supervisors, peers, the governing body, or the general public.

q) Unauthorized destruction of city property and/or equipment.

222.4 Disciplinary Procedures

Discipline is intended to be a constructive means of dealing with unacceptable behavior or employee performance deficiencies. Disciplinary actions should be appropriate to the seriousness of the infractions for performance deficiency. Department directors are authorized to take any of the following actions and to recommend termination for cause subject to the guidelines in this section. Only the city administrator has the authority to decide whether to discharge an employee. Therefore, department directors may discharge an employee only with prior written approval of the city administrator.

The corrective action process will not always commence with a verbal warning or include a sequence of steps. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or subsequent offense. Consideration will be given to the seriousness of the offense, intent and motivation to change performance, and the environment in which the offense took place. There also may be circumstances that are serious enough to justify immediate suspension, or in extreme situations, immediate termination.

Also, in addition to the actions listed in this section, other non-disciplinary actions may be appropriate as part, or in lieu, of a corrective action program. These include performance evaluation, additional supervision or training, restructuring of job assignment(s), or other actions as deemed appropriate.

All disciplinary actions, except warnings, must include a completed Disciplinary Action Form that is provided to the employee and that includes: 1) the purpose of the action; 2) the specific nature of performance or conduct problems with supporting facts; 3) the corrective action required; 4) the

fact that more corrective action will be taken (including termination) if the employee does not correct or improve the performance or conduct problems; and 5) the employee's right to appeal the action by filing a grievance under Section 226. The Disciplinary Action Form will be included in the employee's personnel file. Warnings do require documentation, but the documentation does not become part of the personnel file.

Disciplinary actions may include any of the following, in no particular order, depending upon the seriousness of the infraction, previous work record, longevity of the employee and other relevant factors:

a) Warnings. A warning, whether oral or written, is an official communication to the employee that performance or conduct improvements need to be made. Supervisors or department directors may issue warnings. A written warning should be used when a verbal warning has not produced the necessary corrective action and where the possibility of disciplinary action exists if the improvements are not made. Both types of warnings should indicate to the employee the specific problem, what action is required for correction and that disciplinary action will follow if the employee does not satisfactorily correct the problem. A warning is not subject to the grievance procedure because no punitive action is taken. A written record of a verbal warning and copies of written warnings are kept by the supervisor but do not go into the employee's personnel file. The Disciplinary Action Form does not need to be completed when issuing a warning.

b) Suspension With Pay. The city administrator may suspend employees with pay while investigating allegations made by the employee or about the employee. The employee will suffer no loss of benefits or accruals during this period of suspension. Upon completion of the investigation, disciplinary action may be taken, or the employee may be reinstated. If no further disciplinary action is taken, no record of the suspension need be made in the employee's personnel file.

c) Written Reprimand. Supervisors or department directors may issue written reprimands. A written reprimand should state that it is a written reprimand and explain the reasons for the reprimand. The employee will be requested to sign or initial the reprimand to acknowledge its receipt. A copy of a written reprimand is placed in the employee's personnel file.

d) Suspension Without Pay. Department directors may suspend employees without pay with the city administrator's prior approval. Suspension without pay is involuntary leave without pay coupled with formal notice of unsatisfactory performance or conduct. The period of suspension may not exceed ten (10) working days. Exempt employees will not be subject to suspension without pay for periods of less than a full work week. At the conclusion of the suspension period, the employee will be reinstated or subject to further

disciplinary action, such as demotion, disciplinary probation or termination.

e) Demotion. Department directors may demote employees, with the city administrator's prior approval. Demotion is the reassignment of an employee to a lower level classification with a reduction in pay and title based on performance or conduct problems unique to the requirements of the higher classification.

f) Salary Reduction. Department directors may, with prior approval of the city administrator, reduce an employee's salary to a lower step within the salary range for the job classification based on performance or conduct problems. Salary may be adjusted down temporarily for any length of time or permanently.

g) Disciplinary Probation. An employee may be placed on disciplinary probation by their department director with prior approval from the city administrator as a final attempt to improve performance or conduct. The probationary period and the consequences for failure to successfully complete the probationary period must be specified in writing. Employees on disciplinary probation may be terminated at any time at the city's discretion during the probationary period if termination is a consequence of unsatisfactory performance.

h) "Last Chance Agreement". At any point in the discipline process, a department director, with the prior approval of the city administrator, may draw up a "Last Chance Agreement" that will list all of the conditions that must be met, now, and in the future, for the employee to continue working for the city. If the employee signs the agreement and meets all of the conditions, the employee will be allowed to continue employment as long as conditions of the agreement are met. If the employee does not meet the conditions of the agreement, the employee will be discharged.

i) Discharge. Discharge is the involuntary termination of employment based on unsatisfactory performance or conduct. Department directors may only recommend discharge and generally should not do so unless at least one other form of disciplinary action has been taken. However, as noted above, there may be circumstances that are serious enough or extreme situations warranting immediate termination.

224 Termination

224.1 Resignation

Resignation is a voluntary act by the employee to terminate employment with the city. The city requests that all employees provide at least two weeks' written notice specifying the employee's anticipated final day of employment. Resigning employees will be asked their reasons for resignation during an exit interview.

224.2 Layoff

A layoff is the termination of an employee due to the elimination of a position or due to city budgetary constraints. A position may be eliminated as part of a reorganization, elimination or contracting out of a program or service, lack of work or funds, or other reasons. Layoff is not an alternative to a disciplinary termination or demotion of an employee. The city administrator is responsible for determining employees to be laid off. The city administrator's decision is final.

224.3 Retirement

An employee is considered to have voluntarily terminated employment when they are eligible for and receive a monthly benefit from a qualified retirement plan offered by the city.

224.4 Disability

Loss of ability to perform job requirements through illness or injury may result in termination for disability.

224.5 Discharge

Discharge is the termination of an employee for cause. Only the city administrator may discharge an employee.

Only the city administrator has the authority to decide whether to discharge an employee. Therefore, department directors may discharge an employee only with the prior written approval of the city administrator. In some cases, the employee may be offered the option of resigning in lieu of discharge. If the employee chooses to resign, the employee will be required to sign a statement indicating that the resignation was voluntary.

224.6 Termination Procedure/Exit Interview

An exit interview must be conducted with all terminating employees prior to or at the time of resignation or termination. The purposes of the interview are to secure forwarding addresses, review final hours accrued and due at termination, complete all retirement and insurance forms, and explain the final check due the employee. In some cases, the purposes also will include an

explanation of reasons for termination in the case of discharge and resignation. The city administrator or department director shall conduct the exit interview.

Except as provided through COBRA, all pay and benefits shall cease as of the date an employee terminates. The final check will include all accrued leaves that are payable at termination.

Upon termination, the department director is responsible for ensuring that the terminated employee has turned in all keys, tools, uniforms, and/or other city property used by them or in their possession. Documentation that all city property has been returned shall be placed in the employee's personnel file.

Employees will be asked to sign a Reference Request Release pursuant to which the city will release only the information specified on the form to persons seeking information regarding the employee's employment with the city. If the employee requests that the city administrator, department director, a supervisor or other employee serve as a reference for the employee, the employee must make the request on the Reference Request Release.

No employee discharged for prohibited conduct is eligible for rehire prior to the fifth (5th) anniversary of the termination date, unless specifically documented in the employee's exit interview. Employees discharged for reasons related to performance standards and for reasons other than prohibited conduct may be eligible for rehire after the third (3rd) anniversary of the termination date. Employees discharged for reasons other than those related to performance standards or prohibited conduct may be eligible for rehire immediately.

226 Grievance Procedure

226.1 General Purpose and Scope

Any city employees may file a grievance for any decision regarding Employment Policies (Section 300), Compensation and Pay Administration (Section 312), Standards of Conduct/Discipline (Section 322), or Termination (Section 324) by following the procedures outlined below. Employees will not be subject to reprisal of any kind for using the grievance procedure.

226.2 Procedure

After attempting to resolve the dispute informally, the employee must present his or her grievance in writing to their department director (or city administrator in the case of a department director) within five (5) business days of the action or first knowledge of the action causing the grievance. The grievance must include a statement of all of the facts the employee feels are relevant, the nature of the complaint and the relief that the employee requests the city provide.

If not satisfied with the decision of the department director, within five (5) working days of receipt of the department director's decision, the employee may present the grievance in writing, along with the department director's written decision and other relevant materials, to the city administrator for formal action.

The city administrator will investigate the grievance. The investigation will be informal but thorough, affording all interested persons and their representatives an opportunity to submit evidence relevant to the grievance. The city administrator will strive to keep sensitive information confidential, but may not be able to promise complete confidentiality due to the need to properly investigate the issue. The city will not be liable for any expenses incurred by the employee for representation. The city administrator will render a decision in writing to the employee within ten (10) working days of receipt of the grievance. The decision of the city administrator is final.

If the grievance is against the city administrator, the grievance may be appealed to the Gold Beach City Council in writing within ten (10) days of the city administrator's decision. In this situation, the decision of the Gold Beach City Council is final.

Any grievance not taken to the next step of the grievance procedure within the time limits established under this section will be considered settled on the basis of the last decision made.

Time limits prescribed in this section for the initiation and completion of grievance process may be extended by written mutual consent of the parties involved.

City of Gold Beach
Policy Manual

Employee Acknowledgement Form

This city policy handbook describes important information about the city and its employment and operational policies. I understand that I should consult my supervisor, the administrative services director, or city administrator regarding any questions not answered in the handbook.

Because the information, policies, and benefits described in this handbook are necessarily subject to change, I acknowledge that revisions to the handbook may occur and that I am subject to whatever policy is in effect at the time an event occurs. All changes to the handbook will be communicated through official notices, and I am aware that revised information may supersede, modify, or eliminate existing policies. Only the Gold Beach City Council of the City of Gold Beach has the authority to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand that this handbook is not to be construed by myself, or any employee, as binding terms and conditions of employment.

Some employees of the City of Gold Beach are covered by collective bargaining agreements. If there is a difference between the policies in this handbook and a collective bargaining agreement clause, the collective bargaining agreement provisions govern for union represented employees.

I acknowledge that I have received a copy of this handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I further understand that this handbook supersedes any previous handbook or written policies or oral communications.

I acknowledge that I have read and understood the above paragraphs.

EMPLOYEE'S NAME (printed):_____

EMPLOYEE'S SIGNATURE:_____

DATE:_____ HANDBOOK DATE:_____

Please sign and date this acknowledgement and return it to your supervisor for placement in your personnel file.