

CITY OF GERVAIS

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The Gervais City Council will hold a Work Session starting at 6:30 PM on Monday, March 9, 2023. This meeting will be held in person, with an option to participate by Zoom. If anyone wants to participate with Zoom, the instructions for accessing the meeting are below.

GERVAIS CITY COUNCIL AGENDA

Meeting Sign-in Instructions:

Topic: Work Session March 9, 2023

Time: Mar 9, 2023 06:30 PM Pacific Time (US and Canada)

TO JOIN THE MEETING VIA WEBSITE/TABLET/MOBILE:

<https://us06web.zoom.us/j/85649436796?pwd=SnNCSHpnd09vUINLUWhNSHduYWRRdz09>

Meeting ID: 856 4943 6796

Passcode: 428648

TO JOIN THE MEETING VIA TELEPHONE ONLY:

1-253-215-8782 US (Tacoma)

Meeting ID: 856 4943 6796

Passcode: 428648

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Updated Employee Handbook
5. Fiscal Year 2023-2024 Budget Discussion
6. Adjourn

Gervais is a charming, dynamic rural community with a rich cultural heritage, valuing the past and anticipating the future...a wonderful and tranquil place to work, play and live.

The City of Gervais is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, DC 20250-9410

Summary of Updates to Employee Handbook

New Policies to the Handbook

- No-Harassment Policy.....Page 2
 - City did not have harassment policy previous to this – policy applies to employee and non-employees (elected officials, members of the community, volunteers, vendors).
 - Negative comments or teasing about hair
- Rest Breaks for Expression of Breast Milk Page 11
 - Requires the City to allow time and space for expression of milk for babies under 18 months old.
- Statement Regarding Pay Practices..... Page 13
 - Process for reporting paycheck errors and remedies for correction
- Religious Observances Leave and Accommodation Policy Page 21
 - City will make reasonable accommodations for religious days, employees use leave
- Crime Victim Leave Policy Page 21
 - Allows time-off for employees under certain conditions related to certain felonies
- Domestic Violence Leave and Accommodation Policy Page 21
 - Leave associated with domestic violence, harassment, sexual assault or stalking. Employee uses leave.
- Cell Phones and Mobile Devices in General..... Page 29
 - Usage personal devices, disclosure under public records law, prohibits use while driving with some exceptions during emergencies
- Social Media..... Page 33
 - No violations of no-harassment, no-discrimination and workplace violence policies
 - Guidelines on posting and encouraged conduct – Fair & courteous to all we serve
- Criminal Arrests and Convictions Page 35
 - Employee duty to report arrest or conviction the next day
- Bad Weather/Emergency Closing..... Page 36
 - Allows City Manager to decide on closure of City Hall during weather events with regard to employee safety.
 - Allows employees to work from home if set up to do so, at discretion of CM or supervisor.
- Driving While on Business Page 36
 - Employee duty to be a responsible driver
- Workplace Violence Page 37
 - To ensure safe work environment for employees, non-employees, elected officials, volunteers
- Workplace Inspections – No Right to Privacy or Confidentiality..... Page 37
 - During inspections or investigations – investigation into criminal records and also work space (office furniture, phone systems, email, computer, etc)
- Smoke-Free Workplace Page 37
 - No smoking, chewing or marijuana use in and around City facilities/vehicles/equipment
- Workplace Rules and Prohibited Conduct..... Page 38
 - List of certain activities that may be grounds for discipline or termination

- Corrective Action/Discipline Policy Page 39
 - Steps for underperforming employees – termination or progressive discipline procedures

Updated Practices/Policies

- Vacation accruals Page 15
 - Aligns with what CBA provides for
 - Years 0-4, going from 80 hrs/year to 96 hrs/year
 - Adding additional accrual for 15+ years
- Sick leave policy is in compliance with Oregon Sick Leave Law Page 16
 - We had a separate policy in place, just not incorporated into the handbook
 - Sick leave applies to full-time, part-time, hourly, salaried, exempt and non-exempt
 - If employee leaves employment but is rehired in less than 180 days, sick leave is restored.
 - May not use paid sick leave until the 91st day of employment
 - Definition of “Family Member” updated to match OFLA
- Holidays List..... Page 18
 - Adds Martin Luther King, Jr. Day
- Bereavement Leave..... Page 20
 - Subject to Oregon Sick Leave Law
- Addition of Employee Assistance Program (EAP)..... Page 23
 - Free, confidential service provided for employees and dependents seeking counseling on personal issues.
- Addition of Workers’ Compensation and Safety on the Job Page 23
 - Notice of coverage, steps to take when injured, return to work program
- Alcohol/Drug Use, Abuse and Testing..... Page 25
 - “Zero-Tolerance” policy
- Use of City of Gervais Email and Electronic Equipment and Services..... Page 31
 - Not a “zero use” policy – allows for incidental uses (telephones, copies (employee pays), internet
- Outside Employment..... Page 35
 - Allowed if activity is not prohibited by the Handbook and if the activity doesn’t conflict with employee’s work with the City. Work cannot be conducted using Gervais resources.
- Retirement or Resignation from Employment Page 40
 - Giving notice, correcting a situation that is causing a problem for an employee and returning property.

DRAFT

EXHIBIT A



City of Gervais
EMPLOYEE HANDBOOK

Effective _____

Welcome!

Welcome to City of Gervais, 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 Gervais, you will become a productive and successful member of City of Gervais's team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between City of Gervais 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 Gervais with or without prior notice. This handbook supersedes any prior handbooks or written policies of City of Gervais 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 Gervais and its employees. With the exception of employees who are subject to a collective bargaining agreement, all employment at City of Gervais is "at will." That means that either you or City of Gervais 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 Gervais 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 Gervais (or that is included in a collective bargaining agreement).

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

Sincerely,

Susie Marston, City Manager
City of Gervais

Contents

- I. Equal Employment Opportunity (EEO) Policies..... 2
 - A. No-Discrimination, No-Retaliation Policy..... 2
 - B. Statement Regarding Pay Equity 2
 - C. No-Harassment Policy 2
 - Sexual Harassment 3
 - Other Forms of Prohibited Harassment 3
 - Complaint Procedure..... 4
 - Investigation and Confidentiality 4
 - Protection Against Retaliation..... 4
 - Other Resources Available to Employees..... 5
 - Other Employee Rights..... 5
 - D. No-Bullying Policy 5
 - E. Disability Accommodation Policy 6
 - Accommodations..... 6
 - Requesting an Accommodation 6
 - F. Pregnancy Accommodation Policy 7
 - Requesting a Pregnancy-Related Accommodation 7
 - No Discrimination, No Retaliation 7
 - Leave of Absence Options for Pregnant Employees 7
 - G. Reporting Improper or Unlawful Conduct — No Retaliation 8
 - Employee Reporting Options 8
 - Additional Protection for Reporting Employees 8
 - Policy Against Retaliation 8
- II. Classification and Compensation 9
 - A. Introductory Period of Employment 9
 - B. Employee Classification 9
 - C. The Workweek..... 10
 - D. Meal Periods and Rest Breaks 10
 - E. Rest Breaks for Expression of Breast Milk..... 11
 - Notice 11

Storage..... 11

F. Overtime..... 12

 Time-and-a-Half..... 12

 Limitation on Overtime Pay..... 12

 Assignment of Overtime Work..... 12

 Public Works Weekend/Holiday Rounds..... 12

 Supervisor Authorization..... 12

 Compensatory (Comp) Time..... 12

G. Timekeeping Requirements..... 12

H. Employee-Incurred Expenses and Reimbursements..... 13

I. Payroll Policies..... 13

J. Statement Regarding Pay Practices..... 13

K. Reporting Changes to an Employee’s Personal Data 14

L. Performance Reviews..... 14

III. Time Off and Leaves of Absence 15

 A. Attendance, Punctuality and Reporting Absences 15

 B. Vacation..... 15

 Vacation Maximum Accumulation 15

 Vacation Pay upon Termination 16

 C. Sick Leave..... 16

 Eligibility and Accrual of Paid Sick Leave 16

 Pay Rate and Accrual 16

 Use of Sick Leave 16

 Employee Notice of Need for Sick Leave..... 17

 Sick Leave Documentation 17

 Sick Leave Abuse..... 17

 D. Holidays 18

 E. Personal Leave..... 18

 F. Family Medical Leave 18

 Statement of No FMLA/OFLA Coverage 18

 G. Leave Donation Policy 19

 Eligibility 19

Guidelines 19

Leave Requests 19

Leave Donations 20

H. Bereavement Leave 20

I. Jury and Witness Duty 20

 Jury Duty 20

 Witness Duty 20

J. Religious Observances Leave and Accommodation Policy 21

K. Crime Victim Leave Policy 21

L. Domestic Violence Leave and Accommodation Policy 21

M. Military Leave 22

IV. Employee Benefits 22

 A. Healthcare Benefits 22

 B. Life and Disability Insurance 23

 C. Employee Assistance Program (EAP) 23

 D. Workers' Compensation and Safety on the Job 23

 Steps to Take if You are Injured on the Job 23

 Return to Work 24

 Early Return-to-Work Program 24

 Overlap with Other Laws 24

 E. PERS (Public Employees' Retirement System) Benefits 24

V. Miscellaneous Policies 25

 A. Alcohol/Drug Use, Abuse and Testing 25

 Prohibited Conduct 25

 Prescription Drugs and Medical Marijuana 26

 Testing 26

 Reasonable Cause Testing 27

 Search of Property 27

 Employee Refusal to Test/Search 28

 Crimes Involving Drugs and/or Alcohol 28

 Drug and Alcohol Treatment 28

 Discipline and Consequences of Prohibited Conduct 28

Confidentiality 29

B. Weapons on City of Gervais Premises Policy 29

C. Mobile Devices Policy 29

 Cell Phones and Mobile Devices in General 29

 Employee Use of City of Gervais -Provided or Paid For Mobile Devices 30

 Mobile Devices and Public Records 30

 Employee Use of Mobile Devices with Cameras 30

 Mobile Device Use While Driving 30

D. Use of City of Gervais Email and Electronic Equipment and Services 31

 Ownership 31

 Use 31

 Inspection and Monitoring – No Right to Privacy 32

 Personal Hardware and Software 32

 Unauthorized Access 32

 Security 32

 Inappropriate Web Sites 32

E. Social Media 33

 Prohibited Postings 33

 Encouraged Conduct 33

 Request for Employee Social Media Passwords 34

F. Confidential City of Gervais Information 34

G. Ethics 34

H. Open-Door Policy 35

I. Outside Employment 35

J. Criminal Arrests and Convictions 35

K. Political Activity 36

L. Bad Weather/Emergency Closing 36

M. Driving While on Business 36

N. Workplace Violence 37

O. Workplace Inspections — No Right to Privacy or Confidentiality 37

P. Smoke-Free Workplace 37

Q. Hiring of Family Members 38

- VI. Termination of Employment 38
 - A. Workplace Rules and Prohibited Conduct..... 38
 - B. Corrective Action/Discipline Policy..... 39
 - C. Retirement or Resignation from Employment 40
 - D. References 40
- Employee Acknowledgement 41

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 their supervisor or City Manager at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

A. No-Discrimination, No-Retaliation Policy

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

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

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

C. No-Harassment Policy

The City of Gervais 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 Gervais 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 the City Manager at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Gervais–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 Gervais’s employees. ***Such harassment is prohibited whether committed by City of Gervais 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

The City of Gervais 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 Gervais 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 Gervais 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 hair style (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 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 Gervais's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Gervais 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 Gervais'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 Gervais 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 Gervais, 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 Gervais 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 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 Gervais provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in City of Gervais'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 Gervais 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 Gervais 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 Gervais 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 Gervais regarding his/her experience and/or employment status, the employee should contact the City Manager. 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 Gervais and employee do reach an agreement, the City of Gervais 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 Gervais or making comments that would lower the City of Gervais 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 Gervais 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 Gervais strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. City of Gervais, 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 Gervais 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 Gervais is committed to complying fully with 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 Gervais 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 Gervais.

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 Gervais) 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 Gervais, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with the employee's supervisor 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 Gervais 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 their supervisor to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Gervais 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 Gervais's operations.

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

Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the employee's supervisor 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 Gervais and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Gervais and employee must monitor the employee's accommodation situation and make adjustments as needed.

No Discrimination, No Retaliation

The City of Gervais 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 Gervais; 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 if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Gervais. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Gervais 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. See policies on page 16 or speak with supervisor or City Manager.

G. Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report concerns about the City of Gervais's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Gervais 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 Gervais;
- 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 Gervais 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 Gervais 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 Gervais's Open Door Policy (see section V.G., Miscellaneous Policies) 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 another member of the management team. Supervisors and managers are required to inform the City Manager about reports of improper or unlawful conduct they receive from employees.

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

If the City of Gervais 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 Gervais'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 Gervais; 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 Gervais 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 Gervais policy).

In addition, the City of Gervais 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 Gervais 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 Gervais 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 Gervais 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. Introductory Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Gervais, are hired into an introductory training period that generally lasts no less than six (6) months. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your supervisor. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory 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 Gervais meets your expectations of an employer.

At or before the end of the introductory period, a decision about your employment status will be made. The City of Gervais will decide whether to: (1) Extend your introductory 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 Gervais may terminate the employment relationship during the introductory period for any lawful reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by City of Gervais for any definite period of time. Both you and City of Gervais 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 Gervais classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in the City of Gervais's benefit programs.

2. Part-time: Employment in an established position requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Part-time employees are not eligible for benefits except for those mandated by applicable law.
3. Temporary/Seasonal: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary/seasonal employment can either be full-time or part-time. Temporary/seasonal employees are not eligible for benefits other than those mandated by applicable law.

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

C. The Workweek

The City of Gervais has established regular working hours to promote a productive work environment that will be serve our citizens. The general office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

The normal workday is eight (8) hours, and the normal work week is 40 hours. 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 schedules specific work hours for individual employees. Changes to work schedules may be made on an individual basis based on business necessity, at the discretion of the direct supervisor. 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, uninterrupted 15-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 a 60-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 Gervais 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 their supervisor or City Manager.

Length of Work Period	Rest Breaks	Meal Periods
2 hours or less	0	0
2 hours & 1 minute – 5 hours & 59 minutes	1	0
6 hours	1	1
6 hours & 1 minutes – 10 hours	2	1
10 hours & 1 minute – 13 hours & 59 minutes	3	1

E. Rest Breaks for Expression of Breast Milk

The City of Gervais 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 Gervais 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 Gervais 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 Gervais 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 Gervais 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 Gervais 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 Gervais 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 City Manager reasonable oral or written notice of her intention to do so in order to allow the City of Gervais 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

Non-Exempt employees earn one and one-half times in compensatory time for all hours 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 compensatory time.

Assignment of Overtime Work

You may be required to work overtime. When overtime work is required by City of Gervais on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of his/her straight-time hours will normally be expected to continue to perform the job on an overtime basis.

When overtime is required by City of Gervais on a Sunday or on a holiday, City of Gervais will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or holiday.

Public Works Weekend/Holiday Rounds

Public Works employees are assigned alternating turns to conduct "rounds" on weekends and holidays. Non-exempt employees earn one and one-half times in compensatory time for all hours worked over 40 in any workweek. Any hourly, non-exempt employee required to work on a holiday will receive compensatory time for the same number of hours worked on the holiday and will be allowed to take another scheduled day off (D. Holidays). In no event should this be less than two (2) hours for each day.

Supervisor Authorization

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

Compensatory (Comp) Time

Employees will receive compensatory time at time and one-half up to a maximum of 40 hours. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued. At the discretion of an employee's manager/supervisor, employees who have accrued less than 40 comp hours may be able to choose whether to have the accrued comp time cashed out at the rate earned by the employee at the time the employee receives a paycheck. Any hours not taken in the fiscal year in which they were earned will be paid to the employee with the last payroll check in June of each year. When an employee is separated from employment with the City of Gervais, any remaining comp time will be paid to the employee.

G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on a timesheet for payroll purposes. Employees are required to record their own time at the beginning and end of each work day. Filling out another employee's timesheet, allowing another employee to fill out your timesheet, 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 will be required to record any leave taken on an Accrued Leave Sheet.

H. Employee-Incurred Expenses and Reimbursements

The City of Gervais 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 Gervais 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 Gervais-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) 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 Gervais will reimburse/pay for are:

- *Conferences or Workshops:*
- *Education:*
- *Meals:*
- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles 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 Gervais.

I. Payroll Policies

You will be paid monthly. For all employees, the pay period in which employees are paid generally begins and ends three or four days prior to the last day of the month to allow for staff to process payroll. For all employees, "month" is defined as the 30 or 31 day time period printed on employee timesheets (example, the November 25th to December 26th).

Paydays are generally the first day of the month for all employees. If the first falls on a Saturday, then payday will be Friday. If the first falls on a Sunday, then payday will be on Monday.

The City of Gervais 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 Gervais, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to City of Gervais for someone else to receive the check.

J. Statement Regarding Pay Practices

The City of Gervais makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the City of Gervais 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 City Recorder. If this issue is not resolved timely, you must report the error to your supervisor or the City

Manager. The City of Gervais 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 Gervais'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 [Contact] 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;
- Other information having a bearing on your employment; and
- Tax withholding.

Employees may not intentionally withhold information from City of Gervais 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 Gervais may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

L. Performance Reviews

All City of Gervais 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 Gervais's goal is to provide an employee with his/her first formal performance evaluation six months after hire or promotion. After the initial evaluation, the City of Gervais 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 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 Gervais 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 or text before the start of the employee's shift/workday. Not reporting to work and not calling to report the absence is a no-call/no-show 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 Gervais 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:

Years of Continuous Service	Non-Exempt (annual)	Exempt (annual)
0 through 4 years	96 Hours (8 hrs/mo.)	120 Hours (10 hrs/mo.)
5 through 9 years	120 Hours (10 hrs/mo.)	120 Hours (10 hrs/mo.)
10 through 14 years	160 Hours (13.33 hrs/mo.)	160 Hours (13.33 hrs/mo.)
15 + years	192 Hours (16 hrs/mo.)	192 Hours (16 hrs/mo.)

Vacation accrues on a monthly basis. Non-exempt employees may not take vacation leave during their first twelve months of employment. Exempt employees may not take any vacation leave until after six (6) months of employment. Vacation leave does not accrue during an unpaid leave of absence.

Vacation must be scheduled with one's supervisor at least two weeks in advance of the date(s) the employee wishes to take as vacation.

Vacation Maximum Accumulation

Full-time regular employees may accrue vacation leave to a maximum of one and one-half times their annual accrual. If the maximum accrual is reached, additional vacation leave will not accrue until the leave balance has been brought down below the maximum hours allowed.

Vacation Pay upon Termination

Upon separation of employment, non-exempt employees who have completed 12 months of employment and exempt employees who have completed six months of employment will be paid for unused vacation time that has been earned through the last day of work.

C. Sick Leave

City of Gervais provides eligible employee 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 their supervisor or the City Manager. Please also refer to the Oregon Sick Leave Law poster that is posted in the break room and is incorporated here by reference.

Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt and non-exempt employees.

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 91st day of employment, paid sick leave may be used as it is accrued.

Full-time employees shall accrue eight (8) hours of paid sick leave for each calendar month of service. Employees who do not work 40 hours per week shall accrue sick leave at a rate in compliance with Oregon Sick Leave Law.

Pay Rate and Accrual

Paid sick leave shall be taken in hourly increments and will be paid at the employee's regular rate of pay. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, 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. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

The maximum accrual for sick leave is 1040 hours. If the maximum accrual is reached, additional sick leave will not accrue until the leave balance has been brought down below the maximum hours allowed.

Use of Sick Leave

Accrued paid sick leave may be used 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 their supervisor or City Manager 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 Gervais. Employees must notify their supervisor 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 supervisors by phone call or text as soon as practicable and at least before the start of the employee's shift/workday and comply generally with City of Gervais's call-in procedures. See Section III.A.

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 organization and operations, City of Gervais 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 Gervais 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 Gervais 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 Gervais 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

City of Gervais recognizes eleven holidays each year, which includes one personal holiday for an employee on their birthday. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week.

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 th |
| 11. | Employee's Birthday | |

A holiday that falls on a weekend will be observed on either the preceding Friday or the following Monday to coincide with local custom.

To be eligible for holiday pay, an employee must have worked his/her regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under City of Gervais policy.

Any hourly, non-exempt employee required to work on a holiday will receive comp time for the same number of hours worked on the holiday and will be allowed to take another scheduled day off.

E. Personal Leave

Exempt employees will be granted five (5) personal leave days per year. Personal leave days may not be carried over to the new year.

F. Family Medical Leave

Statement of No FMLA/OFLA Coverage

City of Gervais employees are not eligible for leaves of absence under the Oregon Family Leave Act (OFLA) or the federal Family Medical Leave Act (FMLA) due to the entity's small size.

One exception is that City of Gervais will honor requests from eligible employees to take a leave of absence under the Oregon Military Family Leave Act. Thus, during a period of military conflict, as defined by law, 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 ("Military Spouse"), 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 has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

G. Leave Donation Policy

The City of Gervais recognizes that employees may experience a medical emergency resulting in a need for additional time off in excess of their available accrued paid leave.

A “medical emergency” is defined as a medical condition that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available.

To address this need, all eligible employees will be allowed to donate accrued sick, vacation or compensatory hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

Eligibility

Any benefits-eligible employees who has worked for the City of Gervais for a minimum of six-months is eligible to donate and/or receive donated leave.

Guidelines

Employees who would like to make a request to receive donated leave from their co-workers must have a health condition that will require the 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.

Before receiving donated leave, the employee must:

- (1) Have worked for the City of Gervais for at least six months in a benefit-eligible position;
- (2) Be experiencing a medical emergency;
- (3) Have no more than 40 hours of unused vacation, sick, personal or compensatory time accumulated;
- (4) Believe that it is likely that all accrued leave will be exhausted due to a medical emergency;
- (5) Not receive any other income from City of Gervais’s employment;
- (6) Be unable to work in their regular position or another position with the City of Gervais; and

Employees may receive no more than 480 hours of donated leave within a 12 -month period. Donated leave will not be granted or used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation.

Leave Requests

Employees who would like to request donated leave are required to complete a Donated Leave Request Form and submit it to the City Manager.

Employees seeking donated leave must provide the City of Gervais with medical verification of the need for the time off, which includes a certification of the employee’s health condition and need for time off, and an estimated return-to-work date (if any).

Requests for donated leave must be approved by the employee’s immediate supervisor and the City Manager.

Leave Donations

Employees may voluntarily donate hours of accumulated sick, vacation or compensatory time for use by a specified recipient employee. No other type of leave may be donated:

- Donations must be in increments of whole hours;
- The donation of accrued sick leave is on an hourly basis;
- The donation of accrued vacation and compensatory leave is made on an equal dollar value basis;
- Employees cannot borrow against future leave to donate;
- Donors must complete and sign a Leave Donation Form containing a declaration that the donation is intended as a gift and has been given freely and voluntarily without coercion, compensation or for other consideration;
- The donation must be made irrevocably, with the understanding that the donated leave is lost to the donor forever for all purposes including, but not limited to, use for paid time off, payoff upon termination, and retirement credit.

Donated leave will not be deducted from the donor's leave bank or credited to a recipient employee's account until the recipient employee has exhausted sick leave, vacation leave, personal holidays, and compensatory time off at or near the time the donated leave is to be provided/received.

H. Bereavement Leave

Up to 40 hours of bereavement leave will be granted to full-time employees who have worked for the City of Gervais for 90 or more days. This leave is provided to employees who have experienced the death of a family member and is paid; employees, however, may use accrued sick leave during the bereavement leave period. Part-time employees shall use accrued sick leave during the bereavement leave period. "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse. Requests for bereavement leave must be made to the employee's immediate supervisor before the leave is to begin. This leave will be administered in accordance with Oregon's Sick Leave Law, and the time off will be deducted from the employee's sick leave bank. Please see the City Manager for more information.

I. Jury and Witness Duty

Jury Duty

City of Gervais will grant employees paid 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. Employees will be required to transfer any compensation received for jury duty.

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 the City Clerk upon receipt.

Except for employee absences covered under City of Gervais'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.

J. Religious Observances Leave and Accommodation Policy

The City of Gervais respects the sincerely held religious beliefs and observances of all employees. The City of Gervais 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 Gervais'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 their supervisor and may require the requesting employee to provide proof of the "sincerely held" religious belief

K. 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 Gervais 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.

L. 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 their supervisor or City Manager as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. City of Gervais 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 Gervais 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 Gervais. Please contact [Contact] immediately with requests for reasonable safety accommodations.

M. Military Leave

Employees who wish to serve in the military and take military leave should contact the City Manager 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 the City Manager 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 Gervais policy and that of its health insurance provider are entitled to the benefit options offered by City of Gervais. Generally speaking, that means City of Gervais offers medical insurance for all of its regular, full-time employees unless otherwise established by law. Part-time employees are not eligible for health-insurance coverage. Those employees who enroll in the City's health plan and wish to enroll their dependents are required to pay a portion of the monthly premium for that coverage on a payroll deduction basis.

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 Gervais. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by City of Gervais, employees will be advised and provided with copies of relevant plan documents. Copies are available from the City Recorder or City Manager.

B. Life and Disability Insurance

All regular full-time employees will be enrolled in the City of Gervais' employer paid life and disability coverage. The City also offers employee paid voluntary and supplemental employee, spouse and dependent life coverage.

C. Employee Assistance Program (EAP)

This free, confidential service is provided by Canopy and is available to all employees and dependents covered on a CIS Regence or Kaiser medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family 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 the City Manager, or you can contact Canopy directly at 1-800-433-2320, or at ww.canopywell.com.

D. 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 Gervais 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 of 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 your supervisor or City Manager.

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

Return to Work

If you require workers' compensation leave, City of Gervais will strive to reemploy you in the most suitable vacant position available at the conclusion of that leave. 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 the 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 Gervais 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 Gervais, 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 Gervais 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 Gervais. While you are on modified or transitional work, you are still subject to all other City of Gervais rules and procedures.

Overlap with Other Laws

City of Gervais will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA). 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.

E. PERS (Public Employees' Retirement System) Benefits

City of Gervais 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. For information about City of Gervais's contributions to employee PERS or OPSRP plans, please see the City Recorder.

V. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

City of Gervais 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 Gervais's reputation.

City of Gervais 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 Gervais property, on City of Gervais time, while driving City of Gervais vehicles (or personal vehicles while on City of Gervais business), or in other circumstances which adversely affect City of Gervais operations or safety of City of Gervais 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 Gervais property, on City of Gervais time, while driving City of Gervais vehicles (or personal vehicles while on City of Gervais business), or in other circumstances which adversely affect City of Gervais operations or safety of City of Gervais employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in system while on City of Gervais property or on City of Gervais 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 Gervais property, or possessing, items or objects on City of Gervais 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 Gervais 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 Gervais 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 Gervais 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 Gervais operations or safety of City of Gervais employees or other persons, City of Gervais 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 Gervais 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 Gervais will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

Testing

City of Gervais 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 Gervais vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; and (3) when City of Gervais

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 Gervais 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 [Contact] or the [Contact]'s 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 the City Manager. 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 . 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 Gervais property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, City of Gervais may search furniture, equipment or other property provided to the employee by City of Gervais, 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 Gervais 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 up to and including termination.

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 Gervais 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 Gervais 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 [Contact] for assistance.

City of Gervais 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 Gervais to the extent its existing benefits package covers some or all of the program costs.

Although City of Gervais 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 Gervais policy is discovered, the employee's willingness to seek City of Gervais 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 Gervais. 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 Gervais is prohibited unless written authorization is obtained from the employee.

B. Weapons on City of Gervais Premises Policy

At the City of Gervais, we strive to provide a safe working environment for employees, as well as a safe environment in our buildings for consumers and the public. We believe that an effort to provide such an environment includes providing a policy about weapons on our premises.

For the purposes of this policy, the term "weapon" is considered to include, but is not limited to:

- Firearms; includes any handgun, rifle, shotgun, and any other weapon which will or is designed to expel a projectile by the action of an explosive.
- Knives (other than an ordinary pocketknife with a blade not longer than two inches);
- Taser, stun gun or similar instrument;
- Club, brass knuckles, baton, or similar instrument;
- Explosive devices or material;
- Any other dangerous or deadly weapon as defined in Oregon law.

Employees are prohibited from bringing weapons to work or on City of Gervais property (including parking lots) or possessing weapons in vehicles used for City of Gervais business. Employees are also prohibited from bringing weapons to work when the work is performed on a consumer's property. This prohibition applies even if the employee has a concealed handgun license but does not apply to an employee authorized to carry weapons as part of their job responsibility, such as police officers. An employee who has a weapon in his or her vehicle may not park his or her car on City of Gervais property and must comply with all applicable state and local laws regarding the weapon.

Violation of this policy may result in discipline, up to and including termination.

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 Gervais-provided mobile devices may not violate City of Gervais's policies against harassment and discrimination. Thus, employees who use a personal or City of Gervais-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 Gervais) that is harassing or otherwise in violation of City of Gervais's policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Non-exempt employees may not use their personal or City of Gervais-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from the employee's 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 non-exempt employee's obligation from recording time for all hours worked.

Employee Use of City of Gervais -Provided or Paid For Mobile Devices

Mobile devices are made available to City of Gervais employees on a limited basis to conduct City of Gervais's business. Determinations as to which employees receive City of Gervais-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 Gervais may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City of Gervais away from the office (see City Manager for more information).

Employees who receive a mobile device from City of Gervais 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 Gervais must acknowledge and understand that because the mobile device is paid for and provided by City of Gervais, or subsidized by City of Gervais, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if City of Gervais 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 Gervais policy. Employees should have no reasonable expectation of privacy in an City of Gervais-provided or -paid for mobile device. An employee who refuses to provide City of Gervais 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 Gervais-provided mobile device.

Mobile Devices and Public Records

City of Gervais-related business conducted on City of Gervais-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 Gervais or individual employees.

Employee Use of Mobile Devices with Cameras

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used during working hours, or at any City of Gervais-sponsored function unless authorized to do so by the employee's supervisor, City Manager or authorized event coordinator.

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 Gervais 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 Gervais.

Employees are prohibited from using handheld cell phones for any purpose while driving on City of Gervais-authorized or City of Gervais-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 Gervais 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 Gervais Email and Electronic Equipment and Services

City of Gervais 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 Gervais property.

Ownership

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

Use

All of City of Gervais's electronic equipment and services are provided and intended for City of Gervais 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 Gervais are to be used primarily for City of Gervais business. This means, for example, that employees may not use the City of Gervais-provided Internet, or City of Gervais electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate City of Gervais'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 Gervais, 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 Gervais-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 Gervais-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City of Gervais 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 Gervais electronic equipment and services are not private. Any data created, received or transmitted using City of Gervais equipment services are the property of City of Gervais 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 Gervais'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 Gervais's ownership of the electronic information, electronic equipment or services, or City of Gervais's right to inspect such information. City of Gervais 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 Gervais's electronic equipment and services, including all communications and internet usage and resources/sites visited. City of Gervais 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 Gervais's computer systems or mobile devices without approval from the employee's supervisor or City Manager. All software installed on City of Gervais's computer systems must be licensed. Copying or transferring of City of Gervais-owned software to a personal device/equipment may be done only for personal devices/equipment used for City of Gervais business and with the written authorization of the employee's supervisor or 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 Gervais management. No employee can examine, change or use another person's files, output, username or password unless he/she has explicit authorization from that person to do so.

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 Gervais'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 Gervais's policies on harassment and discrimination.

E. 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 Gervais, 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 Gervais or City of Gervais'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 Gervais policies, including City of Gervais'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 a City of Gervais-owned or maintained website without identifying yourself as a City of Gervais employee.

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

Encouraged Conduct

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

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 Gervais employees or elected officials, that might constitute harassment or bullying, and/or that violate City of Gervais 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 Gervais policy.

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

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 Gervais's interest in the effective and efficient fulfillment of its responsibilities to the public.

Request for Employee Social Media Passwords

City of Gervais'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 Gervais.

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

F. Confidential City of Gervais Information

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with City of Gervais 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, up to and including termination, 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 Gervais) may be removed from our premises without permission from [Contact]. Likewise, any materials developed by City of Gervais's employees in the performance of their jobs is the property of City of Gervais 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 Gervais's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

G. Ethics

At City of Gervais, 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 Gervais or the City of Gervais's citizens.

We at the City of Gervais 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 Gervais 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 Gervais's or Oregon's ethical standards, please talk with your supervisor or City Manager. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

H. Open-Door Policy

City of Gervais'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 Gervais'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 Gervais, 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 City Manager.

I. Outside Employment

Generally, employees may obtain employment with an employer other than City of Gervais 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 Gervais time (including the employee's work time), City of Gervais facilities, equipment and supplies, or the prestige or influence of the employee's position with City of Gervais. In other words, the employee may not engage in private business interests or other employment activities on the City of Gervais's time or using the City of Gervais'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 Gervais.

The City of Gervais requires employees to report outside employment to their immediate supervisor before the outside employment begins. Thereafter, an employee must provide an update to his/her immediate supervisor 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.

J. 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 Gervais property, or in an City of Gervais 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.

K. 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 Gervais 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.

L. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Gervais (see "Holidays" section, above), City of Gervais 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 Gervais will close. The City Manager will contact the Chief of Police and Public Works Superintendent by a phone call or text message notifying them of his/her decision on closing the City of Gervais. The Chief of Police and Public Works Superintendent are responsible for notifying employees in their departments of any closure, and the City Manager will notify employees in the Administration department.

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 Gervais from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

M. Driving While on Business

Employees using a private vehicle to conduct City of Gervais'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 Gervais business use should make any necessary arrangements with their insurance carriers.

The City of Gervais 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.

While on City of Gervais 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 Gervais-owned vehicle or while on City of Gervais 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 Gervais 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 Gervais.

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 Gervais, or that threaten the safety, security or financial interests of City of Gervais. 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 the City Manager or their supervisor.

City of Gervais 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 Gervais 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 Gervais; 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 Gervais 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 Gervais property, vehicles or facilities/buildings.

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

If you wish to smoke tobacco, you must do so outside of City of Gervais's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. City of Gervais has established employee smoking areas that your supervisor can show you.

Q. 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 Gervais 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 organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor, or Human Resources. The employees and City of Gervais 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 Gervais will make the final decision, based on the [Organization'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 Gervais. 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 Gervais'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 Gervais 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 Gervais property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Gervais equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Gervais property.
- Carrying firearms or any other dangerous weapon on City of Gervais 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 Gervais 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 Gervais 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 Gervais.
- Misrepresentation of City of Gervais policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Gervais. Employees may not use the City of Gervais's name, logo, likeness, facilities, assets or other resources of the City of Gervais 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 Gervais 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 Gervais or outside regulatory or legislative bodies.
- Failing to timely pay water/sewer/tax accounts with City of Gervais on time, and/or whose City of Gervais -provided services are disconnected. This includes, without limitation, situations where the employee writes a check to City of Gervais that is refused for payment due to non-sufficient funds.
- Harassment or discrimination that violates City of Gervais policy.

This statement of prohibited conduct does not alter City of Gervais's policy of at-will employment. Except for employees subject to a collective bargaining agreement or contract of employment, City of Gervais 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 Gervais standards, City of Gervais 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, in no particular

order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating the employment of an employee for serious violations of City of Gervais policies, procedures and rules and for other inappropriate behavior or conduct, City of Gervais may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. City of Gervais may also choose to send the employee to a training or an education opportunity.

In all cases, City of Gervais 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 Gervais 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 Gervais deems such action appropriate. City of Gervais 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).

C. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give City of Gervais as much notice as possible — preferably a minimum of two weeks. 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 Gervais, 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 their immediate supervisor before making a final decision. If the situation involves the immediate supervisor, the employee is encouraged to discuss it with the City Manager.

Employees must return all City of Gervais property, including phones, computers, identification cards, credit cards, keys, and manuals to their immediate supervisor on or before their last day of work.

D. References

All requests for references or recommendations must be directed to the employee's supervisor. 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 Gervais 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.

Employee Acknowledgement

Acknowledgment of Receipt of 2023 Personnel Policies

I acknowledge that I have received and will read a copy of the City of Gervais's 2023 Employee Handbook. I also understand that a copy of the Employee Handbook is available to me at any time to review in the Administration Department.

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

I understand that either City of Gervais 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 Gervais's policies regarding equal employment opportunity and that the City of Gervais 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 any trusted manager or supervisor or the City Manager.

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

I have read this acknowledgement carefully before signing.

Employee Signature

Date

Employee Printed Name

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.

CITY OF GERV AIS

PERSONNEL RULES, POLICIES AND PROCEDURES

DATED: _____

TABLE OF CONTENTS

ARTICLE 1	GENERAL	
	Definitions	
ARTICLE 2	PERSONNEL POLICIES AND PROCEDURES	Pages
	Section 2.1	Appointments 1 - 2
	Section 2.2	Probationary Period 2 - 3
	Section 2.3	Hours of Work 3
	Section 2.4	Attendance 3 - 4
	Section 2.5	Personnel Records 4 - 5
	Section 2.6	Transfers 5
	Section 2.7	Promotions 5
	Section 2.8	Layoffs 6
	Section 2.9	Outside Employment 6
	Section 2.10	Residence Requirement 6
	Section 2.11	Departmental Rules and Regulations 6
	Section 2.12	Travel Expenses 7
	Section 2.13	In-Service Training 7
	Section 2.14	Employee Organizations and Representation 7
	Section 2.15	Selling and Peddling among Employees 7
	Section 2.16	Political Activities 8
	Section 2.17	Relatives in the City Service 8
ARTICLE 3	GENERAL CONDUCT, DISCIPLINE, TERMINATION AND APPEAL	
	Section 3.1	Personal Appearance and Conduct 9
	Section 3.2	Causes for Warning, Suspension or Dismissal 9
	Section 3.3	Form of Disciplinary Action 10 - 11
	Section 3.4	Grievance Procedures 11 - 12
	Section 3.5	Resignation 12 - 13
	Section 3.6	Re-Employment 13
	Section 3.7	Cost Consciousness 13
	Section 3.8	Safety 13
	Section 3.9	Legal Liability 14
ARTICLE 4	CLASSIFICATION PLAN	
	Section 4.1	Position Classification Plan 15
	Section 4.2	Title and Specifications 15
	Section 4.3	Reclassification 15 - 16
	Section 4.4	New Positions 16

TABLE OF CONTENTS, Continued

		Pages
ARTICLE 5	PAY PLAN AND COMPENSATION	
Section 5.1	Pay Day	17
Section 5.2	Salary Plans	17 - 19
Section 5.3	Overtime	19 - 20
Section 5.4	Compensatory Time Off	20
Section 5.5	Acting-In Capacity and Working out of Class	20
ARTICLE 6	FRINGE BENEFITS	
Section 6.1	Holidays	21 - 22
Section 6.2	Vacation	22
Section 6.3	Sick Leave	23
Section 6.4	Leave of Absence	23 - 25
Section 6.5	Educational Opportunities	25
Section 6.6	Retirement	25 - 26
Section 6.7	Social Security	26
Section 6.8	Industrial Accidents	26
Section 6.9	Medical and Dental Care Insurance	26
Section 6.10	Life Insurance	26 - 27
Section 6.11	Personal Leave Days	27
Section 6.12	Drug Testing Policy	27 - 28

APPENDIX

GENERAL

ARTICLE 1

Section 1.1 DEFINITIONS:

As used in this Policy the following terms shall have the meanings indicated:

Advancement:

1. A salary increase within the limits of a pay range established for a class. 2. Promotion or elevation to a higher class or position. 3. Progression to a higher stage of development.

Alcohol:

Ethyl alcohol or ethanol.

Allocation:

1. The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibility exercised. 2. To divide or share for a specific purpose or to particular persons.

Anniversary Date:

One year from the date of employment.

Appeal:

1. A request to a supervisory, department head, City Recorder/Manager, or City Council for consideration of a decision or ruling on a problem or situation. 2. To make an earnest request following the guidelines of this policy.

Appointing Power:

The individual or group to whom authority is delegated to for making appointments to fill a vacant position.

Calendar Year:

Twelve (12) month period beginning January 1 and ending December 31.

Central Personnel File:

A file maintained in the office of the City Recorder/Manager which contains complete personnel records of all city employees.

City Recorder/Manager:

The chief executive officer, appointed by the City Council, and is the head of the administrative branch of the City government. Responsible to the City Council for the administration of all affairs of the city.

Class:

A group of positions sufficiently alike in responsibilities and authorities to require similar qualifications.

Compensatory Time Off:

Time off from work to compensate the employee for overtime worked. Compensatory time is determined at an overtime rate of time and one-half (1.5).

Continuous Service:

Uninterrupted employment with the city. Reasonable absences as stated in the body of the Policy does not constitute a break in continuous employment.

Controlled Substance:

A drug or its immediate precursor as defined under the Federal Controlled Substances Act. All forms of narcotics, depressants, stimulants, hallucinogens, and all parts of the Cannabis family Moraceae (Marijuana) whose sale, purchase, transfer, use or possession is prohibited or restricted by law.

Demotion:

1. A transfer of an employee from a position in one class to a position in another class which has a lower salary rate, or lower salary in the same class. 2. To relegate to a reduced classification. 3. To assign to an appropriate place or situation on the basis of classification or appraisal.

Department(s)

1. Major functional unit(s) of the city government. 2. Section(s) of city government handling particular function(s) that are specialized by definition, experience or training.

Department Head:

The individual directly responsible to for the administration of a department; directly responsible to the City Recorder/Manager.

Disciplinary Action:

1. Imposition of certain personnel actions, e.g. reprimand, warning, suspension, dismissal, demotion, as a result of conduct detrimental to the City of Gervais. 2. Correction or punishment of actions against established policies of the city.

Dismissal or Discharge:

1. Termination of employment. 2. Removal of the employee from city service.

Drugs (Illicit or prescription):

Substances (other than food) intended to affect the structure or any function of the body of humans or animals. Any substance which may impair one's mental faculties and/or physical performance.

Duty Day:

A scheduled work day or shift for an employee.

Employee:

An employee is anyone who renders services wholly or partly to the city and is paid by salary or wage.

Examination:

A test or exercise designed to evaluate the knowledge, progress or qualifications of an individual.

Exempt Employee:

Department Heads or Supervisors who according to the State of Oregon's Wage and Hour Manual, are considered either executive, manager, supervisor or administrative employees. All such employees are required, for the salaries, compensations, enumeration's, fees or pay fixed for their respective positions, to render such service as may be necessary to complete assigned duties and responsibilities in a proper and efficient manner. The exemption is based on the following conditions (ORS 653.020(3) and OAR 893-20-005):

Administrative Employee:

1. The employee must perform responsible non-manual work directly related to management policies or business operations, and
2. The employee must regularly assist an executive, or perform work under only general supervision, and
3. The employee must regularly exercise independent judgment and discretionary power, and
4. His or her primary duty (over 50% of work time) must be administrative and s/he must be paid on a salary basis.

Executive, Manager or Supervisor:

1. The employee must supervise two or more employees, and
2. Must have hiring and firing authority or be able to make recommendations that carry weight, and
3. Must regularly exercise independent judgment and discretionary power, and
4. The employee's primary duty (over 50% of work time) must be management of the city, and
5. S/he must be paid on a salary basis.

Full-Time Employee:

An employee who works a forty (40) hour week or an average 173.3 hours per month.

Grievance and Grievance Procedure:

1. An employee's oral or written expression of dissatisfaction with some aspect of his employment.
2. A management decision affecting the employee.
3. Or an alleged violation of his/her rights for the purpose of attempting to gain an adjustment of said cause of dissatisfaction.

Hourly Rate:

Rate of compensation per hour determined by dividing the monthly salary by the regular hours worked. An average month is computed as 40 hours multiplied by 52 weeks divided by 12 months = 173.33 hours per month.

Immediate Family:

The husband, wife, son, daughter, father, mother, brother, sister, aunt, uncle niece, nephew, step-child or other relative living in the employee's household.

Layoff:

A separation from employment because of organizational changes, lack of work, lack of funds, or other reasons not reflecting discredit upon an employee.

Leave of Absence:

time off from work for reasons within the scope and purpose of this policy, upon prior approval of the employee's supervisor, department head, and City Recorder/Manager.

Military Leave:

Leave of absence from work for an employee for purposes of serving as a reserve or regular of the United States Military Armed Forces.

Month:

One Calendar month.

Non-Exempt Employee: An employee working in a position which does not fall under the definitions of an "Exempt Employee".

Non-Occupational Disability:

Disability from an accident, sickness suffered, or contracted which cannot be attributed to the performance of assigned duties.

Overtime:

Overtime shall be considered as authorized/approved time worked in excess of the regularly scheduled work day or work week.

Part-Time Employee:

An employee who is employed for less than twenty (20) hours per week, at an hourly rate.

Prescription:

Means a written or oral direction given by a practitioner for the preparation and use of a drug.

Personnel Action:

Action taken with reference to appoint, compensation, promotion, transfer, layoff, demotion, dismissal, or other action affecting the classification or status of employment.

Position Description (Job Description):

A written description of each job classification including a title, statement of objectives, reporting and other relationships pertinent to the position. Positions, not individuals, are classified.

Probationary Period:

A working test period during which an employee is required to demonstrate their fitness, knowledge and experiences for the duties to which they are appointed by actual performance of the duties of the position. Probation shall be for six (6) calendar months from date of employment with the exception of the police personnel which shall be not less than one (1) year from the date of employment. Probationary extension are describe in Section 2.2.

Promotion:

The change of position from an employee from one class designation to a position of higher class designation. See "Advancement".

Reclassification:

A change in classification of a position by promotion, demotion, or transfer.

Regular Employee:

An employee who has been retained after the completion of the probationary period.

Seniority:

Priority of an employee based on the length of continuous service.

Supervisor:

Any person who is responsible to a higher divisional or departmental level of authority and who directs the work of others.

Shift Employee:

An employee whose normal hours of work may rotate from shift to another shift periodically. Duties are continuous from the start to the end of the shift.

Suspension:

Temporary separation of an employee from service, without pay, for disciplinary purposes.

Temporary Employee (Seasonal):

An employee who has been appointed for a limited period of service not to exceed nine (9) calendar months.

Transfer:

A change from on position to another position equal in classification.

Workday:

The regularly scheduled workday may consist of eight (8) hours. Shift personnel will utilize the authorized policy of their specific department as approved by council. [Changed "shall" to "may" per council on December 14, 2000, to all for 10-hours shifts].

Workweek:

Five consecutive days may be the workweek. Shift personnel will utilize the authorized policy of their specific department as approved by council. [Changed "shall" to "may" per council on December 14, 2000 to allow for a workweek of four 10-hour shifts].

PERSONNEL POLICIES AND PROCEDURES

ARTICLE 2

Section 2.1 APPOINTMENT:

2.1.1 The City of Gervais is an equal opportunity employer. All original appointments to vacancies shall be made solely on the basis of merit, education, efficiency and fitness. These qualities shall be determined through careful and impartial evaluation of the following:

- a. The applicant's level of training relative to the requirements of the position for which the applicant has applied; and
- b. The applicant's level of education relative to the requirement of the position for which the applicant has applied; and
- c. The applicant's physical fitness relative to the requirements of the position for which the applicant has applied; and
- d. The results of an oral interview; and
- e. Whenever practical, the results of a competitive written examination or demonstration test, which shall be a fair and valid test of the abilities and aptitudes of applicants for the duties to be performed.

2.1.2 No question in any test or in any application form or by any appointing power shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, age, physical or mental disability, political or religious affiliation for the purpose of discrimination. All appointments to vacancies shall be made solely on the basis of merit, efficiency and fitness, without regard to race, color, sex, religion, national origin, age, physical or mental disabilities.

2.1.3 All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.

2.1.4 If required, applicants shall be fingerprinted prior to appointment.

2.1.5 Any job applicant or employee may be required to take a physical examination. In cases where a physical examination is deemed advisable, the City shall pay the cost of the examination.

2.1.6 Final candidates for any position with the city shall be required to take a drug test as a condition of employment. Refer to Section 6.12 of this policy.

2.1.7 Prerequisites for employment:

- a. Employee must be a legal resident or citizen of the United States of America.

- b. Employee's experience record must not reflect adversely the personal qualifications of citizenship, honesty, loyalty, sobriety, industry, good moral character, and cleanliness.
- c. Minimum age limit is established by each department for its employees.
- d. No person may be an applicant for a position who is a member of the immediate family of the Mayor or the City Council; or a member of the immediate family of anyone who is employed in the same department as applied.

2.1.8 Types of appointments:

- a. Probationary appointments. Appointments made at entrance or promotion, or upon re-employment to a position shall be considered probationary appointments. Probationary appointments may be made to either full-time or part-time positions.
- b. Regular service appointments. Regular service appointments are made upon successful completion of a probationary period or recall of a laid-off employee. A regular service appointment extends to the employee the rights, privileges, and protection provided by these policies and applicable collective bargaining contracts.
- c. Part-time appointments. Part-time appointments may be made where additional employees are needed to prevent undue delay or interference with the provision of necessary public services, or when an increase in work load requires additional employees, provided budgeted funds available. Part-time exempt appointments are limited to less than 1,000 hours per fiscal year. Personnel employed as part-time shall not be allowed participation in any City fringe benefit program that is not legally required by law and may not participate in the grievance procedures.
- d. Seasonal appointments. Department heads may make seasonal appointments where additional employees are needed during a particular season provided budgeted funds are available. Seasonal appointments shall not exceed nine (9) calendar months. Successive seasonal appointments to the same position with the same person shall not be made without council approval. Personnel employed as seasonal shall not be eligible to participate in any City fringe benefit program that is not legally required by law and may not participate in the grievance procedures.

Section 2.2 PROBATIONARY PERIOD:

2.2.1 All original and promotional appointments shall be tentative and subject to a probationary period of not less than six (6) consecutive months' service.

2.2.2 In cases where the responsibilities of a position are such that a longer period is necessary to demonstrate and employee's qualifications, the probationary

period may be extended; however, no probationary period shall be extended beyond twelve (12) months. The employee shall be notified in writing of any extension and the reasons therefore.

2.2.3 During the probationary period, the employee shall not be eligible for vacation benefits, but shall earn vacation credit to be taken at a later date.

2.2.4 Upon completion of the probationary period, the employee shall be considered as having satisfactorily demonstrated qualifications for the position, shall gain regular service status, and shall be so informed through their supervisor.

2.2.5 During the probationary period, a probationary employee may be terminated at any time without appeal.

2.2.6 In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period without appeal, provided that the probationary employee be reinstated in the class designation from which he/she was promoted, even though this necessitates the layoff of the employee occupying the position.

Section 2.3 HOURS OF WORK:

2.3.1 The hours during which City offices and departments shall be open for business shall be determined by the City Recorder/Manager, with the approval of the City Council, and shall be communicated to each employee.

Section 2.4 ATTENDANCE:

2.4.1 Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves of absence.

2.4.2 An employee shall not be absent from work for any reason other than those specified in this manual without making prior arrangements with his/her supervisor. Unless such prior arrangements are made, an employee, who for any reason fails to report to work, shall make a sincere effort to immediately notify his/her supervisor of the reason for being absent. If the absence continues beyond the first day, the employee shall notify the supervisor on a daily basis unless other arrangements have been made with the supervisor.

2.4.3 Each employee shall be responsible for clocking in their time of arrival and departure on the time clock and submit bi-monthly to the City Recorder/Manager's office after each department head has reviewed and approved the time card.

2.4.4 Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be cause for disciplinary action.

Section 2.5 PERSONNEL RECORDS:

2.5.1 The City Recorder/Manager shall cause a personnel record to be maintained for each employee in the service of the City. The personnel record shall show the employee's name, title of position held, the department to which assigned, salary, change in employment status, training received, and such other information as may be considered pertinent.

2.5.2 All personnel records will be maintained in the City Recorder/Manager's office and s/he will be responsible for the safety and confidentiality of those records. Only the City Recorder/Manager may release information on current or past employees, either in writing or verbally, from the files.

2.5.3 Employee personnel record shall be considered confidential and shall be accessible only to the following:

- (a) The employee concerned,
- (b) The City Recorder/Manager, and
- (c) the City Council, at a scheduled Council meeting.

2.5.4 Information in the personnel files will be treated as exempt from public disclosures as provided in the Oregon Public Records law. The City will only release information which cannot be treated as confidential under that law or information which is required to be released by court order.

2.5.5 No information that reflects critically upon an employee shall be placed in an employee's personnel record without the employee's knowledge.

2.5.6 Personnel records shall contain the evaluations of the performance appraisal system.

- (a) Supervisors will appraise the performance of their employees and file the form in the employee's personnel file.
- (b) The City Council shall appraise the performance of the City Recorder/Manager. The performance appraisal form shall be signed by the Mayor and filed in the Recorder/Manager's personnel file.
- (c) Formal appraisal will be done at mid-probation and thirty (30) days before eligibility for regular appointment. Following regular appointment, all employees will be evaluated annually, as near to the beginning of the new year as possible.
- (d) A common objective of every performance appraisal is to clarify

job expectations in writing between supervisor and subordinate.

Other objectives include:

- (1) To identify training and job experience needed to improve job related abilities; and,
- (2) To provide a basis for regular service appointment and salary review decisions.

(e) The performance appraisal will be signed by both the immediate supervisor and the appraised employee, if only, as an acknowledgment of receipt. If not in agreement, the employee may appeal through the grievance procedures as outlined in Section 3.4 of this Policy.

Section 2.6 TRANSFERS:

Requests from employees for transfers from one department to another shall be made in writing and shall be directed to the employee's present department head and then referred to the appropriate department head and the appointing power. Such request shall be given consideration when a suitable vacancy occurs; however, no employee shall be transferred to a position for which they do not possess the minimum qualifications.

Section 2.7 PROMOTIONS:

2.7.1 All job vacancies shall, whenever possible, be filled by promoting qualified employees within the city service.

2.7.2 Nevertheless, the appointing power may recruit applicants from outside the City service whenever there is reason to believe that better qualified applicants are available.

2.7.3 The appointment to fill the vacancy shall be made on a competitive basis utilizing the criteria for appointments established in Section 2.1 of this Policy. Where qualifications and ability are relatively equal, seniority within the City service shall be the determining factor.

2.7.4 If, in the opinion of the department head and with the concurrence of the City Recorder/Manager, an employee shall show by their performance on the job, exceptionally meritorious service, salary advancements of more than one step in the range or at less than one year intervals shall be permitted. The facts upon which such an advancement is made shall be made a part of the employee's permanent record and based on budgetary constraints.

Section 2.8 LAYOFFS. If there are changes of duties in the organization, lack of work or lack of funds, the appoint power may lay off employees; however, the appointing power shall first make every reasonable effort to integrate those employees into another department by transfer. When layoffs are required, the appointing power shall base the decision on relative merit, and shall give just consideration to seniority in the City service only where the employees' qualifications and ability are relatively equal.

Section 2.9 OUTSIDE EMPLOYMENTS.

2.9.1 No full-time employee shall accept outside employment, whether part-time, temporary or permanent, without prior written approval from the City Recorder/Manager. Each change in outside employment shall require separate approval.

2.9.2 To be approved, outside employment shall:

- (a) Be compatible with the employee's City work;
- (b) In no way detract from the efficiency of the employee in his/her city work; and
- (c) In no way conflict with the interest of the City or be a discredited to the city; and
- (d) Not take preference over extra duty required by their City employment.

Section 2.10 RESIDENCE REQUIREMENT. [Revised June 12, 2003] Whereas, various employees job descriptions are vital for immediate response to valid emergencies and response for citizens concerns and infrastructure problems of the city; and whereas, the city has experienced what can happen when a response area is not established, therefore any new employee will be required to live within a 20-minute area of Gervais City limits or within 15-miles of the Gervais city limits. The employee will by the end of their probationary period moved within the area of response. Any deviation from this policy will be reviewed on an individual bases and requires council's approval.

Section 2.11 DEPARTMENTAL RULES AND REGULATIONS

2.11.1 Each department of the City shall establish departmental rules, regulations and procedures. All rules, regulations and procedures shall be in harmony with the provisions of the Policy and shall be binding on the employee.

2.11.2 Departmental rules and regulations shall be the responsibilities of the department head and must be reviewed annually. All departmental rules will be submitted to the City Recorder/Manager for approval before being adopted by the City Council. The City Recorder/Manager must also approve any changes to these rules.

Section 2.12 TRAVEL EXPENSES:

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

- (a) prior to traveling outside the City, the employee shall obtain approval for the trip and the mode of travel from the City Recorder/Manager.
- (b) Travel on official business outside the City by a single individual should be via public carrier or City-owned vehicle. If the employee is authorized to use a private vehicle, mileage shall be paid at the rate of \$0.25 per mile. This rate includes all travel, insurance and storage expense of the vehicle.
- (c) Authorized use of privately owned vehicles for use within the City for City business shall be reimbursed at the same rate as for travel outside the City.
- (d) Reimbursement for subsistence on official trips shall be in the amount of actual and reasonable expense incurred during the performance of official duty as a city employee for the City's benefit. An expense voucher must be completed and receipts attached for reimbursement of expenses incurred. Funds will be advanced to cover subsistence expenses within limits set by the City Recorder/Manager.

2.12.2 City vehicles shall not be used for private purposes.

Section 2.13 IN-SERVICE TRAINING:

2.13.1 The City Recorder/Manager shall encourage training opportunities for employees and supervisors in order he/she shall assist department heads in meeting training needs in their department and in developing training programs designed to meet immediate City-wide personnel needs and to prepare employees for promotion to positions of greater responsibility.

Section 2.14 EMPLOYEE ORGANIZATIONS AND REPRESENTATION:

Employees of the City shall have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours and working conditions.

Section 2.15 SELLING AND PEDDLING AMONG EMPLOYEES:

No peddling, soliciting, or sale for charitable or other purposes shall be allowed among or by employees during working hours without prior approval from the City Recorder/Manager.

Section 2.16 POLITICAL ACTIVITY:

2.16.1 No City employee shall be an officer of a political party or hold political office during his/her employment.

2.16.2 No City employee, official or private person shall solicit any assessments, contributions or services for any political party from any employee in the City service.

2.16.3 Nothing contained within this section shall affect the right of the employee to hold membership in and support a political party, to vote as he chooses, to privately express his/her opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

Section 2.17 RELATIVES IN THE CITY SERVICE:

2.17.1 Two members of an immediate family shall not be employed under the same supervisor. Neither shall two members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his/her immediate family.

2.17.2 The provisions of this section shall apply to promotion, demotions, transfers reinstatements, and new appointments. The provisions of this section shall not be retroactive.

GENERAL CONDUCT, DISCIPLINE, TERMINATION AND APPEAL

ARTICLE 3

Section 3.1 PERSONAL APPEARANCE AND CONDUCT:

- 3.1.1 Public relations shall be an integral part of each employee's job.
- 3.1.2 All employees shall be neat and clean in appearance and shall conduct themselves in a manner which is appropriate for an employee in the public service.
- 3.1.3 Employees shall be courteous, efficient and helpful to everyone in their work and shall do the best job possible on every assignment.

Section 3.2 CAUSES FOR WARNING, SUSPENSION OR DISMISSAL:

- 3.2.1 When an employee's conduct falls below desirable standards, s/he may be subject to disciplinary action.
- 3.2.2 General reasons for which an employee may be disciplined include:
 - (a) Drinking intoxicating beverages or use or nonprescription drugs on the job or arriving on the job under the influence of intoxicating beverages or drugs;
 - (b) Violation of a lawful duty;
 - (c) Insubordination;
 - (d) Breach of discipline;
 - (e) Being absent without first notifying and securing permission from the employee's supervisors;
 - (f) Being habitually absent or tardy for any reason;
 - (g) Misconduct;
 - (h) Conviction of a felony or of a misdemeanor involving moral turpitude;
 - (i) Using religious, political or fraternal influence;
 - (j) Accepting fees, gifts, or other valuable things in the performance of the employee's official duties for the City;
 - (k) Inability to perform the assigned job;
 - (l) Malicious acts which could result in serious injury or damage to other persons or property; fighting on premises or during working hours.
- 3.2.3 The City shall not be required to provide severance pay.

Section 3.3 FORM OF DISCIPLINARY ACTION:

3.3.1 It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No regular service employee shall be disciplined except for violation of these policies and such discipline shall be in accordance with procedures established in this section.

3.3.2 Every supervisor shall discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action.

3.3.3 The principles of progressive discipline shall be used when appropriate. Discipline shall include, but not be limited to: Written reprimands, reduction in pay, demotion, suspension, and dismissal. Discipline shall be imposed only for just cause.

3.3.4 The stages of progressive discipline shall be as follows:

STEP 1 Verbal Warning: Every Supervisor shall discuss improper or inadequate performance with the employee in order to correct the deficiencies and avoid the need to exercise further disciplinary action.

STEP 2 Letter of Reprimand: A written notice shall be given an employee if the improper or inadequate performance related to the verbal warning has not been corrected. The notice shall be given to the employee at the time such action is taken. It shall state the problem, the required improvement, the time frame for improvement, and finally, the consequences if not improved. i.e. suspension, reduction of pay, demotion. The letter of reprimand shall be signed by the employee to acknowledge receipt and a copy of the notice shall be placed in the employee's personnel file and shall serve as prima facie evidence of delivery. It shall remain in the file one (1) year. An employee receiving two (2) written notices on the same or different problems, within any one year, is subject to automatic termination on any further offense.

STEP 3 Notice of disciplinary action: If the improper or inadequate performance identified in the letter of reprimand is not corrected, a restatement in writing, of the previous warning shall be given the employee along with the specifics of the disciplinary action to be imposed. The notice of disciplinary action shall state the problem, the required improvement, the time frame of improvement, and finally, the consequences if not improved. The notice of disciplinary action shall be

signed by the employee as acknowledgment of receipt and a copy of the notice shall be placed in the employee's personnel file and shall serve as prima facie evidence of delivery. It shall remain in the file one (1) year.

STEP 4 Letter of dismissal: If the required improvement is not achieved the employee shall be dismissed from City service. A letter of dismissal shall be discussed and given to the employee. The letter of dismissal shall state the reason(s) for the action. The letter shall be signed by the immediate supervisor and the City Recorder/Manager. A copy of the letter shall be placed in the employees personnel file and shall serve as prima facie evidence of delivery.

3.3.5 The City Recorder/Manager or the City Council shall have the authority to immediately dismiss an employee, if said employee through misconduct or actions, in violation of Section 3.2 of this Policy, seriously jeopardizes the City or other City employees in any way.

3.3.6 All regular employees shall have the right to appeal disciplinary action taken against them within ten (10) days after the effective date of disciplinary action. Appeals shall be made as grievances in accordance with the provisions of Section 3.4 of this Policy.

Section 3.4 GRIEVANCE PROCEDURES:

3.4.1 The City shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships. Furthermore, the City desires to adjust the causes of grievances informally. Both supervisors, department heads and employees are expected to resolve problems as they arise.

3.4.2 The following steps shall be followed in submitting and processing a grievance:

STEP 1 The dispute shall be taken up between the supervisor, department head and the employee to be resolved if possible at this level. Every effort should be made to reach a satisfactory conclusion within five (5) working days to the City Recorder/Manager.

STEP 2 If no agreement is reached the employee, a group of employees, or a representative, shall present their grievance in writing within five (5) working days to the City Recorder/Manager.

Copies of the written grievance shall set forth, so far as may be applicable:

a) The nature of the grievance and the circumstances from which it arose;

- b) The remedy or correction the City is requested to make; and
- c) The rule or regulation, if any, that the department head or supervisor relied upon or claimed that the employee violated.

Within five (5) working days of the written notice, the aggrieved employee, along with his/her department head shall arrange a meeting with the City Recorder/Manager. The aggrieved employee may call and present witnesses to testify at such a meeting and each shall pay all costs of the appearances of any witnesses called by him/her.

The City Recorder/Manager shall make a decision on the grievance based on the testimony of the parties involved and the meaning, intent, and interpretation of the personnel regulations as adopted by this Policy.

STEP 3 If no agreement is reached from Step 2, the employee has the right to appeal to the City Council at its next regularly scheduled meeting. The decision of the City Council shall be final and binding on the employee or group of employees.

3.4.3 If the grievance procedures are not initiated within the time limits established by this section, the grievance shall be considered not to have existed.

3.4.4 Any grievance not taken to the next step of the grievance procedure shall be considered settled on the basis of the last reply made and received in accordance with the provisions of the section.

3.4.5 The time limits prescribed in this section for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties so involved. Likewise, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing and shall be signed by all parties involved.

3.4.6 No employee shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.

3.4.7 Any grievance filed by the City Recorder/Manager shall be in writing to the City Council and considered by an independent arbitrator contracted by the City Attorney.

Section 3.5 RESIGNATION

To resign in good standing, an employee shall give a written resignation to his/her

supervisor or department head. The notice shall contain the reasons for leaving the City service and shall be submitted not less than ten (10) working days prior to leaving unless a shorter period of notice was called for due to extenuating circumstances. Failure to comply with this subsection shall be entered into the employee's service record and may be cause for denying future employment by the City. Compliance to this subsection will be a credit to the employee and will facilitate the hiring and training of a person to fill the vacancy.

Section 3.6 RE-EMPLOYMENT:

Regular (and probationary) employees with a satisfactory record of service who resign their positions (in accordance with the provisions of this Policy for resignation from the City service) may, on their written request, withdraw such resignation within one year from the effective date thereof and be considered for re-employment in the same or comparable classification to the one resigned if such an opening exists.

Section 3.7 COST CONSCIOUSNESS:

3.7.1 City employees shall practice every economy possible in the discharge of their duties.

3.7.2 Employees are encouraged to recommend to their supervisors work procedures which will result in a cost saving or improved service to the public.

Section 3.8 SAFETY:

3.8.1 The City Recorder/Manager shall be responsible for the development and maintenance of a safety program. Such program shall include safety regulations and discipline controls.

3.8.2 Department heads, supervisors and employees shall guard the safety of themselves, fellow employees and the general public.

3.8.3 When accidents occur while working for the City, the employee shall contact his/her supervisor immediately and the supervisor shall complete an accident report form. In case of a motor vehicle accident, the Police Department shall also be notified immediately.

3.8.4 The City Recorder/Manager shall be notified of all accidents involving City employees and City equipment as soon as possible and not later than the next workday.

Section 3.9 LEGAL LIABILITY:

3.9.1 Employees shall abide by all laws and regulations which govern the performance of their duties, and shall perform their duties as reasonably, prudently. Employees who are reasonably cautious and prudent in the performance of their duties are not negligent and, therefore, neither legally nor morally liable for accidents or injuries which may occur.

3.9.2 If an employee is negligent in the performance of duties and responsibilities and if an accident results from such negligent performance of duties and responsibilities, the employee may be held personally and legally liable.

CLASSIFICATION PLAN

ARTICLE 4

Section 4.1 POSITION CLASSIFICATION PLAN:

4.1.1 A position classification plan as adopted or amended by the City Council shall be a part of these rules.

4.1.2 The classification plan shall consist of positions in the City service defined by class specifications and identified by the class titles. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

4.1.3 Copies of this plan and of specifications for individual classes shall be available in the office of the City Recorder/Manager.

Section 4.2 TITLE AND SPECIFICATIONS:

4.2.1 The position classification plan shall include titles and written specifications for the various classes of positions; as a guide toward equal pay for equal work. Job titles shall refer to a particular position, not to the individual filling a particular position, and shall be used in all personnel, budget and financial records.

4.2.2 Each position shall be allocated to an appropriate class on the basis of the duties and responsibilities of the position.

4.2.3 Each class shall have a specification that includes a concise, descriptive title, and a description of the duties and responsibilities of each position in the class. Position specifications take into consideration the requirements of the job and are merely descriptive and explanatory of the work to be performed. They may not include all of the duties and are not intended to replace detailed work assignments.

Section 4.3 RECLASSIFICATION:

4.3.1 Positions may be reclassified whenever the duties of the position change materially, provided the reclassification can be accomplished within the limitations of the current budget of the City.

4.3.2 Reclassification of a position shall not be used to circumvent the effects of disciplinary action or to avoid restrictions concerning compensation.

Section 4.4 NEW POSITIONS

4.4.1 The City Recorder/Manager shall be responsible for keeping the classification plan current through periodic studies of the positions within the City service.

4.4.2 No position or class shall carry an official title which has not been approved as being appropriate to the duties performed.

4.4.3 The City Recorder/Manager, with City Council approval and in conformance with the City Charter, may create new positions and allocate the positions to an appropriate class.

PAY PLAN AND COMPENSATION

ARTICLE 5

Section 5.1 PAY DAY:

5.1.1 Payday for all employees shall be, no later than, 12:00 p.m. on the 3rd day of the month; unless payday falls on a Saturday or Sunday. Should payday fall on a Saturday employees shall be paid no later than 4:00 p.m. on the 2nd of the month. Should payday fall on Sunday employees shall be paid, no later than, 12:00 p.m. on the 4th of the month. *[Revised May 11, 2000]*

5.1.2 An employee may elect to receive an emergency partial payment (draw) on the 15th of the month or the last scheduled workday before the 15th of the month. The maximum partial payment an employee may receive shall not exceed 50% of the employees monthly earnings. An employee shall be limited to one emergency partial payment in each month.

Section 5.2 SALARY PLANS:

5.2.1 The salary plans for City employees are developed through the collective bargaining process for those employees included in bargaining units. For those not represented by bargaining units, salary plans are established by the City Council after receiving recommendations from the Budget Officer. The salary plans shall include for each class a minimum and maximum rate and such intermediate rates as are considered necessary and equitable. Flat rates may be used instead of salary ranges where appropriate.

5.2.2 At least once each fiscal year, the Budget Officer shall compare the current City salary rates, compensation policies and personnel developments with those of other public and private employers within the same job market. Changes in the cost of living shall also be considered. The Budget Officer shall then examine the salary range for each class or position to ascertain whether current minimum and maximum salaries should be maintained, increased or decreased during the succeeding fiscal year; upon the basis of this analysis recommendations for amending the pay plan will be made to the City Council. It is recommended the pay plan be review and prepared prior to the first budget meeting of each year.

5.2.3 The rate of pay may be hourly or monthly depending on the conditions of employment. Hourly rates are determined by dividing the annual salary by 2,080 hours. Each employee shall be paid a rate of pay within the salary ranges for which the individual is employed. Normal rates of pay are those established and published for each step in the salary ranges. Other rates may also be paid which fall between the established steps of the salary range.

Normally, an employee will be appointed at the minimum rate for the class. If a department head believes it is necessary to make an appointment above the minimum rate, authorization must be obtained from the City Recorder/Manager. In determining such requests, due consideration to the qualifications of the candidate, availability of applicants and the resulting salary relationship with other similar positions shall be given.

Volunteer service is comprised of individuals who devote time, skills, or services without compensation other than a reimbursement for authorized expenses incurred. Individuals who volunteer their services to the City and receive no compensation, are excluded from the definition of "employee" and are thus excluded from coverage. However, an employee of the City may not volunteer to his/her own agency services of the same type the employee is employed to perform. An employee of the city may volunteer services to any other government agency, including agencies with which the City of Gervais has a mutual aid agreement (provided the City Recorder/Manager is apprised of this activity).

5.2.4 Merit salary increases are not automatic. Department heads or supervisors shall recommend to the City Recorder/Manager merit increases only for those employees who have met appropriate standards or work performance. Merit increases may be to the next step of the salary range for the class or may be above the next step, based on merit.

5.2.5 A new or promoted employee shall be eligible for a merit increase on the first of the month following satisfactory completion of twelve (12) months of service following any merit increase until the top step in the salary range is attained. An employee whose probationary period is extended will not be eligible for a merit increase until the probationary period is satisfactorily completed.

5.2.6 An employee who is promoted will receive a pay increase to a rate equal to a one-step increase in the employee's current salary range, unless such increase is not sufficient to place the salary within the new salary range, in which case the salary will be advanced to the first step of the new range. If a rate equal to a one-step increase is between the steps of the new salary range, the employee may be placed at the step in the new salary range, which is closest to but above the rate equal to a one-step increase. If it is believed to be appropriate, the employee may be placed at whatever higher rate in the range as determined by the City Recorder/Manager. Appropriate based is on the exceptional experience and qualification of the employee.

5.2.7 If an employee is demoted to a class having a lower salary range for reasons which do not reflect discredit on employment records, the salary rate shall not be reduced.

5.2.8 Demotion for cause will result in a reduction in salary to any step in the salary range of the lower class determined by the department head and approved by the City recorder/Manager.

5.2.9 When an employee is transferred from one classification to another classification having the same salary range, the employee's pay will remain the same, and the employee will be placed on probation to this classification if s/he has not previously served a probationary period in this classification.

5.2.10 Each department head is responsible for ensuring that sufficient funds are available in the city budget to cover the cost of salary increases. Each department head will provide the Budget Officer with anticipated salary increases for the next budget year prior to the first budget hearing. Department heads are responsible to ensure that budget deficit will not occur because of salary increases.

5.2.11 A salary range adjustment is a change in the rates of pay in the salary range assigned to a particular classification. Salary range adjustments normally are made at the start of the fiscal year. Salary range adjustments are to be distinguished from merit salary increases. They are not intended to give recognition to length or quality of service, but are to be based on negotiated or prevailing rates of pay for the various classes of work in the city service. An employee whose salary range is adjusted will be placed at the same step in the new range. Such adjustments will not change an employee's salary review date.

Section 5.3 OVERTIME:

5.3.1 Employees will be paid for their hours worked in accordance with all legal requirements including the Fair Labor Standards Act (FLSA) and applicable Oregon State law.

5.3.2 All employees of the City in positions which fall under the definitions of department head or supervisory employee are exempt from overtime provisions. All such employees are required for the salaries, compensations, enumeration's, fees or pay fixed for their respective positions, to render such service as may be necessary to complete assigned duties and responsibilities in a proper and efficient manner.

5.3.3 All overtime worked by non-exempt employees must be approved by the employee's immediate supervisor in advance of being worked; however, in the case of emergencies, the employee must notify the supervisor as soon as possible of the need to work overtime.

5.3.4 Compensatory time will accrued at 1.5 hours for each hour of overtime earned.

5.3.5 The determination to grant cash compensation or compensatory time off shall rest with the City Council who shall give due consideration to the desires of the employee, budgetary controls, and to the provisions of Section 5.4.1.

5.3.6 Department heads shall schedule compensatory time for their respective employees with due consideration for the desires of the employee and the work requirements facing the department. Compensatory time may be amended to allow the department to meet emergency situations.

Section 5.4 COMPENSATORY TIME OFF:

5.4.1 All Non-exempt employees may accrue a maximum of 40 hours of compensatory time. Once this maximum has been reached, all overtime compensation earned by the employee shall automatically be paid with regards to budgetary controls and the provisions of 5.3.5. The supervisor shall make all efforts to keep compensatory time to a minimum and schedule time off if necessary.

5.4.2 Upon termination of employment, a non-exempt employee shall be paid for any unused compensatory time.

Section 5.5 ACTING-IN CAPACITY AND WORKING OUT OF CLASS:

5.5.1 Employees may be formally assigned responsibility for performing the duties of a vacant position in a classification allocated to a higher salary range. When this occurs, the employee shall be compensated at either a rate equal to 5% more than the employee's regular rate or step 1 of the higher salary range, whichever is greater.

5.5.2 The employee shall be designated as Acting-In-Capacity whenever the assignment to the higher classification will last for two weeks or longer. To designate an employee as Acting-In-Capacity, the supervisor must complete a Personnel Action Form and forward it to the City Recorder/Manager. On the form, the supervisor must identify the position which is vacant and the expected duration of the Acting-In-Capacity assignment. In addition to actual vacancies, a position may be considered vacant whenever the incumbent is absent by reason of illness or approved leave of absence, with or without pay.

5.5.3 For vacancies of less than two weeks duration an employee assigned to perform the higher level duties pursuant to section 5.5.1 shall be designated as "Working Out Of Classification (WOC)." Such designation must be approved by the City Recorder/Manager and shall be made on the employee's time sheet which is turned into the City Recorder/Manager's office.

FRINGE BENEFITS

ARTICLE 6

Section 6.1 HOLIDAYS:

6.1.1 All employees of the City shall be entitled to paid holidays as listed in provision 6.1.2. Full-time employees shall receive regular compensation; part-time employees shall be compensated in proportion to the number of hours they are normally scheduled to work.

6.1.2 The following shall be considered holidays for all employees:

1. New Years Day
2. Presidents' Birthday
3. Memorial Day
4. Independence Day (A.k.a.: Fourth of July)
5. Labor Day
6. Veterans' Day
7. Thanksgiving Day
8. The Friday after Thanksgiving
9. Christmas Day
10. Employees' Birthday

6.1.3 If any such holiday falls on a Sunday, the following Monday shall be given as a holiday. If any such holiday falls on a Saturday, the preceding Friday shall be given as a holiday.

6.1.4 When appropriate a special day appointed by the Congress of the United States, the Legislature of the State of Oregon, or the Gervais City Council may be observed to commemorate a special event as a holiday.

6.1.5 An employee who works on a recognized holiday as part of his/her regular workweek shall be allowed equal time off.

6.1.6 Holidays which occur during vacation or sick leave shall not be charged against such leave.

6.1.7 An employee who's work-week ends and who's normally scheduled day off occurs on a holiday shall be granted a floating holiday.

6.1.8 An employee, to be compensated for a holiday, must be working the last scheduled work day before and the first scheduled work day after the holiday. Vacations or sick leave taken on these days is also acceptable.

6.1.9 Holiday pay must be expended within the calendar year in which the holiday did occur it is not transferred to the ensuing year.

Section 6.2 VACATION:

6.2.1 New non-exempt employees shall not be eligible for vacation leave during their first twelve (12) months of employment, although vacation leave shall accrue from the beginning of employment.

*addition to
penalty
may*

6.2.2 New exempt employees shall not be eligible for vacation leave during their first six (6) months of employment. After six (6) months they may use only time accrued.

6.2.3 Non-exempt full-time employees shall be paid annual vacation as such:
1 - (but less than) 5 years of continuous service -- 10 days vacation.
5 - (but less than) 10 years of continuous service -- 15 days vacation.
10 or more years -- 20 days of vacation.

*Resident
may*

6.2.4 Exempt full-time employees shall be paid annual vacation as such:
1 - (but less than) 10 years of continuous service -- 15 days.
10 or more years of continuous service -- 20 days.

6.2.5 Annual vacation leave shall accrue on a monthly basis. To initiate such procedure, a schedule of continuous service as defined by the date of employment to the anniversary date of employment shall be recorded and allotted days of vacation as provided in paragraphs 6.2.3 and 6.2.4.

6.2.6 Vacation leave must be used within the next twelve (12) months of accrual and shall not be used in blocks of less than one-half (1/2) day. Vacation leave can not be carried over to the new calendar year, with the exception of new employees who have recent accrued the vacation.

6.2.7 Department heads shall schedule vacations for their respective employees with due consideration for the desires of the employee and the work requirements facing the department. Vacation schedules may be amended to allow the department to meet emergency situations.

6.2.8 Unused vacation leave at the time of resignation or dismissal of an employee shall be compensated for as one eight-hour working day per day of vacation accrued.

Section 6.3 SICK LEAVE

- 6.3.1 All full-time City employees shall earn sick leave with full pay at the rate of one workday, eight (8) hours, for each calendar month of service. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the probationary period. Sick leave shall not be accumulated in excess of 1040 hours.
- 6.3.2 Sick leave is a privilege and not a right. It therefore, should not be abused. Employees are eligible for sick leave for the following reasons or such other reasons as determined by the Council to be valid on a case-by-case basis:
- (a) Non-occupational personal illness of physical disability;
 - (b) Quarantine of an employee by a physician for non-occupational related disability;
 - (c) Illness in the immediate family requiring the employee to remain at home; ✱
 - (d) Medical or dental appointments for employee or member of the immediate family.
- 6.3.3 Sick leave shall be charged as one (1) sick leave for each day absent.
- 6.3.4 Abuse of the sick leave privilege shall be cause for dismissal. An employee who is unable to report to work because of any of the reasons set forth in Section 6.3.2 above shall report the reason for the absence to their supervisor within one hour from the time s/he is expected to report for work. Sick leave with pay shall not be allowed unless such report has been made. Sick leave with pay in excess of five (5) working days shall be allowed only after presenting a written statement from a physician certifying that the employee's condition prevented the employee from appearing for work.

Section 6.4 LEAVES OF ABSENCE:

- 6.4.1 Employees may request leave of absence, with pay, for the purposes specified in this section. Each request shall be judged on its merits and on the basis of the guideline provided in this section.
- 6.4.2 Compassionate Leave. In the event of a death in the employee's immediate family, an employee may be granted leave of absence with pay not to exceed five (5) calendar days.
- 6.4.3 Funeral Participation: When an employee serves as a pallbearer, or in some other way participates in a funeral ceremony, they may be granted a reasonable time off to perform such duty. Time not worked because of such absence shall not affect vacation or sick leave accrued.

6.4.4 Witness or Jury Duty: When a City employee is called for jury duty or is subpoenaed as a witness, they shall not suffer any loss of regular city compensation during such absence; however, they shall be required to transfer any compensation received for the performance of such duty to the city. Time not worked because of such duty shall not affect vacation or sick leave accrued.

6.4.5 Voting: When a work schedule is such that the employee would not be able to vote prior to or after their normally scheduled working hours, they shall be granted a reasonable time off duty to vote without loss of pay, accrued vacation, or sick leave.

6.4.6 Active Duty Military Leave: Military leave of absence without pay shall be granted to a full-time employee during a period of active duty with the Armed Forces of the United States. The employee shall, upon honorable discharge from such service, be returned to a position in the same class as their last held position, at the salary rate prevailing for such class, without loss of seniority or employment rights. If it is established that they are not physically qualified to perform the duties of their former position by reason of such service, s/he shall be reinstated in other work that s/he is able to perform at the nearest appropriate class to their former class. Such employees shall make application for reinstatement within ninety (90) days and shall report for duty within six (6) months following separation from active military duty. Failure to comply shall terminate military leave. If an employee voluntarily re-enlists, their military leave shall be deemed canceled.

6.4.7 Reserve Military Leave: An employee who has successfully completed the probationary period and who is a member of the National Guard or a reserve component of the Armed Forces of the United States or of the United States Public Health Service shall be entitled, upon application, to a leave of absence from the City service for a period not exceeding fifteen (15) calendar days in any one (1) year. Leave of this nature does not receive any enumeration of any type from the City.

6.4.8 Maternity Leave: An employee who has successfully completed the probationary period and requests maternity leave to care for a new-born child is entitled to such leave for a period not to exceed twelve (12) months. Maternity leave does not receive any enumeration of any type from the City. The exception is if the leave is required by a doctor's notification, to be in writing, for the safety and welfare of the mother and child. Accrued sick leave would be used.

6.4.9 Conferences and Conventions: Decisions concerning attendance at conferences, conventions, or other meetings at the City expense shall be made by the department head with the approval of the City Recorder/Manager. Permission

Shall be granted on the basis of an employee's participation in, or the direct relation of their work to the subject matter. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interest of the city.

Section 6.5 Educational Opportunities.

- 6.5.1 The city shall reimburse an employee for all the amount of tuition for courses directly related to the employee's work. Approval for course reimbursement may meet the following requirements:
- (a) Funds for such expenditures are available in the current budget; and
 - (b) The employee has made application for approval of the course and tuition reimbursement to their department head at least ten days prior to the registration for such course; and
 - (c) The employee submits satisfactory evidence of completion of the course; and
 - (d) The employee is not receiving reimbursement for tuition from any other source; and
 - (e) All reimbursement requested has documentation attached.
- 6.5.2 Courses which are only offered during working hours may be approved by the City Recorder/Manager provided time off can be arranged conveniently and reasonable arrangements can be made to make up time.
- 6.5.3 The city shall allow time off with pay and shall reimburse an employee for the expenses of attending classes, lectures, conferences or conventions when attendance is on an assignment basis with prior approval of the employee's department head; reimbursement requirements are stated under 6.5.1.
- 6.5.4 Normally, the cost of textbooks and technical publications required for such courses should be the responsibility of the employee. If the city purchases any of the textbooks and publication such courses, said textbooks and publications are the property of the city.

Section 6.6 Retirement.

- 6.6.1 After completion of the probationary period employees meeting the

Retirement requirements of the Oregon Public Employees Retirement System (PERS) shall participate in such program. The exception is employees who have participated in a PERS program, prior to employment with the City of Gervais, are required by PERS to join the System immediately.

- 6.6.2 The City does not assume the employee contribution of 6%, but pays the amount required by enrollment with PERS.
- 6.6.3 Each eligible employee will pay into their retirement no less than the required 6% of their wage.
- 6.6.4 During paid leaves of absence contributions by the employee and employer shall continue.
- 6.6.5 During leaves of absence without pay, employee and employer contributions will be suspended. When the employee returns from leave without pay employee and employer contributions will automatically be reinstated.
- 6.6.6 The normal retirement date of any employee will be the first day of the month coinciding with or next after the employee's seventieth (70th) birthday. Retirement benefits under PERS may be available at an earlier age. The City Council may grant an extension of the retirement age at the employee's request, Oregon State Law or the requirements of PERS may supersede this provision; such extension is based on the interests of the City.

Section 6.7 SOCIAL SECURITY. The City shall match the employees contribution in the Social Security Plan or as required by law.

Section 6.8 INDUSTRIAL ACCIDENTS. All employees shall be covered under a worker's compensation plan for industrial accidents and disease. Benefits include medical treatment and care as well as disability compensation during periods of time lost from the job.

Section 6.9 [Revised June 12, 2003] HEALTH CARE INSURANCE. All new employees will be responsible for the cost of any insurance premium for dependents. The city will pay the premium for the new employee that works a 40-hour week. Further, employees currently employed with the City of Gervais will pay any increase over the 2002-03 rates currently in place for dependents.

Section 6.10 LIFE INSURANCE. All full-time employees are covered by a life insurance policy. The amount of life insurance coverage shall be \$20,000; this may be negotiated yearly, per employee and \$3,000 per retiree. The City pays 100% of the cost of the premium for this insurance.

cost of the premium for this insurance. Details of this plan are available in the office of the City Recorder/ Manager.

Section 6.11 PERSONAL LEAVE DAYS: Exempt employees will be granted five (5) personal leave days per year. Personal leave days may not be used from year to year, but shall be used to off set the following year personal leave. [Any unused personal days may not be carried over to the new year and added to the new year's five days; use it or loose it].

Section 6.12 DRUG TESTING POLICY: The City of Gervais is committed to providing a safe and productive work environment for all employees. The use of alcohol, drugs, or any intoxicants represents an unacceptable safety and efficiency risk to the employees and to the general public which we serve.

6.12.1 An effective means of avoiding safety problems related to the use of drugs and alcohol is to not hire individuals who use illicit drugs or are affected by alcohol abuse. All applicants who are given favorable consideration shall be tested for the presence of drugs, alcohol or other intoxicants in their system. For meanings of phrases and words reference to Article I.

6.12.5 The following procedures shall apply to applicant drug and alcohol testing:

1. Final candidates for any hourly or salaried position the City of Gervais shall be required to take a drug test as a condition of employment.
2. A notice that informs all applicants that they will be subject to the test will be prominently displayed at the place where applications are obtained and made part of the application form.
3. An applicant who is selected as a final candidate must sign a consent and release form prior to being tested. The applicant must also be given instruction on identifying prescription and over the counter drugs prior to being tested.
4. In the case of an applicant who declines to be tested and withdraws the application for employment, no record will be kept of the declaration other than a brief "refused" to the sign notation on the release and consent form.
5. If the first test sample is positive for a controlled substance or alcohol, the sample shall be retested a second time by another controlled substance or alcohol detected. If the second sample is positive, the applicant will be rejected.

6. If the applicant is rejected because of a positive test result, the applicant will be informed in writing . The applicant should be referred to the physician for questions.

7. Applicants who are rejected will be informed that they may reapply after six (6) months. Their subsequent application and qualifications will be reviewed the same as any other applicant.

8. All personal information, medical and test results obtained during the application process shall be held strictly confidential. Records shall be kept in the City Recorder/Manager's office and shall be kept for three (3) years at which time the information shall be destroyed.

APPENDIX

CITY OF GERVAIS

ADMINISTRATIVE FLOW CHART

This chart is intended to be used as a guide when determining supervisory responsibility. It may also be used to facilitate the proper route to follow in grievance procedures. The order of this flow chart is to be used when making administrative decisions which may affect other positions within the employee structure of the City of Gervais.

MAYOR AND CITY COUNCIL		
Municipal Judge	City Recorder/Manager	
Police Department	Public Works	Recorder's Office
Police Chief	Utility Supervisor	Recorder
Police Sergeant	Utility Foreperson	Deputy Recorder
Police Supervisor	Utility Workers	Assitant Recorder
Police Officers	Temp./Seasonal Workers	Clerks/Secretaries
Police Reserves	Volunteers	Volunteers

CITY OF GERVAIS

PERSONNEL ACTION FORM

Use: This form is to be used to designate "Acting-in-Capacity", "Working out of Classification", a change in normal work duties which results when a position is vacant and must be filled by an employee who is normally assigned to a different position.

Who: Normally, this form is initiated by the supervisor of the employee, however in the supervisor's absence the form is to be initiated by the employee as soon as possible after beginning the new duties. Submit the form to the City Recorder.

Name of the Employee: _____

Position of vacancy: _____

Position of hire: _____

Estimated duration of assignment: _____

Check one:

- Acting in Capacity (more than 2 weeks)
 Working out of Classification (less than 2 weeks)

Beginning date: _____

Employee's Signature _____

Supervisor's Signature _____

Recorder's Signature _____

CITY OF GERVAIS

Employee Performance Appraisal Evaluation Form

Date: _____ Date of Hire: _____

Employee's Name: _____

Job Classification: _____

Appraisal Period from: _____ to: _____

(Comments of Employee and Supervisor are to be related to the employee's job description and conformity to the rules contained within the City of Gervais Personnel Manual. Use back of page if further space is required).

Supervisor's Comments: _____

Employee's Comments: _____

Employee's Signature _____

Supervisor's Signature _____

RESOLUTION NO. 01-0001

A RESOLUTION ALLOWING CITY COUNCIL DISCRETION ON USE OF SICK LEAVE WITHIN THE CITY OF GERVAIS PERSONNEL RULES, POLICIES AND PROCEDURES MANUAL.

WHEREAS, situations arise that are not individually listed within the City of Gervais Personnel Rules, Policies and Procedures Manual "MANUAL" that warrant careful consideration by the City Council; and

WHEREAS, the City Council wishes to have discretion within Section 6.3 of the Manual; and

WHEREAS, a situation exists that is not clearly defined in the Manual; therefore

BE IT RESOLVED that Section 6.3.2 be modified to read as follows: "Sick leave is a privilege and not a right. It therefore, should not be abused. Employees are eligible for sick leave for the following reasons or such other reasons as determined by the Council to be valid on a case-by-case basis:

- (a) Non-occupational personal illness of physical disability;
- (b) Quarantine of an employee by a physician for non-occupational related disability;
- (c) Illness in the immediate family requiring the employee to remain at home;
- (d) Medical or dental appointments for employee or member of the immediate family."

Further, this Resolution is retroactive to November 2000, allowing for the approval of sick leave coverage for an employee's critically injured son.

PASSED February 8, 2001.

RESOLUTION NO. 01-0003

A RESOLUTION DESCRIBING AND SETTING POLICIES ON CALLBACK ACTIVITIES BY CITY EMPLOYEES; AMENDING THE PERSONNEL RULES, POLICIES AND PROCEDURES MANUAL.

WHEREAS, the employees of the City of Gervais have had to respond to incidents occurring within the city that are outside of the normal scheduled work routine that could not be anticipated; and

WHEREAS, the Personnel Rules, Policies and Procedures Manual does not clearly address these activities; therefore

BE IT RESOLVE, that the following is the "Callback" Policy of the City of Gervais that shall be added to the Personnel Rules, Policies and Procedures Manual:

Section 5.6 CALLBACK RESPONSES:

A callback response is a response by an employee that occurs due to unexpected happenings occurring within the city. The supervisor of the department should be made aware of the need to return to work when possible, prior to responding. Callbacks are not routine tasks employees are expected and required to perform on a weekly basis to insure the city stays compliant with state or federal mandates. Generally, callbacks are a result of a call for some type of assistance, such as, police assistance, or water leaks or other issues that cannot be anticipated and scheduled during regular workweeks.

- 5.6.1 When a call is received which requires the response of an employee, after the employee's scheduled workday or workweek, that employee will be credited for two (2) hours time worked. Should the time required to answer the call require more than two hours the employee will be compensated as reflected in the Personnel Rules, Policies and Procedures Manual.
- 5.6.2 Call-back time will be calculated from the time the employee leave his/her location (whether residence or other location) until the time the employee returns (no side trips or other destinations shall be included in this time accrued) to his/her original location of receiving the request to respond to work. Time is accrued on a direct to work, time worked and direct return basis.
- 5.6.3 The time accrued shall be written on the time card, reflecting the accurate time accrued during the callback period. The department supervisor shall review and initial the time recorded authorizing the callback time.

Approved this 10th day of May, 2001.

RESOLUTION NO. 03-0031

Changing police 6.9 in the personnel policy manual

WHEREAS, the direct cost to the city to cover employees and their dependents has reached a point that it is a financial burden, therefore the city resolves to change its policy; now, therefore,

BE IT RESOLVED, that Section 6.9 of the personnel policy be changed. Section 6.9 HEALTH CARE INSURANCE. As of the immediate passage of this resolution any new employee will be responsible for the cost of any insurance premium for dependents. The city will pay the premium for the new employee that works a 40-hour week.

Further, employees currently employed with the city of Gervais will pay any increase over the 2002-03 rates currently in place for dependents.

PASSED June 12, 2003

RESOLUTION NO. 03-0032

A policy regarding residency

WHEREAS, various employees job description are vital for immediate response to valid emergencies and response for citizens concerns and infrastructure problems of the city; and

WHEREAS, the city has experienced what can happen when a response area is not established; now, therefore,

BE IT RESOLVED that upon passage of this resolution any new employee will be required to live within a 20-minute area of Gervais City limits or within 15-miles of the Gervais city limits. The employee will by the end of their probationary period move within the area of response. Any deviation from this policy will be reviewed on an individual basis and requires council's approval.

PASSED June 12, 2003

Note to Policy

April 7, 2005 - Work Session Discussion

- Budget insurance the same for everyone. New employees will be allowed the same reduced premium rate as the existing employees.

FRINGE BENEFITS

ARTICLE 6

Section 6.1 HOLIDAYS:

6.1.1 All employees of the City shall be entitled to paid holidays as listed in provision 6.1.2. Full-time employees shall receive regular compensation; part-time employees shall be compensated in proportion to the number of hours they are normally scheduled to work.

6.1.2 The following shall be considered holidays for all employees:

1. New Year's Day
2. President's Birthday
3. Memorial Day
4. Independence Day (Aka: Fourth of July)
5. Labor Day
6. Veterans' Day
7. Thanksgiving Day
8. The Friday after Thanksgiving
9. Christmas Day
10. Employee's Birthday

6.1.3 If any such holiday falls on a Sunday, the following Monday shall be given as a holiday. If any such holiday falls on a Saturday, the preceding Friday shall be given as a holiday.

6.1.4 When appropriate a special day appointed by the Congress of the United States, the Legislature of the State of Oregon, or the Gervais City Council may be observed to commemorate a special event as a holiday.

6.1.5 An employee who works on a recognized holiday as part of his/her regular workweek shall be allowed equal time off.

6.1.6 Holidays which occur during vacation or sick leave shall not be charged against such leave.

6.1.7 An employee whose work-week ends and whose normally scheduled day off occur on a holiday shall be granted a floating holiday.

~~6.1.8~~ An employee, to be compensated for a holiday, must be working the last scheduled work day before and the first scheduled work day after the holiday. Vacations or sick leave taken on these days is also acceptable.

~~6.1.9~~ Holiday pay must be expended within the calendar year in which the holiday did occur it is not transferred to the ensuing year.

Section 6.2 VACATION:

6.2.1 New non-exempt employees shall not be eligible for vacation leave during their first twelve (12) months of employment, although vacation leave shall accrue from the beginning of employment.

6.2.2 New exempt [Recorder/Manager] shall not be eligible for vacation leave during their first six (6) months of employment. After six (6) months they may use only time accrued.

6.2.3 Non-exempt full-time employees shall be paid annual vacation as such:

1 (*but less than*) 5 years of continuous service with the City of Gervais – 10 days vacation (80 hours).

5 (*but less than*) 10 years of continuous service with the City of Gervais – 15 days vacation (120 hours).

10 or more years continuous service with the City of Gervais – 20 days of vacation (160 hours)

6.2.4 Exempt [Recorder/Manager] full-time employees shall be paid annual vacation as such:

1 (*but less than*) 10 years of continuous service with the City of Gervais – 15 days (120 hours)

10 or more years of continuous service with the City of Gervais – 20 days (160 hours)

6.2.5 Annual vacation leave shall accrue on a monthly basis. To initiate such procedure, a schedule of continuous service as defined by the date of employment to the anniversary date of employment shall be recorded and allotted days of vacation as provided in subsections 6.2.3 and 6.2.4.

6.2.6 Vacation leave must be used within the next twelve (12) months of accrual and shall not be used in blocks of: *less than:*

4 hours for employees working (5) 8 hours shifts; and

5 hours for employees working (4) 10 hours shifts.

Vacation leave can not be carried over to the new calendar year, with the exception of new employees who have recently accrued the vacation.

6.2.7 Department heads shall schedule vacations for their respective employees with due consideration for the desires of the employee and the work

requirements facing the department. Vacation schedules may be amended to allow the department to meet emergency situations.

6.2.8 Unused vacation leave at the time of resignation or dismissal of an employee shall be compensated for as one eight-hour working day per day of vacation accrued.

Section 6.3 SICK LEAVE

6.3.1 All full-time City employees shall earn sick leave with full pay at the rate of eight (8) hours for each calendar month of service. Sick leave shall accrue from the date of employment. Sick leave shall not be accumulated in excess of 1040 hours.

6.3.2 Sick leave is a privilege and not a right; therefore, it should not be abused. Employees are eligible for sick leave for the following reasons or such other reasons as determined by the Council to be valid on a case-by-case basis:

- (a) Non-occupational personal illness of physical disability;
- (b) Quarantine of an employee by a physician for non-occupational related disability;
- (c) Illness in the immediate family requiring the employee to remain at home.

(d) Medical or dental appointments for the employee or member of the immediate family. *The Supervisor should make the determination.*

6.3.3 Sick leave shall be charged as one (1) *day* sick leave for each day absent.

6.3.4 Abuse of the sick leave privilege shall be cause for dismissal. An employee who is unable to report to work because of any of the reasons set forth in subsection 6.3.2 shall report the reason for the absence to their supervisor within one hour from the time he or she is expected to report for work. Sick leave with pay shall not be allowed unless such report has been made. Sick leave with pay in excess of five (5) working days shall be allowed only after presenting a written statement from a physician certifying that the employee's condition prevented the employee from appearing for work.

Dismissals for abuse of sick leave shall be made by the city council.

Section 6.4 LEAVES OF ABSENCE

6.4.1 Employees may request leave of absence, with pay, for the purposes specified in this section. Each request shall be judged on its merits and on the basis of the guideline provided in this section.

6.4.2 Compassionate Leave. In the event of a death in the employee's immediate family (see below definition of immediate family for this subsection), an employee may be granted leave of absence with pay not to exceed five (5) calendar days. [This is not charged against sick leave, vacation or compensatory time].

Immediate Family (for this subsection): Husband, wife, son, daughter, father, mother, brother, sister, step-children, *step parents + grandparents*

6.4.3 Funeral Participation: When an employee serves as a pallbearer, or in some other ways participates in a funeral ceremony, they may be granted a reasonable time off to perform such duty. Time not worked because of such absence shall not affect vacation or sick leave accrued.

6.4.4 Witness or Jury Duty: When an employee is called for jury duty or is subpoenaed as a witness, they shall not suffer any loss of regular city compensation during such absence; however, they shall be required to transfer any compensation received for the performance of such duty to the city. Time not worked because of such duty shall not affect vacation or sick leave accrued.

6.4.5 Voting: When a work schedule is such that the employee would not be able to vote prior to or after their normally scheduled working hours, they shall be granted a reasonable time off duty to vote without loss of pay, accrued vacation or sick leave. [As voting is done by mail or dropping ballots at a drop site this subsection would be valid if voting is required at a legal polling place within the State of Oregon and a physical presence is required.]

6.4.6 Active Duty Military Leave: Military leave of absence without pay will be granted to full-time employees during a period of active duty with the Armed Forces of the United States of America. The employee upon honorable discharge from such service is returned to a position in the same class as their last held position at the salary rate prevailing for such class, without loss of seniority or employment rights. If it is established that they are not physically qualified to perform the duties of their former position by reason of such *military* service he or she shall be reinstated in other work that he or she is able to perform at the nearest appropriate class to their former class. Such employees shall make application for reinstatement within ninety (90) days and shall report for duty within six (6) months following separation from active military duty. Failure to comply shall terminate military leave. If an employee voluntarily re-enlists, their military leave shall be deemed canceled.

6.4.7 Reserve Military Leave: An employee who has successfully completed the probationary period and who is a member of the National Guard or a reserve component of the Armed Forces of the United States of America or of the United States Public Health Service shall be entitled, upon application to a level of absence from the city service for a period not exceeding fifteen (15) calendar days in any one (1) year. Leave of this nature does not receive and enumeration of any type from the city. However, if the employee is called (activated) to active military duty subsection 6.4.6 shall be followed.

6.4.8 Maternity Leave. An employee who has successfully completed the probationary period and requests maternity leave to care for a new-born child is entitled to such leave for a period not to exceed twelve (12) months. Maternity leave does not receive any enumeration of any type. The exception is if the leave is required by a doctor's notification, to be in writing, for the safety and welfare of the mother and child. Accrued sick leave would be used.

6.4.9 Conferences and Conventions: Decisions concerning attendance at conferences, conventions, or other meetings at the city expense shall be made by the department head with the approval of the City Recorder/Manager. Permission will be granted on the basis of an employee's participation in, or the direct relation of their work to the subject matter. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interest of the city.

Section 6.5 EDUCATIONAL OPPORTUNITIES

6.5.1 The city will reimburse an employee for all the amount of tuition for courses directly related to the employee's work. Approval for course reimbursement must follow these requirements:

(a) Ensure funds are available in the current budget line item for this expenditures; and

(b) The employee has made application for approval of the course and tuition reimbursement to their department head at least ten days prior to the registration for such course (fewer days are permitted if notice of the course was not available 10 days earlier); and

(c) The employee submits satisfactory evidence of completion of the course; and

(d) The employee is not receiving reimbursement for tuition from any other source; and

(e) All reimbursement requested has documentation attached.

6.5.2 Courses which are only offered during working hours must be approved by the department head and may be approved by the City Recorder/Manager provided time off can be arranged conveniently and reasonable arrangements can be made to make up time. It will be the department head's responsibility to see that the time loss can be made up or charged to compensatory time accrued. Determination on whether to make up the time or charge it to compensatory time accrued will take into consideration work requirements facing the department, the number of requests made by the employee, number of courses taken within the last twelve (12) months and due consideration for the desires of the employee.

6.5.3 The city will allow time off with pay and will reimburse an employee for the expenses of attending classes, lectures, conferences or conventions when the attendance is on an assignment basis with prior approval of the employee's department head and full knowledge of the City Recorder/Manager; reimbursement requirements are stated under subsection 6.5.1 as appropriate.

6.5.4 Normally, the cost of textbooks and technical publications required for such courses should be the responsibility of the employee. If the city elects to purchase any of the textbooks and/or publications for the courses, said textbooks and publications are the property of the city and will be submitted to the city at the end of the course

Section 6.6 RETIREMENT

6.6.1 After completion of the probationary period employees meeting the retirement requirements of the Oregon Public Employees Retirement System (PERS) shall participated in such program. The exceptions are employees who have participated in a PERS program, prior to employment with the city and are required by PERS to join the system immediately.

6.6.2 The city as of this writing (01/2005) does not assume the employee's contribution of 6%, but pays the amount required by enrollment with PERS. As of 2003 employers have the option whether or not to pick up the employee's contributions, with certain provisions.

6.6.3 Each eligible employee will pay into their retirement no less than the required 6% of their wage.

6.6.4 During paid leaves of absence contributions by the employee and employer shall continue.

6.6.5 During leaves of absence without pay, employee and employer contributions will be suspended. When the employee returns from leave without pay employee and employer contributions will automatically be reinstated.

6.6.6 The normal retirement date of any employee will be the first day of the month coinciding with or next after the employee's seventieth (70th) birthday. Retirement benefits under PERS may be available at an earlier age. The City Council may grant an extension of the retirement age at the employee's request, Oregon State Law or the requirements of PERS may supersede this provision; such extension is based on the interests of the city.

Section 6.7 SOCIAL SECURITY

The city shall match the employees contributions in the Social Security Plan or as required by law.

Section 6.8 INDUSTRIAL ACCIDENTS

All employees shall be covered under a worker's compensation plan for industrial accidents and disease. Benefits include medical treatment and care as well as disability compensation during periods of time lost from the job.

Section 6.9 HEALTH CARE INSURANCE

With regard to new employees hired after July 1, 2003 the city will cover 50% or the premium costs as required under the City County Insurance Services Employee Benefits Program. CIS states "the entity must pay at least 50% of the premium for medical and dental coverage (including riders) for its eligible employees and dependents". For employees not listing one or two other dependents (only listing themselves) the city shall pay 100% of the employee's premium.

The city will pay 100% of the premium on the employee hired before July 1, 2003 and will pay the 2002-03 premium rates on dependents. It shall not fall below the required 50% coverage of premiums as required by CIS. The premium rates for dependents in 2002-03 are as follows:

One dependent	\$245.98	Two or more	\$516.26
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Section 6.10 LIFE INSURANCE

All full-time employees are covered by a life insurance policy. The amount of life insurance coverage shall be \$20,000; and may be negotiated yearly. At no time, will the city go below \$10,000 of life insurance for its police officers (regular or reserve) as required by Oregon Revised Statutes Chapter 243.

Section 6.11 PERSONAL LEAVE DAYS

Exempt employees [City Recorder/Manager] will be granted five (5) personal leave days per year [in lieu of compensatory time]. Personal leave days may not be carried over from year to year. Personal leave days must be used in the year accrued.

Section 6.12 DRUG TESTING POLICY

The City of Gervais is committed to providing a safe and productive work environment for all employees. The use of alcohol, drugs, or any intoxicants represents an unacceptable safety and efficiency risk to the employees and to the general public which we serve.

6.12.1 An effective means of avoiding safety problems related to the use of drugs and alcohol is to not hire individuals who use illicit drugs or are affected by alcohol abuse. All applicants who are given favorable consideration shall be tested for the presence of drugs, alcohol or other intoxicants in their system. For meanings of phrases and words reference Article I.

6.12.2 The following procedures shall apply to applicant drug and alcohol testing:

(a) Final candidates for any hourly or salaried position of the City of Gervais shall be required to take a drug test as a condition of employment.

(b) A notice that informs all applicants that they will be subject to the test will be prominently displayed at the place where applications are obtained and made part of the application form.

(c) an applicant who is selected as a final candidate must sign a consent and release form prior to being tested. The applicant must also be given instruction on identifying prescription and over the counter drugs prior to being tested.

(d) In the case of an applicant who declines to be tested and withdraws the application for employment, no record will be kept of the declaration other than a brief "refused" to the sign notation on the release and consent form.

(e) If the first test sample is positive for a controlled substance or alcohol, the sample shall be retested a second time. If the second sample is positive, the applicant will be rejected.

(f) If the applicant is rejected because of a positive test result, the applicant will be informed in writing. The applicant should be referred to the physician for answers to any questions regarding the tests.

(g) Applicants who are rejected will be informed that they may reapply after six (6) months. Their subsequent application and qualifications will be reviewed the same as any other applicant.

(h) All personal information, medical and test results obtained during the application process shall be held strictly confidential. Records shall be kept in the City Recorder/Manager's office and shall be kept for three (3) years at which time the information shall be destroyed.

RECORDER'S REPORT

January 27, 2005

To: Mayor, Councilmen and Staff

From: M. J. Davis, R/M

Re: Health Benefits

As we review the personnel policies we have been looking at the insurance issue. As such there are areas that impact the city being a small entity with less than 100 employees (8 to be exact).

FIRST ISSUE: CIS Employee Benefit Guide states, "The entity must pay 100% of the premium for medical and dental coverage (including riders) if it offers coverage for eligible employees. The entity must pay at least 50% of the premium for medical and dental coverage (including riders) for its eligible employees and dependents. The entity's contributions may vary by subgroup. Entity contributions must be equitable among plan options if more than one CIS plan is offered."

My translation: The city of Gervais must pay at least 50% of the total premium coverage for its employees and dependents.

Practice now: The city of Gervais pays, for employees employed prior to July 1, 2003 100% of the employee and 2002-03 rates on dependents which equates to approximately 88-90% is paid by city (of total premium) and 10-12% paid by employee depending whether one dependent or multiple dependents.

Problem in policy deals with new employees: "All new employees will be responsible for the cost of any insurance premium for dependents. The city will pay the premium for the new employee that works a 40-hour week."

The policy needs to reflect the city paying at least 50% of the premium as required under the CIS Benefits Guide. I've reworded that section and others for you to review prior to the work session.

SECOND ISSUE: CIS Employee Benefit Guide states, "At least 75% of the eligible employees in the entity or subgroup must be enrolled in each of the coverages that the entity offers. In addition, if the entity offers non-CIS coverages at least 51% of eligible employees must be enrolled in the CIS coverages. Exceptions for employee enrollment due to religious convictions must be submitted to CIS for review and approval."

If the entity offers medical and dental coverage, an employee must enroll in both, however, an employee may enroll few dependents on dental than on medical. The dental plan may impose benefit reductions on those enrolling in the plan after initial eligibility.

For groups that offer vision coverage, the enrollment on vision must match the medical enrollment.

An entity may offer dependent coverage on an optional basis if the employee pays part of the dependent premium.

Entities may offer an employee "opt out for cash" arrangement during open enrollment, in conjunction with a mid-year plan change, or as the result of collective bargaining. The entity must notify CIS in writing and must follow these guidelines:

1. Employees accepting this option must provide proof of other medical coverage and complete a Declination of Coverage form.
2. Employees accepting this option can do so only for medical (including any riders)
3. This employee cannot opt out of dental.
4. The cash back allowance cannot exceed \$25 per employee per month.

Entities cannot reimburse employees for any medical expenses incurred, including payment of all or part of the deductible, copayments or coinsurance amounts."

My translation: Only 2 (we have 8 so 2 would be 25%; leaving 75% enrolled) employees can opt out for cash (\$25/month), however they need to provide proof they have other coverage and fill out the proper form. Even if they opt out they can not opt out of dental. No other form of compensation is allowed when they opt out.

Insurance Premiums

Rates:	# employees	Employee & 1 other	Employee & family	Totals
2004-05	5	1	2	
	\$ 11,565.36	\$ 7,686.84	\$ 23,682.72	\$ 42,934.92
City payout	\$ (11,565.36)	\$ (6,806.88)	\$ (21,426.96)	\$ (39,799.20)
Employee pays	\$	\$ 879.96	\$ 2,255.76	\$ 3,135.72

Monthly payout for employee \$ 73.33 \$ 93.99

RECORDER'S REPORT

January 21, 2005

To: Mayor, Councilmen and City Staff

From: M. J. Davis, R/M

Re: PERS – Retirement

Today Oregon PERS was contacted, talking to Debra Hembree about changes to policy if the city wished to pick up the employees' contribution to their retirement.

2003 changes were made under Chapter 238A of the Oregon Public Service Retirement Plan; below I will attempt to explain:

As of 2003 a city can again pick up employees' portion, however there are conditions:

1. There needs to be a written employment policy (formal policy) that shows the city will pick up employees' contribution.

2. The policy needs to show if the city is offering this to all employees or certain groups (such as police department not general service (administration or public works)). Please note you can not pick and choose from various groups who will be cover, i.e. you can pick one from the police and one from public works and leave out the rest of the group.

3. The policy needs to show whether or not the employees' compensation [pay] is to be reduced to generate the funds needed to make the employee contribution [such as in lieu of raises the city will pick up the employees' portion of PERS], or is the city paying the employees' portion with no reduction for the purpose of generating the funds to make the contribution.

4. The city would need to give written notice to PERS at the time the policy is written and adopted with the required changes. The notice would have to be specific as listed above in 1-3.

Any changes in the policy for this year would remain through December 31, 2005. After 2005 the city could again change its policy.

Attached are ideas of estimated costs to the city if employees' portion are to be picked up by the city using estimated payroll figures.

2005-06 Projections

If City pick-up employees PERS

	At present wage		City pk'd up		Wages @		City Pk'd up		With Jan. 06	
	\$	\$	PERS	\$	COLA 2.50%	PERS	\$	probationary raise of 5%	PERS	City pk'up PERS
Davis	\$ 43,434.24	\$ 5,785.44	\$ 5,930.06	\$ 44,520.00	\$ 44,520.00	\$ 5,930.06	\$ 44,520.00	\$ 5,930.06	\$ 5,930.06	\$ 5,930.06
Claxton, C	\$ 26,511.84	\$ 3,531.38	\$ 3,619.74	\$ 27,175.00	\$ 27,175.00	\$ 3,619.74	\$ 27,175.00	\$ 3,619.74	\$ 3,619.74	\$ 3,619.74
Miller	\$ 39,871.20	\$ 5,310.84	\$ 5,443.62	\$ 40,868.00	\$ 40,868.00	\$ 5,443.62	\$ 40,868.00	\$ 5,443.62	\$ 5,443.62	\$ 5,443.62
Claxton, P	\$ 35,073.00	\$ 4,671.72	\$ 4,865.93	\$ 36,531.00	\$ 36,531.00	\$ 4,865.93	\$ 36,531.00	\$ 4,865.93	\$ 4,865.93	\$ 4,865.93
Boedigheimer	\$ 46,319.00	\$ 6,169.69	\$ 6,478.32	\$ 48,636.00	\$ 48,636.00	\$ 6,478.32	\$ 48,636.00	\$ 6,478.32	\$ 6,478.32	\$ 6,478.32
Fast	\$ 38,163.12	\$ 5,083.33	\$ 5,210.38	\$ 39,117.00	\$ 39,117.00	\$ 5,210.38	\$ 39,117.00	\$ 5,210.38	\$ 5,210.38	\$ 5,210.38
Lytle	\$ 30,000.00	\$ 3,996.00	\$ 4,095.90	\$ 30,750.00	\$ 30,750.00	\$ 4,095.90	\$ 31,519.00	\$ 4,198.33	\$ 4,198.33	\$ 4,198.33
Olsen	\$ 30,000.00	\$ 3,996.00	\$ 4,095.90	\$ 30,750.00	\$ 30,750.00	\$ 4,095.90	\$ 31,519.00	\$ 4,198.33	\$ 4,198.33	\$ 4,198.33
Totals	\$ 289,372.40	\$ 38,544.40	\$ 39,739.85	\$ 298,347.00	\$ 298,347.00	\$ 39,739.85	\$ 299,885.00	\$ 39,944.71	\$ 299,885.00	\$ 39,944.71
If continued with employee paying their 6%										
Gross Wages	289,372.40			298,347.00			299,885.00			
Employee's	17,362.34			17,900.82			17,993.10			at 6%
City's	19,272.20			26,529.91 19,869.91			19,972.34			at 6.66%

Note: PERS has indicated the employer rate may increase. They will not have any information on this until February 18th, at this time it is ONLY a tentative figure. Final figures will be out in April.

04/14/2005

1. Council has changed its policy on insurance coverage and all employees will have a portion of the insurance paid on dependents based on the 2002-03 rates;
2. Council will not give increases in pay based on an employee knowing a second language

05/12/2005

Resolution 05-004 – revises how interview and employee evaluations are done and how they impact wages

RESOLUTION NO. 05-004

A RESOLUTION SETTING NEW PERSONNEL POLICIES ON
INTERVIEWS/EVALUATIONS OF EMPLOYEES OR POTENTIAL EMPLOYEES.

WHEREAS, the Gervais City Council has been updating various policies within its personnel policies; and

WHEREAS, the Gervais City Council has determine that a new policy would be in the best interest of making determinations in hiring, certain promotions, disciplinary and annual payroll increases; now, therefore,

BE IT RESOLVED the following policy will be approved:

1. All interviews and evaluations will be held under the Executive Session requirements of the State of Oregon; and
2. All employees will be evaluated annually during the months of January and February of each calendar year; with the exception of starting the process for the 2005-06 fiscal year evaluations will be done during the months of May and June 2005; and raises will only be given once a year.
3. All employees will do a self-evaluation, followed by an evaluation by their supervisor and lastly evaluations will be reviewed with a final evaluation done by the council; this process is to be a goal setting process.
4. Subject to paragraph 6 below, each employee will receive a minimum 1% pay increase each year, which is not based on merit.
5. All wage increases, outside of the 1% for years completed, will not exceed 4% and consideration for each increase will be made on a point system that is at ½% increments, as follows:
 - a. 4 points will receive a .5% increase in wages;
 - b. 8 points equals 1.0% increase in wages;
 - c. 12 points equals 1.5% increase in wages;
 - d. 16 points equals 2.0% increase in wages;
 - e. 20 points equals 2.5% increase in wages;
 - f. 24 points equals 3.0% increase in wages;
 - g. 28 points equals 3.5% increase in wages;
 - h. 32 points (a perfect score in all categories) equals a 4.0% increase in wages.

The City Council is not bound by this resolution, or any prior resolution, to grant any increase in compensation in any year of service to any employee. The provisions of this resolution are guidance for the Council in making any increase in compensation which it determines is just and equitable. It shall be in the sole unfettered discretion of the Council to award such pay increases as it sees fit and this resolution is not to be understood as creating, nor does it create, any new contractual obligations for the City of Gervais.

PASSED this 12th day of May 2005.

12/11/1999

Motion: Allow up to \$100/year for OSHA approved reinforced toe boots, seven shirts per individual and a sweatshirt, not pants.

04/29/2001

Call back defined as not routine weekend rounds. Call back is for a request for service that is not expected during hours other than regular and routine weekend rounds. As the council is not willing to extend hours whoever is doing weekend rounds will work only 36 hours during the week to round the entire week to 40 hours. Any other call back will be at 2 hours.

06/14/2001

Motion: When any elected official for the city of Gervais acts on his or her own authority the city staff is required to tell that citizen that the individual is acting without city authority and city staff is to advise them that their rights may have been violated and they may have the right to call the police and file charges. Resolution No. 01-003

Researched 04/04/2006

CITY RECORDER/MANAGER

GENERAL STATEMENT OF DUTIES: Assumes the duties of City Recorder as defined in the City Charter. Directs the operation and coordination of the City departments, offices and agencies; formulates short and long-range planning; prepares annual budget; works with community leaders, department heads and the general public; does related work as required.

SUPERVISION RECEIVED: Works under the general direction of the City Council who reviews work for adherence to established policies and results obtained from work program established.

SUPERVISION EXERCISED: Provides direct supervision over department heads and general supervision over other personnel within departments.

EXAMPLES OF DUTIES: (Any single position of a class will not usually involve all of the duties listed and many positions will involve duties which are not listed.)

1. Serves as administrative head of the City.
2. Makes recommendations to Council for development of an efficient, effective operation of the City.
3. Implements policy as determined by Council, keeping Council informed at all times of the affairs and needs of the City.
4. Attends meetings of the City Council, committees and commissions, as deemed necessary.
5. Provides information and reports when appropriate that will assist in the deliberations of the Council.
6. Researches information at the request of the Council.
7. Provides general supervision of all departments for the purpose of obtaining the utmost efficiency and effectiveness.
8. Confers with department heads and others on varied operating and administrative problems.
9. Reviews department plans, programs, and procedures. Suggests innovations or methods to improve the standards of service rendered by the City.
10. Conducts correspondence on varied public contact problems.
11. Meets with representatives of various governmental agencies on problems involved in the coordination of City services with those agencies, the negotiation of agreements, disposition of complaints, and other varied matters.
12. Attends meetings as a representative of the City as approved by the Council.
13. Meets with private citizens seeking information or making complaints. Attempts resolution of matter(s) to best advantage of all parties concerned.
14. Supervises the preparation of the annual budget, reviews departmental needs and estimates.
15. Acts as purchasing agent for the City, subject to limitations as adopted by the Council.

Recorder/Manager, Continued

16. Works to see that provisions of all franchises, leases, contracts; permits and privileges granted by the City are observed.
17. Assumes responsibility for personnel decisions, including hiring, firing and reorganization, based on Council policy and including consultation with the Council.
18. Interprets and administers the provisions of the Personnel Rules and Regulations and the responsibilities therein outlined.
19. Completes assignments and performs related duties as requested by the City Council.

DESIRABLE QUALIFICATIONS:

Knowledge of: Thorough knowledge of principles and practices of public administration including supervision, organization, planning and management; governmental budgeting and accounting.

Ability to: Supervise the activities of administrative, professional, technical and clerical staff; establish and maintain effective working relationships with subordinates, elected and appointed public officials, community and business leaders and the general public; express ideas effectively both orally and in writing; interpret and execute complex oral and written instructions; understand and interpret federal, state, and local laws, ordinances, policies and procedures; plan, supervise and coordinate the work of others; develop and administer administrative policies and apply professional judgment in their execution; develop implement and administer short and long-range plans; coordinate and administer the annual budget process.

Skill in: Planning and administering program and human resource activities in the public sector.

EXPERIENCE AND TRAINING: Graduation from an accredited institution with a Bachelor's Degree in public or business administration and five (5) years progressively more responsible experience in municipal government; or any satisfactory equivalent combination of experience and training as determined by the hiring authority.

CITY RECORDER

GENERAL STATEMENT OF DUTIES: Performs responsible administrative work in directing the financial activities of the City. Performs duties of City Treasurer, financial planning, budgeting, and accounting system control. Maintains accounting records as required by law. Manages fund to maximize and protect city resources. Advises the City Council, Budget Committee, and department heads in the preparation of budgets and provides departments with timely and informative financial reports and statements. Assists the Mayor as requested. Performs related work as required.

SUPERVISION RECEIVED: Works under the general directions of the City Council.

SUPERVISION EXERCISED: Responsible for the Recorder's office personnel and Municipal Court Personnel. Exercises full supervision over assigned personnel. Responsible for the completion of employee performance evaluations and for effecting disciplinary action. Hires, discharges and promotes with the approval of the City Council for the Recorder's Office and Municipal Court Personnel.

TYPICAL EXAMPLES OF WORK: An employee in this classification may perform any of the following duties. However, these examples do not include all of the specific tasks which an employee may be expected to perform.

1. Establishes fiscal policies for handling revenues and expenditures on behalf of the City. Maintains accounting records as prescribed by law.
2. Directs operation of the Financial Department staff to insure integrity of the city's fiscal accounting system in a manner consistent with established and accepted municipal accounting principles and practices; develops sufficient detail to produce adequate revenue, expenditure and statistical data for management purposes; produces records sufficient to meet statutory requirements. Advises the council on the state of the city.
3. Assists in the preparation of the budget report detailing all expenditures and revenues for each account; monitors departmental expenditures for purposes of advising department heads of their status and insure conformance with the budgeted amounts; works with department heads in correcting discrepancies.
4. Maintains the city's investment portfolio. Uses cash flow management to invest funds for the best, safest return to the city, within the framework of state law.
5. Oversees the activities of the purchase functions for all departments. Plans for the most efficient utilization of these resources.
6. Administers city contracts, insurance and other miscellaneous activities. Attends council meetings and budget meetings; responds to inquiries and questions. Disseminates financial notices and information to departments and numerous financial reports to federal, state, and private agencies.
7. Responsible for maintaining accurate records.
8. Performs other duties as directed by the council.

DESIRABLE QUALIFICATIONS:

Thorough knowledge of the general laws and administrative policies governing municipal financial practices and procedures. Thorough knowledge of the principles and practices of accounting and budgeting. Thorough knowledge of modern office practices and of standard accounting and office equipment. Thorough knowledge of Oregon Budget Law. Considerable knowledge of contract administration, insurance programs and related areas. Knowledge of data processing and related areas.

Ability to formulate and install standard accounting methods, procedures, forms and records. Ability to evaluate work performed by subordinates. Ability to prepare informative financial reports. Ability to plan, organize, and direct the work of subordinate employees in the specialized field of finance and accounting. Ability to perform fiscal planning and to advise the city council on the formulation of fiscal policy. Ability to work effectively with other employees, officials, committees, and the public. Ability to comprehend and interpret laws and regulations.

EXPERIENCE AND TRAINING: Five years experience in public financial administration including experience in local government. Two years experience should be in a supervisory capacity. Graduation from a four year college or university with major coursework in accounting, business, economics, public administration or related fields. Any satisfactory equivalent combination of experience and training which insures the ability to perform the work may be substituted for the above.

CITY DEPUTY RECORDER

GENERAL STATEMENT OF DUTIES: Performs responsible administrative work in the financial activities of the City. Performs duties of City Treasurer, financial planning, budgeting, and accounting system control in the absence of the Recorder. Maintains accounting records as required by law. Manages funds to maximize and protect city resources. Assists the Recorder in the preparation of budgets and provides departments with timely and informative financial reports and statements. Assists the Recorder as requested. Performs related work as required.

SUPERVISION RECEIVED: Works under the general directions of the City Recorder.

SUPERVISION EXERCISED: In the absence of the Recorder the Deputy Recorder shall be responsible for the Recorder's office personnel and Municipal Court Personnel. Exercises full supervision over assigned personnel. Responsible for the completion of employee performance evaluations and for effecting disciplinary action. Hires, discharges and promotes with the approval of the City Council for the Recorder's Office and Municipal Court Personnel.

TYPICAL EXAMPLES OF WORK: An employee in this classification may perform any of the following duties. However, these examples do not include all of the specific tasks which an employee may be expected to perform.

1. Comply and assist with fiscal policies for handling revenues and expenditures on behalf of the City. Maintain accounting records as prescribed by law.
2. Assist with the operation of the Financial Department staff to insure integrity of the city's fiscal accounting system in a manner consistent with established and accepted municipal accounting principles and practices; help develop sufficient detail to produce adequate revenue, expenditure and statistical data for management purposes; produces records sufficient to meet statutory requirements. Advises the Recorder on the activities of the city.
3. Assists in the preparation of the budget report detailing all expenditures and revenues for each account; monitors departmental expenditures for purposes of advising department heads of their status and insure conformance with the budgeted amounts; works with department heads in correcting discrepancies.
4. Maintains the city's investment portfolio. Uses cash flow management to invest funds for the best, safest return to the city, within the framework of state law.
5. Oversees the activities of the purchase functions for all departments. Plans for the most efficient utilization of these resources.
6. Oversees city contracts, insurance and other miscellaneous activities. Attends council meetings and budget meetings; responds to inquiries and questions. Disseminates financial notices and information to departments and numerous financial reports to federal, state, and private agencies.
7. Responsible for maintaining accurate records.
8. Performs other duties as directed by the Recorder.

DESIRABLE QUALIFICATIONS:

Thorough knowledge of the general laws and administrative policies governing municipal financial practices and procedures. Thorough knowledge of the principles and practices of accounting and budgeting. Thorough knowledge of modern office practices and of standard accounting and office equipment. Thorough knowledge of Oregon Budget Law. Considerable knowledge of contract administration, insurance programs and related areas. Knowledge of data processing and related areas.

Ability to formulate and install standard accounting methods, procedures, forms and records. Ability to evaluate work performed by subordinates. Ability to prepare informative financial reports. Ability to plan, organize, and direct the work of subordinate employees in the specialized field of finance and accounting. Ability to perform fiscal planning and to advise the city council on the formulation of fiscal policy. Ability to work effectively with other employees, officials, committees, and the public. Ability to comprehend and interpret laws and regulations.

EXPERIENCE AND TRAINING: Three years experience in public financial administration including experience in local government. Two years experience should be in a supervisory capacity. Graduation from a four year college or university with major coursework in accounting, business, economics, public administration or related fields. Any satisfactory equivalent combination of experience and training which insures the ability to perform the work may be substituted for the above.

ASSISTANT CITY RECORDER

GENERAL STATEMENT OF DUTIES: Performs responsible administrative work in the financial activities of the City. Performs duties of City Treasurer in the absence of the Recorder, accounting system control. Maintains accounting records as required by law. manages funds to maximize and protect city resources. Assists the Recorder as requested. Performs related work as required.

SUPERVISION RECEIVED: Works under the general directions of the City Recorder.

SUPERVISION EXERCISED: Responsible for the Recorder's office and Municipal Court Personnel during the absence of the Recorder. Exercises some supervision over assigned personnel.

TYPICAL EXAMPLES OF WORK: An employee in this classification may perform any of the following duties. However, these examples do not include all of the specific tasks which an employee may be expected to perform.

1. Types from copy, rough draft or general instructions, material frequently requiring a moderate degree of decision, such as accounting and financial statements, purchase orders, departmental reports, and composes routine correspondence.
2. Takes and transcribes dictation or transcribes from dictating equipment correspondence, reports, minutes of meetings, and related written materials. In the conduct of this duty, the employee must have some knowledge of technical terminology.
3. Types legal documents and instruments, including contracts, easements, agreements, deeds, resolutions, ordinances, transcripts and similar material under the supervision of an employee in a supervisory capacity.
4. Helps with customer counter duty in the absences of a clerk. Collects money for liens, license, special application fees and other miscellaneous payments, as well as for processing new services, the handling of complaints and general inquiries.
5. Makes appointments and directs people to proper city officials, maintains filing system and answers inquiries on the telephone.

DESIRABLE QUALIFICATIONS:

Considerable knowledge of business English, spelling and arithmetic; considerable skill in typing, ability to make simple computations and tabulations accurately and with reasonable speed; ability to understand and follow oral and written instruction; ability to learn assigned clerical task readily and adhere to prescribed routines; ability to establish and maintain harmonious working relationships with other employees and the public. Ability to work effectively with other employees, officials, committees, and the public.

EXPERIENCE AND TRAINING: Two years experience in public financial administration including experience in local government. Graduation from high school or a GED equivalency certificate. Experience in general clerical work.

CLERK I

GENERAL STATEMENT OF DUTIES:

Performs responsible clerical work involving the application of bookkeeping principles in preparing utility statements; posting utility service and assessment receipts; preparing court dockets, and necessary forms; and performs related clerical duties as required.

SUPERVISION RECEIVED:

Works under the supervision of the Recorder and Deputy Recorder.

SUPERVISION EXERCISED:

This is not a responsibility of this position in this classification.

TYPICAL EXAMPLES OF WORK:

1. Posts daily water/sewer receipts.
2. Prepares monthly water/sewer bills and assessments.
3. Works with court dockets for municipal court.
4. Answers city telephones and routes calls to appropriate staff.
5. On-going filing.
6. Assists where needed and shares duties as time allows

(The list provided is not all inclusive the duties may vary)

DESIRABLE QUALIFICATIONS:

Reasonable knowledge of departmental rules, regulations and procedures or ability to obtain such knowledge during a training period, such as:

Ability to perform detailed work involving numerical data. Ability to make arithmetic computations rapidly and accurately. Ability to maintain moderately complex financial records and prepare appropriate report. Ability to operate standard office machinery. Ability to type accurately and with reasonable speed. Ability to establish and maintain effective working relationships with the public and other employee. Ability to keep the confidentiality of the position.

CLERK II

GENERAL STATEMENT OF DUTIES:

Performs responsible clerical work involving the application of bookkeeping principles in preparing require statements; posting utility service and assessment receipts; assisting in court dockets and necessary forms; and performs related receptionist and clerical duties as required.

SUPERVISION RECEIVED:

Works under the supervision of the Recorder and Deputy Recorder.

SUPERVISION EXERCISED:

This is not a responsibility of this position.

TYPICAL EXAMPLES OF WORK (Not all inclusive):

1. Posts daily water/sewer receipts.
2. Answers telephones and routes calls to appropriate staff.
3. Greets customers, collecting accounts payable.
4. Files
5. Responsible for Bank reconciliation, under supervision
6. Responsible for Recorder's Trust (Agency Fund) under supervision.
7. Posts receipts and checks into Finance account
8. Assists where needed and shares duties as time allows.
9. Types correspondence as directed.

(The list provided is not all inclusive the duties may vary with special assignments)

DESIRABLE QUALIFICATIONS:

Reasonable knowledge of departmental rules, regulations and procedures or ability to obtain such knowledge during a training period, such as: Ability to perform detailed work involving numerical data. Ability to make arithmetic computations accurately. Ability to maintain or learn moderately complex financial records. Ability to operate or learn standard office machinery. Ability to type accurately. Ability to establish and maintain effective working relationships with the public and other employees. Ability to keep the confidentiality of the position.

UTILITY SUPERVISOR (Public Works Supervisor)

GENERAL STATEMENT OF DUTIES: Directly responsible to the Recorder/Manager. Performs tasks of a skilled nature; provides direction to other Utility Workers and other skilled craftsmen in performing tasks.

SUPERVISION RECEIVED: Works under the supervision of the Recorder/Manager.

SUPERVISION EXERCISED: Responsible for all employees and contractors in the public works department or working on projects for the public works department.

EXAMPLES OF WORK: This is a supervisory level of work of more than ordinary complexity; work is primarily outside. Good judgment and adherence to rules is necessary.

1. Performs the installation, maintenance and repair of equipment.
2. Installs and maintains and develops programs for the water services of the city, including fire hydrants, taps, meters. . .
3. Maintains and develops programs for the maintenance of sewer lines, manholes and the sewer lagoon system of the city.
4. Maintains the street system of the city including storm drainage, dust containment, curbs, sidewalks and rights-of-ways.
5. Monitors and maintains all required records for the water and sewer system of the city and reports to the proper regulatory agencies.
6. Reports monthly to the council and daily to the Recorder/Manager on projects and activities in the public works department.
7. Reports any unlawful activities to the Police and Recorder/Manager that is seen during routine work details.
8. Maintains all equipment buildings for the city, including the city vehicles, police vehicles and police department and city hall.
9. Following all safety rules operates light and heavy equipment for the city.
10. Works closely with the City Engineer on public works projects.
11. Supervises, delegates and assigns duties for subordinates.

DESIRABLE QUALIFICATIONS: Knowledge of the methods, materials, tools and equipment used in street, water, sewer and drainage construction and maintenance. General mechanical aptitude and ability to perform skilled tasks without close supervision. Ability to carry out oral and written instructions; ability to perform manual tasks involving physical strength and endurance, and to withstand exposure to variable weather conditions. Skill in the use of common hand tools and power equipment. Ability to keep accurate records and submit concise reports.

EXPERIENCE AND TRAINING: Considerable experience in street, water and sewer maintenance and construction. Graduation from a high school or trade school; or any equivalent combination of experience and training.

SPECIAL QUALIFICATIONS: Must possess a valid Oregon Driver's License. Must possess State of Oregon certifications applicable to the City of Gervais water and sewer system.

UTILITY FOREPERSON (Public Works Foreperson)

GENERAL STATEMENT OF DUTIES: Directly responsible to the Recorder/Manager or Utility Supervisor. Performs tasks of a skilled nature; provides direction to other Utility Workers and other skilled craftsmen in performing tasks.

SUPERVISION RECEIVED: Works under the supervision of the Recorder/Manager or Utility Supervisor.

SUPERVISION EXERCISED: Supervises in the absence of a supervisor all employees and contractors in the public works department or working on projects for the public works department.

EXAMPLES OF WORK: This is a supervisory level of work, in the absence of a supervisor, of more than ordinary complexity. Work is primarily outside. Good judgment and adherence to rules is necessary.

1. Performs the installation, maintenance and repair of equipment.
2. Installs and maintains and develops programs for the water services of the city, including fire hydrants, taps, meters. . .
3. Maintains and develops programs for the maintenance of sewer lines, manholes and the sewer lagoon system of the city.
4. Maintains the street system of the city including storm drainage, dust containment, curbs, sidewalks and rights-of-ways.
5. Monitors and maintains all required records for the water and sewer system of the city and reports to the proper regulatory agencies.
6. Reports monthly to the council and daily to the Recorder/Manager on projects and activities in the public works department.
7. Reports any unlawful activities to the Police and Recorder/Manager that is seen during routine work details.
8. Maintains all equipment buildings for the city, including the city vehicles, police vehicles and police department and city hall.
9. Following all safety rules operates light and heavy equipment for the city.
10. Works closely with the City Engineer on public works projects.
11. Supervises, delegates and assigns duties for subordinates.

DESIRABLE QUALIFICATIONS: Knowledge of the methods, materials, tools and equipment used in street, water, sewer and drainage construction and maintenance. General mechanical aptitude and ability to perform skilled tasks without close supervision. Ability to carry out oral and written instructions; ability to perform manual tasks involving physical strength and endurance, and to withstand exposure to variable weather conditions. Skill in the use of common hand tools and power equipment. Ability to keep accurate records and submit concise reports.

EXPERIENCE AND TRAINING: Experience in street, water and sewer maintenance and construction. Graduation from a high school or trade school; or any equivalent combination of experience and training.

SPECIAL QUALIFICATIONS: Must possess a valid Oregon Driver's License. Must possess State of Oregon certifications applicable to the City of Gervais water and sewer system.

UTILITY WORKER

GENERAL STATEMENT OF DUTIES: Directly responsible to the Utility Supervisor. Performs tasks of a skilled nature; assists the supervisor; does work relating to public works as required.

SUPERVISION RECEIVED: Works under the supervision of the Utility Supervisor.

SUPERVISION EXERCISED: Not a responsibility of the classification.

EXAMPLES OF WORK: This is an intermediate level of work of more than ordinary complexity, work is primarily outside. Good judgment and adherence to rules is necessary.

1. Performs all tasks as assigned by the Utility Supervisor.
2. Performs building, landscaping, painting, lot mowing and other maintenance and repairs.
3. Lays and joins water pipe lines, installs fittings, valves and fire hydrants, taps and repairs water lines, installs and repairs water meters.
4. Flushes, patches and lays sewer lines, and manholes, catch basins and other drainage facilities.
5. Performs repair, maintenance and construction of dirt, gravel, oil mate and paved streets, sidewalks, curbs, catch basins, storm drains, streets signs. . .
6. Operates automotive and power driven equipment.
7. Adheres to safety rules.

DESIRABLE QUALIFICATIONS: Knowledge of the methods, materials, tools and equipment used in street, water, sewer and drainage construction and maintenance. General mechanical aptitude and ability to perform skilled tasks without close supervision. Ability to carry out oral and written instructions; ability to perform manual tasks involving physical strength and endurance, and to withstand exposure to variable weather conditions. Skill in the use of common hand tools and power equipment. Ability to keep accurate records and submit concise reports.

EXPERIENCE AND TRAINING: Experience in street, water and sewer maintenance and construction. Graduation from a high school or trade school; or any equivalent combination of experience and training.

SPECIAL QUALIFICATIONS: Must possess a valid Oregon Driver's License. Must possess or have the ability to possess State of Oregon certifications applicable to the City of Gervais water and sewer system within a five year period or as dictated by the State of Oregon's Health Division and Department of Environmental Quality.

ORDINANCE OFFICER

GENERAL STATEMENT OF DUTIES: Under the direction of the Recorder/Manager is responsible for the research, development, review, implementing, enforcement and follow-up of city ordinances. Will work in an office environment and outdoors environment

SUPERVISION RECEIVED: Works directly under the Recorder/Manager.

SUPERVISION EXERCISED: This is not a supervisory position.

EXAMPLES OF WORK:

1. Researches ordinances that would enhance the livability of the City of Gervais or as directed by the Recorder/Manager or Governing Body as a whole.
2. Develops, drafts ordinances for review.
3. Reviews existing ordinances for legalities/enforceability.
4. Works with local government agencies, legal, building and planning during the process of research, drafting, review and enforcement of ordinances.
5. Does on-site inspections.
6. Complies with the mandates of ordinances.
7. Prepares monthly progress and activity reports.
8. Presents testimony/documentation on behalf of the city in a court of law.
9. Complies with and assists with the judgment of the court.

(This list provided is not all inclusive the duties may vary)

DESIRABLE QUALIFICATIONS: Must be able to manage multiple tasks. Ability to be detail oriented. Ability to prepare reports and maintain other documents, must have the ability to plan, organize, prioritize tasks for the day; a self-starter. Ability to work effectively with other employees, the public, and officials. Ability to comprehend and interpret laws and regulations. Ability to type, ability to make simple computations and tabulations accurately and with reasonable speed; ability to understand and follow oral and written instructions. Ability to orally present information/evidence in a public setting.

EXPERIENCE AND TRAINING: Graduation from high school or a GED equivalency certificate. Training or experience with typical office machinery. Training or experience with general clerical work.

SPECIAL QUALIFICATIONS: Must possess a valid Oregon Vehicle's License.

POLICE CHIEF

GENERAL STATEMENT OF DUTIES: Directs all operations within the Police Department and maintains complete authority and direct command over members of the Police Department; does related work as required.

SUPERVISION RECEIVED: Works under the supervision of the Recorder/Manager.

SUPERVISION EXERCISED: Responsible for planning, directing and coordinating the activities of department employees.

TYPICAL EXAMPLES OF WORK:

1. Plans, directs, supervises and manages all the operations of the police Department in order to provide maximum service to the community.
2. Formulates and enforces, council approved, departmental policies. Is responsible for the proper and efficient enforcement of all laws and ordinances which the Police Department is lawfully able to enforce.
3. Studies and determines law enforcement needs of the City for future projections, recommends traffic safety and control measures, and presents these findings to the City Recorder/Manager for review.
4. Prepares monthly reports on the activity of the department for the Recorder/Manager's review.
5. Reviews progress of operations including officer reports and citations; assesses program results, develops and instigates necessary remedial actions.
6. Authority and procedures regarding departmental subordinate personnel:
 - A. Hires, discharges and promotes departmental personnel, under the set rules of the City of Gervais, Personnel Rules, Policies and Procedures.
 - B. Evaluates the work performance and assignments of subordinate personnel.
 - C. Has authority to exercise disciplinary action in conformance to the procedures set forth in the Personnel Rules, Policies and Procedures of the City of Gervais.
 - D. Shall hold a monthly staff meeting with subordinates.
 - E. Shall complete twice-annual employee performance evaluations.
7. Establishes a clear-cut chain of command as set forth in the Personnel Rules, Policies and Procedures of the City of Gervais.
8. Allows appointments to confer with citizens concerning complaints, problems requests and suggestions and directs personnel to take appropriate action.
9. Prepares a proposed departmental budget and submits to the Budget Officer or Recorder/Manager, no later than December 31st of each year.
10. Exercises control over the books, records, apparatus and equipment of the Police Department.
11. Prepares and submits any updates to personnel files to the Recorder/Manager.
12. Maintains working relationship with other police agencies.
13. Performs routing law enforcement and patrol duties perform by police officers, as needed.

DESIRABLE QUALIFICATIONS: Thorough knowledge of police methods and procedures; knowledge of state, federal and local laws; knowledge of the city and important buildings; ability to carry out investigations and to evaluate pertinent facts, and to draw conclusions from the facts; ability to instruct, assign and review work of subordinates; skills in the use of deadly force.

EXPERIENCE AND TRAINING: Experiences as a patrolman; at least 21 years of age, graduate from a senior high school; a bachelor's degree preferably in law enforcement or human resource management; or any equivalent combination of experience and training.

SPECIAL QUALIFICATIONS: Must meet such medical, age and physical standards as prescribed by current city regulations and the State Board on Public Safety and Standards, including height and weight standards. Must possess a valid Oregon Vehicle's License. Must have a basic or advanced certificate from the Board of Public Safety and Standards.

POLICE SERGEANT

GENERAL STATEMENT OF DUTIES: Under the direction of the Police Chief. Is responsible for the briefing and assigning of duties of patrolman on a shift; does related work as required.

SUPERVISION RECEIVED: Works under the supervision of the Police Chief.

SUPERVISION EXERCISED: Responsible for the supervision of officers on patrol.

EXAMPLES OF WORK:

1. Briefs officers prior to tour of duty.
2. Assigns officers to districts and special duties
3. Reviews reports of officers and reports to Police Chief.
4. Performs routine shift patrol duties when assigned.
5. Assists in the training.
6. Performs other duties as assigned.

DESIRABLE QUALIFICATIONS: Considerable knowledge of police methods and procedures; knowledge of state, federal and local laws; knowledge of the city and important buildings; ability to carry out investigations and to evaluate pertinent facts, and to draw conclusions from the facts; ability to instruct, assign and review work of subordinates; skills in the use of deadly force.

EXPERIENCE AND TRAINING: Experiences as a patrolman; at least 21 years of age, graduate from a senior high school; or any equivalent combination of experience and training.

SPECIAL QUALIFICATIONS: Must meet such medical, age and physical standards as prescribed by current city regulations and the State Board on Public Safety and Standards, including height and weight standards. Must possess a valid Oregon Vehicle's License. Must have a basic or advanced certificate from the Board of Public Safety and Standards.

POLICE SUPERVISOR

GENERAL STATEMENT OF DUTIES: Under the direction of the Police Chief. Is responsible for the briefing and assigning of duties of patrolman on a shift; does related work as required.

SUPERVISION RECEIVED: Works under the supervision of the Police Chief.

SUPERVISION EXERCISED: Responsible for the supervision of officers on patrol.

EXAMPLES OF WORK:

1. Briefs officers prior to tour of duty.
2. Assigns officers to districts and special duties
3. Reviews reports of officers and reports to Police Chief.
4. Performs routine shift patrol duties when assigned.
5. Assists in the training.
6. Performs other duties as assigned.

DESIRABLE QUALIFICATIONS: Considerable knowledge of police methods and procedures; knowledge of state, federal and local laws; knowledge of the city and important buildings; ability to carry out investigations and to evaluate pertinent facts, and to draw conclusions from the facts; ability to instruct, assign and review work of subordinates; skills in the use of deadly force.

EXPERIENCE AND TRAINING: Experience as a patrolman; at least 21 years of age, graduate from a senior high school; or any equivalent combination of experience and training.

SPECIAL QUALIFICATIONS: Must meet such medical, age and physical standards as prescribed by current city regulations and the State Board on Public Safety and Standards, including height and weight standards. Must possess a valid Oregon Vehicle's License. Must have a basic or advanced certificate from the Board of Public Safety and Standards.

POLICE OFFICERS (Public Safety Officers)

GENERAL STATEMENT OF DUTIES: Under the direction of the command officer on duty. Performs patrol, investigations, prevention duties.

SUPERVISION RECEIVED: Works under the supervision of the Police Chief or other command officer on duty.

SUPERVISION EXERCISED: None.

EXAMPLES OF WORK: Although this work is usually at an entry level as a full time paid employee, decisions made may have an important impact on the city and public. Supervision is usually available, however, while on duty independent decisions may be necessary.

1. Patrols a specified district.
2. Investigates suspicious conditions.
3. Provides routine security checks of businesses and vacant residences.
4. Uphold Federal, State and Municipal laws.
5. Appear at court as assigned or for testimony.
6. Perform traffic control functions as needed.
7. Perform other duties as assigned.

DESIRABLE QUALIFICATIONS: Knowledge of police methods and procedures; knowledge of state, federal and local laws; knowledge of the city and important buildings; ability to carry out investigations and to evaluate pertinent facts, and to draw conclusions from the facts; ability to instruct, assign and review work of subordinates; skills in the use of deadly force.

EXPERIENCE AND TRAINING: Experience as a patrolman; at least 21 years of age, graduate from a senior high school; or any equivalent combination of experience and training.

SPECIAL QUALIFICATIONS: Must meet such medical, age and physical standards as prescribed by current city regulations and the State Board on Public Safety and Standards, including height and weight standards. Must possess a valid Oregon Vehicle's License. Must be certified or certifiable as a Police Officer by the State of Oregon's Board of Public Safety and Standards.

CITY OF GERVAIS

PAY SCALE FOR CITY POSITIONS

RECORDER/MANAGER

Step 1	1950.00
Step 2	2047.50
Step 3	2149.88
Step 4	2257.37
Step 5	2370.24
Step 6	2488.75
Step 7	2613.19

RECORDER, CHIEF OF POLICE & UTILITY SUPERVISOR

Step 1	1850.00
Step 2	1942.50
Step 3	2039.63
Step 4	2141.61
Step 5	2248.69
Step 6	2361.12
Step 7	2479.18

DEPUTY RECORDER AND POLICE SERGEANT

Step 1	1825.00
Step 2	1916.25
Step 3	2012.06
Step 4	2112.66
Step 5	2218.30
Step 6	2329.22
Step 7	2445.68

ASST. RECORDER, POLICE SUPERVISOR & UTILITY FOREPERSON

Step 1	1800.00
Step 2	1890.00
Step 3	1984.50
Step 4	2083.73
Step 5	2187.91
Step 6	2297.31
Step 7	2412.17

POLICE OFFICERS (Different steps depending on certification)

Step 1 (No Training)	1700.00
Step 2 (Reserve certif.)	1800.00
Step 3	1900.00
Step 4	1995.00
Step 5	2094.75
Step 6	2199.49
Step 7	2300.00

UTILITY WORKER

Step 1 (no training)	1200.00
Step 2 (training/exp.)	1300.00
Step 3 (certified w or s)	1400.00
Step 4	1600.00
Step 5	1680.00
Step 6	1764.00
Step 7	1852.20

CLERKS/SECRETARIES

Step 1	1150.00
Step 2	1207.50
Step 3	1267.88
Step 4	1331.27
Step 5	1397.83
Step 6	1467.73
Step 7	1541.11

RESOLUTION NO. 07-027

A RESOLUTION SETTING POLICY FOR USE OF COMPUTER RESOURCES; AMENDING THE PERSONNEL RULES, POLICIES AND PROCEDURES MANUAL.

WHEREAS, the Personnel Rules, Policies and Procedures Manual does not currently address policy for use of computer resources; therefore

BE IT RESOLVED, that the following is the policy for use of computer resources of the City of Gervais and shall be added to the Personnel Rules, Policies and Procedures Manual:

Section 2.18 USE OF COMPUTER RESOURCES:

1. PURPOSE

To provide consistent procedures for all City of Gervais employees utilizing computer resources to perform their job functions.

2. OBJECTIVES

To maintain the integrity and security of the City of Gervais's computer resources.

3. SCOPE

This procedure applies to all city-owned or leased computer equipment, data transmission equipment, programs, data (in all forms), data storage devices, printer and display devices.

4. RESPONSIBILITIES

Each department is responsible for ensuring their employees understand and adhere to these policies and that the necessary action is taken to authorize access to equipment, maintain appropriate records, report security breaches and establish methods and procedures that will protect computer systems/equipment including backup and recovery of data and the administration of appropriate security functions.

Each employee must comply with these policies and handle information such as passwords, identification codes and other confidential information in a secure manner. Employees will also be required to comply with appropriate computer security precautions and virus protection procedures.

5. POLICY

- a. Employees will utilize computer equipment in the routine fulfillment of their assigned duties. All persons working for or under the direction of or on behalf of the City of Gervais are specifically prohibited from any of the following actions:

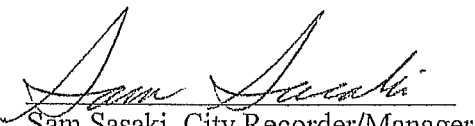
- using City of Gervais computer resources for any illegal activity; unauthorized disclosing of City of Gervais passwords, codes or identification numbers; unauthorized disclosing of City of Gervais data;
- knowingly disrupting City of Gervais computer resources;
- unauthorized altering, damaging or destructing any City of Gervais computer resources;
- authorizing the use of City of Gervais computer resources beyond delegated authority limits;
- copying unauthorized proprietary software;
- introducing knowingly a harmful program or set of instructions into a computer's memory, operating system or program including, but not limited to, a computer virus, which causes or could cause a partial or total alteration, damage or erasure of stored data, interruption of computer services or other loss or harm;
- causing knowingly the transmission of a program, information code or command to a City of Gervais computer resource that will cause damage to a computer, computer system, network, information data or program or which will withhold or deny the use of a computer, computer service, computer network, information, data or program; and
- using internet access for non-business related purposes or activities inappropriate or generally offensive in the workplace including, but not limited to, political or commercial usage not related to or sponsored by the City of Gervais or viewing, downloading or transmitting sexually-oriented or explicit material, data, or graphics.

- b. Any violation of this policy may result in disciplinary action, up to and including termination of employment, and may also result in prosecution under the provision of any applicable law. Violation of these policies by any person other than an employee of the City of Gervais may result in termination of contract(s) or service agreement(s) and/or prosecution under the provision of any applicable law.

Approved the 3rd day of January, 2008.


Shanti Platt, Mayor

ATTESTED:


Sam Sasaki, City Recorder/Manager

