

# The City of Beaverton



## Employee Handbook

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## **EMPLOYEE ACKNOWLEDGEMENT FORM**

The employee handbook describes important information about the City and its employment policies, and I understand that I should consult my supervisor or the Human Resources Department regarding any questions not answered in the handbook.

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

I acknowledge that my employment is at will unless otherwise exempted by a collective bargaining agreement and that this handbook is neither a contract of employment nor a legal document. I understand that this handbook is not to be construed by myself, or any employee, as binding terms and conditions of employment.

The City of Beaverton has collective bargaining agreements with two labor organizations, the Service Employees International Union and the Beaverton Police Association. If there is a difference between the policies in this handbook and a collective bargaining agreement clause, the collective bargaining agreement provisions govern for union represented employees.

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

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

Please sign and date this acknowledgement and return it to the Human Resources Department for placement in your personnel file.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# 1. INTRODUCTION

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## 1.1 INTRODUCTORY STATEMENT

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/12

Revised Date 3/15/13

This handbook is designed to acquaint you with the City and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

The employee handbook describes important information about the City, but no handbook can answer every question regarding your employment. Consult your supervisor or the Human Resources Department regarding any questions not answered in the handbook.

As the City continues to grow and evolve, the need may arise, and the City reserves the right, to revise, supplement or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes to the handbook as they occur. Employees are subject to whatever policy is in effect at the time the event occurs. Only the Mayor of the City has the ability to adopt any revisions to the policies in this handbook.

As an employee of the City of Beaverton, you are engaged in an at-will employment relationship unless otherwise exempted by a collective bargaining agreement. This handbook is neither a contract of employment nor a legal document. It is not to be construed by any employee as binding terms and conditions of employment.

The City of Beaverton has collective bargaining agreements with two organizations, the Service Employees International Union (SEIU) and the Beaverton Police Association (BPA). Represented employees covered by either one of these two agreements should be aware that if there is a difference between this handbook and a collective bargaining agreement clause, the collective bargaining agreement provision governs those respective union members.

This handbook can also be accessed via the City's IntraWeb at <http://cob/departments/humanresources/employeehandbook/>.

## 1.2 Introduction to the City of Beaverton

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/12

Revised Date 2/15/13

The City of Beaverton is located seven miles west of Portland (Oregon) in the Tualatin River Valley and encompasses 19 square miles. The City is Oregon's sixth largest city and is the second largest incorporated city in Washington County.

The area around Beaverton was first settled during the early years of the Oregon Trail. The City was founded in 1883 and incorporated in 1893. Beaverton's early economy was centered around agriculture and timber lands, but over the past two decades has developed its economic base to include high technology, retail and distribution. Beaverton is near the heart of Oregon's "Silicon Forest", which is home to high tech and manufacturing giants such as Intel, Tektronix, IBM, and Nike. Employment growth continues to be strong and steady in the Beaverton area, largely because of the extensive network of business resources and the strong support the business community receives from local, regional and state government.

Today, the City of Beaverton has employees in eight work locations:

Beaverton City Hall  
4755 SW Griffith Dr  
Beaverton OR 97076-4755

Operations Center  
9600 SW Allen Blvd  
Beaverton OR 97005

Murrayhill Branch Library  
11120 SW Murray Scholls  
Place #102  
Beaverton, OR 97008

Harvest Court  
9785 SW Harvest Ct  
Beaverton, OR 97005

Police Training  
5465 SW Western #F  
Beaverton, OR 97005

Beaverton Library  
12375 SW Fifth St  
Beaverton OR 97005

TVF&RNOC  
206650 SW Blanton Street  
Aloha,OR 97005

Community Center  
12350 SW 5<sup>th</sup> Street  
Beaverton, OR 97005

### Mission Statement

The mission of the City of Beaverton is to preserve and enhance Beaverton as a responsive, dynamic, attractive and safe community.

### City Council Goals

1. Preserve and enhance our sense of community.
2. Use City resources efficiently to ensure long-term financial stability.
3. Continue to plan for, improve and maintain the City's infrastructure.
4. Provide responsive, cost effective service to the community.
5. Assure a safe and healthy community.
6. Manage growth and respond to change consistent with maintaining a livable, full-service City.
7. Maintain Beaverton as a regional leader in cooperative efforts with other agencies and organizations.
8. Provide and support a highly qualified and motivated City work force.



### **1.3 CODE OF ETHICS**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

Revised Date 3/15/13

The successful operation and reputation of the City of Beaverton is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. The City is dependent upon our citizen's trust and we are dedicated to preserving that trust.

State ethics laws, found at ORS Chapter 244, considers each and every City employee to be a "public official" and provides, among other things, that

- No public official shall use or attempt to use his/her position for financial gain or to avoid financial detriment.
- No public official shall solicit or receive gifts (See Handbook Policy 9.1, Conflict of Interest).
- No public official shall attempt personal gain through the use of confidential information gained in his/her position.

These laws are enforced by the Oregon Government Ethics Commission (OGEC), and the Commission typically uses a "but for" test when deciding whether a public official has violated the ethics laws, e.g.: But for the fact that the person is a public official, would the person have received the gift or otherwise benefited financially? The OGEC publishes a manual for public employees available on the internet.

The City will comply with these and all applicable laws and regulations and expects its directors, managers, supervisors, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

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

Compliance with this policy of business ethics and conduct is the responsibility of every City employee. If you believe anyone has violated this code of ethics, you should report it to a supervisor immediately. Employees who violate the Code of Ethics or who create an equally detrimental impact on the City may be subject to disciplinary action up to and including termination.

## **2. EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICIES**

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### **2.1 NON-DISCRIMINATION POLICY**

Effective Date 1/1/04

Revised Dates 2/1/06, 11/1/12, 3/15/13, 2/1/14, 1/1/17, 1/1/20

#### **A. Introduction**

The City of Beaverton takes its Equal Employment Opportunity Policies seriously. These policies and expectations apply to all employees or other covered individuals (including vendors, contractors, volunteers, interns and public officials for the city) in accordance with applicable law.

#### **B. Non-Discrimination Policy**

It is the city's policy to provide equal employment opportunities to all qualified persons without regard to race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, mental or physical disability, uniformed/military service or veteran's status, use of the worker's compensation system, expunged juvenile records, or any other protected status or activity in accordance with applicable law. It is the city's policy to make employment decisions based on its evaluation of an individual's qualifications, ability and contribution to the success of the city.

## **2.2 POLICY AGAINST HARASSMENT, BULLYING & RETALIATION**

Effective Date 1/1/04

Revised Dates 2/1/06, 11/1/12, 3/15/13, 2/1/14, 1/1/17, 1/1/20

### **A. No Harassment**

It is also the city's policy that its employees and other covered individuals should work in an environment where individual dignity is respected. For that reason, the city expects all employees and other covered individuals to accomplish their work in a business-like manner with concern for their coworkers and others they come into contact with through their jobs. Any conduct that could reasonably be viewed as harassment of employees or other covered individuals by employees or other covered individuals is not permitted, regardless of working relationship or supervisory status.

Conduct related to an individual's race, color, national origin, ancestry or ethnic background, religion, sex, sexual orientation, gender identity, mental or physical disability, age, veteran status, marital status, or other legally protected status or activity is strictly forbidden.

Prohibited conduct of a sexual and gender-based nature includes conduct such as:

- Unwelcome sexual advances, innuendoes, or requests for dates;
- Unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation;
- Unwelcome touching;
- Unwelcome visual conduct, such as leering or making sexual gestures;
- Telling dirty jokes;
- Making offensive or derogatory comments about a person's gender identity and/or sexual orientation;
- Talking about an employee's own or other person's sex life;
- Displaying sexually suggestive objects, pictures, cartoons or posters;
- Using city computers or other communication systems to access, send, receive or store material of a sexual/gender, etc.-based nature; and
- Any other verbal, graphic, electronic or physical conduct of a sexual or gender-based nature, which has the purpose or the effect of creating a hostile or offensive work environment or otherwise unreasonably interfering with another employee's or other covered individual's work.

Prohibited conduct of a racial, ethnic, religious, age or disability, etc. based nature includes conduct such as the following:

- Making racial slurs or offensive ethnic comments;
- Telling racial or ethnic jokes;
- Displaying cartoons, printed material or other objects which are racially or ethnically offensive;
- Displaying racist symbols;
- Making derogatory comments or jokes about, or mimicking a person's physical or mental limitations;
- Unwelcome pushing of religious beliefs on others;
- Criticizing or making fun of another person's religious beliefs;

- Making derogatory age-based comments or jokes;
- Using city computers or communications systems to access, send, receive or store racially, ethnically, age-related, disability-related or religiously, etc. offensive material; and
- Other verbal, graphic, electronic, physical or other conduct of a racial, religious, ethnic, age or disability-related nature, which creates a hostile or offensive work environment or unreasonably interferes with another employee's or other covered individual's work.

These are just examples of conduct that is prohibited by this policy. Employees and other covered individuals are expected to exercise common sense and refrain from other similar kinds of conduct. Also, conduct of this nature is prohibited even if it occurs off-duty, if it creates an offensive work environment or unreasonably interferes with another employee's or covered individual's work. It should be assumed that conduct of this nature is unwelcome and will offend others. Therefore, all employees and covered individuals are expected to refrain from engaging in such conduct, regardless of the circumstances. It is not an acceptable excuse that others participated in the conduct or did not appear to be offended. In addition, no one should suggest or threaten that an individual's cooperation with or tolerance of conduct of this nature will have any effect on that person's employment or working relationship with the city. The city does not make decisions on that basis.

## **B. No Bullying**

As covered above, discrimination and harassment are illegal and will not be tolerated by the city. However, some types of behaviors, such as bullying, may not necessarily be illegal but are detrimental to a healthy and productive work environment and therefore, are also prohibited.

Bullying is defined as behavior or conduct in which one or more individuals use strength (including strength of personality), position, or status with the intent or effect of intimidating, offending, degrading, humiliating, undermining, injuring or threatening another. An isolated incident of offensive behavior may or may not constitute bullying. Also, providing instruction, conducting performance coaching or documenting unsatisfactory performance does not constitute bullying.

Employees should confront issues of workplace bullying by raising the issue directly with the employee they believe is exhibiting bullying behavior or by reporting any incidents of bullying to a supervisor, manager or Human Resources representative.

## **C. No Retaliation Policy**

The city respects the rights of its employees and other covered individuals to raise harassment, bullying and discrimination concerns and expects all individuals in its workplace to participate in investigations. The city does not permit employees or others to retaliate against individual(s) who report harassment, bullying or discrimination, cooperate with investigations, testify in harassment proceedings or assist in enforcement of the city's policies against discrimination and harassment.

"Retaliation" is broadly construed and may include on-duty or off-duty conduct, whether related to employment or not, that could discourage an employee or other covered

individual from making a complaint of discrimination, harassment, bullying or retaliation, or from testifying, assisting or participating in an investigation, proceeding or hearing. Examples of retaliation include these actions if done to an employee (or other covered individual) because they or someone close to them reported harassment or bullying or complained about discrimination:

- Treating them differently than others who are similarly situated;
- Giving them “the cold shoulder”;
- Treating them rudely;
- Withholding information or cooperation necessary for them to do their job; and/or
- Changing their work assignments or hours.

Retaliation also includes discouraging an employee or other covered individual from reporting an incident that violates these policies or criticizing an employee or other covered individual who reports an incident or cooperates in an investigation. Examples of this kind of retaliation include telling someone not to “rat” on another employee or covered individual who is committing harassment or discrimination.

## **2.3 EEO COMPLAINT PROCEDURE**

Effective Date 2/1/06

Revised Date 2/1/08, 1/1/17, 1/1/20

If an employee or other covered individual believes that they have been subjected to conduct in violation of these policies, including:

- Discrimination in violation of city's No Discrimination policy or equal employment opportunity laws;
- Any type of harassment or conduct prohibited by the No Harassment policy,
- Retaliation for the reporting of discrimination or harassment, opposing discrimination or harassment or cooperating with investigations; or
- Observed behavior or overheard comments that raise concerns regarding compliance with the city's EEO policies toward others.

### **A. Internal Reporting Process**

An employee wishing to make a complaint under this policy should promptly contact the Employee and Labor Relations Manager or the employee's supervisor, whomever the employee is most comfortable reporting to. An employee should not report a concern only to the person who the employee believes has (or is accused of having) violated this policy. If the employee's concern involves one of the people listed above, the employee is expected to report the concern to the other person listed.

#### *How to Submit a Complaint*

An employee may submit their complaint verbally or in writing. In submitting their complaint, the employee should make best efforts to give enough specifics about the incident(s) of discrimination, harassment, bullying or retaliation that led to the complaint and any other pertinent information to assist in the investigation.

#### *No Time Limits on Internal Complaints*

The city does not place any time limits on the ability to report violations through the city's internal complaint procedures. The city's ability to resolve these kinds of problems is dependent on each employee's cooperation in reporting incidents that violate these policies. The city believes that all of its employees and other covered individuals have an affirmative obligation to promptly report violations of the city's Equal Employment Opportunity policies and cooperate with investigations.

#### *Supervisor or Manager Responsibilities upon Receipt of Complaint*

Any supervisor or manager who receives information about conduct that may violate these policies is required to immediately notify the Employee and Labor Relations Manager or the Human Resources Director and to provide the employee making the complaint with a copy of this policy. When the Human Resources Director, Employee and Labor Relations Manager, or a supervisor receives a report of alleged discrimination, harassment or retaliation, the receiving party must document what is reported and provide the employee making the complaint with a copy of this policy (if that hasn't already been provided to them). All employees and covered individuals who believe that they have been subject to or witnessed conduct in violation of the city's Equal Employment Opportunity Policies are

also advised to document those incidents.

#### *Internal Investigations and Violations*

All complaints of violations of the city's Equal Employment Opportunity policies are promptly investigated. If the city finds that an employee has violated its policy, appropriate disciplinary action up to and including immediate discharge is taken. Action will also be taken to address violations made by other covered individuals who violate the city's policies, which may include discharge from the volunteer or intern position or termination of the relationship in the case of a vendor or contractor. In addition, other corrective action, such as individualized training and other steps may be taken as the city determines appropriate. For employees and others whose legal rights are determined to have been violated, additional remedies, such as back pay, counseling or medical costs; attorney fees, pain and suffering, and punitive damages may be available.

Notices of leave pending investigation, notice of interviews, due process notices and disciplinary notices are generally maintained in personnel files in accordance with applicable policies and collective bargaining agreements. Other documents related to complaints and investigations are maintained in confidential files for a minimum period of the 5-year statute of limitations or the minimum retention period required under Oregon law, whichever is longer. Such records are generally released only as the city determines appropriate to defend against legal claims, establish consistency and lack of discrimination, to establish that an employee or covered individual received notice of standards of conduct required under this policy, and when otherwise required by applicable law.

#### *Post-Investigation Practices and Procedures*

It is the city's policy to follow up with the victim of alleged harassment at least once every three months for the twelve months following the date on which the city received the report to ensure that any harassment or other policy violations have stopped and that the victim is not subject to retaliation. These follow-up contacts will occur unless the victim objects in writing to this practice. The city may, in its discretion, also follow up with witnesses and others who cooperated in an investigation, including employees and other covered individuals who reported conduct that was not determined to be a violation of this policy, for the purpose of enforcing anti-retaliation prohibitions.

In resolving a complaint made under this policy, the city will not require or coerce an employee, who is a victim of alleged harassment, to enter into a nondisclosure or non-disparagement agreement. For purposes of this policy, a "nondisclosure or non-disparagement agreement" means any type of agreement entered into between the city and an employee, who is a victim of alleged harassment, that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment.

An employee, who is a victim of alleged harassment may voluntarily request to enter into a severance, settlement or separation agreement that includes a non-disclosure, non-disparagement and/or a no rehire provision. However, the employee must be provided at least seven days after signing the agreement to revoke it.

### *Other Available Recourse and Remedies*

All employees and other individuals covered by these policies should also be aware that they have the right make complaints to and seek remedies through the Oregon Bureau of Labor and Industries' complaint resolution process or by filing claims in court as well as to pursue their rights under other available laws, whether civil or criminal.

The city does not provide any employee or other covered individual with legal advice. However, all employees and covered individuals should be aware that time limits apply to the ability to pursue civil and criminal complaints. For example, claims made with the Oregon Bureau of Labor and Industries for alleging discrimination or harassment under Oregon law based on race, color, religion, disability, uniformed/military service, sex, sexual orientation, national origin, marital status or age (18 or older), (or because of this status of anyone the employee associates with), or because of an individual's expunged juvenile record, must generally be filed within 5 years from the date of the alleged unlawful practice. This same statute of limitations applies to such claims filed in court when no Bureau of Labor and Industries claim has been filed. However, conduct that occurred prior to October 2019 is subject to a shorter (1 year) statute of limitations and different statutes of limitations apply under federal law (generally claims must be filed within 180 days with the federal EEOC or within 300 days if state or local law prohibits the same conduct and a state or local agency enforces a law that prohibits employment discrimination on the same basis). The statute of limitations for criminal complaints vary based on the nature and degree of the conduct.

Please also be aware that Oregon law requires that individuals bringing claims against a public officer, employee or agent of a public body or a public body (e.g. the city) must first provide a notice of claims (often referred to as a Tort Claims Notice). Except as otherwise provided by ORS 30.275 (such as for minority, incompetency or other incapacity), the Tort Claims Notice must generally be provided within 180 days of the alleged loss or injury.

Covered individuals who want more information may contact the Oregon Bureau of Labor and Industries (<https://www.oregon.gov/boli>), local law enforcement, or contact an attorney of their choosing. The Oregon State Bar provides a referral service through which employees may be connected with attorneys. Information regarding this service can be found at: <https://www.osbar.org/public/ris/>.

### *Counseling & Support Services Available for Employees*

Employees who believe they need counseling or other support services are encouraged to use the city's Employee Assistance Program (EAP). Additional information on the EAP can be found on the IntraWeb. Additional counsel and support services are available for employees enrolled on one of the city's health plans. (An employee or other covered individual who is enrolled on a health plan not offered through the city should also consult their health plan.) The Community Resource Directory for Oregon and Southwest Washington may also have additional information to help connect you with counseling and other support services. More information can be found here: <https://www.211info.org/> and select find resources.

### *Questions?*

Employees or other covered individuals who have questions or concerns about the Equal



Employment Opportunity Policies are encouraged to contact their supervisor (or contract administrator), the Human Resources Director, or the Employee and Labor Relations Manager.

## **2.4 DISABILITY ACCOMMODATION**

Effective Date 1/1/04

Revised Date 2/1/10, 11/1/12, 3/15/13, 1/1/17, 1/1/20

The city is committed to ensuring equal opportunity in employment for qualified persons with disabilities.

### **A. Accommodations**

The city will make reasonable efforts to accommodate a qualified applicant or an employee with a known disability, unless to provide such accommodation creates an undue hardship on the operation of city business. (Reasonable accommodations are identified through the interactive process which is described below.)

Disability is defined as a physical or mental impairment that substantially limits one or more major life activities. Major life activities include the following: walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself, working, sitting, standing, lifting, reaching, thinking, concentrating, interacting with others, and sleeping.

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

For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities.

### **B. Pregnancy Accommodations**

The city is also committed to complying fully with state and federal pregnancy and disability accommodation laws for its employees who are covered by these laws. If an employee requires workplace modifications or other assistance to accommodate the employee's pregnancy (including but not limited to pregnancy, childbirth or a related medical condition, such as lactation) or disability, it is the employee's responsibility to contact the Human Resources Department to make sure they are aware of the employee's pregnancy or disability and also the employee's need for accommodation.

Reasonable accommodations may include obtaining or modifying equipment or devices, schedule modifications, and other job modifications that are intended to enable a pregnant or disabled employee to perform his/her essential job duties. (Reasonable accommodations are identified through the interactive process which is described below.)

### **C. Requesting an Accommodation**

An employee needing an accommodation should request it as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential functions of their classification. All requests for accommodation should be made with the Employee and Labor Relations Manager, who serves as the city's Title I ADA Coordinator.

**D. Interactive Process**

Once a request for accommodation is received, the ADA Coordinator (or another member of the Human Resources Department) will meet with the employee to start the interactive process. An employee requesting an accommodation is expected to cooperate with this process, including the city's requests for medical confirmation of their condition and the nature and extent of any job-related restrictions or limitations. At the outset of the interactive process, the employee should specify which essential functions of the employee's classification cannot be performed without a reasonable accommodation. From there, the ADA Coordinator will work with the employee and their supervisor to evaluate whether any reasonable accommodations exist to permit the employee to perform the essential functions of their classification without creating undue hardship for the city.

It should be noted that the city does not create positions that do not exist to accommodate employees. If, even after any required reasonable accommodation, an employee is unable to perform their essential job duties, the city will explore opportunities to place an employee who is disabled into other existing and available positions that are, with or without reasonable accommodation, suited to the employee's skills and limitations. If an employee feels that an accommodation is not effective for any reason, the employee should promptly notify the city's ADA Coordinator.

## **2.5 REPORTING IMPROPER OR UNLAWFUL CONDUCT – NO RETALIATION**

Effective Date 3/1/17

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

- A violation of any federal, Oregon, or local law, rules or regulations by the city;
- Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of the city;
- A substantial and specific danger to public health and safety resulting from actions of the city; 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 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.

### **A. Employee Reporting Options**

An employee who wishes to report potential improper or unlawful conduct should first talk to his or her supervisor or manager. If the employee is not comfortable speaking with their supervisor or manager, or is not satisfied with their response, the employee is encouraged to speak with Human Resources or the Mayor. Supervisors and managers are required to inform Human Resources about reports of improper or unlawful conduct they receive from employees.

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

If the city 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.

### **B. Additional Protection for Reporting Employees**

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

### **C. Policy Against Retaliation**

The city will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful.

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

This policy is not intended to protect an employee from the consequences of his or 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 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.

## 3. RECRUITMENT

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### 3.1 JOB POSTINGS

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 11/1/12

Revised Date 3/15/13

The City provides employees an opportunity to indicate their interest in open positions and to advance within the organization according to their skills and experience. Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the City organization. In general, notices of all regular, part-time and full-time job openings are posted within City buildings in order to facilitate notifying employees of job openings. Job announcements for regular positions are posted on departmental bulletin boards, in the Human Resources Department and on the Internet at [www.beavertonoregon.gov](http://www.beavertonoregon.gov) for the designated open application period.

Job postings normally remain open for at least two weeks. Each job posting notice will include the dates of the posting period, job title, salary range, department, location, job summary, essential duties, and qualifications (required skills and abilities).

Employees will be eligible for consideration for those posted jobs for which they possess the required experience, skills, competencies, and qualifications.

To apply for an open position, employees should submit a letter of interest and resume to the Human Resources Department. Generally, employees on probation will not be eligible to apply for internal position openings.

The City recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

When the selection process occurs during an internal applicant's work hours the applicant may participate in the process on City paid time. Internal applicants are expected to inform their supervisor that they are participating in a selection process for a position within the City.

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

Internal positions that are limited to interns, temporary and regular employees will be identified as such and not posted to the public. Applications will not be accepted from

the public at large for these positions. Volunteers currently working at the City will not be eligible to apply for positions that are limited to current employees only.

The City of Beaverton is committed to hiring veterans and gives preference in hiring to veterans who meet the qualifications of a job.

Represented employees should refer to the respective collective bargaining agreements for further information on this subject matter.

## **3.2 EMPLOYMENT APPLICATIONS**

Effective Date 1/1/04

The City of Beaverton relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Employment applications received by the City become the property of the City and will not be returned. Misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.



### **3.3 EMPLOYMENT REFERENCE CHECKS AND EMPLOYMENT VERIFICATION**

Effective Date 1/1/04

Revised Date 2/1/06

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

The City will verify employment of current and former employees. Verification may include position, dates of employment and salary. Employment verifications are handled through the Human Resources Department.

Only supervisors and/or Human Resources representatives are authorized to respond to outside employer reference check inquiries regarding former employees. Inquiries regarding current or former employees will be given only when the City is provided a signed release from the employee. Responses to employment reference checks will be based on the respondent's good faith assessment of the employee's job performance.

At the request of a current or former employee, a supervisor may consider writing a letter of reference. If the supervisor is agreeable to providing the letter, he/she will do so only after consulting with the Human Resources Business Partner.

### **3.4 PRE-EMPLOYMENT REQUIREMENTS**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Prior to employment, the City performs a criminal history records check. Prospective employees will be required to sign an authorization allowing the check to be conducted. A record of convictions or pending criminal court action may exclude the candidate from employment with the City. In addition, for positions that may require an employee to drive a City vehicle, a DMV records check will be required. Certain job classifications require a pre-employment drug screen (after receipt of a conditional offer of employment and prior to becoming an employee of the City).

Information obtained will be treated confidentially and only those with a need to know will be made aware of the results.

To help ensure that employees are able to perform their duties safely, medical examinations may be required for some job classifications. After an offer of employment has been made to an applicant for a position in one of these job classifications, a health professional of the City's choice will perform a medical examination at the City's expense. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam and appropriate medical clearance.

Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at the City's expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially in the Human Resources Department. Access to this information will be limited to those who have a legitimate need to know. It is the policy of the City of Beaverton to comply with the spirit and intent of the Health Insurance Portability Accountability Act (HIPAA).

## 4. EMPLOYMENT STATUS AND RECORDS

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### 4.1 EMPLOYMENT CATEGORIES

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

Revised Date 11/1/12

Revised Date 3/15/13

Revised Date 9/1/13

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

#### Non-exempt vs. Exempt

Each employee is designated as either non-exempt or exempt under federal and state wage and hour laws. Non-exempt employees are paid only for hours worked or for hours charged to approved and available leave. They are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. An employee's exempt or non-exempt classification may be changed only upon written notification by the City.

In addition to the above designation, each employee will belong to one of the following employment types:

#### Regular Full-Time

A regular full-time employee is a non-probationary employee who is regularly scheduled to work one of the City's full-time schedules. In general, the employee is eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit plan.

#### Regular Part-Time

A regular part-time employee is a non-probationary employee who is regularly scheduled to work less than a full-time work schedule. A regular part-time employee includes one who is scheduled a minimum of 20 hours per week, or is in a job-share situation. A regular part-time employee is eligible for some City benefits, subject to the terms, conditions, and limitations of each benefit plan.

#### Probationary

A probationary employee is an employee whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. An employee who satisfactorily completes the probationary period will be notified of a change of employment status to a regular employee. In

general, a probationary employee is eligible for most of the City's benefit package, subject to the terms, conditions, and limitations of each benefit program. See the Probationary Period Policy for more information regarding the probationary period.

### Temporary

A Temporary employee is an employee who is hired in an on-call capacity, as an interim replacement, to temporarily supplement the work force, to assist in the completion of a specific project, or who regularly works fewer than 20 hours per week. An employment assignment in this category is generally of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. While a Temporary employee receives all legally mandated benefits (such as workers' compensation insurance and Social Security), that employee is ineligible for most of the City's other benefit plans.

### Intern

The City provides internships to students who are participating in an on-the-job training program through an accredited school. The City and the school will enter into an agreement which defines the scope and duration of the internship. Employees hired as an Intern are not eligible for City-provided benefits.

Paid interns are considered to be in an employment relationship with the City for purposes of Oregon's laws protecting against unlawful employment practices. Employment protections to unpaid interns does not extend to violations of wage and hour, occupational safety and health, worker's compensation, unemployment laws, and Oregon's Family Leave Act.

The City of Beaverton has five employment categories that further define the status of employees.

### Beaverton Police Association (BPA)

Employees who are represented by the Beaverton Police Association are covered by the BPA collective bargaining agreement. BPA represented employees should refer to their collective bargaining agreement for further information on the terms and conditions of their employment. If there is a difference between this handbook and a BPA collective bargaining agreement clause, the BPA collective bargaining agreement provision governs.

### Service Employees International Union (SEIU)

Employees who are represented by the Service Employees International Union are covered by the SEIU collective bargaining agreement. SEIU represented employees should refer to their collective bargaining agreement for further information on the terms and conditions of their employment. If there is a difference between this handbook and an SEIU collective bargaining agreement clause, the SEIU collective bargaining agreement provision governs.

### Management 1 (M1)

M1 employees are executive management staff consisting of Department Heads, Chief Administrative Officer, and the Mayor. With the exception of the Mayor, employees in this category serve at the pleasure of the Mayor or Council and have individual employment agreements with the City. If there is a difference between this handbook and a respective employment agreement, then the employment agreement provision prevails.

### Management 2 (M2)

M2 employees are exempt professional employees and exempt first-line supervisors.

### Management 3 (M3)

M3 employees are non-exempt professional employees and non-exempt first line supervisors of non-exempt employees. This group also includes non-exempt administrative and support positions that are not represented by a collective bargaining unit.

## **4.2 PROBATIONARY PERIOD**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance to determine eligibility for regular status with the City.

Employees work on a probationary basis for the first six months after their date of hire. Time served as a Temporary employee or an Intern will not be credited toward the completion of the probationary period. Significant absence(s), typically more than one full pay period, may extend a probationary period by the length of the absence(s). If the City determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period up to three additional months.

Employees on probation are not entitled to the full set of rights and privileges applicable to regular employees. Specific exclusions vary between employment categories. Probationary employees generally do not have the right to grieve termination, apply for personal leaves of absence, or receive educational assistance. Management 1, 2 and 3 probationary employees specifically do not have these rights. Employees on probation can be terminated at any time for any reason, or for no reason, with or without cause or notice. Similarly, employees on probation may resign at any time with or without notice.

Upon satisfactory completion of the initial probationary period, employees enter "regular" employment status.

Employees who are promoted or transferred within the City must complete a secondary probationary period of six months with each reassignment to a new position. In cases of promotions or transfers within the City, an employee who, in the sole judgment of management, is not successful in the new position may be removed from that position at any time during the secondary probationary period. If this occurs, the employee may return to his/her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs. In the unlikely event that the former or comparable job is not available, the employee will be terminated. The employee will be placed on a recall list for the former or comparable position for 12 months. Benefits eligibility is not changed during the secondary probationary period that results from a promotion or transfer within the City.

Represented employees should refer to the respective collective bargaining agreements regarding this subject matter.

### **4.3 PERSONNEL FILES**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 11/1/12

Revised Date 3/15/13

The City maintains a personnel file for each employee. Personnel files are maintained in the Human Resources Office. The personnel file includes such information as the employee's job application, resume, documentation of performance, salary increases, and other employment records. A personnel file may be kept indefinitely, even after termination of employment.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only the employee, the employee's supervisor and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Human Resources Department. With reasonable advance notice, employees may review their own personnel files in the City's offices and in the presence of an individual appointed by the City to maintain the files.

Materials that may be construed to be derogatory toward the employee will not be filed in the personnel file without the employee's written acknowledgement. The signature of the employee will not be construed as agreement with the contents of the document, only recognition that the document exists and is being placed in the personnel file. An employee may include a written statement of explanation or rebuttal with any material placed in the file.

Information in the personnel files may be treated as exempt from public disclosure as provided in ORS Chapter 192. Information which cannot be treated as confidential under the law includes name, job title, salary, and dates of employment. Other information in the files may be subject to public disclosure by order of a court or tribunal of competent jurisdiction.

Medical records are stored in access protected folders, separate from master personnel files. Generally, employees "own" their medical information, which means that without the employee's permission, the City of Beaverton does not inform other employees of an individual's medical condition(s). It is the policy of the City of Beaverton to comply with the spirit and intent of the Health Insurance Portability Accountability Act (HIPAA).

The City of Beaverton stores background screening information in access protected files. This file is not considered part of the employee's personnel file, so it is not available to employees for review.

It is the responsibility of each employee to promptly notify the City of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times. If any personal data has changed, notify the Human Resources Department.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.



#### **4.4 RESIGNATION**

Effective Date 1/1/04

Revised Date 2/1/08

Resignation is a voluntary act by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two weeks' written resignation notice from all employees. Absent mitigating circumstances, such as resigning while on a leave of absence, resignation with less than two weeks' notice may be construed as not resigning in good standing.

Employees responsible for City property, materials, or written information issued to them or in their possession or control must return all City property on or before their last day of work.

## 4.5 LAYOFF

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 11/1/12

Revised Date 3/15/13

The City's goal is to assure that layoffs are handled consistently, equitably and in a manner that is dignified for the employees impacted, minimizes the City's financial and legal liabilities, and optimizes the continuing delivery of City services.

A layoff is defined as a reduction in hours or the termination of an employee due to the elimination of a position. Hours may be reduced or a position may be eliminated as part of a reorganization, elimination or contracting out of a program or service, lack of work or funds, or other reasons. Layoff may not be utilized as an alternative to a disciplinary termination or demotion of an employee.

### Procedures for Selection of Employees

In the event of a layoff, the Department Head, subject to review and approval by the Mayor, will identify the number of positions, by classification, to be affected.

Following identification of the positions to be affected, the Department Head will identify the employees who will be impacted. In selecting employees, the Department Head may consider any or all of the following factors, and will review the criteria with Human Resources.

- "Merit," defined as the employee's qualifications and demonstrated performance in current or related classifications and/or the employee's ability to perform effectively in the remaining position(s).
- "Seniority" in the employee's current classification
- "Seniority," defined as the employee's total length of regular continuous service with the City. Where required by the applicable collective bargaining agreement, seniority will be the controlling factor in selecting employees for layoff.

### Guidelines for Application of Merit and Seniority Considerations

Assessment of merit should be based upon documented qualifications and performance as reflected in the employee's experience, education and performance records. Assessments that are not supported by documented considerations such as these will be reviewed with Human Resources.

In cases where merit is relatively equal:

- The ability to perform effectively in the position for which the employee is being considered should take precedence over performance in past assignments.
- Seniority should take precedence over other remaining factors.
- Seniority in the affected classification should take precedence over City-wide seniority.

### Reassignment

Employees identified for layoff pursuant to the procedures above may be considered for reassignment to other positions according to the following options. Generally, the second option will be pursued only if the first option does not result in a position being available.

1. Vacant positions in the employee's current department.
2. Vacant positions in other City departments.

In all cases the employee must be qualified for the position in question. For the purposes of this section, qualified means meeting the qualifications listed on the classification specification and possessing any special qualifications required for performance of the particular position.

Positions to be filled by employees on notice of layoff or by employees being recalled are exempt from posting unless required by the collective bargaining agreement.

### Notification of Layoff

Employees identified for layoff will be provided fifteen calendar days' notice of layoff, pay in lieu of notice or a combination thereof. The notice will specify the employee's potential options and rights to reassignment. Employees requesting reassignment to a vacant position must notify the City in writing within five calendar days from notice of layoff.

### Recall

Employees whose hours are reduced, who are laid off, or demoted in lieu of layoff will be placed on recall lists for the classification from which laid off in order of seniority for a period of one year from the effective date of the layoff.

When a recall list is established, available positions will be offered to qualified former employees on the recall list prior to being posted and filled from other sources, with the exception of employees transferring from within the same classification. The determination as to whether a former employee on a recall list is qualified will be based on the criteria identified under the reassignment procedures.

Former employees who refuse or fail to respond to an offer of employment in their former classification within five calendar days of the receipt of the offer or who the City is unable to contact due to failure to notify the City of their current address will forfeit their recall rights and be removed from the list.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **4.6 TERMINATION**

Effective Date 1/1/04

Revised Date 2/1/06

Termination of employment is a normal part of personnel activity within an organization and a variety of reasons exist for ending the employment relationship. Most reasons for termination are routine.

Non-represented employees may be terminated for cause. Cause is determined at the discretion of the City, but includes the following:

- Violation of any rules, regulations, policies or procedures, including the policies and procedures set forth in this Employee Handbook.
- Inability to perform the duties of the job (after notice of the deficiencies and an opportunity to improve).
- Any action against the best interest of the City, its employees or its citizens.

An exit interview will normally be scheduled with a Human Resources representative at the time of employment termination. The exit interview will afford the employee an opportunity to discuss a variety of issues such as employee benefits, conversion privileges, or return of City-owned property. Suggestions, complaints, and questions may also be voiced during an exit interview.

A terminating employee will receive final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid as part of the final paycheck. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Accrued paid leave may not be used to extend the date of termination. The effective date of termination will be the last day actually worked by the employee unless the employee terminates while on leave of absence. The date of termination for an employee on a leave of absence will be the date of notification.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## 5. BENEFITS

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### 5.1 HEALTH INSURANCE

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

The City's health insurance plans provide employees and their dependents access to medical, dental, and vision care insurance benefits. All regular and probationary employees are eligible to participate in a health insurance plan after a waiting period. Part-time and job-share employees participate on a pro-rated basis.

Medical and vision insurance become effective on the first of the month following the date of hire. For example, an employee hired on the fifteenth of March would begin coverage on the first of April.

Dental insurance is effective on the first day of the month following 90 days of employment. The employee used in the example above would begin dental insurance coverage effective the first of July.

Employees enrolled in a health insurance plan can change plans or add dependents during the annual open enrollment period. The effective date for changes made during open enrollment is July 1<sup>st</sup>.

A change in employment status that would result in loss of eligibility to participate in the health insurance plan may qualify an employee or dependent for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Contact Human Resources or refer to the Benefits Continuation (COBRA) section for more information.

An employee who retires from the City may choose to continue to participate in the City's health insurance plan. The premium is fully paid by the retiree. Upon becoming eligible for Medicare, retirees may no longer be covered by a City plan.

As the City provides a choice of health insurance plans, any questions regarding the plans, coverage, cost and eligibility should be directed to the Human Resources Benefit Representative or other Human Resources representative.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **5.2 FLEXIBLE SPENDING ACCOUNT (FSA)**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

The City provides a Flexible Spending Account (FSA) program that allows regular and probationary employees to have pre-tax dollars deducted from their salaries to pay for any eligible out-of-pocket medical and dental expenses and dependent care expenses. The pre-tax contributions made to the FSA may be used to pay for non-reimbursed health care expenses and dependent care expenses during the plan year. Through the FSA program, an employee can reduce his/her taxable income without reducing real income, keeping more of the money earned.

Any employee share of health care premiums will be automatically deducted on a pre-tax basis under the FSA. Additional participation in the Health Care and/or Dependent Care FSA for out-of-pocket expenses is optional and determined on an annual basis for the plan year which is the calendar year. A participating employee must enroll for each plan year. Each participating employee will determine how much to contribute to the account, up to a specified maximum, based on what the employee anticipates expenses will be during the plan year. Contributions are directed to the account through salary reduction on a pre-tax basis. This tax-free money is then available to a participating employee for reimbursement of out-of-pocket expenses. Since the amounts in an employee account may only be used to offset eligible costs incurred during the plan year, the employee should take care not to over-fund the account. Unused account balances will be forfeited. Employees will have ninety days from the end of the plan year to request reimbursement for eligible expenses.

Open enrollment for participation in the FSA occurs annually in November and December. The effective date is January 1<sup>st</sup>.

Employees can visit the FSA website ([www.benefithelp solutions.com](http://www.benefithelp solutions.com)) to check on expenses which are eligible for reimbursement.

FSA coverage for employees leaving the City's employment ends as of the date of termination. However, terminating employees with balances remaining in an FSA account may elect to continue coverage through COBRA (see Benefits Continuation section). If you choose not to continue your participation in the flexible spending account plan under COBRA, you will not be able to make any more pre-tax contributions to the plan. Any funds remaining in your account(s) are available for reimbursement for expenses incurred through the end of the month in which your separation occurs. Expenses incurred during the month of your separation date are eligible for reimbursement. You have until December 31 of the year in which your separation occurs to submit claims, but only for claims for services incurred through the end of the month of your separation date.

Contact the Human Resources Department for more information on the Flexible Spending Account program and to obtain enrollment and reimbursement forms and worksheets with examples of reimbursable and non-reimbursable expenses.

### **5.3 BENEFITS CONTINUATION (COBRA)**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are termination of employment, death of an employee, an unpaid leave of absence, an employee's divorce or legal separation, and dependent children no longer meeting eligibility requirements.

Under COBRA, the employee or dependent pays the full cost of coverage at the City's group rates plus a 2% administration fee. The City provides each eligible employee or dependent with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about rights and obligations under COBRA.

Because COBRA applies to any dependents who are covered under the employee's plan, it is the employee's responsibility to inform the Human Resources Department of any qualifying conditions, such as divorce, that are not related to the employee's employment.

Under COBRA, terminating employees with FSA account balances may elect to continue coverage through the end of the plan year.

Contact the Human Resources Department for more specific information should you or your dependent(s) wish to continue health insurance under this provision.



## **5.4 LIFE INSURANCE**

Effective Date 1/1/04

Revised Date 2/1/10

Life insurance offers the employee and his/her family important financial protection. The City provides a basic life insurance plan for regular and probationary employees.

Additional supplemental life insurance coverage may also be purchased by the employee for themselves and their dependents if desired. Eligibility for additional life insurance may be subject to approval by the insurance carrier.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

Contact the Human Resources Department for more information about life insurance benefits.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **5.5 LONG-TERM DISABILITY (LTD)**

Effective Date 1/1/04

Revised Date 2/1/06

The City provides a long-term disability (LTD) benefits plan to help eligible employees cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure continuing income for employees who are disabled and unable to work. All regular and probationary employees participate in the LTD plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

Details of the LTD benefits plan including benefit amounts, limitations and restrictions are available in the Human Resources Department.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **5.6 SHORT-TERM DISABILITY (STD)**

Effective Date 2/1/10

The City offers a voluntary short-term disability (STD) benefit plan to eligible employees. STD helps covered employees to bridge the gap between the date of disability and the 90-day waiting period required before long-term disability coverage begins. The STD plan provides coverage for a three-month period only. The elimination period and the amount of coverage are chosen by the employee (subject to income requirements). STD is an employee-paid, after-tax benefit.

Details of the STD benefit plan including benefit amounts, limitations and restrictions are available in the Human Resources Department.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **5.7 ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D)**

Effective Date 1/1/04

Revised Date 2/1/06

In addition to basic life insurance coverage, the City provides an Accidental Death and Dismemberment (AD&D) policy to all regular and probationary employees. This policy provides additional financial protection in the event of accidental death or dismemberment as defined in the policy. Eligible employees participate in the AD&D plan subject to all terms and conditions of the agreement between the City and the insurance carrier. Additional supplemental AD&D insurance coverage may also be purchased by the employee for themselves and their dependents, if desired.

Contact Human Resources for more information about AD&D.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **5.8 WORKERS' COMPENSATION INSURANCE**

Effective Date 1/1/04

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

The City provides medical and salary continuation benefits to its employees, including Interns and Temporary employees when they are injured or become ill in the course and scope of their City duties. The City is self-insured for its financial obligations arising from employee injury or illness.

An employee who sustains a work-related injury or illness should inform his/her supervisor immediately and the Risk and Safety Officer as soon as possible. Employees and their supervisor must complete an accident report as well as the 801 packet in accordance with the City's Accident/Incident/Injury Reporting Policy. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## 5.9 PAID TIME OFF (PTO)

Effective Date 1/1/04

Revised Dates 2/1/06, 2/1/08, 2/1/10, 2/15/13, 2/1/14, 1/1/16, 8/10/16

### A. Defined

Paid Time Off (PTO) is provided by the city to management and SEIU represented employees in order to maintain the employee's salary while on approved time off from work, subject to the employee's available balance. Employees may use PTO for vacation or for any qualifying absences under OFLA/FMLA or domestic violence leave laws, and as otherwise required by law. PTO leave will be paid at the employee's regular straight time rate only for the number of hours the employee would have worked. PTO leave, only when pre-approved and used for other than illness or injury will count as hours worked for purposes of determining eligibility for overtime compensation.

BPA represented employees do not accrue PTO and instead, they should refer to the sick and vacation leave sections of this handbook and the BPA collective bargaining agreement (particularly Articles 10 and 15) for information on this subject matter.

SEIU represented employees should consult their collective bargaining agreement (particularly Article 14) regarding eligibility, rate of accrual and other information regarding PTO.

### B. Rates of Accrual

Eligible full-time regular employees and probationary full-time employees accrue PTO according to the schedule below based on paid regular hours. Eligible part-time regular and part-time probationary employees accrue PTO on a pro-rata basis based on paid regular hours.

#### *Management 1*

<u>Length of Eligible Service</u>	<u>Minimum Hours Accrued Per 80 Hour Pay Period</u>
0 through 6 months	2.46
7 months up to 4 years	7.39
4 years up to 9 years	8.31
9 years up to 15 years	9.23
15 years up to 20 years	9.54
20 years up to 25 years	10.46
25 years and over	11.38

At the Mayor's discretion, M1 employees may be placed at any of the above accrual rates up to the maximum accrual level for paid time off (currently 11.38 hours per 80 hour pay period), regardless of their length of eligible service.

### *Management 2 and 3*

<u>Length of Eligible Service</u>	<u>Hours Accrued Per 80 Hour Pay Period</u>
0 through 6 months	2.46
7 months up to 5 years	6.15
5 years up to 10 years	7.69
10 years up to 15 years	8.62
15 years up to 20 years	9.54
20 years up to 25 years	10.46
25 years and over	11.38

Upon the completion of their initial six months, an employee will be credited with the difference in PTO hours had the employee been accruing PTO at the 7 months accrual rate from their date of hire.

The length of eligible service is calculated on the basis of a "benefit year." A benefit year is the 12-month period that begins when the employee starts to earn PTO. Except for a military leave of absence or absences covered by protected leave laws, an employee's benefit year will be extended for an unpaid leave of absence of 60 consecutive days or more. (See Leaves of Absence policies for more information.)

For an employee who resigns from the city in good standing and is rehired within one year, the city may choose at the time of rehire to credit the employee with some or all of the prior length of eligible service for the purpose of determining appropriate accrual rates. The decision to add prior service credit requires approval by the Department Head and Human Resources Director at the time the employee is rehired.

#### **C. Use of PTO for Scheduled Absences**

To schedule planned PTO, employees must request advance approval from their supervisor. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

#### **D. Use of PTO for Unscheduled Absences**

In the event of an unscheduled absence from work, the employee shall notify the Department Head or supervisor as soon as possible of the absence and the expected length thereof. Unless otherwise provided by law, notice should be given no later than 30 minutes before the scheduled work shift. The direct supervisor should also be contacted on each additional day of unexpected absence.

#### **E. Proof of Illness**

A physician's statement of the need for the employee's absence may be required if the employee has been absent more than three (3) consecutively scheduled workdays due to the employee's illness or injury. The physician's statement, if required, will be paid for by the city in the event the employee's health insurance does not cover the cost.

**F. Payment for Accrued PTO Leave**

An employee may elect to be paid for accrued PTO leave according to the following criteria and conditions:

1. The employee must have at least 120 hours of accrued PTO leave prior to cashing out. The 120 hours will be pro-rated for part-time employees, for example, a .5 FTE must have 60 hours of accrued PTO leave.
2. The employee must be scheduled to take an amount of PTO leave equal to or greater than that cashed out within 30 days of the receipt of the payment.
3. The maximum that can be converted to cash is one third of the accumulated balance but in no event more than 80 hours (pro-rated for part-time employees) in any fiscal year.

The following examples are offered for illustration:

	Ex A	Ex B	Ex C	Ex D
Accrued Hours (min. 120)	96	168	240	280
Allowable Cash In (1/3)	none	56	80	80
Must Take = Amt of PTO	N/A	56	80	80

**G. Maximum PTO Leave Accrual**

Employees shall be allowed to accumulate accrued PTO leave up to a maximum of two times (2.0) the annual accrual rate; e.g. an employee earning 200 hours per year may accumulate up to 400 hours of PTO leave. Employees are expected to schedule vacation as necessary to maintain a balance within the above limitations. When unforeseen circumstances or the staffing requirements of the city do not permit the scheduling of vacation in order to reduce the balance, accruals beyond the maximum will be granted for a maximum of ninety (90) days following the date on which the maximum accumulation was reached. Such extensions require submitting a "Vacation/PTO Extension" personnel action notice and receiving the approval of the Department Head and Human Resources Director prior to reaching the maximum accrual allowed. Retroactive requests for extensions will not be permitted.

**H. Payment at Separation**

All employees shall be entitled to payment for any unused accrued PTO leave upon separation from city service. In the event of a death, the employee's heirs will be entitled to payment for unused PTO leave.



## **5.10 MEDICAL LEAVE**

Effective Date 1/1/04

Revised Date 2/1/06, 2/1/08, 2/1/10, 3/15/13, 1/1/16, 8/10/16

### **A. Defined**

Medical Leave is a paid time off policy for management and SEIU represented employees to use for illness or injury. The city provides Medical Leave in order to maintain the employee's salary when unable to work due to illness or injury and as otherwise provided under the Oregon Sick Time law, subject to the employee's available balance. Medical Leave does not count as hours worked for purposes of determining eligibility for overtime compensation.

BPA represented employees do not accrue medical leave and instead, they should refer to the sick leave section of this handbook and the BPA collective bargaining agreement (particularly Article 10) for information on this subject matter.

SEIU represented employees should consult their collective bargaining agreement (particularly Article 17) regarding eligibility, amount front-loaded and other information regarding Medical Leave.

### **B. Qualification and Front-Loaded Amount**

Employees shall receive the following front-loaded amounts of Medical Leave:

1. Employees budgeted at .75 FTE to 1.0 FTE will receive an annual front-loaded amount of 52 hours of Medical Leave on January 1. This amount is equivalent to 2.00 hour per pay period or 6.5 days per year.
2. Employees budgeted at .40 FTE to .74 FTE will receive an annual front-loaded amount of 40 hours of Medical Leave on January 1.
3. Employees hired during the calendar year, whose positions are budgeted at .40 FTE to .74 FTE, will receive a front-loaded amount of 40 hours of Medical Leave, which they may use after 30 days of employment.
4. Employees hired during the calendar year, whose positions are budgeted at .75 FTE to 1.0 FTE, will receive a front-loaded amount of 52 hours of Medical Leave, which they may use after 30 days of employment.
5. Temporary employees will accrue Medical Leave at a rate of one and a third hours (1.33) for every 40 hours worked and may use such accrued leave after 30 days of employment for illness or injury and as otherwise provided under the Oregon Sick Time law.

Medical Leave accumulation is unlimited.

Upon separation of employment, an employee is not entitled to be paid out for Medical Leave. However, an employee who is reemployed by the city after separating shall have their sick leave restored in accordance with state law.

### **C. Qualifying Absences**

Employees may use Medical Leave for the following purposes:

- Qualifying absences under the Oregon Sick Time law (up to 40 hours per year);
- Qualifying absences under OFLA/FMLA, domestic violence leave laws, or as otherwise provided by law;
- Other illness or injury of the employee or the employee's "family member" if the employee's presence is needed for care. "Family member" shall have the same meaning as under OFLA and shall also include the employee's siblings, opposite-gender domestic partner and any other relatives or dependents who are domiciled in the employee's household;
- Bereavement leave in excess of the paid bereavement leave provided by the city under section 6.3;

An employee's use of Medical Leave to care for a domestic partner is subject to the submission of the domestic partner affidavit. Contact Human Resources to request an affidavit.

### **D. Use of Medical Leave**

In the event of an unscheduled absence from work, the employee shall notify the Department Head or supervisor as soon as possible of the absence and the expected length thereof. Unless otherwise provided by law, notice should be given no later than 30 minutes before the scheduled work shift. The direct supervisor should also be contacted on each additional day of unexpected absence.

### **E. Proof of Illness**

A physician's statement of the need for the employee's absence may be required if the employee has been absent more than three (3) consecutively scheduled workdays due to illness or injury for either the employee or a family member. The physician's statement, if required, will be paid for by the city in the event the employee's health insurance does not cover the cost.

### **F. Make-Up Time**

Employees are encouraged to make routine medical appointments outside of regular work hours whenever possible. With supervisor approval, employees may be permitted, at the employee's request, to make up some or all of the time required for routine medical appointments provided there is a business need. The absence must be made up within the pay week during which the appointment occurred. An employee's request to make up time shall not be unreasonably denied.

### **G. Conversion of Medical Leave**

Medical Leave may not be cashed in for money or donated to a co-worker. Medical Leave may only be converted to some other form of benefit in the following circumstances:

1. Regular employees (budgeted at .75 FTE to 1.0 FTE) who have a Medical Leave balance of 514 hours or more may choose to convert up to 12 of the 52 front-

loaded hours of Medical Leave received on January 1, into Paid Time Off (PTO). This one-time per year election must be made by January 31. The conversion will be completed in February.

2. In accordance with state law, upon retirement, the value of the Medical Leave will be reported to PERS to be considered in the employee's retirement if such benefit is available. Refer to the PERS handbook for more information regarding this benefit.

## **5.11 VACATION LEAVE**

Effective Date 1/1/04

SEIU represented employees and Management employees should refer to the Paid Time Off policy.

Vacation time off with pay is available to BPA represented employees only. The BPA collective bargaining agreement details the eligibility requirements, rate of accrual, vacation cash-in and other important information.

## **5.12 SICK LEAVE**

Effective Date 1/1/04

SEIU represented employees and management employees should refer to the Paid Time Off and Medical Leave policies.

The City provides paid sick leave benefits to all BPA represented employees for periods of temporary absence due to illness or injury. For details regarding eligibility, rates of accrual and other information, refer to the BPA collective bargaining agreement.

Sick leave may not be cashed in or donated to a co-worker. In accordance with state law, upon retirement, the value of the Sick Leave account will be reported to PERS to be considered in the employee's retirement if such benefit is available. Refer to the PERS handbook for more information regarding this benefit.

## **5.13 HOLIDAYS**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

Revised Date 3/15/13

The City will grant holiday time off to all eligible regular and probationary employees, as well as temporary employees who have worked over 520 consecutive compensated hours (no break in service), on the holidays listed below:

New Year's Day (January 1)  
Martin Luther King, Jr. Day (third Monday in January)  
Presidents' Day (third Monday in February)  
Memorial Day (last Monday in May)  
Independence Day (July 4)  
Labor Day (first Monday in September)  
Veterans' Day (November 11)  
Thanksgiving (fourth Thursday in November)  
Day after Thanksgiving  
Christmas (December 25)

A full-time employee will receive eight hours pay for each observed holiday regardless of the hours scheduled to work. Employees on an alternate work schedule may use PTO (or vacation for BPA represented employees), comp time, or a modified work schedule to make up time beyond eight hours if necessary.

Regular employees who separate and are re-hired as temporary (on-call) employees within 30 days of separation will be eligible to receive holiday pay. To be eligible for holiday pay, an employee must be actively employed, and in a paid status, on the last scheduled work day immediately preceding and the first scheduled work day immediately following the holiday (unless the employee was not in paid status due to inclement weather).

A part-time employee will receive a pro-rated benefit based upon budgeted FTE (full time equivalent) up to 71 hours at which time they would receive eight hours, i.e. a half time employee will receive four hours regardless of the number of hours they would be scheduled to work. PTO (or vacation for BPA represented employees), comp time, or a modified work schedule may be used to make up any difference in hours.

An eligible temporary employee will receive holiday pay when they have worked in any pay period in which a holiday occurs. The number of holiday hours paid will be pro-rated based on the average hours worked during the holiday pay period. This equates to 10% of the actual hours worked per holiday. For example, an eligible temporary employee working 40 hours during a pay period in which there was a holiday would receive 4 hours of holiday pay.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. Library SEIU represented employees should refer to their collective bargaining agreement on this subject matter.

If a recognized holiday falls during an eligible employee's paid absence (such as PTO, vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. An employee who is on an unpaid leave of absence will not be eligible to receive holiday pay.

Management 3 employees who work on an observed holiday will receive straight time pay for hours worked and will be given another day off with pay during the pay period in which the holiday occurs. When a holiday falls on a Management 3 employee's day off, the employee may take a different day off during the pay period.

Holiday pay will be counted as hours worked for the purposes of determining overtime eligibility.

Represented employees should refer to the respective collective bargaining agreements regarding this subject matter.

## **5.14 LEAVE DONATION**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 3/15/13

The City will allow employees to transfer accumulated PTO, vacation, compensatory time and holiday leave (BPA employees only) to a co-worker with a serious injury or illness who has exhausted all accumulated leave. Leave may also be donated to an employee who is caring for a seriously ill family member and has exhausted all accumulated leave. The receiving employee must have one year of service with the City and have no documented history of abuse of leave for unscheduled absences. An employee may use donated leave for a condition for a maximum of six calendar months.

Employees on leave due to the birth or adoption of a child are generally not eligible to receive leave donations; however, an employee who is the spouse or partner of an employee on parental leave may choose to donate leave once the employee's accumulated leave has been exhausted.

An employee called to active military duty who has exhausted all available leave is eligible to use donated leave for a maximum of six calendar months. .

Once the employee has exhausted all donated leave and entered into unpaid status, leave donations will no longer be accepted.

Hours of leave donated from co-workers will be converted into a dollar amount and then applied to the donee's account at his/her hourly rate.

Any requests for leave donation must be made through the Human Resources Department. All communication regarding leave donations will be made by Human Resources.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.



## **5.15 RETIREMENT**

Effective Date 1/1/04

Revised Date 2/1/06

The City participates in the Oregon Public Employees Retirement System (PERS) and the Oregon Public Service Retirement Plan (OPSRP). Employees hired prior to August 29, 2003 are covered by PERS, while employees hired on or after August 29, 2003 are covered by OPSRP. To be eligible for either plan an employee must have worked more than six months in a position requiring 600 hours or more of work a year. Employees will become fully vested upon meeting the requirements of the plan that applies to them. Employees who separate from service before vesting will forfeit all accrued benefits except for amounts contributed to their member or individual accounts, as provided by the applicable plan.

The City currently makes two contributions toward the employee's retirement benefit. One is a mandated employer contribution, which is currently determined by actuarial review. The City also currently makes a second contribution "picking up" the cost of the contribution that employees are required to make, currently six percent of salary, to their member or individual accounts.

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

For more details, refer to the PERS or OPSRP Handbook, the PERS website at [www.oregon.gov/PERS/](http://www.oregon.gov/PERS/) or other official sources of information.

Represented employees should refer to the respective collective bargaining agreements for further information on this subject matter.

## **5.16 DEFERRED COMPENSATION**

Effective Date 1/1/04 Revised

Date 2/1/06

The City offers a qualified IRS Section 457 Deferred Compensation Plan (a retirement savings plan using pre-tax dollars) as a payroll deduction.

The City has contracted with a plan provider to offer assistance and advice to employees who choose to participate in the Deferred Compensation Plan. Contact the Human Resources Department for more information or to obtain the phone number of the deferred compensation plan provider to schedule an appointment.

## **5.17 WELLNESS PROGRAM**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

The City is interested in the health and well-being of its employees and is committed to providing wellness opportunities that positively impact employee health and serve to educate employees about making choices that contribute to healthy lifestyles. The Wellness Committee develops educational materials and coordinates activities and events in accordance with its mission:

The Wellness Program educates, supports, and empowers staff, dependents, and retirees to improve and maintain their overall health and well-being through healthy lifestyle choices. The Wellness Committee offers wellness education through seminars, workshops, courses, and special events, including exercise and dietary programs.

The Wellness Committee is comprised of management and represented employees from several City departments. A variety of programs are offered to employees including fitness programs, cholesterol screening events, newsletters, and seminars.

## **5.18 EMPLOYEE COMMUTE OPTIONS**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

The City recognizes that traffic congestion contributes to air pollution and energy waste. To help reduce congestion and greenhouse gases and improve air quality, the City encourages employee commute options. Finding alternatives for driving alone to work benefits both employees and the environment.

If at all possible, walking or bicycling to work are the healthiest commute options. These options also have the greatest impact on reducing traffic and the cost of commuting. A limited number of bicycle storage lockers are provided through the Human Resources Department to give employees a secure and convenient place to store their bicycles.

Public transportation is a commute option that reduces traffic and air pollution. Transit riders eliminate the stress of driving and may even have time to read, sleep, or write while commuting. To encourage and support the use of public transportation, free annual transit passes are available through the Human Resources Department to regular and probationary employees who meet the eligibility requirements.

Carpooling is a convenient option that saves money on commute costs, reduces the stress of driving every day in traffic, and encourages communication with co-workers. A carpool consists of two or more individuals who share a ride to work. The number of riders may vary, the days the carpool operates may change, the drivers may rotate, and riders may share expenses. The ride sharers determine the rules. Conveniently located parking places are reserved for employees who carpool. The City's Employee Transportation Coordinator can provide assistance in locating a carpool partner.

The City, through TriMet, also provides a guaranteed ride home program for cyclists, walkers, ride sharers in a qualified carpool or employees who use public transportation. Such rides are available in case of an emergency or having to work late.

City vehicles are available for employees to use for business purposes. They can be reserved through the Police Records Division. Employees with transit passes are encouraged to take transit whenever possible.

Contact the Human Resources Department for more information and assistance with employee commute options.

## **5.19 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

The City recognizes that a variety of situations can affect the personal and professional lives of its employees. Through the Employee Assistance Program (EAP), City employees have access to the following kinds of professional services: family concerns; career changes; life crises related to death, divorce, illness and other major events; personal pressures; alcohol and drug problems; relationship conflicts; financial and legal concerns; and parenting and child care issues. All regular City employees, their dependents and/or household members may use the EAP which offers problem assessment, short-term counseling, and referral to appropriate community and private services. Information regarding how to contact the EAP is posted on employee bulletin boards or may be obtained through the Human Resources Department.

The EAP is designed to safeguard each employee's privacy and rights. Information given to the EAP counselor by an employee may be released only if authorized, in writing, by the employee. Personal information concerning employee participation in the EAP is maintained in a confidential manner by the EAP provider. Without a signed authorization by the employee, no information related to an employee's participation in the program is available to the City. At no time is information related to an employee's participation entered into the personnel file.

There is no cost for an employee to consult with an EAP counselor. If more extensive counseling is necessary, the EAP counselor will outline available community and private services. Each employee is responsible for any costs associated with such referrals not covered by the existing health insurance plan.

## **5.20 EDUCATIONAL ASSISTANCE**

Effective Date 1/1/04

Effective Date 1/15/13

The City recognizes that the skills and knowledge of employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that an employee can maintain and improve job-related skills or enhance the ability to compete for reasonably attainable jobs within the City.

Requests for educational assistance should be submitted by January of the prior fiscal year for funding for reimbursement to be guaranteed if all criteria are met. Requests not submitted by January will be reimbursed only if there are funds available. Reimbursement will be made to the employee provided that the employee has completed one year of service with the City, the employee has submitted the request for educational assistance prior to the registration deadline for the course and the employee submits evidence showing satisfactory completion of the course. Additionally, the employee must remain on the active payroll and be performing their job satisfactorily through completion of each course. The Department Head and Human Resources must approve each request for educational assistance prior to the registration deadline for the course. Tuition may not be reimbursed in those instances where prior approval was not obtained.

Individual courses should be related to the employee's current job duties or a foreseeable future position in the organization in order to be eligible for educational assistance. The City has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position.

While educational assistance is expected to enhance an employee's performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or to pay increases.

The maximum reimbursement authorized will be equivalent to the credit hour rate for comparable term credits at Portland Community College for 100 and 200 level courses and at Portland State University undergraduate rates for 300 level and above courses, including graduate level courses. Reimbursement will include the cost of instructional fees, lab fees and textbooks required for the completion of the course. The City will not reimburse for other charges such as student fees, course supplies, parking fees, suggested reading materials or any other non-instructional fees or expenses.

Regular part-time employees are eligible for reimbursement equal to the proportion of part-time work to full-time work. For example, an eligible 20-hour employee would be reimbursed for 50% of the tuition.

Employees should contact the Human Resources Department for more information or questions about educational assistance.

Represented employees should refer to the respective collective bargaining agreements for further information on this subject matter.

## 6. LEAVES OF ABSENCE

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### 6.1 FAMILY AND MEDICAL LEAVE

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

Revised Date 9/1/13

It is the City of Beaverton's policy to provide a leave of absence to its employees in order for them to meet family health and parental obligations, and to tend to their own serious health conditions. The City provides eligible employees with family, parental and medical leaves of absence consistent with the Oregon Family Leave Act (OFLA) and the Federal Family and Medical Leave Act of 1993 (FMLA). The Human Resources Department administers and tracks the process by which employees request and receive leaves of absence.

#### Eligibility

The City will provide eligible employees up to 12 weeks of leave per year for Family and Medical Leave ("FML"). This policy will not be interpreted to expand or contract an employee's rights under state and federal Family and Medical Leave laws. The applicable law will govern issues not addressed in this policy.

**FMLA Federal Minimum Eligibility Requirements:** The employee must have been employed at least 12 months and worked at least 1,250 hours during the 12 month period prior to the time leave would begin under this policy. The City will make the eligibility determination at the time of the leave request or, in the case of leave designation by the City in the absence of an employee's request, at the time of such designation.

**OFLA State Minimum Eligibility Requirements:** For parental leave, the employee must have been employed with the City at least 180 days prior to the time the leave would begin under this policy. For all other types of leave, including pregnancy disability leave, the employee must have worked for an average of at least 25 hours per week during the 180 calendar days immediately preceding the date leave begins.

#### Reasons for Leave

Leave will be granted or designated for an employee for any of the following reasons:

- To care for a child after the birth or placement for adoption or foster care ("parental leave");
- To arrange for an adoption or the placement of a foster child;
- To care for a family member with a serious health condition;



- For a serious health condition that makes the employee unable to perform one or more essential functions of his/her job;
- Under OFLA, to care for a child of the employee who is suffering from an illness, injury or condition that is not a serious health condition but requires home care, and for which no other family member is available to provide care (“sick child care”);
- Attend the funeral (or funeral alternative) of a family member;
- Make arrangements necessitated by the death of a family member; or
- Grieve the death of a family member.

### Duration of Leave

Employees are entitled to up to 12 weeks of continuous or intermittent family leave in a rolling 12-month period. An employee is entitled to take a maximum of two weeks of bereavement leave per death of a family member, up to a maximum of 12 weeks per year. The rolling 12-month period is the 12 months immediately preceding the requested leave

An employee requesting parental leave under FMLA/OFLA will be required to take the leave in one uninterrupted period. On a case-by-case basis, based upon the business needs of the department and at the discretion of the Department Head, an exception may be considered to this requirement.

Under OFLA, female employees may take up to an additional 12 weeks of leave within a rolling 12 month period for a condition related to pregnancy or childbirth.

Under OFLA, an employee who takes 12 weeks of leave within a rolling 12 month period to care for a newborn or newly adopted or foster child may take up to 12 additional weeks for “sick child care”.

### Definitions

A family member is:

- A spouse: A husband or wife as defined in accordance with the state law.
- A domestic partner, if an affidavit is completed and on file.
- A son or daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability.”
- A parent: A biological parent or someone who had the day-to-day responsibilities to care for and financially support the employee when the employee was a child. For OFLA eligibility, a parent includes a parent-in-law.
- A grandparent or grandchild: Under OFLA law, a grandparent or grandchild is considered a family member.

A “serious health condition” is an illness, injury, impairment or physical or mental condition of an employee or family member:

- That requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home. When a family member resides in a long-term residential care facility, leave will apply only to:
  - Transition period spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
  - Transportation or other assistance required for a family member to obtain care from a physician; or
  - Serious health conditions as described in this policy;
- That poses an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
- That requires constant or continuing care such as home care administered by a health care professional;
- That involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
  - Two or more treatments by a health care provider;
  - One treatment plus a regimen of continuing care; or
  - Any period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
- That involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;
- That involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis, or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
- That involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

Leave Request, Leave Designation

Employees may request Family and Medical Leave (FML) by completing the City's Employee Request/Designation of Family and Medical Leave form that can be found on the City's IntraWeb under Forms & Templates, HR/Risk Management forms. These forms are to be completed, signed by the employee and forwarded to the Human Resources Department.

Requests should be submitted in writing at least 30 days prior to the beginning of the leave period, or as soon as practicable. Failure to provide the required notice

for a foreseeable leave under FMLA may delay the taking of leave until 30 days after the written request is submitted, or reduce the employee's annual leave entitlement by up to three weeks.

An employee who is unable to submit a written request for FMLA in advance because of an unexpected qualifying circumstance (e.g., premature birth, medical emergency) should provide oral or written notice to his/her supervisor and the Human Resources Department within 24 hours of the start of the leave or as soon as practicable, and provide written notice within three days after s/he returns to work. Another person on behalf of the employee may provide the oral notice.

Requests for FML will be reviewed by the Human Resources Department. The employee will be advised of their eligibility for FML, their rights and responsibilities under FML and how many days of FML are available for use. The supervisor will be notified by a Human Resources representative as to whether the leave request is approved or denied.

The Human Resources Department may designate leave as qualifying for FMLA/OFLA and count the leave against the employee's entitlement in the absence of an employee request. When the Human Resources Department has information indicating that the leave qualifies as FMLA/OFLA, the Human Resources Department may provisionally designate the leave as FMLA/OFLA. If the employee disagrees with the designation, the employee may submit additional information to the Human Resources Department indicating why the designation is inappropriate within 15 days of the notice of designation.

#### Reporting: Medical Certification

An employee on approved FML of one month or longer should call to report his/her status to the immediate supervisor or the Human Resources Department every thirty days. For approved FML of a shorter duration the reporting requirement will be determined by the specific circumstances of the leave but will be, at a minimum, once each week. Employees are expected to immediately report to their supervisor or the Human Resources Department any change in their need for leave or their intention to return to work. Employees on FMLA/OFLA are not permitted to engage in other employment that is inconsistent with the purpose of their leave under FMLA/OFLA.

If the FML is for a serious health condition, the employee must provide medical certification from his/her health care provider within 15 days of submitting a written request for leave or, if the need for leave is not foreseeable, within five days after the leave begins. Health Care Provider certification forms may be obtained from the Human Resources Department or on the City's IntraWeb under Forms & Templates, HR/Risk Management forms. Failure to provide the required certification may delay the taking of leave, or prevent the request from qualifying as FML. The City may require the employee to obtain a second opinion, at the City's expense, from a qualified health care provider designated by the City. If the first

and second medical opinions differ, the City may require, at the City's expense, a third opinion by a provider agreed upon by the City and the employee.

The City may request recertification in connection with an absence for a chronic or permanent/long-term condition every 30 days. If an employee's absences have changed significantly from what is stated in the medical certification or if the City receives information which casts doubt upon the continuing validity of the certification, recertification may be requested in less than 30 days.

Before an employee may return to work after the employee's own serious health condition, the employee must provide Human Resources with a medical certification from his/her health care provider that the employee is able to resume work.

If the employee has used FML leave to care for a sick child (OFLA "sick child leave") on more than three occasions in a one-year period, the City may require the employee to obtain at the City's expense a medical certification from a qualified health care provider before additional requests for sick child care leave will be granted.

#### Continuation of Benefits

An employee will be required to use all appropriate accrued paid time off while on FMLA and/or OFLA leave. The use of accrued leave begins on the first day of the employee's leave of absence. An employee may use accrued paid leave during family or medical leave in the following order as applicable: PTO, medical leave, sick leave, vacation leave, holiday leave. An employee may choose to use accrued compensatory time while on FMLA or OFLA leave; however, an employee may not be required to use accrued compensatory time while on FMLA or OFLA leave.

The City is required to maintain group health (medical and dental) insurance coverage for an employee on FMLA leave (unless the employee declines coverage). During FMLA leave in which accrued paid leave is used, the employee portion of the health plan premium will continue to be deducted, if applicable, from the employee's paycheck. During the unpaid portion of any FMLA leave, the employee must pay the employee's portion of group health premiums, if applicable, by the first day of each calendar month.

The City is not required to maintain group health (medical and dental) insurance coverage for an employee on unpaid OFLA leave. The employee should contact the Human Resources Department for information on the employee's rights and responsibilities to continue benefit coverage.

If an employee returns directly from FMLA or OFLA leave, medical and dental benefits will be reinstated immediately but other benefits will be reinstated at the first of the following month. Dependent medical and dental coverage which was

dropped may be reinstated only during the annual open enrollment period. If the leave exceeds the 12-week limit, the employee will be required to meet the eligibility guidelines before insurance coverage is reinstated and pre-existing condition limitations may apply on some of the plans.

### Reinstatement

An employee returning from an approved FML will be returned to the position the employee held before the leave began unless the position has been eliminated or the employee would have been displaced had s/he not taken FML, in which case the employee may be returned to an available equivalent position. An employee on FML has the same rights that s/he would have if no FML had been taken. An employee on FML is subject to layoff in the same manner as similarly situated employees not on FML.

### Failure to Return to Work after FML

An employee who fails to return to work at the conclusion of an approved FML may be deemed to have voluntarily terminated employment. An employee who fails to return to work after his/her leave is exhausted may be required to reimburse the City for health insurance premiums it paid on the employee's behalf during the period of the employee's FML.

### National Defense Authorization Act (NDAA) and Oregon Military Family Leave Act (OMFLA)

The NDAA allows eligible employees to take up to 12 weeks of FML in the applicable 12-month period for any qualifying exigency arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, or has been deployed to a foreign country. Examples of a qualifying exigency activity include: short-notice deployment; military events and related activities; certain temporary childcare arrangements and school activities; financial and legal arrangements; counseling by a non-medical counselor; rest and recuperation; and post-deployment activities.

The NDAA allows eligible employees to take up to 26 weeks of FML in a single 12-month period to care for a covered service member with a serious injury or illness that is service related. This provision applies to any eligible City employee who is a spouse, son, daughter, parent, or next-of-kin of a current member of the Armed Forces, including a member of the National Guard or Reserves.

The City also complies with the OMFLA, which provides up to 14 days of leave to eligible employees who are spouses or domestic partners of members of the armed forces during periods of military conflict.

The Human Resources Department should be contacted for more information or questions on family and medical leave.

## Federal Family Leave Act Complaint Filing

Generally, a complaint must be filed within two years of the date of the last action which the employee contends was in violation of the Act. However, if it can be shown that the action taken by the employer was willful, the complaint may be filed within three years of that date. For the best chance of success in resolving the complaint, the complaint should be filed as soon after the date of the last action thought to be in violation of the Act as reasonably possible. The complaint may be filed by the employee or any other person on behalf of the employee.

Complaints may be filed with the Secretary of Labor by contacting the nearest office of the Wage and Hour Division of the Employment Standards Administration, U. S. Department of Labor. The complaint may be filed in person, by letter or by telephone; however, the complaint must be reduced to writing.

The U. S. Department of Labor will review the merits of the complaint, and where appropriate will undertake to resolve the complaint administratively, through negotiations with the employer. When the complaint is resolved administratively, actions are limited to a two-year period and interest and liquidated damages are not recovered. In some cases, the Secretary of Labor may file a lawsuit on behalf of the employee in the event negotiations with the employer are unsuccessful and the Secretary is convinced that violations of the Act did occur.

To access additional information contact the Department of Labor website at <http://www.dol.gov/esa/whd/fmla>.

## Expression of Breast Milk

Female employees breastfeeding a child 18 months or younger are allowed a 30 minute unpaid break during each four-hour work period or major part of a four-hour work period for expression of breast milk; the break should be taken by the employee approximately in the middle of the work period.

If an employee takes the 30 minute break by adding time to a paid ten-minute rest period, ten minutes of the break will be paid; the remaining portion will not. With prior approval from her manager, an employee may choose to work before or after her normal shift to make up the amount of time used during the unpaid portion of the rest period. If the employee does not make up the unpaid time, the employee will not receive compensation for the breast milk expression time. Employees cannot be required to make up the unpaid time.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **6.2 EXTENDED LEAVE OF ABSENCE**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 3/15/13

An employee needing to be off work for more than two weeks or who has exhausted their FMLA/OFLA leave may request an extended leave of absence. A leave of absence granted under these circumstances may be for medical, educational or compelling personal reasons. An employee may be granted up to six months leave of absence during any twelve month period with the approval of the Department Head and Human Resources Director. The leave of absence begins immediately following the last date the employee worked. An employee desiring to take such leave of absence should submit a request in writing to his/her Department Head. In the case of a Department Head requesting a leave of absence, approval by the Mayor is required.

Generally, the approval of a leave of absence will carry with it the right to return to a position in the same classification and department at the conclusion of the leave. When that right cannot be guaranteed, but the leave can otherwise be approved, the employee can accept the leave with the understanding that s/he will be considered for, but not guaranteed, available positions for which the employee is qualified in related classifications at the same or lower pay level on a City-wide basis. If there is no available position at the conclusion of the period of leave, the employee may be required to resign. Positions being filled by the return of an employee from leave are exempt from the posting requirements contained in the City's Job Postings Policy.

Extensions beyond the six month maximum will be considered only in exceptional circumstances and require the approval of the Department Head, Human Resources Director and the Mayor.

### Benefits Eligibility

Employees who are not on approved Federal Family and Medical Leave but who wish to continue their medical and dental coverage while on an unpaid leave of absence may do so by paying the full COBRA rates in effect during the leave. The requirement of the employee to pay the full COBRA rates will begin on the first day of the first full calendar month of the approved unpaid leave. Employees on approved unpaid leaves of absence who elect not to enroll spouses and family members during the unpaid leave of absence may not re-enroll those dependents following return to work from the leave until the next regular open enrollment period unless allowed otherwise by the carrier.

Employees will not accrue, as applicable, paid time off (PTO), medical leave, vacation, sick leave or holiday pay while on an unpaid leave of absence.

In most cases, employees on an unpaid leave of absence are not eligible for life and accidental death insurance, PERS contribution, educational assistance, clothing or cleaning allowances, premium or incentive pay, holiday pay, physical examinations or other City paid benefits

Except for military leave, employees will be required to use all appropriate accrued paid time off prior to beginning an unpaid leave of absence. Accrued paid time off will be counted toward the six-month maximum leave period.

An extended unpaid leave of absence of more than one full pay period will not be credited toward completion of probation or salary increases unless otherwise required by law.

Retirement service credit will be computed according to PERS and OPSRP laws and regulations.

#### Termination of Leave

The City may terminate a leave of absence if it finds that the reason(s) for granting it no longer exist or the facts were misrepresented.

An employee on a leave of absence is required to provide timely written notification of his/her status, any request for extension, or plans to return.

The employee must return to work upon the expiration of the leave of absence. If the employee does not return within three working days, s/he will be considered to have voluntarily resigned.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.



### **6.3 BEREAVEMENT LEAVE**

Effective Date 1/1/04

Revised Dates 2/1/06, 2/1/08, 2/1/10, 2/1/14, 1/1/16, 8/10/16

Employees may use up to two workweeks of leave for bereavement, as provided in this section, to attend the funeral (or funeral alternative) of a family member, make arrangements necessitated by the death of a family member, or grieve the death of a family member. Bereavement leave taken under OFLA will run concurrent with any paid leave under this section.

Full-time employees will receive forty (40) hours of paid bereavement leave toward the two week entitlement referenced above. Such paid leave will be pro-rated for part-time employees based on budgeted FTE. Employees may choose to use any available Sick Leave, Vacation, Medical Leave, PTO, or compensatory time for the remaining bereavement leave, up to the total of two weeks.

For the purposes of this Article, "family member" shall mean: spouse or domestic partner, parent (including in-loco parentis), step-parent, children, step-child, brother, sister, mother-in-law, father-in-law, domestic partner's parent or child, grandchild, grandparent and other family members if the other family member resides with the employee.

An employee who wishes to take time off due to the death of a family member is not required to give notice prior to beginning the leave; however, verbal notice must be provided to the employee's supervisor within 24 hours of beginning leave and written notice must be provided to the employer within three days of the employee returning to work. Confirmation of the family member's death may be required by the city. All bereavement leave taken under OFLA must be completed within 60 days from when the employee receives notification of the family member's death.

Bereavement pay is calculated on the employee's regular rate of pay rate at the time of absence in accordance with applicable laws.

Represented employees should refer to their applicable collective bargaining agreement for further information on this subject matter.

## **6.4 MILITARY LEAVE**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

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

An employee requesting military leave may use any available and appropriate paid time off for the absence. Employees wishing to use their accrued paid time off for this purpose should make a request to do so in writing.

The City provides employees who are called to active duty the right to request up to 15 calendar days of military leave be paid in a federal fiscal year, October 1 – September 30, which ordinarily would mean 11 work days. This benefit applies to employees who have been employed a minimum of six months. An eligible employee may request this leave at the beginning of the deployment or immediately preceding the return to work date. In addition, the City will pay the difference between an employee's military basic pay and the employee's base pay rate (City base pay minus military base pay). In order to be eligible, the employee must provide documentation verifying their military pay grade. The maximum amount payable is 80 hours per federal fiscal year.

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

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

An employee returning from military leave will be placed in the position s/he would have attained had s/he remained continuously employed in a comparable position depending on the length of military service in accordance with USERRA. S/he will be treated as though s/he were continuously employed for purposes of determining benefits based on length of service. USERRA was amended on November 21,

2011, to prohibit employers from harassment (hostile work environment) on account of an individual's military status.

## **6.5 JURY AND WITNESS DUTY**

Effective Date 1/1/04

Revised Date 2/1/10

The City encourages employees to fulfill their civic responsibilities by serving on jury duty and witness duty when required by subpoena or other order of a court.

Employees will continue to receive their regular pay for days spent on jury or witness duty if they submit the pay received for jury or witness duty (excluding mileage) to the City. Pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

Employees should show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

Either the City or the employee may request a postponement of jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

An employee who has been subpoenaed will be granted time off with pay to appear in court as a witness at the request of a party other than the City for legal or administrative proceedings in which the employee has no financial interest. The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. Employees are expected to report for work whenever they are released from service for the remainder of a scheduled workday.

If an employee has been subpoenaed or requested to testify as a witness by the City, the employee's appearance is considered on duty time.

Interns and Temporary employees are not eligible for paid time off when serving on jury or witness duty.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **6.6 LEAVE FOR DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING**

Effective Date 2/1/08

Revised Date 2/1/10

An employee who is a victim or parent or guardian of a victim of domestic violence, sexual assault or stalking, may take time off from work to obtain services or treatment. Services or treatment may include, but is not limited to, seeking legal or law enforcement assistance, seeking medical treatment, obtaining counseling or relocating. A parent or guardian may request time off to assist the minor or dependent in seeking or obtaining similar services. An employee may use available leave based on City policy. All records regarding the leave of absence will be kept confidential.

An employee who is a victim of domestic violence, sexual assault or stalking may request that the City provide reasonable safety accommodations. Accommodations may include transfer, reassignment, modified schedule, unpaid leave, changed work telephone number, changed work station, implemented safety procedures or other adjustments. The City will provide the requested accommodation unless doing so would impose an undue hardship.

## **7. CLASSIFICATION AND COMPENSATION**

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### **7.1 CLASSIFICATION SPECIFICATIONS**

Effective Date 1/1/04

Revised Date 2/1/08

The City makes every effort to create and maintain accurate classification specifications for all job classifications within the organization. Classifications include a general summary, key distinguishing duties, essential functions, other functions, knowledge, skills/abilities required, minimum qualifications required for entry, licensing/special requirements, working conditions, classification history, classification status and FLSA status as exempt or non-exempt.

The City maintains classification specifications to aid in orienting new employees to their jobs; identifying the requirements of each position; preparing position descriptions; determining hiring criteria; establishing pay rates; setting performance expectations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Existing classification specifications are reviewed and revised by the Human Resources Department in order to ensure that they are up to date. Classification specifications may also be revised periodically to reflect any changes in duties, responsibilities or requirements. Employees are included in the review process when classification changes are made. Employees should notify their supervisor if they think their classification specifications are no longer accurate or do not reflect the work being done.

Job descriptions may be written for specific positions within a classification. The Department Head is responsible for developing and maintaining any individual job descriptions for classifications within the department.

Employees should remember that classification specifications are general in nature and may cover several positions. Every task or duty on the specification is not necessarily performed by every position within that classification. Additional responsibilities may be assigned as necessary. Contact the Human Resources Department if you have any questions or concerns about your classification specification.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## 7.2 SALARY ADMINISTRATION

Effective Date 1/1/04

Revised Date 2/1/08

Revised Date 2/1/10

The salary administration program at the City was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market and within budgetary restrictions. Because recruiting and retaining talented employees is critical to our success, the City has set its pay line to reflect rates that are between the 50<sup>th</sup> and 75<sup>th</sup> percentile of wages in our labor market for comparable positions.

Classifications are placed in salary grades based on several factors, including job analysis and evaluation, and salary survey data from our labor market. The City periodically reviews its salary administration program and restructures it if necessary.

The City's policy is to grant regular and probationary employees, who are performing satisfactorily, step increases according to the schedule in the Step Increase Table below.

Effective dates for eligibility for step increases will be adjusted by any unpaid leave of absence of more than one full pay period.

An employee will normally be hired at step 1 of the range. With the approval of the Department Head and Human Resources Director, an employee may be hired up to step 5 of the range. Initial hiring at step 6 and above will not normally occur, and if requested, requires approval by the Mayor. Employees hired at advanced steps in the range due to their qualifications receive increases at the interval appropriate to that step. For example, an employee hired at step 4 would be eligible for an increase to step 5 after 12 months.

### Step Increase Table

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Months Between Steps	N/A	6	6	12	12	12	12
Total Months to Step From Hire Date (at Step 1)	N/A	6	12	24	36	48	60

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

### Merit Adjustments

A merit-based pay adjustment beyond the normal step increase may be awarded in conjunction with outstanding employee performance. The Department Head has the authority to recommend step increases at closer intervals than the schedule shown in the Step Increase Table or to skip a step in recognition of outstanding performance. Recommendations require approval by the Human Resources Director and the Mayor and are subject to the following conditions and qualifications:

- Employees are not eligible for a merit increase during a probationary period.
- The minimum time period for employee movement through the range may not be less than 50% of the time frames established on the normal schedule.
- An employee may receive a maximum of two increases in any 12-month rolling period.

Merit adjustments may alter the date of future salary increases.

Salary is administered within the budgetary constraints of the City. If, in the discretion of the Mayor, insufficient funds exist, compensation practices may be altered or suspended.

### Temporary Employees and Interns

Temporary employees and Interns are paid according to a separate salary schedule that is established by the Human Resources Department.



### **7.3 PAY PRACTICES**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

#### Promotion

An employee who is promoted will receive an increase to step one in the new salary range or the step in the new range which is at least 5% but no more than 10% over the employee's current rate, whichever is higher. Increases over this amount may be considered in the event that the employee's next step increase would have occurred within 90 days of the date of promotion. The employee's new step increase date will be based on the date of the promotion. Eligibility for subsequent salary increases will follow the timing specified in the Step Increase Table shown in section 7.2. An employee who is promoted will serve a probationary period in accordance with the Probationary Period Policy.

#### Transfer

An employee who is transferred to a classification in the same salary range as his/her current classification will remain at the same step in the salary range. Review dates will not be changed as a result of a transfer. Employees who are transferred will serve a probationary period in accordance with the Probationary Period Policy.

#### Reclassification

Reclassification occurs as a result of a change or re-evaluation of duties, responsibilities and/or knowledge/skill/ability requirements of a position. The step increase of an employee holding a position that is reclassified to a classification in a higher salary level is handled in the same manner as a promoted employee.

If an employee is in a position that is reclassified to a classification in a lower salary level, the employee's pay rate will be the highest step in the lower salary range that is less than or equal to the employee's former pay rate. When this step is below the top step in the lower salary range, the employee will be eligible for a step increase based on the time served at the previous step plus the time served at the new step.

If a reclassified employee's pay rate is above the top step in the lower salary range, the employee's pay rate will be frozen for one year. After that time, the employee's pay rate will be reduced to the top step of the new range. The one-year timeline may be extended for one additional year with the approval of the Human Resources Director and the Mayor.

In the event of a reclassification, with the approval of the Department Head and Human Resources Director, an exception to the required probationary period may be made if the employee has performed the duties of the job for one year or more. When

extenuating circumstances exist, the Human Resources Director, with the Mayor's approval, may vary the approach described for reclassification.

### Reallocation

Reallocation occurs when the duties, responsibilities and/or knowledge/ skill/ability requirements of a classification remain the same but the classification is moved to a higher or lower salary level. The pay rate of an employee in this situation is generally handled like a reclassification. An exception occurs when the reallocation moves the classification to a lower salary level and the employee's pay rate is above the top step of the new range. In that instance, an employee's pay rate will be frozen until it falls within the new salary range. An employee whose classification is reallocated does not serve a probationary period.

When extenuating circumstances exist, the Human Resources Director, with the Mayor's approval, may vary the approach described for reallocation.

### Demotion

When an employee is demoted for any reason, the pay rate will not be frozen. S/he will be placed on the step in the lower salary range that is closest to, but not higher than the employee's current pay rate. Pay rates outside of the range for the position to which the employee is demoted, will be reduced to the top step of the new salary range. In the case of a demotion, the employee may be required to serve a probationary period.

### Rehire

A former employee who is rehired to the same classification within 12 months of separation will be placed in his/her former step within the salary range. The employee's new step increase date will be based on the rehire date. Eligibility for salary increases will follow the timing specified in the Step Increase Table. The employee will not receive credit for time accumulated toward the next step prior to separation.

A former employee who is rehired more than 12 months after termination or is rehired to a classification other than the previously held classification will be treated as a new employee. Step placement in the range will follow the same criteria as other new hire situations. Eligibility for subsequent increases will follow the timing specified in the Step Increase Table. The employee does not receive credit for time accumulated toward the next step prior to separation.

### Recall from Layoff

A former employee who is recalled from a layoff list into the same classification within the time period specified under the Layoff Policy will be rehired at the former salary step.

### Working-out-of-Classification

Working-out-of-classification occurs when an employee is assigned the duties of a higher level position within his/her department which has been budgeted, but is vacant due to absence or employment separation of the incumbent. In order to qualify for out-

of-classification pay, management employees should be specifically assigned the full duties of the higher level position. Departments are expected to establish a threshold period of time beyond which an absence will result in a working-out-of-classification assignment. As a general rule, absences should be for a minimum of three weeks to qualify.

In some situations, working-out-of-classification pay may be considered for employees assigned to special projects or when assuming some of the duties of a position in a higher classification.

An employee assigned to work out-of-classification will be placed at the top step of the higher pay range or have their base salary increased by 10%, whichever is less. Under some circumstances the Department Head and Human Resources Director may establish a different salary than what is described in the Working-out-of-Classification section. Paid absences which occur during an out-of-classification assignment of three weeks or more will be paid at the higher salary rate. Approval by the Department Head and Human Resources Director is required for any working-out-of-classification assignment and corresponding pay.

#### Callback Pay

Callback is defined as an unanticipated requirement to return to work. Callback does not apply to scheduled overtime work, time worked while in an on call capacity, or overtime worked at the beginning or end of an employee's regularly scheduled shift.

Management 3 employees who are called back to work will be paid for hours worked or a minimum of two hours whichever is greater. Pay will be at the straight time or overtime rate depending on the applicable overtime definitions. Management 1 and 2 employees are not eligible for callback pay.

#### Training, Seminars and Conferences

The City is interested in ensuring that employees are knowledgeable and well trained in the skill sets necessary for their positions. The Human Resources Department develops and provides a variety of training programs. These programs are offered internally on a city-wide basis and are available to all regular and probationary employees with supervisory approval.

Outside training required by the City will be paid for by the City and time spent in required training will be considered time worked. If the training requires travel, refer to the Business Travel Expenses Policy for the processes that should be followed.

The City may also pay the costs associated with attending outside seminars, training and conferences when the attendance will promote employee development and enhance technical skills. Pre-approval by the supervisor and Department Head is required before the registration will be paid and time away from work granted. Approval to attend outside training will not be given when a similar training program is available internally.

### Required Certifications

The City will pay for training and/or testing associated with certifications and professional licenses that must be maintained or upgraded solely as a continuing requirement for an employee's current position. In some cases paid time off may be granted to receive training or participate in examinations for the required certification; approval by the Department Head is required.

### Portal to Portal and Travel Time Pay

Portal to portal pay is defined as payment of salary while an employee is in transit to and from work. Travel time is defined as time in transit between work locations or for the purpose of carrying out City business.

Employees are not entitled to portal-to-portal pay for travel between their home or other off duty location and work for the regular shift or for overtime or extra duty assignments.

Employees are entitled to receive pay while engaged in business travel as defined by the Fair Labor Standards Act.

Represented employees should refer to their collective bargaining agreement for further information on this subject matter.

## **7.4 OVERTIME**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

Revised Date 3/15/13

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours.

Time worked in excess of 40 hours in a regular workweek is considered for each of the management groups as described below:

### Management 1 and Management 2

These are salaried classifications exempt from overtime pay.

### Management 3

These are non-exempt classifications eligible for compensation in cash or compensatory time off for all time worked in excess of forty hours in a regular workweek at the rate of one-and-one-half times the regular hourly rate of pay for hours worked over forty.

For the purpose of overtime calculations, time worked will be interpreted in accordance with the Fair Labor Standard Act except that holidays and pre-approved paid leave such as PTO or compensatory time will also be considered time worked. PTO leave will not be considered time worked if it was used for an absence due to personal or family illness or injury.

A Management 3 employee may only work overtime when it has been approved in advance by the supervisor or Department Head, except in emergency situations. A Management 3 employee may also be scheduled and expected to work overtime on occasion.

The choice of whether the time may be accrued or the employee receives cash payment for overtime will be made by the supervisor of the Management 3 employee. Time that has been accrued as compensatory time may not be converted to cash without prior approval of the Department Head, and then only in those instances where there are sufficient funds budgeted to cover the additional cost.

A Management 3 employee may not accrue a balance of more than 100 hours of accrued compensatory time off. All accrued compensatory time hours in excess of 100 will be taken as scheduled time off or paid to the employee in the paycheck received for that pay period.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## 8. PAYROLL ADMINISTRATION

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### 8.1 TIMEKEEPING

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

Accurately recording time worked and leave used is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

A non-exempt employee should accurately record the number of hours worked each day. Except in emergencies, overtime work should always be approved before it is performed.

An exempt employee taking time off of a half day or more, should record leave time as either a four hour or eight hour block as appropriate.

Altering, falsifying, tampering with time records, or recording time on another employee's time record, excluding by department timekeepers, is strictly prohibited.

The employee is responsible for ensuring that their time record accurately reflects all time recorded. Whenever practical, the employee is expected to sign or verify electronically their timesheet. The department timekeeper and the supervisor will review and then verify the timesheet before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor should verify the accuracy of the changes.

## **8.2 PAYDAYS**

Effective Date 1/1/04

Employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a holiday, an employee will receive pay on the last business day of work before the regularly scheduled payday.

An employee may have pay directly deposited into a personal bank account if advance written authorization is provided the City. Each employee will receive an itemized statement of wages when the City makes direct deposits.

### **8.3 PAY DEDUCTIONS**

Effective Date 1/1/04

Revised Date 2/1/08

Revised Date 2/1/10

The City makes certain deductions from an employee's earnings in accordance with state and federal law. Among these are applicable federal, state, and local income taxes. The City also deducts Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The City matches the amount of Social Security taxes paid by each employee. The City also deducts one half of the hourly assessment required by the state worker's benefit fund.

The City offers programs and benefits beyond those required by law. An eligible employee may voluntarily authorize deductions from the paycheck to cover the costs of participation in these programs. An Intern or Temporary employee is not eligible to make voluntary deductions.

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

If you have questions concerning deductions from your paycheck or how they were calculated, your supervisor, Human Resources representative, or Payroll Administrator can assist in having your questions answered.



## **8.4 PAYCHECK CORRECTIONS**

Effective Date 1/1/04

The City takes all reasonable steps to ensure an employee receives the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Payroll section of the Finance Department so that corrections can be made as quickly as possible.

## **8.5 SAFE HARBOR POLICY FOR EXEMPT EMPLOYEES**

Effective Date 2/1/06

The City's policy is to comply with applicable wage and hour laws and regulations. The improper pay deductions specified in Title 29 of the Code of Federal Regulations §541.602(a) may not be made from the pay of employees who are exempt from overtime under the Fair Labor Standards Act.

If an exempt employee believes that any deduction has been made from his/her pay that is inconsistent with his/her salaried status, the employee should immediately contact their supervisor, Department Head or Human Resources Business Partner.

Any complaint will be resolved within a reasonable time given all the facts and circumstances. If an investigation reveals that an exempt employee was subjected to an improper deduction from pay, the employee will be reimbursed and the City will take whatever action it deems necessary to ensure compliance with the salary test in the future.

For more information regarding this Safe Harbor Policy, contact Human Resources.

## **8.6 PAYROLL ADVANCES**

Effective Date 1/1/04

Revised Date 2/1/08

Revised Date 2/1/10

The City allows an employee to take a payroll advance outside of the regular payday in cases of extreme emergency situations that are beyond the control of the employee. An Intern or Temporary employee is not eligible for payroll advances. The Department Head will review the request and, if approved, will forward it to Payroll.

Payroll advances will be issued only in the week when the regular payroll is not processed and will be limited to four per fiscal year. The advance will be deducted from the employee paycheck on the next payday. A payroll advance may not exceed 95% of the employee's net pay.

To request a payroll advance, the employee will complete the Request for Payroll Advance form available from Payroll or the department timekeeper. Payroll advance requests should be submitted to the Payroll section at least three working days prior to the date needed.

## 9. PERSONAL CONDUCT

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### 9.1 CONFLICT OF INTEREST

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Each employee has an obligation to conduct the City's business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City wishes to conduct its business. The purpose of these guidelines is to provide general direction so that employees act appropriately and, if needed, can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision, or gains information that is not available to the public, that may result in a personal gain for that employee, or for a relative, as a result of the City's business dealings. Furthermore, a public official (which includes employees) is prohibited from hiring, appointing, employing, promoting, discharging, demoting or supervising relatives or household member. For the purposes of these guidelines, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that disclosure be made to your supervisor as soon as possible regarding the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business, but also when an employee or relative receives any "kickback", bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City. In general, City employees may not accept any gift or any other thing with a monetary value. However, unsolicited gifts of limited value that can be shared among a larger group of employees are considered "de minimus" and are allowable under this policy. Meals that are consumed in the presence of the provider and that are directly related to legitimate City business are allowable. However, City employees are generally expected to pay for their own meals.

Each employee is expected to report any actual or potential conflict of interest to the supervisor.

Contact the Human Resources Department for more information or questions about conflicts of interest.

## **9.2 EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITIES**

Effective Date 1/1/04

Revised 3/15/13

Employee involvement in certain political activities is protected under the First Amendment. However, under state and federal law there are some restrictions with which each employee must comply.

State law (ORS 260.432(2)) requires that “no public employee shall solicit any money, influence, service or other thing of value or to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views”.

The federal Hatch Act requires that an employee whose principal job responsibilities are financed all or in part from loans or grants made by the federal government may not use official influence to interfere with or affect the result of an election or a nomination for office. An employee covered by this act may not, either directly or indirectly, coerce or advise another employee to contribute anything of value in any form whatsoever to any organization or agency for political purposes.

The expression of personal political views while on the job during working hours is permitted only to the extent that it does not interfere with the performance of the employee’s duties or performance of other employee’s duties. Specific activities, such as fundraising, soliciting volunteer help on political campaigns, or disseminating partisan election material while on City time are prohibited.

The City does not take adverse employment action against employees who decline to attend meetings or participate in communication concerning the City’s opinion about religious or political matters.

For additional information on this matter, contact the Human Resources Department.

### **9.3 PUBLIC INFORMATION**

Effective Date 1/1/04

Revised Date 2/1/08

Revised Date 3/15/13

Contacts from the media should be referred to the Mayor's office or the contact person designated by the Mayor, such as the Police Department's Public Information Officer or the City's Public Information Manager. Once an employee has received approval to communicate with others on behalf of the City in the course of his/her work duties, the employee should remember that s/he is representing the City and should ensure that any comments made reflect the City's position on the issue being discussed.

The City has an obligation to keep citizens informed about issues of public interest. Citizens will be provided information through a variety of sources such as the City newsletter, website, press releases, etc. Citizen requests for information are subject to the provisions of the State of Oregon's public records law. Questions regarding whether or not certain information should be provided in response to a citizen request should be referred to the supervisor or department head who will then make a determination whether or not it should be referred to the City Attorney's office.

Oregon law provides that "every person has a right to inspect any public record of a public body in this state." "Public body" includes cities and counties and other public entities, such as the City of Beaverton. Although there are some exceptions (such as personnel files), most records in a public body are available to the public for inspections. It is the intent of the City of Beaverton to be responsive to requests for public records. Employees are to forward all requests for public information to the supervisor or department head who will then make a determination whether or not it should be referred to the City Attorney's Office.

## **9.4 PERSONAL APPEARANCE GUIDELINES**

Effective Date 1/1/04

Revised Date 2/1/08

Revised Date 2/1/10

The City respects an employee's individuality, and the use of common sense in choosing appropriate clothing to be worn during business hours. Each employee should recognize the importance of personal appearance to the professional image of the organization. Each employee should dress and groom according to the requirements of the position and accepted social standards. This is particularly true if the job involves dealing with customers or visitors in person. All apparel should be clean and in good repair.

Each employee, including someone who works in the field, must wear City identification as required by the Security and Building Access Policy.

The function of the job typically dictates what attire is appropriate. The supervisor is often the best resource for employee questions regarding personal appearance; however, the following are general guidelines for a non-uniformed employee:

An employee engaged in manual labor, fieldwork or in any type of work which may soil or damage clothing may wear jeans. Shirts are required at all times and shorts (except as noted below) are unacceptable. Safety clothing and footwear may be required based on the nature of the work being performed.

Inspectors, employees performing customer service in the field and certain landscaping employees may wear shorts during hot weather. The employee's supervisor will provide specific guidelines regarding when wearing shorts may be appropriate and what types of shorts are acceptable.

Employees who work in an office environment are expected to dress in professional business attire. Certain circumstances, such as appearing in court or attending an important business meeting with people outside the organization, require formal business attire such as ties and dress slacks for men and skirts or dress pants for women. An employee working the counter or in a public area is not required to wear formal business attire, but clean, wrinkle-free business clothing is expected.

### Casual Friday

In general, casual business attire, including denim, on Friday is an accepted business practice. As always, clothing should be clean and in good condition. Clothing which is revealing is not acceptable. Employees may dress in a way which is functional and comfortable while being mindful of the expectations of our customers that we dress professionally. Clothing which has a printed message or logo is not acceptable unless the logo is of the clothing brand or the City of Beaverton.

If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstances, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

Represented employees should refer to the respective collective bargaining agreements for further information on this subject matter.



## **9.5 TOBACCO PRODUCTS**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

Revised Date 3/15/13

Revised Date 9/1/13

In keeping with the City's intent to provide a safe and healthful work environment, the use of tobacco products (including cigarettes, electronic cigarettes, cigars, pipes, chewing tobacco, and other tobacco products) is prohibited in all City buildings, parking lots, City-owned and/or leased vehicles and equipment, as well as any City-sponsored event or venue.

The use of tobacco products is not permitted on or around job and work sites. Employees may use tobacco products off the job and work sites and only when complying with all the requirements listed above.

An employee may utilize rest and meal periods for the use of tobacco products. Additional breaks are not permitted.

## **9.6 DRUG FREE WORKPLACE/SUBSTANCE ABUSE**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

The City is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of or impaired by drugs or alcohol on the job may pose serious safety and health risks.

To help ensure a safe and healthful work environment, no employee may use, possess, distribute, sell, or be under the influence of, or impaired by, alcohol or illegal drugs while on City premises and while conducting business related activities during business hours off the City premises. The legal use of prescribed drugs or over-the-counter medications is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. An employee who is taking any medication which impairs the employee's ability to perform their job must report the use of the medication to their supervisor; however, the employee will not be required to divulge the medical reason for taking the medication.

An employee who is seeking assistance with a drug or alcohol problem may contact the Human Resources Department for assistance and can be assured that the contact will remain confidential to the extent legally possible. Employees may also contact the Employee Assistance Program (EAP). Any such contact will remain strictly confidential. The City will provide reasonable accommodation of an employee's job circumstances as necessary and practical to allow for treatment to take place.

Each employee must notify the Human Resources Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. If an employee's position is funded through a federal contract, the Human Resources Department, pursuant to the Drug Free Workplace Act, will notify the appropriate federal contracting agency within ten days of receiving notice of conviction of the employee, or after otherwise receiving actual notice of conviction.

### Drug and Alcohol Testing

In those instances where an employee's impaired job performance or conduct provides reasonable suspicion of drug or alcohol use, the City may require appropriate testing. In cases where reasonable suspicion may exist, Human Resources will provide assistance to supervisors. Any employee involved in a motor vehicle accident while working will also be subject to drug and alcohol testing. In the case of post accident testing, the City will follow the Department of Transportation (DOT) guidelines for employees with a commercial driver's license. Testing procedures and the validity of the results will be measured by then prevailing practices in the medical field. An employee who initially tests positive may request a second verifying test of the sample

within 72 hours from the time the employee is notified of the test results. The second test must be conducted at a DOT approved laboratory and will be at the employee's expense. In all situations where testing is called for, due consideration will be given to the legal rights and privacy of the tested employee, however; any conduct that has the purpose or effect of interfering with the enforcement of this policy or its collection and testing procedures is strictly prohibited.

When an employee tests positive for substance abuse and if the employee is not terminated for violation of this policy, a plan of corrective action will be developed that is specific to the circumstances of the case. The plan will be developed in consideration of the type of substance abused, the length and severity of the problem, the nature of the employee's position, the degree of impairment of job effectiveness, and the willingness of the employee to cooperate in the program. Cooperation with such plans will be considered a condition of continued employment with the City. The employee's willingness to seek treatment will be duly considered in any disciplinary action imposed for conduct relating to substance abuse.

The corrective action plan may include any or all of the following components:

- Outside treatment and counseling programs.
- Periodic random testing as necessary to assure alcohol and/or drug free status.
- A leave of absence to accommodate initial recovery.
- Changes in work assignment to avoid risk or liability to the City, co-workers, or the public.
- Periodic supervisory monitoring and evaluation.
- Return to work agreement.

Any part of the cost of such programs not covered by the employee's then existing health insurance policy will be the responsibility of the employee.

To inform employees about important provisions of this policy, the City has established a drug-free awareness program under the provisions of the federal Drug Free Workplace Act. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

Notwithstanding any other section of this policy, employees who report for duty in a condition suggesting that they are under the influence of alcohol or drugs and unable to work effectively or safely will not be permitted to remain on duty.

An employee in a position which requires that a Commercial Driver's License (CDL) be held is subject to random drug and alcohol testing pursuant to federal DOT guidelines. Employees with questions regarding these guidelines should contact the Human Resources Department.

An employee with questions on this policy or issues related to drug or alcohol use in the workplace should address the concern with the immediate supervisor or the Human Resources Department without fear of reprisal.

Represented employees should refer to the respective collective bargaining agreements for further information on this subject matter.

## **9.7 PERSONAL RELATIONSHIPS IN THE WORKPLACE**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships. For these reasons, the employment of relatives requires careful review and is subject to the following guidelines.

A “relative” means a spouse, child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, foster child, or other person in a close personal relationship, such as a domestic partner, significant other, roommate, in loco parentis situations or such person’s family member. This applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Relatives of a current employee may not occupy a position that will exercise supervisory, appointment, promotional or grievance adjustment authority of the employee. The City may refuse to hire a relative if doing so would create this situation. The City may also reassign, refuse to consider a request for promotion or transfer, or terminate the employment of an employee so as to avoid a City employee being in an employment relationship with a relative such as described above.

If, after hiring, two employees enter into a relationship which makes them subject to this policy, the City will consult with the two employees involved to reach a decision regarding who will resign, be transferred or reassigned. If the affected employees cannot reach agreement regarding one of these three options, the decision will be made by the City consistent with its business needs.

Employees are responsible for disclosing to the supervisor the existence of a relationship which falls under the provisions of this policy.

The conditions described above also apply to the employment of Interns and Temporary employees.

## 10. WORK POLICIES AND PRACTICES

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### 10.1 ATTENDANCE AND PUNCTUALITY

Effective Date 1/1/04

Revised Date 2/1/06

To maintain a safe and productive work environment, the City expects each employee to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when an employee cannot avoid being late to work or is unable to work as scheduled, the employee should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

Individual departments, divisions or sections are responsible for establishing their own procedures for employees to follow when unable to report to work as scheduled. As a general City-wide guideline, the following procedures are recommended:

- An employee calling in sick should notify the supervisor as soon as possible but not later than 30 minutes following the regular reporting time.
- An employee should speak directly to the supervisor and include the reason for the absence and the expected duration.
- When the supervisor cannot be contacted by telephone, a message may be left with office support staff, another manager or next level of supervisor.
- An employee should call in each day they are unable to report for work. Exceptions are permitted at the discretion of the supervisor when it is clear that additional days off will be necessary.

## **10.2 DAMAGE TO EMPLOYEE PERSONAL PROPERTY**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 3/15/13

The City will reimburse employees for personal property reasonably and necessarily worn or carried when such property is stolen, damaged, or destroyed as a direct result of the employee's performance of his/her official duties. Reimbursement shall not be granted if the negligence or wrongful conduct of the employee was a substantial contributing factor to the theft, damage, or destruction. The repair or replacement of personal items shall not exceed reasonable costs, and the City will not pay for jewelry or more than \$75 for watches. Eyeglasses shall be repaired or replaced in accordance with the benefits provided by the City's worker's compensation insurance (reasonable replacement value).

An employee requesting reimbursement for lost or damaged personal item(s) will submit a receipt for the item being replaced and a City Incident Report to the supervisor. In Incident Report forms are available on the City's IntraWeb under Human Resources, HR/Risk Management.

### **10.3 RECYCLING AND WASTE PREVENTION**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

The City supports environmental awareness by encouraging sustainability and recycling in its business practices and operating procedures. The City supports this goal through its adoption of the resolution of the US Mayors Climate Protection Agreement (2006). This support includes a commitment to purchase, use, and dispose of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.

In 2009, business recycling requirements were adopted and all City of Beaverton facilities are now required to:

1. Assign responsibility for the recycling programs at that site
2. Recycle cardboard, paper and containers (metal and plastic bottles and tubs)
3. Make recycling easy for everyone
4. Train staff to recycle properly
5. Reduce waste

Throughout City facilities, work areas have large, central collection carts for recycling collection. Each employee is encouraged to use desk-side recycling boxes at their workstations. (These may be obtained by calling the Sustainability and Recycling Program office.)

The simple act of placing a piece of paper, can, or bottle in a recycling container is the first step in reducing demand on the earth's limited resources. The success of this program depends on active participation by all employees. Each employee is encouraged to make a commitment to recycle and be a part of the solution.

Tips for staff:

1. Recycle as much as you can.
2. Have a recycling box near your work area and empty it into the proper collection container when full.
3. Reduce the amount of trash and recycling produced when possible.
  - a. Avoid disposable items (cups, bottled water, etc.)
  - b. Print on both sides of paper when possible
  - c. Only buy what you need
  - d. Send documents electronically to avoid paper use.
4. Reuse if you can.
5. Buy recycled content materials when possible.
6. Purchase, whenever possible, products for the workplace that contain earth friendly content or are easily recyclable materials.

Contact the Sustainability and Recycling program office for further information.



## **10.4 BUSINESS TRAVEL EXPENSES**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

The City will reimburse an employee for reasonable business travel expenses incurred while on assignments away from the normal work location that require overnight lodging. Reimbursement for business travel that does not require an overnight stay will be subject to taxation. Prior approval by the Department Head and Finance Director is required for all business travel. Additionally, the Mayor's approval is required when the travel involves an out-of-town stay. Approval should be obtained in writing by completing the Travel Authorization and Advance request form located on the City's IntraWeb under Finance Forms\Travel Authorization documents. Once travel plans have been approved, each employee is responsible for making specific travel arrangements. Each employee is expected to utilize providers (i.e. airlines and hotels) which result in the lowest cost to the City. Employees are encouraged to use a city- owned vehicle and to carpool when more than one person is traveling on City business.

When approved, per diem for meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the City. If reimbursement is made for meals not associated with overnight travel, the amount will be subject to tax. Each employee is expected to limit expenses to reasonable and economical amounts, and these amounts are subject to approval before the trip.

An employee who is involved in an accident while traveling on business should promptly report the incident to the immediate supervisor. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval. To be eligible for reimbursement, the Mayor must approve rental of a vehicle for business travel prior to the rental occurring. Rental of a vehicle will only be approved if it is the least expensive form of transportation at the destination required to meet the business purposes of the trip.

Cash advances to cover reasonable anticipated expenses may be made to an employee, after travel has been approved. The employee should submit a written request to their supervisor when travel advances are needed by using the Travel Authorization and Advance form located on the City's IntraWeb under Finance Forms\Travel Authorization documents.

When travel is completed, the employee is required to submit a completed travel expense report within seven (7) days. Reports should be accompanied by receipts for all individual expenses. Refer to the Finance Department's Travel Authorization documents located on the City's IntraWeb for further information.

Generally, the City does not reimburse meal expenses (such as lunch) to attend training

classes in the local Portland metropolitan area. If the City does elect to reimburse the employee, the reimbursement will be subject to taxation per IRS rules.

With prior approval, a family member or friend may accompany employees on business travel, when the presence of a companion will not interfere with successful completion of business objectives. Generally, the employee is also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel or expenses incurred by the companion are the responsibility of the employee.

Each employee should contact the supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.

For additional information about reimbursement of travel expenses, see your supervisor or the Finance Department.

## **10.5 EMPLOYEE PICTURES**

Effective Date 1/1/04

Revised Date 2/10/10

At the time of hire, a photograph will be taken of each employee to be used for City of Beaverton Identification/Key Cards. These photographs will also be placed on an employee roster located on the City IntraWeb. In addition, candid photographs might be taken of employees at a variety of City sponsored events and placed on the City's IntraWeb. Employee pictures, as described above, are intended for internal use only and may not be downloaded, forwarded or reproduced.

## **10.6 OUTSIDE EMPLOYMENT**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

In most cases, an employee may hold an outside job unless the City determines that the outside work interferes with performance or the ability to meet the needs of the City. In that case the employee may be asked to terminate the outside employment if s/he wishes to remain employed by the City.

Outside employment that constitutes a conflict of interest is prohibited. An employee may not receive any income or material gain from an individual outside the City organization for materials produced or services rendered while performing their City job. An employee's private business may not be conducted during work hours. An employee may not use City equipment, materials, facilities or time in the conduct of outside employment. An employee's position with the City may in no way be used as a means of receiving referrals or other benefits for the outside employment. For further information, refer to the Conflict of Interest Policy.

Represented employees should refer to their collective bargaining agreement for further information on this subject matter.

## **10.7 COMPUTER, E-MAIL, AND INTERNET USAGE**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 3/15/13

Computers, computer files, the e-mail system, software furnished to an employee, and the equipment, services, and technology provided to access the Internet are City property intended for City business use. As such, the City reserves the right to access and monitor content of these services and retrieve and read any data composed, sent, or received through its online connections and stored in its computer systems.

Staff uses a variety of electronic communication systems for accounting, payroll, and general management. In order to protect the security of those systems, employees may use the computer with their personal access code only. Personal access codes may also be referred to as passwords, user-id's, PIN codes or other similar terms. This code is not to be given to anyone without prior authorization from the department head. Employees allowing unauthorized persons to use their code, who give access to unauthorized persons, who attempt to gain unauthorized entry with another's code or who assist another with attempts to gain unauthorized access with another's code may result in disciplinary action up to and including termination. The Finance Department will approve all computer access to the accounting and payroll systems. It is extremely important that the integrity of the accounting system and the accuracy of the data entering and exiting the system be protected from abuse or accidental changes.

If you have any reason to think that someone has obtained unauthorized access to any of the electronic information systems, contact your manager immediately. Each employee is responsible for seeing to a change of access code if he or she believes security on their code has been compromised.

Employees should sign off from all systems and network resources and turn off their workstation computer at the end of each work day, unless authorized to do otherwise by the ISD Department.

An employee who has been approved for access to the City's e-mail system may make limited use of the system for personal notification to family members and acquaintances when such use is "de minimus," does not relatively impact employee productivity and is consistent with the standards set in this policy. An employee may make limited personal use of the Internet before and after work and on unpaid lunch breaks. Such use should be consistent with the standards set in this handbook. This limited use of the e-mail system and Internet will be considered "de minimus" compensation for an employee who is permitted access to the equipment at the sole discretion of the City.

The City strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers, the e-mail

system, and the Internet in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other unacceptable uses include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, gender identity or any other characteristic protected by law.

All data that is composed, transmitted, or received via the City computer communications systems is considered to be part of the official records of the City and, as such, is subject to disclosure to law enforcement or other third parties for any reason and without notice. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

Since the City must maintain custody and control over its records, employees may not save or transfer electronic records related to City business onto electronic devices that are not owned or maintained by the City. Examples of such electronic devices include, but are not limited to, desktop and laptop computers, smart phones, personal digital assistants, flash drives and compact discs.

Employees seeking to work remotely may request authorization to use a City owned or maintained electronic device (such as a laptop computer) or to access City computing resources through a remote secure connection. By complying with this policy, the City should be able to search only City computers and electronic devices (and not privately owned or maintained computers and electronic devices) when it becomes necessary for the City to respond to a discovery request, a public records request or other request for electronic records.

Even though the City has the right to retrieve, read and disclose any data on its computer systems, including e-mail messages, this information should still be treated as confidential by each employee and accessed only by the intended recipient. An employee is not authorized to retrieve or read any e-mail message that is not sent to that employee except to monitor compliance with these standards. Similarly, an employee is not authorized to send an e-mail message under another employee's name without authorization. Any exception to these procedures must receive prior approval from the appropriate Department Head.

E-mail messages that are public records must be retained by the City for as long as required to satisfy the administrative, legal, fiscal and/or historical needs of the City. Most e-mail records are required to be maintained on the City's exchange server and it is a violation of policy to copy or move e-mail off the exchange server onto another storage medium. The City has established an e-mail retention policy to ensure that its business needs and public records retention requirements are met as well as to allow for easy access to electronic records when necessary. Retention periods are generally established by the State Archivist. The City Recorder and City Attorney work with City

departments and employees to determine which records need to be maintained and the proper amount of time a particular record needs to be kept. E-mails which are not required to be maintained should be deleted. Employees must evaluate each e-mail message they receive or send for content to determine the e-mail's appropriate retention period and storage location. The complete policy on e-mail retention can be accessed on the City's IntraWeb.

The City purchases and licenses the use of various computer software for business purposes and does not own the copyright to such software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use on more than one computer.

An employee may only use software on local area networks or on multiple machines according to the software license agreement. The City prohibits the illegal duplication of software and its related documentation.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not obtained authorization for its use, it should not be put on the Internet. Each employee is also responsible for ensuring that a person sending any material over the Internet has the appropriate distribution rights.

To ensure a virus-free environment, no unauthorized installation of software is permitted, and no executable files or software may be downloaded from the Internet or any other source without prior authorization from the Information Services Department (ISD) Manager. To ensure a virus free environment, no software may be loaded onto any machine from any source (Internet, CD-Rom, floppy disc, memory sticks, etc). No program files (such as screen savers, wallpaper) may be loaded from any source. ISD will be the sole installer of software on machines in the City of Beaverton or personal devices (e.g. PDAs) which are used at the City.

Each employee should notify the immediate supervisor, the Department Head or any member of management upon learning of violations of this policy. An employee may be subject to discipline for any damages resulting from violations of this standard.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **10.8 USE OF CITY EQUIPMENT, SUPPLIES AND TELEPHONES**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

The City provides any supplies, uniforms, equipment, and materials necessary for you to perform your job. These items are intended to be used for City business purposes. Each employee is expected to exercise care in the use of City equipment and property and use such property only for authorized purposes. Loss, damage, or theft of City property should be reported at once.

The City's equipment, such as telephones, facsimile and copy machines, is intended to be used for business purposes only. An employee may use the copy or facsimile machine for non-business purposes in an emergency and/or with the permission of the supervisor. The minimal personal use of City telephones, facsimile or copy machines will be considered "de minimus" compensation. Any personal use of City equipment that results in a charge to the City should be reported immediately to the supervisor so that reimbursement can be made. Fees associated with the use of City equipment (such as making copies) will be charged to each employee at the same rate they are charged to the public.

### Telephone Usage

Although the City realizes there are times when an employee may need to use the telephone for personal reasons, it is expected that good judgment will be used in limiting the length and frequency of such calls. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. A standard the City encourages is to not make personal calls during work time. Each employee is therefore asked to make any personal calls on non-work time where possible and to ensure that friends and family members are aware of the City's policy. With prior approval of the supervisor, flexibility may be provided in circumstances demanding immediate attention. An employee needing to make long distance calls from a City phone may do so, in accordance with this policy, by using a personal calling or credit card.

### Cellular Phone Usage

Use of Personal Cellular Phones:

While at work an employee is expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. Phone calls and text messaging made on an employee's personal cell phone should be made on non-work time such as breaks and meal periods. As with land based telephones, with prior approval of the supervisor, flexibility may be provided in circumstances requiring immediate attention. Each employee is asked to ensure family and friends are aware of the City's policy on personal cell phone use.



The City will not be liable for the damage or loss of personal cellular phones brought into the workplace.

Personal Use of City-Provided Cellular Phones:

Where business needs demand immediate access to an employee, the City may issue a business cellular phone to an employee for work related communications. Such cellular phones are to be used for City related business reasons only, and phone records may be subject to audits. A limited exception to City provided cellular phone use for personal reasons may be made when an employee needs to notify a personal friend and/or family member of the need to work beyond the normal schedule. Personal use of a City-provided cellular phone in this limited circumstance will be considered “de minimus” compensation.

If an employee experiences a personal emergency that results in the need to use the City’s cellular phone, the employee should report this use to the supervisor within 48 hours of making the call.

Because cellular phone usage may be distracting to co-workers, the employee should turn the cellular phone to the “non audio” setting when at the work station whenever practical.

An employee in possession of City equipment such as a cellular phone is expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, the employee must return the phone in good working order.

Use of Personal Cellular Phone while Driving

The use of a personal cellular phone while driving a City vehicle is only permitted when the use of the personal cellular phone complies with the “Safety Issues for Cellular Phone Use While Driving” section of the Use of Vehicles policy.

## **10.9 WORKPLACE MONITORING**

Effective Date 1/1/04

Revised Date 2/1/06

Workplace monitoring may be conducted by the City to ensure quality control, employee safety, security, and customer satisfaction.

Computers furnished to an employee are the property of the City. As such, computer usage and files may be monitored or accessed. See Policy 10.7, Computer, E-Mail and Internet Usage.

The City may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

An employee may request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate business reason to protect confidentiality or due to an ongoing investigation.

## **10.10 SOCIAL MEDIA**

Effective 2/1/10

Revised Date 3/15/13

Revised Date 9/1/13

The City respects an employee's right to personal expression. Nothing contained in this policy shall be interpreted or applied in a way that interferes with the legal rights of employees to discuss the terms and conditions of their employment. However, any employee's blog, or profiles or communication on sites such as MySpace, Facebook and Twitter must clearly represent the employee's viewpoint only. Employee's use of these sites should not create a conflict of interest.

The City prohibits the use of social media to post or display comments about co-workers or supervisors that are vulgar, obscene, threatening, intimidating, harassing or a violation of the City's workplace policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, genetic information, military status, or other protected class, status or characteristic.

The City will not request or require an employee or applicant for employment to provide access to personal social media accounts or to add the City to a social media contact list. The City will not retaliate against an employee or applicant for refusal to accept a friend or connection request.

For information about the City's use of social media, please see the City's Policy and Guidelines on Use of Social Media at J:\All City\Social Media\Policy, which includes:

1. Definitions that pertain to social media
2. Why the City uses social media
3. Who at the City may enter into an agreement with a social media provider, and who is authorized
4. Records retention guideline
5. Social media usage guidelines

## **10.11 LIFE THREATENING ILLNESSES IN THE WORKPLACE**

Effective Date 1/1/04

Revised Date 2/1/08

An employee with a life threatening illness, such as cancer, heart disease, and AIDS, often wishes to continue normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as the employee is able to maintain acceptable performance. As in the case of other disabilities, the City will make reasonable accommodation to allow a qualified employee with life threatening illness to perform the essential functions of the job.

Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Supervisors and other employees have a responsibility to respect and maintain the confidentiality of employee medical information.

Any employee with questions or concerns about life threatening illness is encouraged to contact the Human Resources Department or the City's Employee Assistance Program for information and referral to appropriate services and resources. It is the policy of the City of Beaverton to comply with the spirit and intent of the Health Insurance Portability Accountability Act (HIPAA).

## **10.12 WORKPLACE VIOLENCE PREVENTION**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 3/15/13

The City is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City has adopted a “Zero Tolerance” policy with respect to violence in the workplace. All violent behavior is considered inappropriate in the workplace, on both the part of the employee and any individual, and it will not be tolerated. Violence is strictly and specifically prohibited by the City of Beaverton.

Workplace violence is defined as any act of physical, verbal, or written aggression by an individual or by a group that occurs in the workplace or arises out of work activity that causes or could cause a reasonable person to be in fear of imminent bodily injury, or that causes or could cause the destruction of property. This definition will be construed to include the infliction of bodily injury or the attempt to inflict bodily injury; harmful physical contact or the attempt to make harmful physical contact; and the abuse or destruction of property or the attempt to abuse or destroy property. When the terms “violence” or “violent behavior” are used here, they are intended to include verbal threats, written threats, and behaviors that intimidate or cause fear or alarm on the part of a reasonable person.

Bringing a deadly weapon to work or carrying a deadly weapon while at work is strictly and specifically prohibited. This prohibition does not apply to an employee authorized to carry weapons as part of their job responsibility, such as police officers. “Deadly weapon” means a device, instrument or object that is specifically designed for causing death or serious physical injury. This prohibition applies to each employee, other than a sworn police officer including those who have a concealed weapon permit. This prohibition extends to vehicles brought to work and parked on City property whether owned, leased, rented or borrowed. This prohibition does not apply to personal defense devices, such as personal attack alarms, tasers, stun guns, or to personal defense sprays, such as pepper spray or mace, provided these devices are only used for personal defense.

All violent acts and threats are to be reported to a supervisor, even if the threat is retracted. It is not helpful to allow a violent or threatening individual to continue with his/her behavior, because the potential of that behavior deteriorating increases over time.

It is up to all employees to assist in the identification and resolution of threatening or violent behavior. Preventing and de-escalating violence is not solely a management responsibility.

Taking retaliatory action against any person because that person reported a violent incident, furnished information, or participated in any manner in an investigation, is prohibited.

In all cases involving violence, the first priority of employees in dealing with the situation is to protect themselves, their co-workers and the public.

### Dealing with Violence in the Workplace

If it is reasonable to believe that someone is acting in a manner that is immediately dangerous to himself or herself or another person, then immediate action should be taken. The following steps should be taken:

- Do not attempt to control the violent person.
- Leave the immediate danger area and go to a safer area.
- Call 911 (after obtaining an outside line) for emergency police assistance. Tell the 911 dispatcher that there is an immediate danger, and provide the location, description of the suspect and a summary of the situation.
- Notify co-workers and management of the danger.

If a person is making threats but the person is not presently violent, or no immediate danger is apparent, then the employee perceiving the threat or having knowledge of the violence should:

Notify the immediate supervisor or the supervisor on duty. If no supervisor is available, then the Department Head, the Risk and Safety Officer, the Human Resources Director, or the Mayor should be notified.

Try to keep away from the threatening person, if possible, pending the results of an investigation.

If it is not possible to keep away from the threatening person, then the affected employee should develop contingency plans for self-defense and emergency escape routes. Panic buttons are located in each City department. Employees should ensure they know the location of the panic button(s) in their department. In the event of a situation where anyone's personal safety is threatened, the panic button should be utilized. Pushing the panic button will cause the Police to be notified immediately and dispatched to the department needing assistance.

Threatening or violent behavior from any citizen or individual is not acceptable. Employees are directed to record threats in writing as soon as possible after the threat is communicated. Thereafter, the employee is to immediately notify the supervisor of the threat and follow the procedure described above. Violent behavior on the part of any individual towards City employees and property will not be tolerated. Persons exhibiting violent behavior will be asked to stop and/or leave immediately. If such a person fails to leave immediately, employees are to request emergency police assistance by calling 911 (after obtaining an outside line).

Upon receipt of a report of workplace violence where an employee is the alleged perpetrator, the supervisor will immediately begin to investigate the report and take immediate corrective action, if appropriate. The Human Resources Director will be notified of any action taken as soon as possible. The Human Resources Director, or designee, will supervise the completion of the investigation of the incident. Where criminal wrongdoing is apparent, the matter will be reported to the Police Department.

The City cares about each and every employee but does not interfere in one's personal life. If an employee's personal activities hinder their job performance or the ability of other City employees to perform their job functions, then the City has the right to regulate, control or prohibit that behavior. With respect to domestic violence, the City may become involved and take action if or when the violent behavior or threat of violent behavior takes place while the employee is on the job. Incidents of domestic violence at work will be reported and investigated in the same manner as other violent incidents. At the request of an employee, the City may make provisions to shield or protect an employee from abuse while at work through prudent measures. See section 6.6, Leave for Domestic Violence, Sexual Assault or Stalking for more information.

Managers will immediately forward any report of workplace violence to the Human Resources Director. The Human Resources Director, or designee, will conduct an internal investigation. If criminal behavior is reported, the Police Department will be asked to investigate. During the internal investigation, confidentiality will be maintained to the extent possible. However, during an investigation, it is often necessary to make the employee or the customer against whom the allegation has been made aware of the complaint in order to ascertain the facts. In addition, other employees, supervisors and customers who may have witnessed or have knowledge of the incident will usually need to be interviewed. The Human Resources Department will keep a confidential written record of the steps taken during the investigation.

At the conclusion of the investigation, the Human Resources Director will determine the action or actions to be taken, if any. A written summary of the steps taken in the investigation and the results of the investigation will be made and kept in a confidential manner by the Human Resources Department. As appropriate, the reporting party will be informed of any actions to be taken as a result of the investigation.

The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

## **11. WORK SCHEDULES**

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### **11.1 HOURS OF WORK**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

Employee work schedules vary throughout the organization. Supervisors will advise each employee of the individual work schedule. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.



## 11.2 FLEXIBLE WORK SCHEDULES (FWS)

Effective 2/1/10

Revised Date 3/15/13

Flexible Work Schedules (FWS) are defined as non-traditional work schedules that depart from the traditional five-day, forty-hour workweek. A FWS is one that varies from the norm but is not adjustable by the employee on a daily or weekly basis.

### Common Flexible Work Schedules

While there are many variations to a FWS, there are several common schedules commonly used throughout the city:

**Compressed work week:** This is a full-time schedule which is worked in less than five days, such as four 10-hour days.

**Nine-hour work schedule:** This is also referred to as 9/80, 44/36 or 36/44 schedule. This schedule operates over a two-week cycle. The employee works four 9-hour days and one 8-hour day in the first calendar week and four 9-hour days with an extra day off in the second calendar week. The day off is typically Monday or Friday, but may be any business day. To avoid overtime, the designated work week starts at the midpoint of the eight-hour day in the schedule.

**Fixed Flexible Work Schedule:** this work schedule is divided into “core”, time during which the employee must be at work, and “flex-time bands” at either end of the core time, during which an employee may adjust the beginning and ending times of the work shift. For example, a division with regular working hours of 8 a.m. to 5 p.m. and core work times of 9 a.m. to 4 p.m. could have a fixed flexible work schedule of 7 a.m. to 4 p.m. or 9 a.m. to 6 p.m.

**Job Sharing:** This schedule allows two employees to share one full-time position. (Refer to the Job Sharing policy on this subject).

The City will consider a FWS based on a variety of factors, such as:

- The effect upon the quality of quantity of services provided.
- The cost impact, if any, of the FWS.
- The effect on other employees.
- Such other factors as may be appropriate to the productivity of the department as determined by the City.

Any regular full-time or part-time employee may request a FWS. An employee seeking to create a FWS should talk to the supervisor to determine whether the proposed schedule will meet the needs of the organization. It is necessary to complete a FWS proposal form to move to a FWS and also to suspend a FWS. With reasonable notice and depending on the operational needs of the work unit, an employee will be allowed to suspend a FWS based on the discretion of the supervisor.

### Effect of Leave Time on a FWS

Paid time off (PTO) is based on the number of hours the employee would have been scheduled to work during the period of absence. Employees working a FWS will be paid for a holiday or bereavement leave based on an 8-hour day (pro-rated for part-time employees). Employees on a FWS may use PTO, compensatory time, or a modified work schedule (if approved by the supervisor) to make up time beyond the eight hours, if necessary. If the holiday falls on a regular day-off, the employee may take another day off in the same pay period with the approval of the supervisor.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

### **11.3 REST AND MEAL PERIODS**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

The supervisor will advise the employee of the regular rest and meal period length and schedule. Rest periods of fifteen minutes will be provided in accordance with state law. Since this time is counted and paid as time worked, employees should not be absent from their workstations beyond the allotted rest period time.

Meal periods may be either one half hour or one hour in length and will be granted during work shifts of six hours or longer. An employee will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

An employee may not shorten the workday by foregoing a break period or the minimum meal period.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **11.4 JOB SHARING**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

It is the City's policy to allow job sharing in those instances where the needs of the City will be served by such an arrangement. All job sharing will be on a voluntary basis, with the condition that no extra costs above those associated with a single, full-time employee will be incurred by the City.

Primary responsibility for picking a job sharing partner and making a proposal to the City rests with the interested employees, who will make a joint application to the City. When an employee proposes a job share arrangement, that person is responsible for finding a partner who is acceptable to the City. While the City may assist in the recruitment, it will not incur any direct expenses in the process. The City's assistance may include posting the opportunity on bulletin boards or making the opportunity known to current or former candidates for the job classification to be shared. Because of the confidential nature of employment applications, direct access to job candidates will not be granted to the job sharer without the applicant's consent.

Coordination between the job sharers is critical to the success of the arrangement. The partners bear responsibility for coordination with each other as necessary to assure effective combined job performance. The City's obligations are the same for a job share arrangement as they would be if a single employee occupied the position. The two partners' ability to work well together and avoid or resolve disputes will be a factor in the City's evaluation of the arrangement.

Each job share partner must have an established weekly schedule. Job sharers may propose their work schedule but final determination of the schedule of hours, as well as the decision as to which partner works which schedule, rests with the supervisor.

Initial and continuing approval of the job share arrangement will be conditioned on both partners meeting all of the required qualifications for the job.

The City reserves the right to approve or disapprove all job share arrangements and to rescind a job share arrangement subject to 14-days notice. If the arrangement is terminated, and there is no agreement regarding who will resign or assume full-time responsibilities, the matter will be decided on the basis of employment seniority with the City.

Normal supervisory practices such as work assignment, performance planning discussions, time off approval, scheduling, and discipline will continue to be exercised individually with both partners.

The parties to a terminated job share arrangement have the option of transfer or resignation, and the City reserves the right to terminate an employee upon dissolution of

the job share arrangement. If either party resigns, transfers or is terminated, the City may require that the other party assume the full time duties and the arrangement will be considered rescinded.

Benefits will be pro-rated according to hours worked. If a job share employee's regular hours worked are less than 20, that employee will be ineligible for most City benefits. For benefits that are not adjustable such as health and dental insurance, the job share partners must decide between themselves on who will receive these benefits. (I.e. one partner may take the dental insurance, and the other health, or one partner takes both). In the event the partners cannot decide on who will receive what benefits, the job share arrangement will not be approved. Holiday pay will be divided between the partners based on the FTE normally worked. Benefits that accrue will automatically be pro-rated based upon hours paid. These accrued benefits include paid time off leave and PERS.

Seniority for paid time off accruals, PERS service and step increases will be based on the seniority of each of the job share partners individually. In the event of a layoff, the arrangement will be considered to have the seniority of the least senior partner; however, either party may choose to terminate the job-share agreement in which case the remaining employee will retain individual seniority.

Salary increases and performance planning discussions will take place separately with each of the partners.

Employees interested in job sharing should make a joint application to the immediate supervisor. The application should show that the following criteria can be met before the application can be approved.

- The requested schedule will not interfere with either the employee's availability and ability to perform the job, or the ability of other employees.
- The operational needs of the City are met.
- The needs of the public are served.
- The proposed schedule will fully cover the 40-hour schedule of the full time position and that each partner maintains a constant number of hours per week.
- Each partner must work a minimum of 16 hours per week.

In all instances, the application for a job sharing arrangement is subject to approval by the supervisor, Department Head and Human Resources Director.

Represented employees should consult the respective collective bargaining agreement for further information on this subject matter.

## 12. PERFORMANCE MANAGEMENT

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### 12.1 PERFORMANCE PLANNING, DIALOGUE AND DEVELOPMENT (PPDD)

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

The City's approach to performance planning is driven by the desire to ensure that dialogue and feedback occur regularly about work, the workplace, customer service and employee needs and interests. Our organization's success depends on the continuous improvement of systems and processes and the hard work, cooperation, growth and development of the employees who manage and operate them. To that end, the foundation of the City's performance planning objectives is based on these components:

- ◆ Frequent and ongoing conversations between employees, work units and supervisors
- ◆ Work processes and systems which are the focus of improvement
- ◆ Respectful and collaborative planning and dialogue
- ◆ Ongoing coaching and two-way communication between supervisor and employee, and within the work unit as a whole
- ◆ Performance expectations that are mutually established and understood
- ◆ Written records where appropriate, such as agreements, changes and desired outcomes
- ◆ A work environment that encourages risk-taking and change
- ◆ Acknowledgement that motivation originates from within a person

The overall purpose of PPDD is to create a continuous cycle for supporting and managing individual and team performance. The program components are designed to assist the supervisor and the employee in identifying job duties/responsibilities both individually and within the larger context of the work unit, department or City; encourage and recognize strengths; define expectations for which an employee will be held accountable; identify barriers to achieving expected performance levels and work toward resolution; identify opportunities for professional growth and discuss positive, purposeful approaches for meeting goals.

#### Performance Discussion

The desired outcomes of PPDD discussions between supervisors and employees include:

- ◆ Agree on plans and goals for the work unit
- ◆ Agree on plans and goals for the employee
- ◆ Agree on job expectations and work standards
- ◆ Meet standards effectively
- ◆ Meet employee's needs for meaningful, satisfying work
- ◆ Identify opportunities for employee growth and development

- ◆ Identify opportunities for growth and development as a team

These suggested areas may be discussed over the course of multiple meetings and may involve the supervisor and employee or the supervisor and work group. Supervisors, employees, and work units are encouraged to work together to develop a process that best fits their work and culture.

### End-of-Probation Discussion

The End-of-Probation Discussion is intended to provide a formal meeting between the employee and supervisor at the end of the probationary period. To provide the employee an opportunity to meet the position requirements, the supervisor may extend the end-of-probation date. Extension of the probation period must be approved by the Department Head and the Human Resources Director prior to the scheduled end of the probationary period.

The following is the schedule for End-of-Probation discussions:

#### Management Employee

- New hire – 6 months from hire date
- Promotion – 6 months from start date in new classification
- Transfer – 6 months from date of transfer

#### SEIU Employee

- New hire – 6 months from hire date
- Promotion – 3 months from start date in new classification
- Transfer – 3 months from date of transfer

#### Beaverton Police Association Employee

- New hire to sworn position – 18 months from hire date
- New hire lateral to sworn position-12 months from hire date
- New hire to non-sworn position – 12 months from hire date
- Promotion from non-sworn to sworn position – 18 months from start date in new classification
- Promotion from non-sworn to non-sworn position – 12 months from start date in new classification
- Promotion from sworn to sworn position – 12 months from start date in new classification

### Career Development Plan

A career development plan should be part of the PPDD discussion. This is an opportunity for the employee and supervisor to discuss and establish training opportunities that will assist the employee further in his/her knowledge, skills or abilities in either current or future positions with the City. The career development plan is created and owned by the employee, who has the opportunity to present it to their manager at any time but especially during a PPDD discussion.

### Work Improvement Plan

A Work Improvement Plan addresses specific areas in which an employee is performing below established expectations and formally re-establishes performance expectations as well as needed improvements. A Work Improvement Plan is not considered disciplinary action, but instead is a plan which provides clear direction and expectations designed to lead to the employee's success in the position. A supervisor initiating a Work Improvement Plan will meet with the Human Resources Business Partner assigned to that department for advice on constructing the Plan.

Represented employees should consult the respective collective bargaining agreement for further information on this subject matter.



## **12.2 EMPLOYEE PERFORMANCE & CONDUCT**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

The City expects the highest standards of performance and conduct from each employee. The following is a set of standards that will serve as the basis for selection, evaluation and discipline of City employees. It should be regarded as a guide to ensure the effective delivery of municipal services.

### Performance Standards

- Achieves and maintains the level of knowledge, skill and ability required by the employee's job classification and job assignment.
- Is able to carry out assignments with the level of training and supervision appropriate to the employee's classification and qualifications.
- Maintains a positive work atmosphere by acting and communicating in a manner so as to get along with customers, clients, co-workers and management.
- Exercises appropriate judgment, decision-making and initiative, including selection of work techniques, procedures and priorities.
- Is attentive to job safety considerations and follows all required safety policies, procedures and techniques.
- Prepares written reports and communications which meet job requirements.
- Knows and follows all relevant City and departmental policies and procedures.
- Carries out work assignments in a diligent, cost effective, efficient and timely fashion.
- Produces acceptable "output" or quantity that is within established timelines.
- Expresses disagreements in an appropriate setting and in a manner that is constructive and not disruptive or harmful to the delivery of services. (Employees are entitled to their opinions, but should exercise care in selecting when and how to express or convey them and do so in a manner and place that is appropriate.)
- Maintains required levels of accuracy and quality.
- Develops and maintains satisfactory working relationships with others, including the public, as necessary to effectively carry out job responsibilities.
- Maintains necessary licenses, certifications or credentials required for the employee's classification and assignments. This includes possession of a valid driver's license and meeting City driving standards if, and as, required by the employee's duties and classification.
- Acts within proper authority.
- Is reasonably available for and accepts necessary work schedule changes.
- Meets standards of personal grooming, dress and appearance as required for effective performance of duties and appropriate to safety needs.
- Is reasonably available for required overtime work.

### Attendance Standards

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

- Maintains an acceptable attendance record.
- Follows required procedures for requesting and reporting absences.

### Conduct Standards

To promote understanding of that which is considered unacceptable conduct, the City offers the examples listed below for the identification of types of improper conduct that may be the subject of corrective action, up to and including termination.

Prohibited behaviors include, but are not limited to:

- Falsification of official records or documents, including applications and pre-employment documents.
- Misrepresentation of qualifications for employment.
- Unauthorized absence from duty, including failure to return from leave, or taking of unauthorized or excessive breaks while on duty.
- Off-duty conduct, including outside employment, which discredits the City or department or impairs the employee's on-the-job effectiveness.
- Insubordination or refusal to follow instructions which pertain to the employee's work or City requirements which are issued by a supervisor or any other person in authority.
- Maintaining or acting upon a conflict between job responsibilities and private (business, personal or financial) interests.
- Violation of reasonable and customary ethical standards including the exercise of influence in exchange for gifts, gratuities or other considerations. (Refer to the specific policy on this subject).
- Use of force, intimidation, abusive language or mannerisms, or other conduct that is unprofessional or inappropriate in a business setting.
- Willful violation of City or departmental rules or violation of state and federal laws.
- Discrimination or harassment based on race, sex or other protected classes in the exercise of employment responsibilities. (Refer to the Harassment Policy.)
- Illegal possession, sale or use of controlled substances while on duty. (Refer to the Substance Abuse Policy.)
- Reporting for duty or working with impaired effectiveness due to use of controlled substances. (Refer to the Substance Abuse Policy.)
- Use of City time, property or equipment for personal purposes, subject to reasonable interpretation and enforcement. For example, the occasional making or receiving of personal phone calls would not be a violation of this standard; however, the use of a computer on or off duty time to carry on an outside business would be. Stopping at a restaurant in a City vehicle, if reasonably on the way to or from meetings or field work assignment, would not be a violation; taking one to a doctor's appointment would be.
- Engaging in on-the-job political activity that is in conflict with state or federal law or City policy.
- Misuse or abuse of City or public funds, or theft or misappropriation of the property of others.
- Failure to report for duty ready, physically able and appropriately attired to work.

- Dishonesty or untruthfulness, by act or omission.
- Abuse of leave privileges or misrepresentation of reasons or necessity for leave or failure to return from leave.
- Unauthorized disclosure of confidential or privileged information.
- Actions which are violations of ethical standards.
- Any violation of the policies and procedures in this Handbook or as announced by management.

## **12.3 PROBLEM RESOLUTION**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

The City encourages a safe environment for mutual discussion of problems. Communication between an employee, co-workers and supervisors is important to maintain a harmonious, productive working relationship. This is especially true as it applies to employee problems. It is preferable that problems be resolved at the lowest level. Prior to the filing of a formal complaint, an employee is encouraged to seek resolution directly with the party involved or with the help of a supervisor or Human Resources representative through the informal process described below. When that approach is unsuccessful or not appropriate, the Formal Resolution Process may be utilized.

### **Informal Resolution Process**

If you have a problem or conflict with another person, whenever possible try a direct and open problem solving approach. This may include some or all of the following steps:

- Discuss the problem with a trusted co-worker, Human Resources representative, manager or Union representative if you feel you need support and advice. You may want to practice describing the behavior that you perceive as unacceptable.
- Go to the person with whom you have the problem. Privately describe the behavior(s) you find offensive.
- If that does not result in mutual agreement for resolving the matter, tell the other person that you still need to resolve the problem. Offer them the opportunity to go with you to the supervisor to discuss alternative ways to resolve the matter.
- Meet with your supervisor or the other person's supervisor, together if possible. Explain the problem. Ask that the supervisor speak to the person with whom you have the problem.
- Your supervisor may take action to resolve the conflict between the parties directly or he/she may suggest using another supervisor, a Human Resources representative, a mediator or another person who is acceptable to all parties concerned.
- If these steps don't resolve the problem, your supervisor will still need to ensure that work continues. He/she may make decisions that could affect you or the other person. This could involve specifying expectations, procedures or processes to be followed by you and/or the other person. If the supervisor believes the situation to be harassment or bullying, he/she may decide to start the investigation process.

### **Formal Resolution Process**

Although generally preferable, the Informal Resolution Process may not be appropriate to all situations. In cases of alleged illegal employment activity or where the problem is highly volatile or complex, this Formal Resolution Process may be the better option for resolving the problem. This process includes the following steps:

- As soon as possible, report the problem to your Department Head or Human Resources representative. In cases of discrimination or harassment, you may also file a complaint with the Mayor.
- Your complaint may be made verbally or in writing. Include in your complaint your name (if the complaint is in writing), the name of the person(s) against whom the complaint is being made, a description of the actions or behaviors which led to the complaint and any other information which you believe to be relevant.
- The person receiving the complaint will take immediate action to address your concerns. This may include an investigation which is explained below. Confidentiality will be maintained to the extent possible; however, during the investigation process it will be necessary to make the person against whom the complaint was filed aware of the complaint.
- Written records of the process will be maintained. To the extent possible, these records will be treated confidentially.
- You will be advised of the outcome and results of this process as soon as practical. Because disciplinary actions are considered confidential, you may be advised that the situation has been resolved, but you will not be provided information about what disciplinary action, if any, was taken.
- If there is an investigation related to the complaint, the affected parties will be advised of the outcome of the investigation.
- The City prohibits retaliation against any employee for filing a complaint or for assisting in a complaint investigation. If you believe that this standard has been violated, you should follow the process described in this Formal Resolution Process.

### **Investigation Process**

Some complaints are of such a serious or complex nature that a formal investigation is warranted. Bullying and situations involving illegal activity such as discrimination or harassment generally fall into this category.

The decision to begin an investigation may be made by a Department Head or Mayor. All complaints regarding illegal employment activity will be reported to the Human Resources Director who will determine whether or not a formal investigation is justified. If an investigation is warranted, the Human Resources Director or designee will conduct the investigation.

When the City begins an investigation, the complainant will be advised of the need to discuss the complaint with other individuals including the individual(s) against whom the complaint is made. All parties to the complaint will be interviewed as well as other employees who may be witnesses or who may have knowledge which could be relevant to the complaint.

The investigator will keep records of the interviews conducted. Records may be handwritten interview notes, tape recordings or summaries. Interviewees may also provide written statements to the investigator. To the extent possible, records of

interviews are considered confidential except that the investigator may ask the person interviewed to review the documentation or the person interviewed may ask to look at the interview notes from his/her interview.

The investigator will explain to each person interviewed the nature of the complaint, the investigation process and whether or not the person being interviewed is a party to the complaint or is being interviewed as a witness. The investigator will explain his/her role as the fact finder and may indicate who the ultimate decision maker will be. Interviewees may be asked not to discuss the investigation with others; however, employees are entitled to discuss the matter with their union representative or attorney.

Upon request, represented employees are entitled to union representation during the interview if they reasonably believe the interview could lead to disciplinary action against them. The employee may not unduly delay the interview so that a specific union representative can be present. Unrepresented employees may also request that another person be present with them during the interview; however, the decision to allow another person to be present will be made at the discretion of the investigator.

During the course of the investigation employees may be interviewed more than once for clarification or to respond to additional questions by the investigator. Employees are required to cooperate with the investigator and be truthful and forthcoming with their responses.

At the conclusion of the investigation, a report will be provided to the appropriate Department Head who will determine what action, if any, should be taken.

Except as required by a collective bargaining agreement or by law, the investigation report document is considered confidential. Parties to the complaint will be advised as to the outcome of the investigation.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

## **12.4 CORRECTIVE ACTION**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

It is in the best interest of the employees and the City to ensure the fair treatment of each employee and that any corrective action or disciplinary action is prompt, uniform, and impartial. The major purpose of corrective action or discipline is to correct the problem, prevent recurrence, and prepare the employee for continued satisfactory service in the future.

Corrective action and discipline may call for any of the following:

- Coaching: day-to-day support and direction to the employee regarding job techniques, required training, and expected results.
- Counseling: helping the employee understand that performance is below expectations and providing instruction on corrective measures as necessary. It is documented that the counseling took place but the counseling itself is not presented in written form.
- Oral warning: an official but verbal communication to an employee providing the first formal notice that performance or conduct improvements need to be made. Key elements of the discussion are documented but not included in the personnel file.
- Written warning/reprimand: written notice to the employee that significant improvement in job performance or conduct is required.
- Suspension: involuntary leave without pay coupled with formal notice of unsatisfactory performance or conduct.
- Delay or denial of step increase: notice that an annual salary increase will be delayed or denied unless steps are taken to improve performance or conduct.
- Demotion: reassignment of an employee to a lower level classification, with a reduction in title and pay, based on performance problems unique to the requirements of the higher classification.
- Discharge: involuntary termination of employment based on unsatisfactory performance or conduct.

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

The specific level of discipline taken is dependent upon the severity of the problem and the number of occurrences. There may be circumstances when one or more steps in the disciplinary process are accelerated or bypassed.

The City recognizes that there are certain types of employee problems that are serious enough to justify a suspension, demotion or termination of employment.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Performance & Conduct Policy includes examples of problems that may result in immediate suspension, demotion or termination of employment. The problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger discipline less severe than termination.

By engaging in a corrective action program, it is hoped that most employee problems can be corrected at an early stage, benefiting both the employee and the City.

#### Appeal of Disciplinary Actions

A disciplinary action imposed on an employee may be appealed subject to the following: Disciplinary actions may be appealed when the disciplinary action imposed is a suspension, demotion or dismissal. Such an appeal should be made, in writing, to the Human Resources Director and Mayor no later than 14 calendar days following notification of the disciplinary action. In reviewing the appeal, the Mayor may choose to hear the matter personally or select a designee to review the matter. The Mayor or designee will issue a written response to the appeal no later than 30 days after the completion of the review or as soon as practicable. The review will be completed in a reasonable amount of time.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.



## 13. RISK MANAGEMENT

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### 13.1 HEALTH & SAFETY

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 3/15/13

It is the City's policy to provide a safe and healthful place to work and to comply with all federal, state and local regulations pertaining to the health and safety of all employees. The City acknowledges its obligation to provide the safest possible working conditions for employees, and as a government service organization, to provide a safe environment for the public that uses our services.

The Human Resources Department under the coordination of the Risk and Safety Officer has responsibility for implementing, administering, monitoring, and evaluating the Health and Safety Program.

The City firmly believes that accidents result in needless economic losses to both the employees and the City. The City also believes that accidents can be prevented. The control of all accidents in the City is a matter of primary importance exceeded by no other consideration. It is the City's intent to reduce injuries whenever possible, as well as the physical and economic suffering that accompanies accidents and injuries.

#### Safety Officer

The Risk and Safety Officer is the City's Safety Officer, to coordinate and guide the overall City Accident Prevention, Health and Safety Program.

#### Safety Committees

One important element of an effective Accident Prevention, Safety and Health Program is employee involvement. In recognition of this, the City has formed Safety Committees in various departments to assist in developing and maintaining the essential elements of an accident free, safe and healthful work environment.

#### Departmental Safety Committees

Each department within the City is responsible for implementing methods to ensure that the accident prevention, safety and health policies of the City are followed. Active committees within the City are: City Hall, Police, Public Works/Operations and Library. Any employee with a safety concern should contact their respective Safety Committee member. Names of the committee members can be obtained from the Risk and Safety Officer .

## **13.2 ERGONOMICS**

Effective Date 1/1/04

Revised Date 2/1/06

Ergonomics is the applied science of equipment design in order to reduce operator fatigue and discomfort. The City has developed an ergonomics program to minimize these types of injuries in the workplace. The primary elements of the ergonomics program are worksite and workstation evaluations and educating employees in ergonomic issues in the workplace. Components of the ergonomics policy include:

- Evaluating new employee's ergonomic needs and setting up workstations within one month of an employee's hire date.
- Reevaluating workstations on request and following up to resolve the issue. Each employee is encouraged to report to the Risk Manager all ergonomic concerns regarding workstations or equipment in use.
- Responding to non-workstation related ergonomic issues as identified by employees pertaining to their specific duties.
- Periodically providing education to employees on ergonomic issues.

### **13.3 ACCIDENT/INCIDENT/INJURY REPORTING**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

The City requires every employee to perform the duties of the position with the highest degree of safety at all times. Despite all efforts to work safely, accidents will occasionally occur. Prompt reporting of accidents is in the best interest of the City and the employee because prompt reporting will help to mitigate damage or processing delays after an accident. Each employee is expected to cooperate fully and assist in reporting and gathering accident information.

A City accident report should be completed whenever:

- An employee is involved in an accident that results in injury or damage to any person or property; or
- An employee is involved in an accident which may result in injury or damage to any person or property; or
- City property is lost, damaged or stolen; or
- An employee is injured on-the-job.

#### Medical Assistance

You should render first aid consistent with your first aid/CPR training or seek medical attention as soon as possible for any injured person. Do not render first aid assistance unless you have been trained to do so, and possess a current first aid card.

#### Accident Reporting

An employee should report an accident to the supervisor immediately. As soon as possible after the accident, the employee and supervisor must complete a City accident report; attach extra pages and/or photos as necessary. Following completion of the City accident report form, and required signature sheet, the original report should immediately be sent to the Risk and Safety Officer. The department should keep a copy of the report. The City accident report forms can be found on the City IntraWeb under Forms & Templates, HR/Risk Management.

#### Injuries to Employees Requiring Outside Medical Treatment

Following an injured worker's treatment by an outside medical provider, the employee should immediately complete the top section of the 801 form titled, "Report of Job Injury or Illness." (Note: first aid by paramedics is not considered outside medical treatment.) The employee should then sign where indicated and give the 801 form to the supervisor. The supervisor is responsible for completing and signing the "Worker's Compensation Hand-Delivered Checklist" (available on the IntraWeb under Forms & Templates, HR/Risk Management) and returning the 801 form and the checklist to the Risk and Safety Officer. The Risk and Safety Officer should receive these forms within 48 hours of the accident occurring.

A reasonable effort will be made to obtain an employee's signature on the 801 form. If the injured employee cannot sign the 801 form within 24 hours, then the completed forms will be sent to Risk Management without the injured employee's signature.

Each employee and timekeeper should report time lost from on-the-job injuries in the appropriate leave column on payroll sheets until notified by the Risk and Safety Officer that the claim has been accepted, deferred or denied. Time off work that is not covered by worker's compensation should be reported as sick, vacation, paid time off (PTO) or medical leave, whichever is applicable. For further clarification, contact the Risk and Safety Officer .

Do not complete the 801 form for injuries or illnesses that do not require outside medical treatment, however, an Incident Report form should be completed for all injuries even if no outside medical treatment is required. This information may be needed if the employee seeks treatment at a later date.

#### Accidents Involving Private Parties

Never discuss who was at fault, as this may prejudice the City's right(s) of recovery from third party insurance companies. An employee may not express opinions as to who should pay for any costs. When completing an accident report, it is important to obtain all information regarding the accident. Take pictures if possible. The Accident Report forms can be found on the City IntraWeb under Forms & Templates, HR/Risk Management.

#### Claims against the City

Advise any person wishing to file a claim against the City to contact the Risk and Safety Officer at 503-526-2204 for assistance. Do not suggest or imply that the City will pay for any accident. Do not recommend that anyone should file a claim for damages against the City.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.

### **13.4 EMERGENCY MEDICAL PLAN**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

The City has a sincere concern for the welfare and safety of its employees. Every City employee has an obligation to perform the duties of the position with the utmost care. However, in the event an employee is injured or becomes ill, those co-workers providing emergency response will do so immediately and in a manner consistent with their levels of first aid training.

#### Major Emergency Medical Treatment

A serious life-threatening injury warrants immediate emergency treatment, which may be obtained on a 24-hour basis at:

St. Vincent Hospital and Medical Center  
9205 SW Barnes Road  
Portland, OR 97006  
503-216-2361

If an employee has suffered a life-threatening injury or illness, the person providing assistance should immediately call for help by dialing 911 (after obtaining an outside line). If the attending paramedic(s) determine that transport to a medical facility is the appropriate protocol, the employee will be transported unless s/he signs the "refuse emergency medical services transport" form.

A qualified first aid person (a person with evidence of first aid training by Red Cross or equivalent within the past three years) should be summoned to provide assistance consistent with their training.

#### Non-Life-Threatening Medical Treatment

An employee with an injury or illness that is not life threatening should be seen at:

Tanasbourne Immediate Care  
18610 NW Cornell Road Suite 101  
Hillsboro, OR 97124  
503-216-9360

Or

Kaiser Permanente  
4855 SW Western Avenue  
Beaverton, OR 97005  
503-249-3396

### Injuries Not Requiring Outside Medical Treatment

Any superficial injury, such as a minor cut, bruise, strain, scratch, etc., should be reported immediately to the supervisor but no later than the end of shift on the day of injury.

### Emergency Assistance

The following should be permanently posted in a conspicuous place in each department:

- The name (s) of a qualified first aid person(s);
- The location of the first aid supplies;
- The name, telephone number and street address of St. Vincent hospital.

### Reporting

Injuries should be reported using the accident report forms on the City IntraWeb under Forms & Templates, HR/Risk Management.

### First Aid Kits

First aid kits are available in each department in close proximity and easy access to employees. Each department maintains and restocks the kit. Each kit should be equipped with supplies adequate for the number of employees and the type of exposure.

Vehicles used for the transportation of workers will carry a first aid kit. Any use of first aid supplies from a kit is to be immediately reported to the supervisor to assure restocking. Kits should be checked monthly by each department to ensure adequate supplies.

### **13.5 EXPOSURE CONTROL (BLOOD BORNE PATHOGENS)**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 3/15/13

To limit and control occupational exposure to blood and other potentially infectious materials, the City, has established an "Exposure Control Plan". The Plan is based on the use of universal precautions as the primary method of infection control. The Exposure Control Plan complies with OSHA standards that include:

#### Risk Assessment

Analyzing the duties and tasks required by an employee to be performed in a job classification that potentially exposes the employee to blood or other potentially infectious materials.

#### Risk Reduction

Developing Standard Operating Procedures for the use of engineering and work practice controls; Personal Protective Equipment (PPE) and housekeeping; employee training and information programs including labels and signs; a medical surveillance program that includes vaccinations against Hepatitis B; and a vaccination record keeping system.

The Risk and Safety Officer maintains the plan and oversees its overall implementation. The supervisor implements and ensures employee compliance with the plan on a daily basis within the department. This plan will be updated, as appropriate, and each employee will be notified.

Each employee should contact their supervisor to review a copy of the Exposure Control Plan (Blood Borne Pathogens).

### **13.6 TEMPORARY MODIFIED DUTY (TEMPORARY LIGHT DUTY)**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 3/15/13

#### Work Related Illness or Injury

Whenever possible, an employee affected by a work related illness or injury may be offered a Temporary Light Duty assignment within the restrictions provided by the employee's treating physician. The Risk and Safety Officer oversees this program. Temporary Light Duty assignments may be made to any department in the City and will be paid at the employee's regular rate of pay.

#### Non-Work Related Illness or Injury

Employees unable to perform their regular job duties due to a non-work related illness or injury may be offered a Temporary Light Duty assignment based on the needs of the department. Such assignments will be made solely at the discretion of the Department Head and Risk and Safety Officer, i.e. if there is no business need to create such an assignment, the employee will be expected to use available leave time.

Light Duty assignments are always temporary in nature. The Risk and Safety Officer will monitor light duty assignments and the medical status of an employee placed in a Temporary Light Duty position.

Represented employees should refer to the respective collective bargaining agreement for further information on this subject matter.



### **13.7 USE OF VEHICLES**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/08

Revised Date 2/1/10

Revised Date 3/15/13

The Vehicle Use Procedure specifies standards for each employee who operates vehicles on City business.

Each employee is expected to operate equipment and vehicles used for City business in a safe, courteous and lawful manner. The following practices apply:

Each driver must have a current, valid driver's license for the type of vehicle operated. Oregon statutes apply in determining whether or not out-of-state licenses are valid in Oregon. An employee may operate a City owned vehicle only after obtaining prior supervisor authorization and training in the safe operation aspects of the specific vehicle. A training exception can be made for light passenger vehicles.

Applicable motor vehicle laws will be obeyed. A traffic or parking violation will be the responsibility of the driver.

Routinely, a City owned vehicle may only be driven by an employee. In a case of extreme necessity, the Risk and Safety Officer may authorize a non-employee to drive a City owned vehicle. Routinely, passengers in a City owned vehicle will only be employees. A Department Head may authorize a non-employee to be driven as a passenger in a City owned vehicle.

Lap and shoulder belts will be worn at all times when the vehicle is in operation.

Vehicle operations resulting in personal injury or property damage will be reported pursuant to the reporting procedures outlined in this policy.

A City owned vehicle is to be used for official use only. The Department Head and supervisor may determine if an employee under their supervision may perform incidental personal errands in a City owned vehicle while enroute from City business.

A City owned vehicle may not be taken home overnight except with the advance approval of the Department Head or the Mayor.

A City owned vehicle may be used for travel to meals when an employee is on business and driving to obtain the personal vehicle would result in unnecessary and wasteful expenditure of time and money.

A vehicle used on City business will be operated only in a safe operating condition. Deficiencies in City owned vehicles should be immediately reported to the City garage. Any vehicle found to be unsafe or defective may not be operated.

The City may revoke the driving privilege of an employee to operate a City vehicle on official business if the employee fails to drive in a safe, courteous and lawful manner.

An employee may receive mileage reimbursement for use of a personal vehicle for official City business travel when there is no City vehicle available or upon written approval by the Department Head. Mileage reimbursement will be made at the IRS rate in effect in January of the current year. In order for an employee to obtain reimbursement for use of a personal vehicle, s/he must have an approved "Request to Use Private Vehicle" form on file with the Finance Department. Any employee using a personal vehicle on City business must maintain automobile liability insurance as required by the City. Employees using personal vehicles on City business do so at their own risk and should notify their insurance companies of such use. The employee's insurance will be primary and any insurance or self insurance program carried by the City will apply only in excess of any loss occurring in the course and scope of employment.

Involvement in a preventable accident while driving a City vehicle may be cause for disciplinary action, a change in driving assignments, and required participation in a driver training course as determined by the supervisor or Department Head.

Any employee performing work which requires the operation of a vehicle will notify the supervisor immediately upon receipt of a notice from the Oregon Motor Vehicles Division or a law enforcement officer that the employee's driver license is or will be expired, canceled, suspended or revoked, or if there is a change in the license class status.

The Human Resources Department will periodically check the Motor Vehicles Division records regarding employees authorized to drive on City business. Such record will be available, upon request, to the driver, the driver's supervisor and the Department Head.

### Driver Selection

The considerations given to the initial selection of an employee who will be required to drive a City vehicle, and the monitoring of the driving record of an authorized driver, are measures that are likely to reduce the future liability of the City that result from a motor vehicle accident. Accordingly, the City may use screening and monitoring measures to help accomplish this purpose.

Offers of employment to a prospective new employee will be conditioned upon satisfactory evidence of the ability to drive safely, obtained through a Motor Vehicle Division record check if the position requires that the employee drive. Out-of-state applicants may be required to furnish a copy of the driving record prior to an offer of employment being valid.

For an employee being considered for promotion or internal lateral transfer, a file review may be requested by the hiring supervisor to evaluate driver training received, reports of accidents, driving history, driving record, and any other relevant information.

Each driver may be considered qualified to drive on City business when in possession of a driver license of the proper class that is valid in Oregon. A license that has expired or has been cancelled, suspended or revoked will be considered invalid for the purpose of permitting the employee to operate a City vehicle.

A driver may be considered unqualified to drive and may be restricted from driving a vehicle on City business when the driver:

- Has had more than three convictions for a Vehicle Code infraction, other than Title or Registration infractions, within the two year period prior to the date of conviction; or,
- Has had more than two preventable accidents within the two year period prior to the date of conviction; or,
- Has been convicted of a traffic crime or other crime involving the use of a motor vehicle within the five year period prior to the date of conviction ; or,
- Has a question of fitness to drive arise because of apparent illness, injury or impairment.

The Human Resources Department will maintain files on employee driving records. Supervisors will report changes in the status of the driver licenses of their staff to the Human Resources Department as such changes become known.

### Driver Training

The City may periodically arrange for driver training courses. Driver training may be mandatory on paid time as approved by the Department Head.

### Vehicle Accident Reporting

When an employee is involved in a motor vehicle accident, adhering to a uniform reporting policy is in the best interest of the City to help mitigate damages. The following procedure should be followed in the event of a vehicular accident.

In the event of a collision, always render assistance first. If you have current training and certification in basic first aid techniques and/or CPR, render first aid consistent with your training. Call 911 for emergency assistance when there are injuries.

Stay on the scene to give whatever help you can. Be sure to obtain the name(s), driver's license number(s), telephone number(s), address(es), insurance company and policy number(s) of other driver(s); license number(s) of other vehicle(s); as well as the name(s), address(es) and telephone number(s) of witness(es). Take photographs of the scene, damage and injuries whenever possible. Do not discuss who is to blame or who is liable. Offer help and gather information only.

For an accident inside the City limits involving another vehicle or causing damage to private property, call 911 to summon a Beaverton police officer to the scene. Identify yourself as an employee of the City of Beaverton and state that you have been involved in a vehicle accident.

For accidents involving Beaverton police personnel and vehicles, the Police Department's internal policies will apply.

If an accident occurs outside the City limits, follow the procedure as described above. If the police of another jurisdiction do not respond to the scene, make an extra effort to gather all the information and take pictures.

For all accidents involving a vehicle used on City business you should report the accident to your supervisor immediately and fill out the "Accident-Injury-Property Damage Report" form located on the City IntraWeb drive under Forms & Templates, HR/Risk Management, as soon as possible, but not later than your next regularly scheduled shift. Limit all narrative on the report to factual information only.

A vehicular collision occurring on a public roadway that results in damage to the property of any one person, or involving any injury, must be reported to the DMV within 72 hours of the occurrence by filing DMV form 735-32, OR Traffic Accident and Insurance Report (available at Police Records). Information for the Liability and Insurance section of the DMV form 735-32 is as follows:

Insurance Company Name: Self-Insured  
Policy Number: Contact the Risk and Safety Officer at (503) 526-2204  
Owner's Name: City of Beaverton

It is the responsibility of an employee driving a City vehicle to file this report in compliance with state law. A copy of the report should be sent to the Risk and Safety Officer at the same time it is sent to the DMV. Any accident involving a City vehicle must be reported to the Oregon DMV on the 735-32 report form regardless of the estimated cost of the damage.

A completed City of Beaverton Damage Report form and all other information about an accident are to be sent to the Risk and Safety Officer .

An employee who has a commercial driver's license will be subject to DOT regulations regarding drug and alcohol testing following an accident.

#### Safety Issues for Mobile Communication Device (MCD) Use While Driving

An employee whose job responsibilities include regular or occasional driving, and who is issued a MCD, e.g. cellular phone or Nextel, for City business use, may not operate a City or private vehicle at any time while using the MCD, unless the MCD is a hands-free type. The appropriate hands-free type of ear piece for employees will be determined by the City. If an employee requires a hands-free device as part of their work, the City will

provide that option and will require the employee to use the device when operating City or private vehicles in the course of City business. Regardless of the circumstances, including slow or stopped traffic, employees are expected to use good judgment and common sense at all times, especially refraining from discussion of complicated or emotional issues. Use of the MCD to text while driving is also prohibited under this policy.

An employee who is cited for a traffic violation resulting from the use of the cellular phone while driving a City vehicle will be responsible for any liability and/or fines that result from such action.

## **13.8 LIABILITY**

Effective Date 1/1/04

The City incurs liability when its employee or agent is responsible for affecting the legally protected interests of a third party. There are a wide variety of ways in which this can happen ranging from damaging a citizen's automobile to violating someone's civil rights. It is important that each employee understand that the City of Beaverton has a \$125,000 aggregate deductible for liability losses. This means that funds which go to pay for losses come directly from the City's own funds. It is of the utmost importance that each City employee acts in a safe and lawful manner in the conduct of official duties.

### **13.9 SECURITY AND BUILDING ACCESS**

Effective Date 1/1/04

Revised Date 2/1/10

Revised Date 3/15/13

The City is interested in the personal safety of each employee and has taken steps to ensure safety while on City premises. Being able to distinguish a City employee from members of the public improves customer service. It also improves employee awareness of those persons who work in or visit City facilities and fosters a more secure environment. In the event of an emergency, proper identification also allows law enforcement personnel to identify you as an employee.

An Identification/Key Card with the employee's picture is issued through the Human Resources Department at the time of hire. The ID/Key Card allows access via a card reader to buildings and offices as authorized by the supervisor. It should be in the employee's possession at all times while on City property. Problems or loss of an ID/Key Card should be reported immediately to the Human Resources Department.

If problems occur due to door access by the ID/Key Card or error codes are shown on the card reader, submit a Facilities Work Request via the City's IntraWeb to resolve the problem.

A duplicate ID/Key Card will not be issued for forgotten cards, e.g. card left at home. In the case of a forgotten card, the employee will need to make arrangements to access doors as necessary that day or until the card is back in the employee's possession.

In addition, an employee may be issued a hard key(s) by the supervisor for access to doors without a card reader. Any problems or loss of a hard key should be reported to the supervisor so that a duplicate key can be requested from Facilities Management via a Facilities Work Request. All hard keys and ID/Key Cards are City property and must be returned upon termination.

In the interest of employee safety and security, an employee working in City Hall after normal business hours, should sign in with Police Records. Law Enforcement personnel are exempt from this requirement.

### **13.10 SECURITY INSPECTIONS**

Effective Date 1/1/04

The City provides lockers, desks, containers, automobiles, appliances, receptacles, and other spaces to employees for use in the performance of a job and for personal use. These items remain the property of the City and are subject to transfer, removal, search, or seizure by the City with or without notice. As such, employees should have no expectation of privacy when using any property or equipment owned by the City.

The City may search any City property for any reason with or without a legal warrant. The City may retain any items found during such a search for use in any legal matter, disciplinary process, or for any other lawful purpose.



### **13.11 EMERGENCY CLOSING**

Effective Date 1/1/04

Revised Date 2/1/06

Revised Date 2/1/10

Emergencies such as severe weather, fires, etc. can disrupt City operations. In extreme circumstances this may require the closing of a City work facility. If the event occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing. Each employee may access a recorded phone message which will provide information regarding City closure affecting employees. The phone number is 503-526-2346.

When the decision to close is made AFTER the workday has begun, an employee in a non-public safety position will receive official notification from the immediate supervisor. In this situation, time off from scheduled work for the remainder of the workday will be paid. When the decision to close is made BEFORE the workday has begun, the employee may be authorized to make up the time at the discretion of the supervisor or use accrued paid time off (PTO) leave, compensatory time, or unpaid leave. This applies only to non-public safety positions.

In cases where extreme weather conditions make coming to work dangerous, employees may choose to not report to work. In such a case, the employee should provide timely notice to the supervisor. Non-exempt employees may either make up missed work time within the same work week (if work is available) or use compensatory time, PTO leave or unpaid leave. Making up time is permitted in this situation with the approval of the supervisor.

An employee in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive pay in accordance with federal and state wage and hour laws.

Represented employees should refer to the respective collective bargaining agreement for further information regarding this subject matter.

## **13.12 EMERGENCY PREPAREDNESS PLAN**

Effective Date 1/1/04

Revised Date 2/1/06

Both during and after a major emergency or disaster, City residents and businesses expect the City to provide some level of service. Depending on the severity of the incident, the level of service provided may be restricted to those activities that are directly related to life safety and response and recovery operations. To ensure some level of service is maintained during disaster and emergency operations, an employee may be assigned to staff a position in the City's Emergency Operations Center (EOC) located in the Community Center, augment another department, or perform normal work duties. Each employee is expected and required, as a condition of employment, to be available to respond during major emergencies and disasters and may be disciplined for failure to respond.

If you have been selected to staff a position in the City's EOC, you will receive a letter that will provide you with information on the position you have been assigned and the type of training you may need.

Additional information on emergency preparedness may be accessed on the City IntraWeb under Emergency Management.

### **13.13 EVACUATION PLAN**

Effective Date 1/1/04  
Revised Date 2/1/06  
Revised Date 2/1/08  
Revised Date 2/1/10  
Revised Date 3/15/13

The safety of the public and each employee is of primary importance in the conduct of daily business. Evacuation of a City building will occur in the event of an emergency and will temporarily disrupt normal operations. This disruption is necessary to protect the safety of the employee and the public.

To assist the City in carrying out a safe and effective evacuation plan in the event of an emergency, each City employee is responsible for:

- Keeping aisles clear of obstructions at all times.
- Reporting emergencies by calling 911 (after obtaining an outside line).
- Being familiar with the building evacuation plan.
- Providing or obtaining assistance for any disabled person in the area who needs assistance.
- Being familiar with the location of portable fire extinguishers in their work areas.
- Being familiar with bomb threat procedures.
- Knowing where fire alarm pull stations are located within the department.

In the event of a building evacuation, each employee should report to the designated meeting place for the building. The designated meeting places are:

Library: NW corner of Tucker and 5<sup>th</sup> Street (near the benches).

Operations: Building "A" personnel: East side of employee parking lot (towards Scholls Ferry Road); all other personnel meet behind the vehicle wash rack (in the lower lot).

City Hall: On the sidewalk located between the shops at Griffith Drive and the Griffith Park Stage.

## 14. APPENDIX A

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### 14.1 SECTION 504 GRIEVANCE PROCEDURE

Effective Date 1/1/04

Revised Date 2/1/06

The City of Beaverton, Oregon has adopted the following internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Health and Human Services regulations (45 C.F.R. Part 84.7(b)), implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794). Section 504 states, in part, that "no otherwise qualified disabled individual shall solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . ."

The law and regulation may be examined in the office of the Human Resources Director, 4755 SW Griffith Drive, Beaverton Oregon and 503-526-2201, which has been designated to coordinate the efforts of the City of Beaverton to comply with the regulations.

If you intend to file a complaint, the complaint procedure is listed below. The complaint form is also attached.

- A complaint should be in writing, contain the name, address and phone number of the person filing it, and briefly describe the discriminatory act.
- A complaint should be filed in the office of the Section 504 coordinator, (Human Resources Director, P. O. Box 4755, Beaverton Oregon 97076-4755) within 30 days after the person filing the complaint becomes aware of the alleged discriminatory act.
- The Mayor, City of Beaverton, or designee will investigate the complaint. The investigation will be informal but thorough, affording all interested persons and their representatives an opportunity to submit evidence relevant to the complaint.
- The Mayor, City of Beaverton, shall issue a written decision determining the validity of the complaint no later than 30 days after its filing.
- The Section 504 coordinator shall maintain the files and records relating to all complaints filed. The Section 504 coordinator may assist persons with the preparation and filing of complaints, participate in the investigation of complaints, and advise the Mayor, City of Beaverton, concerning their resolution.
- An individual who files a complaint may pursue other remedies. This includes filing with:
  - Deputy Regional Manager
  - Office for Civil Rights
  - US Department of Health and Human Services

2201 Sixth Avenue, Mail Stop RX11  
Seattle WA 98121-1831  
Voice Phone: 800-368-1019  
Fax: 206-615-2297  
TDD: 800-537-7697

These rules shall be liberally construed to protect the substantial rights of interested persons to meet appropriate due process standards and assure the City of Beaverton, Oregon compliance with Section 504 and the regulations.



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