

# PERSONNEL POLICY HANDBOOK

# City of Molalla



Adopted by City Council

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Welcome!

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

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

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

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

The City of Molalla strives to deliver cost-effective, quality municipal services, protect public health and safety, encourage public involvement in civic affairs, promote a diversified economy and community livability, safeguard the environment, and provide family-oriented recreational opportunities.

Sincerely,



Dan Huff

City Manager

City of Molalla

## Contents

<b>I. Equal Employment Opportunity (EEO) Policies</b> .....	5
A. No-Discrimination, No-Retaliation Policy .....	5
B. Statement Regarding Pay Equity.....	5
C. No-Harassment Policy .....	5
Sexual Harassment.....	6
Other Forms of Prohibited Harassment.....	6
Complaint Procedure .....	7
Investigation and Confidentiality .....	7
Protection Against Retaliation.....	8
D. No-Bullying Policy .....	9
E. Disability Accommodation Policy .....	10
Accommodations.....	10
Requesting an Accommodation.....	10
F. Pregnancy Accommodation Policy.....	10
G. Reporting Improper or Unlawful Conduct — No Retaliation .....	11
Additional Protection for Reporting Employees .....	12
<b>II. Classification and Compensation</b> .....	13
A. Probationary Period of Employment .....	13
B. Employee Classification .....	13
C. The Workweek .....	14
D. Meal Periods and Rest Breaks.....	14
E. Rest Breaks for Expression of Breast Milk.....	15
Notice .....	15
Storage .....	16
F. Overtime .....	16
Time-and-a-Half .....	16
Limitation on Overtime Pay .....	16
Supervisor Authorization .....	16
Compensatory (Comp) Time.....	16
G. Timekeeping Requirements.....	16

H. Employee-Incurred Expenses and Reimbursements .....	16
I. Payroll Policies .....	17
J. Statement Regarding Pay Practices .....	18
K. Reporting Changes to an Employee's Personal Data.....	18
L. Performance Reviews .....	19
<b>III. Time Off and Leaves of Absence.....</b>	<b>19</b>
A. Attendance, Punctuality and Reporting Absences .....	19
B. Vacation .....	20
C. Sick Leave .....	21
D. Holidays and Floating Holidays .....	25
Floating Holiday .....	25
E. Family Medical Leave .....	25
FMLA/OFLA Policy .....	25
Definitions .....	26
Reasons for Taking Leave .....	27
Length of Leave .....	28
One-Year Calculation Period.....	29
Intermittent Leave .....	29
Employee Responsibilities — Notice .....	29
Certification.....	30
Medical Certification Prior to Returning to Work .....	30
Substitution of Paid Leave for Unpaid Leave.....	30
Holiday Pay While on Leave .....	31
On-the-Job Injury or Illness.....	31
Benefits While on Leave .....	31
Job Protection .....	31
F. Leave Donation .....	32
G. Bereavement Leave .....	33
H. Jury and Witness Duty .....	33
Jury Duty .....	33
Witness Duty .....	33

I. Religious Observances Leave and Accommodation Policy.....	33
J. Crime Victim Leave Policy.....	34
K. Domestic Violence Leave and Accommodation Policy.....	34
L. Military Leave .....	35
<b>IV. Employee Benefits .....</b>	<b>35</b>
A. Healthcare Benefits .....	35
B. Employee Assistance Program (EAP) .....	36
C. Workers' Compensation and Safety on the Job.....	36
Steps to Take if You are Injured on the Job .....	36
Return to Work.....	36
Early Return-to-Work Program.....	37
Overlap with Other Laws.....	37
D. PERS (Public Employees' Retirement System) Benefits .....	37
<b>V. Miscellaneous Policies .....</b>	<b>38</b>
A. Alcohol/Drug Use, Abuse and Testing.....	38
Prohibited Conduct.....	38
Prescription Drugs and Medical Marijuana .....	39
Testing.....	40
Reasonable Cause Testing .....	40
Search of Property .....	41
Employee Refusal to Test/Search .....	41
Crimes Involving Drugs and/or Alcohol .....	41
Drug and Alcohol Treatment .....	42
Discipline and Consequences of Prohibited Conduct .....	42
Confidentiality .....	42
B. Fraud .....	42
C. Mobile Devices Policy.....	47
Cell Phones and Mobile Devices in General.....	47
Employee Use of City of Molalla -Provided or Paid For Mobile Devices .....	47
Mobile Devices and Public Records.....	47
Mobile Device Use While Driving .....	48
D. Use of City of Molalla Email and Electronic Equipment and Services .....	48

Ownership.....	49
Use.....	49
Inspection and Monitoring – No Right to Privacy.....	49
Personal Hardware and Software .....	50
Unauthorized Access.....	50
Security .....	50
Inappropriate Web Sites.....	50
D1.Social Media.....	50
Prohibited Postings.....	50
Encouraged Conduct .....	51
Request for Employee Social Media Passwords.....	51
E. Confidential City of Molalla Information .....	52
F. Ethics .....	52
G. Open-Door Policy.....	52
H. Outside Employment.....	53
I. Criminal Arrests and Convictions .....	53
J. Political Activity.....	54
K. Bad Weather/Emergency Closing .....	54
M. Driving While on Business.....	54
N. Workplace Violence.....	55
O. Workplace Inspections — No Right to Privacy or Confidentiality.....	55
P. Smoke-Free Workplace .....	56
Q. Recruitment and Selection.....	56
R. Hiring of Family Members.....	60
<b>VI. Termination of Employment .....</b>	<b>61</b>
A. Workplace Rules and Prohibited Conduct.....	61
B. Corrective Action/Discipline Policy .....	62
C. Retirement or Resignation from Employment .....	63
D. References .....	63

## **I. Equal Employment Opportunity (EEO) Policies**

The following EEO Policies apply to all employees. Members of management, elected officials, and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with the Human Resource department at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

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

The City of Molalla provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Molalla also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

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

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

### **B. Statement Regarding Pay Equity**

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

See *also* "Statement Regarding Pay Practices" policy, below.

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

The City of Molalla prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, City of

Molalla prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the Human Resource department, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Molalla–related or –sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Molalla's employees. **Such harassment is prohibited whether committed by City of Molalla employees or by non-employees (including elected officials, members of the community, volunteers, interns, and vendors).**

#### Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

#### Other Forms of Prohibited Harassment

City of Molalla policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence



victim status, or any other protected status or activity recognized under Oregon, federal or local law.

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

- Jokes, pictures (including drawings), epithets, or slurs.
- Negative stereotyping.
- Displaying racist symbols anywhere on City of Molalla property.
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability.
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them.
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hairstyle (see definition of "race" on page 1). Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

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

#### Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of the City Manager or the Human Resource department, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses' harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

#### Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with City of Molalla's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Molalla will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Molalla's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law,

whether criminal or civil. Although the City of Molalla cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Molalla, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

### Protection Against Retaliation

City of Molalla prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to the City Manager or the Human Resource department or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

### Other Resources Available to Employees

The City of Molalla provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in City of Molalla's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to canopywell.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City of Molalla cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

### Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City of Molalla is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Molalla to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Molalla regarding his/her experience and/or employment status, the employee should contact the Human Resource department. The employee's request to

enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Molalla and employee do reach an agreement, the City of Molalla will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Molalla or making comments that would lower the City of Molalla in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Molalla and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

#### D. No-Bullying Policy

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

1. Verbal Bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred City of Molalla will take prompt, appropriate action, and any employee found

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

#### E. Disability Accommodation Policy

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

##### Accommodations

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

##### Requesting an Accommodation

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

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with Human Resources and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her need for a reasonable accommodation. Both the City of Molalla and employee must monitor the employee's accommodation situation and make adjustments as needed.

#### F. Pregnancy Accommodation Policy

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

Although this policy refers to "employees," the City of Molalla will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth, or a related medical condition.

### Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the Human Resource department and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City of Molalla and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Molalla and employee must monitor the employee's accommodation situation and adjust as needed.

### No Discrimination, No Retaliation

The City of Molalla prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Molalla; or (3) needed an accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave, OFLA, or FMLA if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Molalla. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Molalla to make reasonable accommodations under this policy.

### Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, the Oregon Family Leave Act, and the Family Medical Leave Act]. See policies on page 24 or speak with the Human Resource department.

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

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

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

Further, in accordance with Oregon law, the City of Molalla will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

#### Employee Reporting Options

In addition to the City of Molalla's Open Door Policy, employees who wish to report improper or unlawful conduct should first talk to his/her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the Human Resource department. Supervisors and managers are required to inform the Human Resource department about reports of improper or unlawful conduct they receive from employees.

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

If the City of Molalla were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

#### Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Molalla's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Molalla; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

#### Policy Against Retaliation

The City of Molalla will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Molalla policy).

In addition, the City of Molalla prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Molalla employee will be adversely affected because he/she refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City of Molalla may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

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

## **II. Classification and Compensation**

### **A. Probationary Period of Employment**

All new employees, including current employees who are promoted or transferred within the City of Molalla, are hired into a probationary period of twelve consecutive full months during which the employee must work a minimum of two hundred days. In the event that the employee does not work two hundred days during the twelve-month period, the probationary period will be extended until the employee completes the two-hundred-day requirement. The probationary period is an extension of the employee selection process. During this period, you are in training and under observation and evaluated by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Molalla meets your expectations of an employer.

At or before the end of the probationary period, a decision about your employment status will be made. The City of Molalla will decide whether to: (1) Extend your probationary period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

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

### **B. Employee Classification**

City of Molalla classifies employees as follows:

1. Regular Full-time: An employee who has successfully passed the probationary period and is regularly scheduled to work 32 hours or more per week are eligible to participate in City of Molalla's benefit programs.
2. Permanent-Intermittent: An employee who is regularly scheduled to work at least 120 hours per month but less than 40 hours per week. Classification normally is eligible for benefits, though they may be on pro-rata basis.

3. Regular Part-time (Not Benefits Eligible): An employee who is hired to fill a part time position and normally works less than 120 hours per month. Such employees are paid only for the actual hours worked and are not eligible for benefits except those mandated by applicable law.
4. Temporary: An employee who is hired for a specified period to fill a budgeted or non-budgeted position not to exceed six months, but which will normally not exceed four months. If a temporary employee applies for and is hired to fill a budgeted permanent or permanent-intermittent position, his/her position is in the same class. However, benefits eligibility and accrual shall begin on the date of initial appointment into the permanent or permanent-intermittent position. This classification is not eligible for benefits except those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "non-exempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Molalla rules and procedures.

#### C. The Workweek

The City of Molalla has established regular working hours to promote a productive work environment that will serve our citizens. The general office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. All other schedules must be approved in writing by the City Manager and can be changed at any time.

The normal workday is eight (8) hours, and the normal work week is 40 hours. The workweek begins on Sunday and ends on Saturday. If you are a non-exempt employee, you should not begin work before your normal starting time nor continue to work beyond the normal quitting time without advance approval from your direct supervisor.

The direct supervisor scheduled specific work hours for individual full-time employees. Changes to work schedules may be made on an individual basis based on business necessity, at the discretion of the direct supervisor with written approval from the City Manager. Management reserves the right to modify schedules consistent with the needs of the City.

#### D. Meal Periods and Rest Breaks

Non-exempt employees are required to take a paid, not less than 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her supervisor before the end of the shift so that City of Molalla may pay the employee for that work.



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

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

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

#### E. Rest Breaks for Expression of Breast Milk

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

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

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

The City of Molalla will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

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

## Notice

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

## Storage

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

## F. Overtime

### Time-and-a-Half

City of Molalla pays one and one-half times a non-exempt employee's hourly rate for all hours actually worked over 40 in any workweek. See "Employee Classification," above.

### Limitation on Overtime Pay

Paid hours not actually worked (for example, sick, vacation, holidays, and family leave) will not be counted toward the 40 hours worked per workweek required to receive overtime pay.

### Supervisor Authorization

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

### Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with City of Molalla approval, accumulated at time and one-half up to a maximum of 80 hours and taken as comp time off. Employees may choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. The payment will be made within a regular payroll. When an employee is separated from employment with City of Molalla, any remaining comp time will be paid to the employee.

## G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on an online timesheet through Caselle Connect. Employees are required to record their own time on a *daily basis*. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his/her time may be subjected to discipline as well.

Salaried exempt employees also may be required to record their time on a timesheet. These employees will be instructed separately on this process.

## H. Employee-Incurred Expenses and Reimbursements

The City of Molalla will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. The City of Molalla will not pay for or reimburse the costs incurred by a spouse, registered same-sex domestic partner or travel companion who accompanies the employee on City of Molalla-approved travel. The paid and reimbursement amounts will be determined by IRS guidelines when applicable.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts must be itemized) within one month of the expense being incurred or the employee risks forfeiting his/her payment or reimbursement.

Some examples of actual and reasonable business-related expenses that the City of Molalla will reimburse/pay for after verified and approved by supervisor are:

- *Professional conferences, seminars, training, and meetings as approved by your Department Director or City Manager, that will enhance the employee's performance and value to the City. City officials and employees should exercise good judgment, regard for economy and recognition of proper use of public monies when selecting training, meetings, courses, conferences, etc. in connection with City business.*  
*Also, this policy establishes guidelines regarding travel for the conduct of official City business and for the payment of, or reimbursement of, expenses incurred while performing such travel. All employees are expected to follow the guidelines outlined in this policy. Requests for training and travel shall be submitted in writing to Department Head or City Manager. Training and travel expenses must have a public purpose and serve the public interest. Persons traveling on City business are expected to be prudent and only incur costs they normally would incur if traveling on their own expense. The City will not pay travel costs for persons not employed by the City unless the person incurs the cost as a member of the City Council.*
- **Meals:** Reimbursed based on U.S. General Service Administration at [gsa.gov/travel/plan-book/per-diem-rates](http://gsa.gov/travel/plan-book/per-diem-rates). Search by State. Find Results/Meals. Max gratuity paid by the city is 20%.
- **Mileage and Parking:** Employees will be reimbursed for authorized use of their personal vehicles if a city vehicle is not available, at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Molalla.
- **Lodging:** The most economical lodging should be arranged at or near the meeting, conference, or training site when possible. Employees must exercise good judgment when selecting appropriate lodging for a meeting, training, or conference, and must consult with their supervisor before reserving and paying for

a hotel room that is not at the conference site and/or not the most economical choice in the area of a training or conference.

#### I. Payroll Policies

Paydays are twice a month on the 15<sup>th</sup> (for the 26<sup>th</sup> of prior month through the 10<sup>th</sup> of current month) and the last day of each month (11<sup>th</sup> through 25<sup>th</sup> of current month). If the payday falls on a weekend or holiday, paychecks will be distributed on the Friday prior to the established payday.

The City of Molalla does not provide advance payments of salary or loans from salary to be earned.

Net pay will be directly deposited into the employee's bank account, unless an employee requests otherwise. If an employee requests to pick up his/her paycheck from City of Molalla, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to City of Molalla for someone else to receive the check.

#### J. Statement Regarding Pay Practices

The City of Molalla makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the City of Molalla has made any improper deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you must immediately report the error to the Human Resource Department. City of Molalla will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City of Molalla's pay practices.

See also "Statement Regarding Pay Equity" policy, above.

#### K. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current with regard to pay, deductions, benefits and other matters is important. If you have changes in any of the following items, please notify the Human Resource Department to ensure that the proper updates are completed as quickly as possible:

- Name
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only)
- Address or telephone number
- Dependents
- Person to be notified in case of emergency
- Tax withholding
- Job related physical or other limitations that impact employment
- Changes in status of driver's license or CDL if required to drive for the City of Molalla

- Changes in job related professional licenses; and
- Other information having a bearing on your employment

Employees may not intentionally withhold information from City of Molalla about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, City of Molalla may require employees to provide proof of marital status/domestic partnership status. All changes in personal information must be made in writing and signed/dated by the employee who the changes affect. Employees who violate this policy may be subject to discipline, up to and including termination.

#### L. Performance Reviews

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

City of Molalla's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City of Molalla will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

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

### **III. Time Off and Leaves of Absence**

#### A. Attendance, Punctuality and Reporting Absences

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work their entire work schedule, except for unpaid break periods or when required to leave on authorized City of Molalla business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their

supervisor via phone call, email, or text based on each Supervisors requirement no later than one hour before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

**B. Vacation**

It is the policy of City of Molalla to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his/her employment anniversary date. For regular, full-time employees, vacation accrues as follows:

<u>Years of Service</u>	<u>Accrual Rate</u>
After completion of 6 months will receive one time accrual of 48 hours	
Beginning of 7 <sup>th</sup> month-Completion of 5 <sup>th</sup> year	8 hours monthly
Beginning of 6 <sup>th</sup> year-Completion of 10 <sup>th</sup> year	10 hours monthly
Beginning of 11 <sup>th</sup> year-Completion of 15 <sup>th</sup> year	12 hours monthly
Beginning of 16 <sup>th</sup> year-Completion of 20 <sup>th</sup> year	14 hours monthly
Beginning of 21 <sup>st</sup> year and thereafter	16 hours monthly

Vacation Scheduling

Requests for vacation are to be made in writing and submitted to the department head/supervisor for approval as early as possible so that arrangements for work coverage can be made. Consideration will be given to each request, and requests will be granted whenever possible. In granting vacation leave, consideration will be given to both the employee's request and the operational needs of the department. In the event of competing requests for times submitted concurrently, approval will be given to the employee with the longest tenure.

Continuous Service

"Continuous Service" is defined as that service unbroken by separation from the City services other than by military, Peace Corps, vacation, sick leave, leave protected under applicable Oregon or federal law, other authorized paid leave, or an employee who voluntarily resigns and returns to employment with the City within thirty (30) days. Employees returning from unpaid leave or employees, who were laid off, shall be entitled to credit for service prior to the leave or layoff.

Vacation Maximum Accumulation

Vacation accruals cannot exceed 360 hours at the beginning of any calendar year for full-time regular employees. Any vacation hours exceeding 360 hours will be transferred to a non-cashable sick leave bank, not to exceed 1,056 hours.

Treatment of Vacation Pay upon Termination or Death

Upon separation of employment, employees who have completed six consecutive months of employment will be paid for unused vacation time that has been earned through the last day of work at the employee's wage rate at the time of separation. In the case of an employee death, the City will pay any unearned wages (including accrued vacation) in accordance with ORS 652.190.

#### Cash in Lieu of Vacation

Employees are encouraged to take vacations at least annually. Vacation is intended for rest and recreation away from work. The City of Molalla discourages "cashing in" vacation time but will consider such requests on a case-by case basis to accommodate unanticipated extenuating needs or circumstances such as personal emergency only. The City Manager may authorize cashing out accrued Discretionary Paid Leave under the following conditions:

1. Employees are eligible after five years of employment.
2. Employees shall have taken a minimum of two weeks of vacation during the year preceding the request.
3. The employee maintains at least 80 hours of Discretionary Paid Leave after the cash-in.
4. All requests will be considered and approved or denied by the City Manager once per year per employee based on this administrative criteria and availability of funds.

#### C. Sick Leave

City of Molalla provides eligible employees with paid sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the Human Resource department. Please also refer to the Oregon Sick Leave Law poster that is posted on bulletin boards in all city buildings and is incorporated here for reference. <https://www.oregon.gov/boli/workers/Documents/sick-time-protected-by-law.pdf>

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180, the employee's sick leave balance will be restored.

#### Eligibility and Accrual of Paid Sick Leave

Sick leave is accumulated at a rate of 8 hours per month for regular full-time employment. Employee is not eligible to use sick leave until after 3 months of continuous employment. After 3 months of service you will receive 24 hours of sick accrual in your leave bank and 8 hours per month after that.

It is in your best interest not to be at work when you are ill or injured. It is your supervisor's or manager's responsibility to send you home if you are ill or injured, and you are expected to cooperate with the decision.

Sick time accumulated for full time employees will not exceed 1056 hours.

You are expected to notify your supervisor/manager at the beginning of each workday during illness or injury. Exceptions to this include a serious accidental injury, hospitalization, or when you know in advance that you will be absent for a certain period and have informed management ahead of time.

A medical release statement may be requested for review before you return to work in certain situations.

Sick leave is not accumulated while an employee is on a leave of absence.

Accumulated sick leave time is not paid out if you leave employment of the City of Molalla.

#### Part Time Sick Accrual

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time employees. Sick leave runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave were allowed by law.

Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91st day of employment. After the 90th day of employment, paid sick leave may be used as it is accrued.

Part time employees shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. Paid sick leave shall be taken in hourly increments except when approved by their supervisor.

#### Part Time Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. Generally, sick leave pay will be included in the paycheck provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment.

Part Time Employees may carry over up to a maximum of 40 hours of accrued and unused sick leave for use in a subsequent calendar year but may use only 40 hours of sick leave each calendar year. Sick leave accrual is capped at 40 hours.

#### Use of Sick Leave

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

1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
  - "Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340),



biological child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.

2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

#### Employee Notice of Need for Sick Leave

*Foreseeable Sick Leave.* If the need for sick leave is foreseeable, an employee must notify the Human Resource department as soon as practicable before the leave is to begin. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of City of Molalla. Employees must notify the Human Resource department of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify their department head/supervisor as soon as practicable and comply generally with City of Molalla's call-in procedures.

An employee must contact his/her supervisor daily while on sick leave, unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave. The employee shall inform his/her supervisor of any change in the duration of sick leave as soon as practicable.

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

#### Sick Leave Documentation

If an employee takes more than three consecutive scheduled workdays as sick leave, City of Molalla may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.

### Sick Leave Abuse

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

## D. Holidays and Floating Holidays

City of Molalla recognizes ten holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday.

The holidays celebrated are:

1.	New Year's Day	January 1st
2.	Martin Luther King Day	3rd Monday in January
3.	Presidents' Day	3rd Monday in February
4.	Memorial Day	Last Monday in May
5.	Independence Day	July 4th
6.	Labor Day	First Monday in September
7.	Veteran's Day	November 11th
8.	Thanksgiving Day	Fourth Thursday in November
9.	Day after Thanksgiving	Friday after Thanksgiving
10.	Christmas Day	December 25 <sup>th</sup>
11.	<b>Floating Holiday</b>	(to be used any time during the calendar year with approval by the City)

If any of such holidays fall on Saturday, the preceding Friday shall be observed. A holiday falling on a Sunday shall be observed on the following Monday.

If a full time employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

### Floating Holiday

Employees may select one additional day off with pay (known as a "floating holiday") during a calendar year and employees must coordinate requests with their supervisor.

Employees who begin employment after January 1 receive a pro-rated number of hours of a floating holiday of 2 hours per quarter. The floating holiday does not carry over. See the Human Resource department for more information.

## E. Family Medical Leave

### FMLA/OFLA Policy

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

Employees seeking further information should contact the Human Resource department. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical

Leave Act” and “Oregon Family Leave Act” notices posted in the various City buildings, which are incorporated here by reference.

- Definitions

#### *Child/Son or Daughter*

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

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

#### *Eligible Employee*

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

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

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

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

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

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

#### *Family Medical Leave*

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

### *Family Member*

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

### *Serious Health Condition*

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

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

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

### *Public Health Emergency*

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

### *Reasons for Taking Leave*

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

1. Call to Active-Duty Leave: Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a

spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.

2. Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
3. Family Member's Serious Health Condition Leave: To care for a family member with a serious health condition.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a "covered servicemember" during a single 12-month period. A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a "covered servicemember." This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.
8. Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy on page 29 for more information.

- Length of Leave

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

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

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

- One-Year Calculation Period

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

- Intermittent Leave

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

- Employee Responsibilities — Notice

Employees must provide at least 30 days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave). If 30 days' notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to City of Molalla within 24 hours of commencement of the leave.

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

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

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

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

- Certification

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

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

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

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

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

- Medical Certification Prior to Returning to Work

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

- Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including floating holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. Represented employees may reserve accrued leave and compensatory time if provided by their collective bargaining agreement. If the employee has no accrued paid leave, floating holidays, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.



- Holiday Pay While on Leave

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

- On-the-Job Injury or Illness

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

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

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

- Benefits While on Leave

If an employee is on approved FMLA or OFLA Leave, City of Molalla will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on a FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City of Molalla benefit plans.

- Job Protection

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

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

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

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

- Restoration of Leave Bank at Time of Re-Employment

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

## F. Leave Donation

The City of Molalla has implemented a leave donation program to allow employees to voluntarily donate sick, vacation, or compensatory time off to another employee who has less than 40 hours and is likely to exhaust, accumulated paid leave due to an employee's family medical emergency that would otherwise likely cause the employee to take unpaid leave or terminate employment. A "family medical emergency" is defined as a medical condition of the employee or an immediate family member that will require prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.

Any City of Molalla employee who has worked at least twelve months in a benefits-eligible position is eligible to participate in the program as a recipient.

Any employee who has sick, vacation, or compensatory time available may participate in the program as a donor. The donating employee is required to keep a minimum of 80 hours in their own combined leave banks. Donations may be made between any employees. City of Molalla will keep donations confidential, and donors will remain anonymous.

Employees seeking donated leave must provide the City of Molalla with medical verification of the need for the time off, which includes a certification of the employee's or family member's medical emergency and need for time off, and an estimated return-to-work date (if available).

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability, or other supplemental income is not eligible to receive donated leave. An eligible employee must apply for the short-term disability, if available, and long-term disability benefits.

Any paid sick leave not used by the recipient for the specified incident will be returned to the donor employee.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

Employees who would like to request donated leave are required to submit a request form to Human Resources. In this request must state the reason for the request, and to

validate that they are qualified based on this policy. Once Human Resource verifies the information it will be forwarded to the City Manager for approval. Once approved Human Resources will send an email along with the Announcement & Donation Form to all employees.

## G. Bereavement Leave

Employees who have worked for City of Molalla for 180 calendar days, and averaged at least 25 hours per week, may take up to three (3) days of paid bereavement and up to an additional seven (7) days of unpaid bereavement leave per death of a Family Member (defined below). Employees who have worked for City of Molalla for 90-180 days may use up to 40 hours of accrued sick leave for bereavement purposes, and who have experienced the death of a Family Member (refer to OFLA definition). Employees who have worked for City of Molalla for fewer than 90 days may not be eligible for leave.

## H. Jury and Witness Duty

### Jury Duty

City of Molalla will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. Although jury duty leave is paid, the employee must turn in the jury duty pay he/she receive, or the employee may use any accrued vacation or comp leave during the stint of jury service.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his/her supervisor or manager informed about the amount of time required for jury duty.

### Witness Duty

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to their supervisor upon receipt.

Except for employee absences covered under City of Molalla's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

## I. Religious Observances Leave and Accommodation Policy

The City of Molalla respects the sincerely held religious beliefs and observances of all employees. The City of Molalla will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on City of Molalla's business. Employees may use vacation or

unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with Human Resources and may require the requesting employee to provide proof of the "sincerely held" religious belief

#### J. Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his/her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

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

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

#### K. Domestic Violence Leave and Accommodation Policy

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

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

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

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

Notice of need to take leave should be provided by submitting a request for leave in writing to [Contact] as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. City of Molalla will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement

officer, attorney, healthcare professional, member of the clergy, or victim services provider.

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

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

#### L. Military Leave

Employees who wish to serve in the military and take military leave should contact Human Resources for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact Human Resources for more information and to make arrangements for this paid leave.

### **IV. Employee Benefits**

#### A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both City of Molalla policy and that of its health insurance provider are entitled to the benefit options offered by City of Molalla. That means City of Molalla offers Medical, Dental, and Vision Insurance, Life Insurance, and Employee paid HRA Veba for all of its regular, full-time employees unless otherwise established by law. City of Molalla pays 95% of the cost of health, dental, and vision premiums for its regular, full-time employees. Part-time employees are not eligible for health-insurance coverage. Employee is required to pay 5% of the monthly premium for that coverage on a semi-monthly basis payroll deduction.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by City of Molalla. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by City of Molalla, employees will be advised and provided with copies of relevant plan documents. Copies are available from Human Resources.

## B. Employee Assistance Program (EAP)

This confidential service is provided by Canopy and is available to all FT and PT employees and anyone that is currently living in the household. The EAP can be used to assist employees and eligible household members with any personal problems, large or small. Each covered employee and eligible household members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol, or drug abuse, grieving a loss, and career development services.

Canopy also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting Human Resources, or you can contact Canopy directly at 1-800-433-2320, text 503-851-7721, or email [info@canopywell.com](mailto:info@canopywell.com).

## C. Workers' Compensation and Safety on the Job

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

### Steps to Take if You are Injured on the Job

If you are injured on the job, City of Molalla wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor).

If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all the following:

1. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.

*Failure to timely follow these steps may negatively affect your ability to receive benefits.*

### Return to Work

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

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may

not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. City of Molalla does not discriminate against employees who suffer a workplace injury or illness.

#### Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by City of Molalla, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, City of Molalla will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with City of Molalla. While you are on modified or transitional work, you are still subject to all other City of Molalla rules and procedures.

#### Overlap with Other Laws

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

#### D. PERS (Public Employees' Retirement System) Benefits

City of Molalla participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at [www.oregon.gov/PERS](http://www.oregon.gov/PERS). The City of Molalla pays the contributions for the City as well as the employees portion to employee PERS or OPSRP plans

City of Molalla may consider allowing PERS-eligible employees to retire from his/her employment with the City of Molalla and then rehiring them, as permitted under Oregon law. The City of Molalla will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of the City of Molalla, and the ability of existing

employees to perform the work of the retiring employee. Please see Human Resources for more information.

## **V. Miscellaneous Policies**

### **A. Alcohol/Drug Use, Abuse and Testing**

City of Molalla works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to City of Molalla's reputation.

City of Molalla expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

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

#### Prohibited Conduct

The following examples of prohibited conduct do not apply to law enforcement employees who possess drugs, alcohol or other items identified in this policy in connection with law enforcement work.

- Possession, transfer, use or being under the influence of any alcohol while on City of Molalla property, on City of Molalla time, while driving City of Molalla vehicles (or personal vehicles while on City of Molalla business), or in other circumstances which adversely affect City of Molalla operations or safety of City of Molalla employees or others.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City of Molalla property, on City of Molalla time, while driving City of Molalla vehicles (or personal vehicles while on City of Molalla business), or in other circumstances which adversely affect City of Molalla operations or safety of City of Molalla employees. Employees may not have any



detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in system while on City of Molalla property or on City of Molalla time.

- The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City of Molalla property, or possessing, items or objects on City of Molalla property that contain any "controlled substance," including, for example, "pot brownies", "edibles" and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in City of Molalla property.
- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (or controlled substances), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City of Molalla property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

#### Prescription Drugs and Medical Marijuana

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or City of Molalla operations.

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect City of Molalla operations or safety of City of Molalla employees or other persons, City of Molalla may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not

required to provide City of Molalla with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as City of Molalla will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

### Testing

City of Molalla reserves the right to:

- a. Subject applicants who are given a condition offer of employment in a safety-sensitive position to a drug and alcohol test;
- b. Test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- c. Discipline or discharge employee who test positive or otherwise violate this policy; and
- d. Test employees when they: (1) cause or contribute to accidents that seriously damage a City of Molalla vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; and (3) when City of Molalla reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

### Reasonable Cause Testing

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

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

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the City Manager or designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
  - a pattern of abnormal or erratic behavior;
  - information provided by a reliable and credible source;
  - direct observation of drug or alcohol use;
  - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);

- unexplained significant deterioration in individual job performance;
- unexplained or suspicious absenteeism or tardiness;
- employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

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

#### Search of Property

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

#### Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

#### Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or

- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL). Failure to report as required will result in disciplinary action up to and including termination.

### Drug and Alcohol Treatment

City of Molalla 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. City of Molalla is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask a supervisor or Human Resource for assistance.

City of Molalla will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and City of Molalla to the extent its existing benefits package covers some or all of the program costs.

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

### Discipline and Consequences of Prohibited Conduct

An employee who violates this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with his/her performance and to specify the performance required for the employee to achieve in order to continue to be employed by City of Molalla. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

### Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or City of Molalla is prohibited unless written authorization is obtained from the employee

#### B. Fraud

Purpose: The City of Molalla is committed to the highest standard of moral and ethical behavior by its employees, including management, elected officials, volunteers,

vendors and contractors, to strengthen the public's trust in the integrity of our municipal government. This policy establishes responsibilities and procedures for reporting, investigating and resolving suspected acts of fraud, theft, waste, abuse and ethical misconduct. It will provide a structure that will encourage the reporting of any suspicions of violations of this policy and will ensure that employees are able to discuss their concerns in a secure and confidential environment.

Scope: This policy is applicable to all City of Molalla employees, elected officials, volunteers as well as outside consultants, contractors and vendors who have a business relationship with the City of Molalla.

Policy: Through all levels of management, the City of Molalla is responsible for the prevention and detection of fraud, misappropriation of City of Molalla funds, or any other deemed inappropriate conduct. It is the City of Molalla's intent to fully investigate any suspected acts of fraud, theft, abuse, waste or unethical behavior, in an impartial manner regardless of the suspected wrongdoer's length of service, position, title or relationship to the City of Molalla.

Any violation of this policy that is detected or suspected by City of Molalla employees, elected officials, volunteers as well as outside consultants, contractors and vendors, who have a business relationship with the City, must be reported immediately to the City Manager or the Anti-Fraud Committee as outlined in the Responsibilities and Procedures section of this policy. The Anti-Fraud Committee will determine who will investigate the suspected fraudulent activity in accordance with this policy.

Any employee found to have violated this policy will be subject to disciplinary action up to and including dismissal and/or prosecution by the appropriate authorities. Elected officials, volunteers and others having a business relationship with the City of Molalla may be subject to sanctions or prosecution by the appropriate authorities.

The City of Molalla intends to pursue every reasonable legal remedy when a violation has occurred and to obtain recovery of any losses from the offender including, when appropriate, notifications of bonding company, court-ordered restitution, or other available remedies.

### Definitions of Fraud

Fraud: An intentional illegal use of City of Molalla assets by any act including, but not limited to, theft, embezzlement or misrepresentation. Fraud is designed to obtain a benefit or advantage or cause some benefit that is due to be denied. Examples include, but are not limited to:

- Forgery or alteration of a check, document, or account belonging to the City of Molalla
- Misappropriation of city funds, securities, supplies, or property.  
*(Misappropriation means to illegally use public funds or assets, which have been set aside for a specific purpose, for personal gain)*
- Unauthorized personal use of city equipment and supplies
- Profiteering because of insider knowledge

- Theft of cash, checks or property
- Falsifying records such as timecards, expense reports or official documents
- Willful destruction of City of Molalla property
- Employee with access to confidential information who sells this information for personal gain
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City of Molalla

Waste: The expenditure or allocation of resources significantly in excess of need.

Examples include, but are not limited to:

- Unauthorized use or misuse of city facilities, equipment or vehicles
- Falsifying time worked or leave taken on a timesheet
- Retaining ineligible dependents on health care coverage
- Unnecessary incurring of costs as a result of inefficient or negligent practices, systems or controls.

Abuse of Position: Use of employment or official position with the city to obtain personal gain or benefit from the city to which one is not entitled. Examples of *abuse of position* include, but are not limited to:

- Obtaining a benefit or service from the city which one does not qualify
- Providing a benefit or service to someone for which they do not qualify
- Unauthorized reductions in fees and fines
- Suspending or terminating enforcement action based on a personal relationship
- Bid-fixing

Ethical Misconduct: Individuals, who conduct their official duties in a manner which is not impartial, use their position for personal gain, or fail to properly disclose an actual or potential conflict of interest. See the City of Molalla's Charter and/or Personnel Policy for details. Examples include, but are not limited to:

- Authorize contracts in violation of municipal purchasing laws
- Failure to disclose an actual or potential conflict of interest
- Accepting gifts prohibited by Oregon ethics laws

Job Application Fraud: Individuals, who knowingly provide false information on job applications.

## Responsibilities and Procedures

Management and Employees: Managers, supervisors, and administrators at all levels are responsible for maintaining a system of internal controls which prevent, deter, or detect fraud, theft, waste, abuse, and/or unethical or dishonest behavior. Managers, supervisors, and administrators are also expected and required to recognize risks and potential exposures that may be inherent within their areas of responsibility, to be alert to any indication of irregularity or potential violation of this policy, and to know and follow the requirements set forth in this policy.

Each employee is required to report any suspected or detected violation of this policy, fraud, theft, waste, abuse or other unethical or dishonest conduct. An employee may choose to report immediately the suspicion and/or detection to their department manager, who in turn must immediately report the information to the City Manager or the Anti-Fraud Committee. If the employee is not comfortable reporting directly to their department manager, the employee may immediately report their suspicion directly to the City Manager, Anti-Fraud Committee or anonymously in writing to the City Manager. Suspected fraudulent activity and/or violations of this policy involving the City Manager's Office must be reported to the Anti-Fraud Committee immediately.

The employee reporting suspected violations of this policy and/or fraudulent activity may choose to identify themselves or to remain anonymous. The identity of an employee or complainant who reports suspected fraudulent activity will be protected to the fullest extent possible, but the City of Molalla cannot guarantee confidentiality. It is the City of Molalla's intent to protect an employee who discloses information of suspected fraudulent activity from retaliatory actions by other individuals in accordance with Oregon Statutes, Section 659A.200-203 (Whistleblower's Act) which prohibits adverse personnel actions against an employee for disclosing this information. Retaliation against an employee or other person who reports a detected or suspected violation of this policy is strictly prohibited. Any employee who retaliates against a person for reporting a detected or suspected violation of this policy will be subject to discipline up to and including termination of employment.

In all cases, the reporting employee must provide enough detail about the activity to aid in the investigation. All employees, which include management employees, will cooperate with the Anti-Fraud Committee and investigators and will not by any means personally investigate the suspected fraud, or contact the suspected individual in an effort to determine facts or demand restitution.

All employees shall cooperate with the investigative processes of the Committee and law enforcement agencies including prosecution of offenders. All participants in a fraud investigation will keep details and results of the investigation confidential. All inquiries from suspected individuals and their legal representatives must be directed to the City Manager. Proper response to such an inquiry is, "I am not at liberty to discuss this matter."

#### Anti-Fraud Committee / Human Resources:

The City of Molalla's Anti-Fraud Committee will be comprised of the City Manager, Council Member, City Recorder, and Finance Director. The Committee will appoint the investigator and oversee and coordinate all actions taken during the course of the investigation. The investigator will have unlimited and unattended access to all relevant city files at all times in order to facilitate investigative work as permitted by city policy and state and federal law. All investigations conducted by the Committee are considered part of the audit process and the working papers will be kept confidential in accordance with state statutes and administrative rules regarding public records laws.

Great care must be taken in the investigation of suspected fraudulent activity to avoid mistaken accusations or alerting suspected individuals that an investigation is under

way, or making any statement which could provide a basis for a suit for false accusation or other offenses.

The Committee will evaluate the extent of any potential criminal activity, including consulting the Clackamas County District Attorney's Office if needed. If any potential prosecutable criminal activity exists, the Police Department or other appropriate law enforcement agency will be notified and conduct the investigation. The Committee will assist with the investigation if law enforcement requests such assistance. In every case, the City will cooperate fully with the investigating and prosecuting authorities. If no potentially prosecutable criminal activity exists, the City Manager will conduct the investigation with the assistance of other appropriate City officials.

If fraudulent activity is detected or reasonably suspected of the City Attorney or City Manager, the City Recorder will apprise the Mayor and Council of the investigation and update them on progress as is deemed appropriate.

In cases where the suspected fraudulent activity involves the offices of the City Manager or City Finance, the Committee will determine the investigation process and assign an investigator. The City Manager or City Attorney will be apprised of the investigation and updated on progress as is deemed appropriate by the investigator.

The City Manager or City Recorder, as appropriate, may notify the Mayor and Council of a reported allegation of fraudulent activity upon the start of the investigation to the extent practical. The Mayor and Council will be apprised of the progress of the investigation as deemed appropriate by the City Manager. At the conclusion of the investigation, a confidential report will be issued and distributed to the Mayor, City Council, City Manager and City Attorney. After their review, a copy of the report will be provided to the appropriate department head and the Finance Director.

Disciplinary Action: If a suspected or detected violation of this policy is substantiated by an investigation, the City will take the appropriate action in conformance with City and departmental personnel policies and procedures, and union contracts if applicable. Violations of the City of Molalla's Fraud Policy will result in disciplinary actions up to and including immediate dismissal. Examples of violations of this policy which can lead to disciplinary action up to and including dismissal include, but are not limited to an employee who:

- Commits an act of fraud, theft, abuse, waste or other unethical behavior as defined by this policy.
- Suspects, discovers or has knowledge of fraudulent activity that violates or potentially violates this policy and fails to report the information as required by this policy; or
- Intentionally reports false or misleading information of fraudulent activity; or
- Retaliates against or penalizes any individual for reporting or cooperating in the investigation or prosecution of fraudulent activity.



Distribution: All City of Molalla employees, volunteers and elected officials will be given a copy of this policy. All newly hired employees and appointed volunteers will be provided a copy as part of orientation and required to provide a written acknowledgement upon receipt of the policy which be retained by the Human Resources Clerk.

Administration: The City Manager is responsible for the administration, revision, interpretation and application of this policy. The policy will be reviewed and revised as needed.

### C. Mobile Devices Policy

This policy applies to employee use of cell phones, smart phones, tablets and similar devices, all of which are referred to as "mobile devices" in this policy.

#### Cell Phones and Mobile Devices in General

Employees are allowed to bring personal mobile devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or City of Molalla-provided mobile devices may not violate City of Molalla's policies against harassment and discrimination. Thus, employees who use a personal or City of Molalla-provided mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by the City of Molalla) that is harassing or otherwise in violation of City of Molalla's policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or City of Molalla-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from their Supervisor. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee's obligation from recording time for all hours worked.

#### Employee Use of City of Molalla -Provided or Paid for Mobile Devices

Mobile devices are made available to City of Molalla employees on a limited basis to conduct City of Molalla's business. Determinations as to which employees receive City of Molalla-provided mobile devices will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, City of Molalla may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City of Molalla away from the office (see Human Resources for more information).

Employees who receive a mobile device from City of Molalla must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Further, employees who receive a cell phone or mobile device from City of Molalla must acknowledge and understand that because the

mobile device is paid for and provided by City of Molalla, or subsidized by City of Molalla, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if City of Molalla has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Mobile Device Policy or any other City of Molalla policy. Employees should have no reasonable expectation of privacy in an City of Molalla-provided or -paid for mobile device. An employee who refuses to provide City of Molalla access to his/her personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Family and friends may not use an employee's City of Molalla-provided mobile device.

#### Mobile Devices and Public Records

City of Molalla-related business conducted on City of Molalla-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against City of Molalla or individual employees.

#### Mobile Device Use While Driving

The use of a mobile device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City of Molalla vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by City of Molalla.

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

#### D. Use of City of Molalla Email and Electronic Equipment and Services

City of Molalla uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet and any new technologies used in the future. This policy governs the use of such City of Molalla property.

## Ownership

All information and communications in any format, stored by any means on or received or transmitted via City of Molalla's electronic equipment or services is the sole property of City of Molalla.

## Use

All of City of Molalla's electronic equipment and services are provided and intended for City of Molalla business purposes only and not for personal matters, communications or entertainment. Access to the Internet, websites and other electronic services paid for by City of Molalla are to be used for City of Molalla business only. This means, for example, that employees may not use the City of Molalla-provided Internet, or City of Molalla electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate City of Molalla's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or City of Molalla, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the right to privacy, of protected healthcare information or otherwise, or other City of Molalla-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use City of Molalla-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City of Molalla email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

## Inspection and Monitoring – No Right to Privacy

Employee communications, both business and personal, made using City of Molalla electronic equipment and services are not private. Any data created, received or transmitted using City of Molalla equipment services are the property of City of Molalla and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on City of Molalla's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City of Molalla's ownership of the electronic information, electronic equipment or services, or City of Molalla's right to inspect such information. City of Molalla reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of City of Molalla's electronic equipment and services, including all

communications and internet usage and resources/sites visited. City of Molalla will override all personal passwords if it becomes necessary to do so for any reason.

#### Personal Hardware and Software

Employees may not install personal hardware or software on City of Molalla's computer systems or mobile devices without approval from City Manager. All software installed on City of Molalla's computer systems must be licensed. Copying or transferring of City of Molalla-owned software to a personal device/equipment may be done only for personal devices/equipment used for City of Molalla business and with the written authorization of the City Manager.

#### Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City of Molalla management. No employee can examine, change or use another person's files, output, username or password unless he/she has explicit authorization.

#### Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

#### Inappropriate Web Sites

City of Molalla's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate City of Molalla's policies on harassment and discrimination.

#### D1. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with City of Molalla, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of City of Molalla or City of Molalla's legitimate business interests may result in disciplinary action up to and including termination.

#### Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any City of Molalla policies, including City of Molalla's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening

or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from your blog, website or other social networking site to an City of Molalla-owned or maintained website without identifying yourself as an City of Molalla employee.

Express only your personal opinions. Never represent yourself as a spokesperson for City of Molalla unless you are authorized by your manager/supervisor to do so. If City of Molalla is a subject of the content you are creating, be clear and open about the fact that you are a City of Molalla employee and make it clear that your views do not represent those of City of Molalla or its employees or elected officials.

#### Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, City of Molalla's employees and elected officials, and suppliers or other third parties who do business with City of Molalla.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City of Molalla employees or elected officials, that might constitute harassment or bullying, and/or that violate City of Molalla policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City of Molalla policy.

Maintain the confidentiality of City of Molalla's confidential information. Do not post internal reports, policies, procedures or other internal, City of Molalla-related confidential communications or information. (See "Confidential City of Molalla Information" policy, below.)

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

#### Request for Employee Social Media Passwords

City of Molalla's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by City of Molalla.

Nothing in this policy prohibits City of Molalla from requiring an employee to produce content from his/her social media or internet account in connection with a City of Molalla-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

#### E. Confidential City of Molalla Information

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with City of Molalla policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of City of Molalla) may be removed from our premises without permission from City Manager. Likewise, any materials developed by City of Molalla's employees in the performance of their jobs is the property of City of Molalla and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the City of Molalla's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

#### F. Ethics

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

We at the City of Molalla are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City of Molalla from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

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

#### G. Open-Door Policy

City of Molalla's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. City of Molalla's managers and supervisors are responsible for creating a work

environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in City of Molalla, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the Human Resource department.

#### H. Outside Employment

Generally, employees may obtain employment with an employer other than City of Molalla or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of City of Molalla time (including the employee's work time), City of Molalla facilities, equipment and supplies, or the prestige or influence of the employee's position with City of Molalla. In other words, the employee may not engage in private business interests or other employment activities on the City of Molalla's time or using the City of Molalla's property;
- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for the City of Molalla.

The City of Molalla requires employees to report outside employment to their supervisor before the outside employment begins. Thereafter, an employee must provide an update to his/her supervisor and Human Resource Department on an annual basis, or sooner if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

#### I. Criminal Arrests and Convictions

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

1. All drug-or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City of Molalla property, or in an City of Molalla vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, including termination.

#### J. Political Activity

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City of Molalla employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

#### K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Molalla (see "Holidays" section, above), City of Molalla is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her designee) will decide whether to and to what extent the City of Molalla will close, and the City will have supervisors contact all employees.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve City of Molalla from home, you should do so subject to approval by your manager or supervisor. If weather does not permit you to come to work, the office is closed, or you must leave early due to inclement weather, you are expected to use vacation or compensatory time, you will not be paid by the City of Molalla for these hours. Safety and a trustworthy approach are your guides. Closures do not apply to CCPOA or Teamster employees. Please refer to your bargaining agreement.

#### M. Driving While on Business

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

The City of Molalla may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with City of Molalla, we may receive automated reports from the Department of Motor Vehicles (DMV). The reports notify City of Molalla when there are transactions on your driving record such as speeding tickets and citations.



While on City of Molalla business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Mobile Device Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a City of Molalla-owned vehicle or while on City of Molalla business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.

#### N. Workplace Violence

City of Molalla recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by City of Molalla.

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

City of Molalla also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

#### O. Workplace Inspections — No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by City of Molalla pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

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

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

## P. Smoke-Free Workplace

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

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

If you wish to smoke tobacco, you must do so outside of City of Molalla's facilities/buildings, only in designated smoking areas, and out of visitor view during authorized breaks. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. Tobacco users are expected to dispose of such items appropriately. Sidewalks and parking lots are not appropriate places of disposal.

## Q. Recruitment and Selection

### Purpose

To provide a competitive system of filling positions for the city with the individuals whose skills, abilities, and qualifications best match those of the open position.

### Scope

This policy applies to recruiting and selecting employees for regular full-time and regular part-time positions except those listed in the City Charter, as it may be amended from time to time (i.e. elected positions, City Manager, Municipal Judge).

### Policy

When a personnel vacancy occurs, the appropriate department director, in collaboration with the city manager and human resources, will carry out a recruitment and selection process designed to identify the most qualified individual for the position by carefully considering current employees as well as new applicants. All recruitment and selection practices and procedures shall be conducted in compliance with all applicable state and federal laws governing equal employment opportunity. Veteran preference shall be provided according to Oregon law.

The city is committed to using job-related criteria consistent with business necessity in its selection program. The city is also committed to providing reasonable accommodation to individuals with disabilities throughout the selection process and in its employment practices.

## Definitions

### A. Job Related

Each qualification standard, test or other selection criterion must be a legitimate measure or qualification for the specific job it is being used for. It is not enough that it measures qualifications for a general class of jobs.

### B. Consistent with Business Necessity

If a test or other selection criterion excludes an individual with a disability *because of* the disability and does not relate to the *essential functions of a job* it is not consistent with business necessity. A standard may be job-related but not justified by business necessity, because it does not concern an essential job function

### C. Reasonable Accommodations

Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. An equal employment opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly situated employee without a disability.

The Americans with Disabilities Act (ADA) requires that even if a qualification standard or selection criterion *is* job-related and consistent with business necessity, it may not be used to exclude an individual with a disability if this individual could satisfy the legitimate standard or selection criterion with a "reasonable accommodation."

## Procedure

The following steps govern the recruitment and selection process:

### A. Promotion and Transfers

The city encourages promotions and transfers from within city service and seeks to select the best-qualified individual for the position. Promotional appointments shall be made from employees within the city if the department director and city manager determine that there exists qualified and interested employees to compete through an internal selection process.

If only one qualified and interested employee is determined to exist, the employee interested in a promotional appointment may communicate his/her interests and concerns directly to his/her department director and may be considered for promotion. If the employee is selected for promotion, the position vacated by the promoted employee shall be filled using the recruitment and selection process adopted by the city.

## B. Temporary Assignments

1. A temporary appointment may be required to fill a position on an immediate, short-term basis. For example, a temporary appointment may be used to fill an unexpected vacancy, to fill in for a current, regular employee out on an approved leave of absence such as disability leave or family medical leave, or to fill a special project position resulting from the availability of grant money. The department director may fill these vacancies by appointment on a temporary basis after consultation with the city manager without following the recruitment and selection process for a period not to exceed six (6) months. Approval from the City manager for an extension is required.

2. Vacated regular positions may be filled with temporary appointments. A regular position, which is vacant because an employee is out on approved leave, may be filled by temporary appointment if there is a reasonable expectation that the employee will return. A new position funded by grant moneys or other outside source may be filled by temporary appointment for the duration of the funds. If such position becomes a regular full-time position with the city, however, the recruitment and selection process shall be initiated and followed. If a current and qualified applicant pool or list exists for any vacated position, the department director shall first consider making the temporary appointment from this pool or list.

## C. Request to Recruit

When a job vacancy exists or is anticipated, the department director shall make a request to the city manager to initiate the recruitment and selection process. The request shall include a current job description listing the essential job duties and responsibilities, the essential job qualifications, established salary range, and the selection criteria. Upon approval of the city manager human resources shall initiate the recruitment and selection process.

## D. Job Announcement

1. A notice announcing recruitment for an open position shall be prepared specifying the title of the job, salary range of the position, summary of the essential job duties, responsibilities and qualifications, and the application procedures. The notice shall be published and posted on the city's web site. At the city's discretion, additional notices may be circulated to professional organizations and published in professional journals or posted electronically on web sites of relevant professional organizations. The application procedures shall, at a minimum, include the time and location to apply, how to make alternate arrangements if the location is inaccessible; the selection process to be used, i.e., testing, application, assessment centers, interviews, etc., as well as the closing date for accepting applications.

Reasonable accommodations will be made to enable an applicant with a disability to apply for and test for a job. All job announcements shall include this message: "We are an Equal Opportunity Employer. We do not discriminate based on race, color, religion, sex, age, national origin, physical or mental disability, marital familial

status, status as a special disabled veteran, or membership in any other group protected by law in accordance with applicable federal, state and local laws."

2. Job announcements will be posted for a minimum of five (5) working days. Posting locations include the personnel department, employee bulletin boards in city facilities. Vacancy announcements may also be sent to newspapers for inclusion in the "help wanted" ads, the State of Oregon Employment Division, and other agencies or organizations where there may exist qualified, interested applicants. The city shall further make job announcements accessible to people with disabilities by providing written information in various formats upon request.

#### E. Applications

Employment applications shall be available in City Hall and on the city's web site. Assistance in filling out an application shall be provided upon request. All individuals applying for a position shall complete an application form and any supplemental materials required by the city for certain positions, as specified. Application materials shall be considered confidential and reviewed only by the authorized personnel. The city shall make specific reasonable accommodation for both site accessibility and testing for applicants with disabilities.

The city accepts applications and/or resumes only when a vacancy exists. The city does not stockpile job applications or resumes for possible future consideration. When the city solicits applications for a vacant position, there will be a designated cut-off date beyond which applications will not be accepted. Unless the city is currently accepting applications for a vacant position, all applications will be returned with a Response to Unsolicited Application form letter.

#### F. Selection

1. Selection criteria shall be designed to measure each applicant's qualifications, experience, and ability to perform the duties and responsibilities of the open position. When requested, specific reasonable accommodations will be made for individuals with disabilities.
2. Any combination of two or more of the following methods may be used to determine the applicant best suited for the position:
  - a) information supplied by the applicant, on the application, in resumes, letters of recommendation and through supplemental examinations, if required.
  - b) written, performance (i.e., typing test) and physical agility test (not a medical exam);
  - c) individual or group oral interviews.
  - d) assessment centers.
  - e) information and evaluation provided by previous and current employers and references.
  - f) personal background investigation for some positions; and

g) other appropriate job-related screening techniques.

Note: Some positions may require that medical and related information be obtained through a medical entrance exam or other means to evaluate the ability of applicants to perform essential job functions, or to promote health and safety on the job. The city will not request this information until after a conditional job offer has been made, and then only when it is consistent with business necessity.

#### G. Multiple Use of Application and Selection Methods

Multiple Use of Application and Selection Methods. When it is deemed appropriate by the city manager, selection materials including application, testing and interview results, reference, and other selection information received for one (1) vacancy may be considered for a subsequent recruitment and selection process, if the subsequent recruitment and selection process is in the same job classification and provided that no more than one (1) year has passed since the initial process. All applicants shall be notified of their application status.

#### H. Appointment

Appointment. The department director makes the appointment to the position after consultation with the city manager. All recruitment and selection records shall be retained by the city recorder based on retention requirements. Appointments may be made subject to the result of a medical entrance exam.

#### R. Hiring of Family Members

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

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

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

## **VI. Termination of Employment**

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

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

- Falsification of employment or other City of Molalla records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City of Molalla property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Molalla equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Molalla property.
- Carrying firearms or any other dangerous weapon on City of Molalla premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City of Molalla property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City of Molalla employee, customer or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Molalla.
- Misrepresentation of City of Molalla policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Molalla. Employees may not use the City of Molalla's name, logo, likeness, facilities, assets or other resources of the City of Molalla for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.

- Violation of any safety, health, security or City of Molalla policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by City of Molalla or outside regulatory or legislative bodies.
- Harassment or discrimination that violates City of Molalla policy.

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

#### B. Corrective Action/Discipline Policy

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City of Molalla standards, City of Molalla will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline such as:

1. Verbal counseling - It will be confirmed in writing by your supervisor for your personnel file.
2. Written warning - Written documentation of the written warning will contain the facts surrounding the offense, previous verbal counseling or other communications on the subject, if any, plan of action will be necessary if the offense is not corrected. Employees are given a copy of all written warnings, copies of which will be added to their personnel files.
3. Suspension - Suspension may also be used to remove an employee from City premises during an investigation. A suspension may be paid or unpaid. If you are suspended, it will be documented in your personnel file and you will receive a copy.
4. In certain instances, a "Last-Chance Agreement" may be put into place to offer one last chance to comply with City standards, behavior, or other area of correction. This agreement is signed by both the employee and manager and signifies that if compliance is not met, the employee will be terminated. This agreement is usually accompanied by a "Letter of Expectations" to clearly outline expectations of compliance with the agreement.
5. Termination – Termination decisions are confirmed in writing for the personnel file. The terminated employee also receives a copy.

In all cases, City of Molalla will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. City of Molalla may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when City of Molalla deems such action appropriate. City of Molalla retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).



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

#### C. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give City of Molalla as much notice as possible — preferably a minimum of at least (10) workdays before departure, and (30) days before departure for supervisors and management-level personnel. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-weeks' notice of your intent to leave City of Molalla, you will not be eligible for re-employment at a later date.

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

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

Employees must return all City of Molalla property including key fob's/keys, ID cards, cell phones, tools, software, computers, credit cards, uniforms and any other items in your possession that are the property of the City of Molalla to their supervisors on or before their last day of work.

#### D. References

All requests for references or recommendations must be directed to the Human Resource department. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

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

Acknowledgment of Receipt of 2022 Personnel Policy Handbook

I acknowledge that I have received and will read a copy of City of Molalla's 2022 Personnel Policy Handbook. I also understand that a copy of the Personnel Policy Handbook is available to me at any time to review in the Human Resource Department and on the City's Website.

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

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

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

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

I have read this acknowledgment carefully before signing.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

The original of this signature page will be kept in the Employee's personnel file.