



# City of Newport Employee Handbook

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The City of Newport Employee Handbook is a guide to the city's employment provisions and expectations.

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## I. HISTORY

The City of Newport, incorporated in 1882, is the population center of the Central Oregon Coast and has a broad and multi-faceted economic base. Newport is the county seat of Lincoln County, and houses the offices of several federal and state agencies, including a major Coast Guard station, Oregon State University's Hatfield Marine Science Center, NOAA's MOC-P headquarters, the Oregon State Police, Oregon DMV, and Oregon Employment Division offices. The city is home to the Samaritan Pacific Communities Hospital, and the main campus of the Oregon Coast Community College. OCCC is a premier educational institution and unique in its aquarist program. Its aquarist graduates are working in aquarium and research facilities throughout the country. Newport has a permanent population of more than 10,000, and large seasonal increases due to tourism.

The Yaquina River flows into the Pacific Ocean through Newport's Yaquina Bay. Newport is home to the Oregon Coast Aquarium, one of the country's premier aquariums. A substantial commercial fishing fleet calls Newport home, as do several marine research vessels and a large number of private boats docked in marinas around the Bayfront. Newport is one of three deep-water ports on the Oregon Coast. Tonnage of shipping is second behind Coos Bay.

Newport has often been described as the most authentic city on the entire Oregon Coast and is a prime tourist destination. The city boasts numerous fine shops, restaurants, galleries, lodging establishments, and endless outdoor recreational opportunities.

Proximity to Portland and the Willamette Valley provides a strong tourism base, and the mid-latitude of Oregon provides significant rainfall during the winter and spring months, and mild temperatures.

## II. MISSION STATEMENT

The City of Newport pledges to develop, provide, promote and manage the essential services for the community while directing services to continue with the well being and public safety of residents and visitors. The city will maintain fiscal responsibility while encouraging and assisting community partners and agencies with economic diversification, sustainable development, and livability, for the City of Newport. ***(Adopted by the Newport City Council on March 16, 2009.)***



### III. ABOUT THIS HANDBOOK

This Employee Handbook is a guide to the City of Newport employment provisions and expectations. It outlines many of the programs and benefits that affect you as an employee of the city. Nothing in this Handbook is meant to limit the discretion of the City of Newport in managing and supervising employees. The city reserves the sole discretion and right to amend, delete, or otherwise revise the Employee Handbook at any time.

The City of Newport may add to the policies in this handbook or revoke or modify them from time to time. The city will try to keep the handbook current, but there may be times when policy will change before this handbook can be revised. Significant changes to the handbook will be communicated to employees with 15 days' notice. Please be aware that any oral statements or representations cannot change or alter the provisions of the Employee Handbook. All previously issued handbooks, policies, memos, and verbal or written agreements that are in conflict with this Handbook will be superseded on the effective date of this Handbook. While this Handbook is distributed to all employees of the City of Newport, certain employment policies and practices may be different or will not apply to employees in collective bargaining units, and those working in exempt positions per the Fair Labor Standards Act (FLSA), part-time positions, on-call, or temporary positions.

By its nature, this Handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications or exceptions to the general policies and procedures of the City of Newport. The information provided in this Handbook is based on the belief that common sense, good judgment, respect and consideration for the rights of others are paramount to our ability to serve our members and ourselves. We have tried to anticipate many of your questions, but in no way do we believe that this document will provide every answer. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to your supervisor. For the purposes of this handbook, "supervisor" means the person to whom you report.

The City of Newport recognizes that employees differ in their skills, goals, perceptions, and values. Conditions and conflicts may arise because of that diversity; and those conditions and conflicts may not be sufficiently addressed within this Handbook. When that occurs, the city's management team will endeavor to make decisions that are fair and equitable; while at all times ensuring that the best interests of the City of Newport are served.

Neither this Handbook nor any other organization document, confers any contractual right, either express or implied, to remain in the City of Newport's employ. Neither does it guarantee any fixed terms and conditions of your employment. Your employment is not for any specific time and may be terminated by the City of Newport, or you may resign with or without reason or notice at any time. In the event of a conflict between the Handbook, Collective Bargaining Agreement (CBA), or law; the CBA and law will prevail.

Some subjects described in this Handbook such as benefit plan information are covered in detail in official policy documents. You should refer to these documents for specific information, since this Handbook only briefly summarizes those benefits. Please note that the terms of the written insurance policies or coverage documents are controlling.

In addition to the policies outlined in this handbook, the City of Newport has administrative policies and procedures that are available from your department head. You should familiarize yourself with those policies.

You are encouraged to offer suggestions for improvement to this Handbook, procedures, employment practices or working conditions. Please read through this Handbook carefully. You may want to share it with your family members so that they will have a better understanding of your work environment. Should you have additional questions, or need further detail, please talk with your supervisor who can advise you or refer you to the appropriate resource.

If you have any concerns regarding your employment with the City of Newport, please discuss this with your supervisor. We want your experience with us to be challenging, rewarding, and enjoyable.

#### **IV. EMPLOYMENT RELATIONSHIP**

As an employee of the City of Newport, you are engaged in an “at will” employment relationship. This means that either you or the city may terminate the employment relationship at any time with or without reason or notice. Our at-will provision extends to all employees unless otherwise exempted by a collective bargaining agreement. The Grievance/ Problem Solving Procedure and Discipline guidelines are subordinate to the employment at-will policy.

No one other than the City Manager, or in the case of the City Manager, the City Council, has the authority to enter into any employment agreement contrary to the provisions outlined in this Handbook and the Handbook cannot be altered except in writing and signed by the City Manager. The City of Newport is also not bound by any oral promises concerning your length or conditions of employment.

## V. TERMS OF EMPLOYMENT

It is the goal of the City of Newport to fill employment vacancies with the most qualified applicants based on abilities and performance, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to age, disability, race, color, national origin, religion, sex, sexual orientation, veteran status, military status, association with members of a protected class, marital status, injured worker status, union participation, non-supervisory family relationships, or any other protected class or work relationship.

Our policy is to always try to select the most qualified person for each available job; we recognize current employees' experience and familiarity with the City of Newport as an important qualification, and we encourage current employees to apply for openings in which they are interested. Usually, you must have completed your trial service period before transferring to a new position, and to be eligible for a transfer, you may not be under any disciplinary action.

You may from time to time be temporarily transferred or assigned to perform work outside of your regular job classification, schedule, shift or department. Depending upon the circumstances, when transferred, you may be subject to a corresponding wage adjustment.

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### **Hiring of Relatives**

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

## VI. DEFINITIONS

**Benefits-Eligible** – Qualified employees who are hired onto regular full-time or regular part-time positions. Temporary, On-Call, and Regular Part-Time-No Benefit employees do not receive benefits or compensation other than wages.

**City Manager** – the City Manager of the City of Newport, including any pro-tem City Manager, and any designee of the City Manager.

**Class or Classification** – a group of positions sufficiently similar in duties, authority, and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to, all positions in the group.

**Compensatory Time Off** – time off from work to compensate a non-exempt employee for overtime worked, in lieu of cash. Compensatory time is accrued at the same rate as overtime for cash.

**Continuous Service** – service unbroken by separation from the city, except that time spent by an employee on military leave or for the Peace Corps will be included as continuous service. Time spent on other unpaid leaves in excess of thirty (30) calendar days will not count as part of continuous service, except that employees returning from such leave, or employees who were laid off will be entitled to credit for service prior to the leave/layoff.

**Day** – unless specified as a calendar day, “day” means a day when City Hall is open for business.

**Demotion** – an appointment of an employee from a position in one class to a position in another class having a lower maximum salary rate. (A reclassification to a lower classification is not considered a demotion.)

A. **Involuntary Demotion** – the demotion of an employee as a disciplinary action, for performance related reasons, or for other reasons, as deemed necessary by the city.

B. **Voluntary Demotion** – a demotion requested by an employee where the action is entirely voluntary on the part of the employee and not taken for disciplinary reasons.

**Discharge** – involuntary termination of employment with the city.

**Dismissal** – involuntary termination of employment with the city.

**Domestic Partner** – a person over the age of 18 living with an unmarried employee designated by the employee as the employee’s domestic partner.

**Exempt Employee** – an employee who is exempt from the overtime pay requirements under federal and state laws. Exempt employees generally include managers, supervisors, and professional staff who are paid a salary and whose duties and responsibilities allow them to be exempt under federal and state law.

**Fiscal Year** – the twelve (12) month period beginning July 1 and ending June 30.

**Full-Time Employee** – an employee who is appointed to a position that has a schedule of 40.0 hours per week; except for represented Fire Department and Police Department employees where full-time averages 56.0 hours per week in accordance with the 7(k) provisions of the Fair Labor Standards Act (FLSA).

**Hourly Rate** – base rate of compensation for each hour of work completed. It is determined by dividing the annual salary by the regular number of hours worked each year, except for certain Fire Department personnel whose hourly rate of pay will be computed in accordance with the 7(k) provisions of the Fair Labor Standards Act (FLSA).

**Immediate Family** - the husband, wife, domestic partner, parents, child, stepchild, brother, sister, father-in-law, mother-in-law, as well as any other relative living in the employee's household.

**Interns** – Interns are not eligible for any benefits other than those required by state or federal law.

**Layoff** - (Reduction in force) - a separation from city employment when there are changes in duties, a reorganization of positions so that a position or service no longer exists, a lack of work or shortage of funds, or other situations that do not reflect discredit on an employee.

**No Call/No Show** - An unscheduled absence without proper notification to the employee's supervisor or department.

**Non-Exempt Employee** – an employee whose job duties do not meet federal/state definitions for "exempt" status.

**On-Call Employee** - an employee, excluding firefighters, who does not have a set schedule and works only when called upon. Generally, on-call employees will not work more than 599 hours during a calendar year. On-call employees are not eligible for any benefits other than those required by state or federal law.

**Overtime** – For full-time employees and employees working thirty (30) or more hours per week, excluding represented Fire Department and Police Department employees, overtime is time worked in excess of forty (40) hours per week.

For part-time employees working less than thirty (30) hours per week, overtime is time worked in excess of forty (40) hours per work week.

For fire protection and police employees, overtime is defined in the collective bargaining agreement.

**Part-Time, Benefited, Employee** - an employee who is appointed to a position whose weekly hours are less than the hours established for full-time positions and who normally follows a predetermined, fixed pattern of working hours.

**Part-Time, Non-Benefited, Employee** – an employee who is appointed to a position whose weekly hours are less than 20 hours, excluding firefighters.

**Pattern Absences** - Unscheduled absences the day before or after a scheduled holiday, vacation, or personal day; on a desirable day off, a specific day of the week, or a weekend; a specific or unique work day; or as sick leave or other paid time off is accrued.

**Personnel Action** - any action taken with reference to appointment, compensation, promotion, transfer, layoff, discipline, dismissal or any other action affecting the status of employment.

**Promotion** - the movement of any employee from a position in one class to a position in another class having a higher maximum salary rate. (A reclassification to a higher classification is not considered a promotion.)

**Reclassification** - the allocation of a position to another class when the duties and responsibilities of the existing position have significantly changed.

**Regular Employee** - an employee who has satisfactorily completed a trial service period and is employed in either a full-time or part-time position.

**Regular Full-Time Employee** – An employee who has successfully completed the trial service period and is regularly scheduled to work 40 hours or more per week. Benefits-eligible.

**Regular Part-Time Employee** – An employee who has completed the trial service period and is regularly scheduled to work at least 20, but less than 40, hours per week. Employees will receive a pro-rated contribution of vacation, sick leave, and holidays based on hours worked.

**Regular Part-Time – Non-Benefited Employee** – An employee who has completed the trial service period and regularly scheduled to work less than 20 hours per week. No benefits.

**Scheduled Absence** - A scheduled absence occurs when an employee requests time off in a timely manner in accordance with departmental and city policies and applicable collective

bargaining contracts. Some examples of, but not limited to, scheduled absences include approved vacation, personal holidays, jury duty, military related, bereavement leave, and FMLA or OFLA leave.

**Seasonal Employee** – an employee hired for a limited period generally not to exceed six (6) consecutive months. This period of time may be extended by the City Manager for unusual circumstances. Seasonal employees receive no benefits with the exception of those required by state or federal law.

**Seniority** - the length of the employee's continuous service to the city since the employee's last date of hire, unless provided for by a collective bargaining agreement.

**Suspension** - an involuntary absence with or without pay imposed for disciplinary purposes or for the investigation of possible disciplinary infractions.

**Tardy** - Failure to report to an employee's assigned work area at his or her scheduled start time, including returning from breaks and meal periods.

**Temporary Employee** - an employee hired for a limited period generally not to exceed 599 hours during a calendar year or an employee whose employment is scheduled to end at predetermined date. This period of time may be extended by the City Manager for unusual circumstances. Temporary employees receive no benefits with the exception of those required by state or federal regulations.

**Termination** – involuntary termination of employment with the city.

**Transfer** - appointment to a position in the same or different class which has the same salary range.

**Trial Service Period** – the Trial Service Period is used to assess a new employee's ability to perform the essential job functions. Completion of the Trial Service Period does not alter an employee's at-will status.

**Unscheduled Absence** - Failure to report to work on a scheduled workday or working less than half of a scheduled workday due to tardiness or leaving early without a written and approved time off request from at least the previous day. Absences on consecutive days for the same reason will count as one unscheduled absence for each day under this policy. Some examples of unscheduled absences include absences due to car trouble, caring for a family member who has the flu, and home emergency.



**Work Week** - the basic work week for city employees begins at 12:01 A.M. on Monday and ends at midnight on Sunday. A different work week may be established for either a group of employees or an individual employee with the approval of the City Manager or designee. A copy of this approved work week will be placed in the employee's personnel file. The city reserves the right to modify the work week.

## **VII. NEW EMPLOYEES, PROMOTIONS, AND TRANSFERS**

### **New Employee Orientation**

In order to help you fit into the City of Newport's operations, and to ensure new employees quickly have a productive and satisfying employment relationship, supervisors are responsible for ensuring that all new employees are scheduled for a general orientation organized by the City Manager's staff as soon as practicable. Your supervisor may provide a detailed job-specific orientation.

### **Trial Service Period**

The Trial Service Period is used to assess a new employee's ability to perform the essential job functions. Completion of the Trial Service Period does not alter an employee's at-will status.

As a new employee, you are hired into a trial service period which generally lasts six (6) months. Some positions, such as Police Officers, may have a longer trial service period. The trial service period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your supervisor. Evaluation of your adjustment to work tasks, conduct, and other work rules, attendance and job responsibilities will be conducted during the trial service period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge/skills/abilities (KSAs) match the requirements of the position. It is also a chance for you to decide if the city meets your expectations as an employer.

At the end of the trial service period, a decision about your employment status will be made. If you successfully complete the trial service period, you may be moved to regular status. If your KSAs border on satisfactory but fall short of expectations, the trial service period may be extended if there is reason to believe that your KSAs will improve within a reasonable amount of time. If expectations are not met or demonstrated, and/or KSAs are not satisfactory, employment will be discontinued at the discretion of the department head.

Employment may be terminated at any time and for any reason during this period at the discretion of your department head or yourself, should either party regard it as necessary or appropriate. Completion of the trial service period does not alter the "at will" employment relationship. Employees will accrue, but not be eligible to use vacation leave benefits during this period, unless specifically agreed upon in advance by the department head or City Manager.

## **Promotions and Transfer Training Period**

The City of Newport encourages upward mobility and will consider employees for promotions as opportunities develop, or vacancies occur. Your annual performance evaluation is an excellent time for you to discuss your career interests with your supervisor.

If you are promoted or transferred to a new position, you must also complete a reasonable period of training to determine the suitability of the placement and your ability to satisfactorily perform the required work. If it is determined that the job change is unsatisfactory during this period, you may be returned to your original job; you may be assigned to another vacant position, or you may be terminated. If you are placed in a job other than your original job, the pay and benefits may also be adjusted.

## **Employment Classifications**

The status of each employee's position is placed into distinct classifications for benefits and other employment conditions and to aid in a better understanding of employment relationships within the City of Newport.

The following status definitions apply:

**Trial Service** - Newly hired or promoted employees within the trial service period.

**Benefits-Eligible** - Qualified employees who are hired into regular full-time or regular part-time (as defined below) positions. Temporary, On-Call, and Regular Part-Time-No Benefit (NB) employees do not receive benefits or compensation other than wages unless required by state or federal law.

**Regular Full-Time** - An employee who has successfully completed the trial service period and is regularly scheduled to work 40 hours or more per week. Benefits-eligible.

**Regular Part-Time** - An employee who has completed the trial service period and is regularly scheduled to work at least 20, but less than 40, hours per week. Employees will receive a pro-rated contribution based on hours worked.

**Regular Part-Time – Non-Benefited** - An employee who has completed the trial service period and is regularly scheduled to work less than 20 hours/week. No benefits unless required by state or federal law.

**Interns** – Interns are not eligible for any benefits unless required by state or federal law.

**Temporary** - An employee who is hired for a specified period of time. Generally, temporary employees will not work more than 599 hours during a calendar year. No benefits unless required by state or federal law.

**On-Call Employee** - an employee, excluding firefighters, who does not have a set schedule and works only when called upon. Generally, on-call employees will not work more than 599 hours during a calendar year. No benefits unless required by state or federal law.

**Regularly Scheduled** - Calculated as the average number of hours per week, when averaging a calendar year.

Positions are further classified according to federal and state wage and hour laws into the two additional categories of exempt and non-exempt as is defined in the paragraphs which follow. Management will make the appropriate designation regarding the status for each new position or when a position changes substantially. If you are uncertain as to your status, ask your supervisor.

**Seasonal Employee** – an employee hired for a limited period generally not to exceed three (3) consecutive months. This period of time may be extended by the City Manager for unusual circumstances. Seasonal employees receive no benefits with the exception of those required by state or federal law.

**Exempt** - An employee who is exempt from the overtime pay requirements under federal and state laws. Exempt employees generally include department heads and professional staff who are paid a salary and whose duties and responsibilities allow them to be exempt under federal and state law.

**Non-exempt** - An employee whose job duties do not meet federal/state definitions for "Exempt" status.

## **VIII. RECRUITMENT AND SELECTION**

### **General**

Appointment to positions within the city service will be based on qualifications and merit measured through an open competitive selection process. Appointments may be made solely from employees within the city service if it is determined that a sufficient number of employees are interested and qualified to compete through an internal selection process.

Department heads are required to obtain authorization from the City Manager to recruit a position, prior to the start of recruitment.

### **Equal Employment Opportunities**

The City of Newport is an equal opportunity employer, and as such, we consider individuals for employment according to their abilities and performance. Employment decisions are made without regard to age, disability, race, color, national origin, religion, sex, sexual orientation, veteran status, military status, association with members of a protected class, marital status, injured worker status, union participation, non-supervisory family relationships, or any other protected class or work relationship. All employment requirements mandated by State and Federal laws and regulations are observed.

### **Job Announcement – Full-Time and Part-Time Positions**

A job announcement will be prepared for any vacant city position, and initiated at the request of the department head to the City Manager's office. The announcement will specify the title and hiring salary range of the position, the nature of the duties performed, qualification requirements, the time and place to apply, and the general selection process to be used. Job announcements may be distributed for posting on city bulletin boards, and to publications, and organizations as determined necessary. The city may use a two step process to determine the availability of qualified candidates, with the first step being limited to city employees (internal recruitment). At its sole discretion, the city may waive any, or all, of this portion of the recruitment process.

### **Recruitment of Temporary and Seasonal Employees**

The city may utilize an abbreviated hiring process for temporary and seasonal employees. These employees may be recruited through temporary employment agencies with which the city has an agreement. They may also be recruited directly by the department head in the event of a temporary or seasonal employee who has previously worked for the city, or is known by, or recommended to, the department head.

Selection

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Selection methods will be based on job-related knowledge, skills, abilities, experience, education, training, and when appropriate, prior demonstrated performance, aptitude and character. Applicants will be assessed on the basis of total qualifications as demonstrated in all stages of the selection process.

After the appropriate department head, and/or hiring authority, has selected a candidate for employment or promotion, and prior to extending an offer of employment, the department head will make a recommendation to the City Manager for approval of the individual terms of hiring. Verbal offers of employment will be confirmed in writing.

All job offers for regular full-time employment shall be contingent on the applicant passing a background check that may include a drug screen. A job-related physical examination may also be required for appointment to certain job classifications. The job offer will be made prior to requiring the candidate to take the drug screen and physical examination, if applicable.

### **Background Checks**

Background checks are conducted to ensure the continuing safety of the city workforce and citizens, and the security of city resources. It is the policy of the City of Newport to conduct and/or request criminal, civil court, and financial records appropriate to the position on final external applicants for all city positions. At the discretion of the department head, record investigations may be also be conducted on final internal applicants for, and current employees in, certain job classifications that work with vulnerable persons (children, elderly and the disabled), job classifications that have direct and unauthenticated access to the city's network resources and certain positions responsible for financial operations. Department heads must also request record investigations on volunteers and persons hired through temporary employment agencies, or as independent contractors, when they work with vulnerable persons or have direct and unauthenticated access to the city's network resources. The City Manager's office will coordinate all criminal and civil court record checks and investigations, except for police and parks and recreation positions.

All applicants who are offered a position with the city are required to report in writing all convictions of criminal offenses, injunctions or restraining orders filed against them, and any arrests that may lead to a criminal conviction to their supervisor and the City Manager's office when accepting an offer and prior to commencing work. A criminal offense is any offense classified as a misdemeanor or felony, but does not include violations, infractions, parking tickets or other offenses less than a misdemeanor. An offense committed outside of Oregon shall be considered a criminal offense if the same conduct would constitute a misdemeanor or felony in Oregon.

## **Method and Timing**

All job applicants will be advised in writing that an appropriate background/record investigation is requested on the final candidate for every city position. All applicants who reach the final selection stage must sign a waiver permitting access to their records. The final candidate will be notified that the job offer is contingent upon passing the record check. The same process may be followed for in-house applicants and current incumbents for the job classifications specified by the department head.

If there will be a significant delay before the record investigation is complete, the applicant may begin working, but only under direct supervision and with written notification that employment may be terminated if a record is revealed that would justify doing so.

Use of the record and a third party investigator will trigger reporting requirements under the Fair Credit Reporting Act (FCRA). These include providing the applicant or employee with a notice of the decision not to hire or other employment action, a copy of the report, and a copy of his/her FCRA rights before any adverse action is taken.

Applicant and employee conviction and financial records are confidential records and will be kept by the City Manager's office, except as allowed by Police Department regulations. However, the nature of the conviction and financial history will be shared with the hiring authority and/or department head when that information is needed to make the evaluation described below.

## **Process if a Record Exists**

The City Manager's office will notify the department head of any criminal, civil court, or financial record on an applicant, and the decision concerning application selection will rest with the City Manager in consultation with the department head. In cases concerning a current employee, the decision will rest with the department head. The department head will evaluate:

- A. Whether the city's interests justify termination of employment or disqualification of the applicant based on the criminal, civil, or financial record;
- B. Whether the applicant/incumbent disclosed the information on the employment application;
- C. The nature and gravity of the offense and whether it indicates a propensity to cause harm to other employees or citizens in the community;
- D. The time that has passed since the conviction or completion of sentence;

- E. Whether the individual completed treatment or rehabilitation;
- F. The relationship between the nature of the offense and the job in question.



## **IX. ETHICS POLICY**

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

Employees who violate the Ethics Policy, or who create an equally detrimental impact on the organization, may be subject to disciplinary action up to and including discharge.

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

If you have questions about whether an activity meets the city's or Oregon's ethical standards, please talk with your supervisor or the City Recorder.

### **Conflict of Interest**

City of Newport employees shall avoid situations that create, potentially create, or give the appearance of creating a conflict with the mission or objectives of the city; or could cast doubt upon objectivity between personal interests and the interests of the city.

### **Disclosure**

City of Newport employees are required to report any potential conflict of interest to their supervisor or the City Recorder.

### **Acceptance of Gifts, Gratuities, Fees**

Acceptance of certain types or forms of gifts is viewed as a conflict of interest. Gifts, gratuities, loans, fees, or any other items of significant value, may not be solicited by City of Newport personnel, or accepted either directly or indirectly, if the acceptance could be considered to influence directly or indirectly the actions of said personnel, or any other person, in any matter of city business.

Significant value is any gift with a market value of \$50. Gifts are not to exceed \$50 per calendar year from any one source.

### **Confidentiality**

Employees working at the City of Newport have access to highly confidential, legally protected, and proprietary information. Confidential information includes all information acquired by an employee during the course of employment that is of economic value to the city, and not generally available to the public, including legally protected information. Financial data, payroll information, formulas, business plans and member data such as enrollment data are typical examples of information that the city considers to be proprietary and confidential. Our citizens and staff entrust the city with confidential information. The unauthorized disclosure of such information would have a material adverse impact on the integrity of the city, and would have an adverse impact on our relationships with our citizens, elected officials, and co-workers.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of the City of Newport) may be removed from our premises without permission from the City Manager except in the ordinary course of performing duties on behalf of the City of Newport. Additionally, the contents of records or information otherwise obtained in regard to the city's business may not be disclosed to anyone, except where required for a business purpose. Employees are subject to appropriate disciplinary action up to, and including, dismissal for revealing information of a confidential nature. Since many times it is difficult to distinguish between common and confidential information, the best rule to follow is not to discuss business information with persons outside of the City of Newport unless employees have received prior approval from their supervisor.

All information acquired by an employee during the course of employment is to be used solely for the benefit of the City of Newport and, through the city, for the benefit of our citizens. The use of such information for personal advantage or disclosure to others is strictly prohibited. Likewise, any materials or processes developed by city employees in the performance of their jobs, is the property of the city. Employees may not take this material with them when they leave city employment, remove it from city offices for non-work related reasons, or copy or distribute it to persons or companies, other than as required in the course of business, without written approval from the department head.

### **Misrepresentation**

As a City of Newport employee, you should consider how you represent the city in your business transactions and interactions. You should be careful not to misrepresent city policies,

practices, procedures, or prices, or misrepresent your status and authority to enter into agreements. You may not use the city's name, logo likeness, facilities, assets or other resources, or the authority of your position with the city for personal gain or private interests.

### **Outside Employment**

Outside employment that creates a conflict of interest is prohibited. Employees are prohibited from receiving any income or material gain from individuals or organizations outside the City of Newport for materials produced or rendered while performing their jobs for the city.

Employees may hold outside employment if the additional work does not interfere with, or adversely affect their performance at the city; does not create a conflict of interest; does not use the city's time/equipment/property/premises; does not discredit the prestige or influence of one's position; does not involve actions that may be subject to review or control by the city; and does not otherwise detract from, or discredit, the City of Newport.

An employee proposing to accept outside employment must notify his/her supervisor. If the supervisor believes that the proposed outside employment may represent a conflict with the employee's city duties, the supervisor must provide the employee with written notice to that effect. Such notice may set forth the reasons the supervisor believes the proposed activity to be in conflict with the employee's duties.

### **Off Duty Conduct**

As a general rule, the City of Newport regards the off-duty activities of employees to be their own personal matter. However, there are certain types of off-duty activities that are of concern because of the potential negative impact on the city's reputation. For that reason, employees who either engage in, or are associated with, criminal acts, or other conduct, the nature of which adversely affects the city's, or their own, ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action including discharge. See Social Networking and Blogging policy in Article XIII Communication & Software Systems.

For purposes of this section, off-duty activities also includes participation in online activities, including, but not limited to, forms of online publishing and discussion such as blogs, wikis, file-sharing, user-generated video and audio, virtual worlds, and social networks.

### **Criminal Acts**

Employees are required to report if they are convicted of any misdemeanor or felony, including a DUII. Upon conviction, the employee must report the matter to their supervisor or

department head within two business days and must submit documentation concerning the conviction.

Conviction of a crime is not an automatic bar to continued employment. The city will review the underlying facts of the matter; any action taken will be on a case-by-case basis, taking into account the totality of the circumstances. Actions may range from no action, to disciplinary action including discharge.

Failing to report a conviction constitutes grounds for discharge. Furthermore, misrepresentation of the circumstances of the events can serve as grounds for discharge.

Employees who are unavailable to report for work due to incarceration may be subject to disciplinary action, including discharge.

### **Prohibited Political Activity**

Oregon law (ORS 260.432(2)) provides that “No public employee may solicit money, influence, or otherwise promote or oppose any political committee, or 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 while off duty.”

It is therefore the policy of the City of Newport that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

### **Records Retention**

All records must be retained in compliance with the city’s retention scheduled as prescribed by the Oregon Secretary of State. A copy of the city’s records retention schedule is available from the City Recorder.

## **X. NON-DISCRIMINATION AND RETALIATION**

All employees of the City of Newport have the responsibility to follow and carry out the policies outlined in this section. Management provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations.

### **Complaint Procedure**

Employees are expected to bring any questions, issues or complaints to the attention of their supervisor. If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you should report the matter immediately to any member of management or to the City Manager. If the complaint is in regard to an alleged violation of these policies by your supervisor or department head, the complaint may be directed to the City Manager or another department head. The City of Newport will not retaliate against you for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees, or co-workers.

The City of Newport will conduct a prompt and impartial investigation of the reported conduct.

1. Where investigations confirm the allegations, appropriate corrective action will be taken as provided in these policies, up to and including discharge.
2. The affected employee will be informed of the results of the investigation.
3. Failure to cooperate with an investigation may lead to disciplinary action up to and including the possible termination of employment.
4. Information provided by individual employees in the course of an investigation will be kept confidential to the extent possible under the law and made available only on a need to know basis.

### **Equal Employment Opportunities**

The City of Newport is an equal opportunity employer, and as such, we consider individuals for employment according to their abilities and performance. Employment decisions are made without regard to age, disability, race, color, national origin, religion, sex, sexual orientation, veteran status, military status, association with members of a protected class, marital status, injured worker status, union participation, non-supervisory family relationships, or any other protected class or work relationship. All employment requirements mandated by State and Federal laws and regulations are observed.

## **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA), Americans with Disabilities Act Amendments Act (ADAAA) are comprehensive federal civil rights laws that specifically protect individuals with physical and mental disabilities. Individuals still need to be “qualified” for the job, and not pose a “direct threat.”

Individuals may be protected under the ADA/ADAAA if any of the following conditions exist:

- They currently have a physical or mental impairment that substantially limits a major life activity.
- They have a record of such an impairment, physical or mental, that substantially limits a major life activity; or;
- They are perceived to have such impairment.

Episodic or in remission conditions may meet the definition of a disability if it would substantially limit a major life activity when active.

Temporary, non-chronic impairments of short duration, with little or no residual effects usually are not considered disabilities under ADA/ADAAA. Examples of, but not limited to, impairments that typically would not meet the ADA definition of a disability: common cold, seasonal or common influenza, joint sprain, minor and non-chronic gastrointestinal disorders or broken bones that are expected to heal completely.

The use of ordinary eyeglasses or contact lenses that are intended to fully correct visual acuity or eliminate refractive error, typically are not considered disabilities under ADA/ADAAA.

Pregnancy is not considered impairment under the ADA/ADAAA.

Individuals who currently engage in illegal use of drugs are excluded from ADA/ADAAA protection.

The ADA/ADAAA also prohibits discrimination on the basis of an individual's relationship to someone (parent, sibling, child, spouse/significant other, etc.) with a disability.

The City of Newport offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but are still able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are defined as the fundamental non-marginal duties of the position being held or sought by a disabled individual. A job function is essential if the position exists for the performance of the function, there are

only a limited number of employees available to perform it, or the function is so highly specialized that an expert must be specially hired to perform it.

Reasonable accommodation may be available to employees and applicants, as long as the accommodation doesn't cause undue hardship for the city. Individuals protected by the ADA should discuss their need for possible accommodation with their supervisor, department head, or the City Manager.

### **Harassment**

The City of Newport prohibits harassment based on disability, race, color, national origin, religion, sex, sexual orientation, veterans status, military status, retaliation for opposing unlawful employment practices, association with members of a protected class, marital status, injured worker status, non-supervisory family relationships, or any other protected class, regardless of whether that harassment is targeted specifically at the employee.

Behavior such as telling ethnic jokes, making religious or racial slurs, using offensive "slang" or other derogatory terms denoting a person's speech, accent, disability, or ethnicity are examples of prohibited conduct and will not be tolerated.

### **Sexual Harassment**

Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or non-verbal communication or physical conduct of a sexual nature where:

- A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- B. Submission or rejection of such conduct by an individual influences any employment-related decisions affecting the individual; or
- C. The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The conduct prohibited may be verbal, visual or physical in nature. It may be directed by a supervisor to a subordinate, supervisor-to-supervisor or co-worker-to-co-worker. It includes unwelcome sexual advances, requests for sexual favors, physical touching, or the granting or withholding of benefits (e.g. pay, promotions, time off) in response to the sexual conduct. More subtle forms of prohibited behavior, such as offensive posters, cartoons, caricatures,

comments and jokes, language or innuendoes, hugging, or kissing may also constitute sexual harassment when they create or contribute to a hostile or offensive work environment.

### **Genetic Information Non-discrimination Act (GINA)**

The City of Newport does not discriminate against applicants or employees based upon either the employee's or the employee's family genetic information; nor does the city use genetic information in employment decisions.

Once a condition manifests itself, the GINA no longer applies. More detailed information about GINA is available on the EEOC poster placed on the employee bulletin board.

Genetic information and Wellness Programs: Employees may be asked to sign voluntary waivers, in which, the employee acknowledges that his/her genetic information will only be provided to licensed health care professionals or board-certified counselors involved in the wellness program. There is no penalty for non-participation.

### **Employment Eligibility Verification**

In conformity with the Immigration Reform and Control Act of 1986 (IRCA), we hire only those who are eligible to work in the United States. Verification documentation is required of all new hires, and employees are expected to inform the city immediately if their eligibility changes.

As a part of the recruitment process, the city may use the federal E-Verify program to validate social security numbers, or other methods for verifying social security numbers.

Expired documents are not valid documents for I-9 purposes.

### **Veterans' Preference in Hiring**

The City of Newport provides qualifying veterans and disabled veterans preference in employment in accordance with ORS 408.225-408.238. For the preference to be applied, veterans must have received an honorable discharge from military service, successfully complete the initial application screening, and meet the minimum qualifications of the applied for position. To qualify for disabled veteran preference, applicants must submit proof of veteran status and proof of their veterans' disability rating from the Department of Veterans' Affairs. Applicants must submit proof of veteran status (DD214/DD215) at the time the application is submitted.

Applicant Screen for Interview Selection Systems: When an interview is a component of the selection process for a position or an eligibility list, all eligible veterans who meet the minimum



qualifications for the position and submit application materials that show sufficient evidence of skills transferrable from their military experience shall be interviewed. However, this section does not apply to interviews conducted as part of the process of selecting a candidate for a position from a previously established eligibility list.

**Scored or Point Based Selection Systems:** For selection process which culminate in a score or point based system, eligible veterans will have five points added to their overall score and eligible disabled veterans will have ten points added to their overall score (based on a 100-point scoring method) at each stage of the application process where applicants receive a score. In the case of a tie, preference will be given to a veteran over a non-veteran.

**Non-Scored or Point Based Selection Systems:** For selection processes which do not culminate in a score or point based system, the City of Newport will still provide preference to eligible veterans. The details of how the city will apply vary based upon the type of process used to select a candidate for the position.

The following is one example of how preference might be given for a non-scoring selections process—if applicants are ranked through evaluation of either materials submitted and/or an oral interview, preference might be granted by moving any qualified veteran up one rank from where they initially placed prior to applying the preference. This process would clearly apply preference and allow for a clear documentation trail to demonstrate the application of preference for each eligible veteran.

### **Whistleblower**

The City of Newport does not discriminate against employees who report in good faith alleged violations of state or federal laws, rules, or regulations.

It is the responsibility of all City of Newport employees to report violations or suspected violations of applicable laws, rules, and regulations. Employees should share their concerns, suggestions, or complaints with someone who can properly address them. Typically, concerns should be shared with a supervisor, department head, or the City Recorder.

**Acting in Good Faith:** Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

**No Retaliation:** Discrimination or retaliation against employees who report in good faith alleged violations of applicable laws, rules, or regulations shall not be tolerated. Any

employee, who believes that he or she has been subjected to discrimination or retaliation for whistleblowing, or that a violation of this policy has occurred, should immediately contact the City Manager or City Recorder. The City Manager or designee shall conduct an investigation regarding the complaint maintaining anonymity and confidentiality to the greatest extent possible. Appropriate corrective action will be taken if warranted by the investigation.

### **Meeting Participation**

From time to time the City of Newport will require employees to attend work related meetings either on or off premises. These meetings will be used to disseminate information, train, or instruct personnel on work related matters. Per ORS 659.785, employees cannot be required to attend employer-sponsored meetings or communications with the employer or the agent, representative, or designee of the employer if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters (political party affiliation, campaigns for measures or candidates). An employee may not be disciplined, discharged, or otherwise penalized for refusing to attend or participate in such meetings.

### **Religious Accommodation**

The City of Newport respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the city's business.

An employee whose religious beliefs or practices conflict with his/her job, work schedule, with the city's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation must submit a request for the accommodation to his/her immediate supervisor. The request should be in writing and include the type of religious conflict that exists and the employee's suggested accommodation.

The supervisor and employee will meet to discuss the request and the decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, he/she may appeal following the City of Newport's general grievance policy and procedure.

With management approval, an employee may use vacation or other available leave for religious activities. Employees may take time off, without pay, if other leave is exhausted, and it will not create an undue hardship on the department.

## **Domestic Violence**

The City of Newport does not discriminate against employees who are victims of domestic violence, sexual assault, or stalking.

No person may refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, sexual assault, stalking, or criminal harassment.

No person may discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation, or other terms, conditions or privileges of employment because the employee is a victim of domestic violence, sexual assault, stalking, or criminal harassment or because the employee requests leave or reasonable safety accommodation under the provisions of this rule.

## **Retaliation**

If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of city policies, you should report the matter immediately to your supervisor, department head, or City Manager's office. If the complaint is in regard to an alleged violation of these policies by your supervisor or department head, the complaint may be directed to another department head or the City Manager. If the complaint is against the City Manager, the complaint may be directed to the Mayor. See the "Complaint Process" described at the beginning of this section.

The city will not retaliate against you for filing a complaint, even if accusations are unsubstantiated, or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees, or co-workers.

The City of Newport will not tolerate unlawful retaliation or adverse actions against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and The American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity.

A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge. Adverse actions include termination, refusal to hire, denial of promotion, threats, unjustified negative evaluations and/or references, and reassignment leading to less desirable work conditions.

Any act of retaliation by a supervisor and/or coworker may result in serious adverse disciplinary action up to and including termination. Any staff member may file a complaint with the City Manager's Office if he/she feels that they have experienced retaliation in any form.

## **XI. WORKPLACE PRIVACY AND CONFIDENTIALITY**

The City of Newport recognizes our employees' right to privacy. In achieving this goal, the city adopts these basic principles:

- A. The collection of employee information typically is limited to information the city needs for business and legal purposes.
- B. Personal information and information in confidential records ordinarily will not be disclosed, except as permitted or required by law, or as authorized by the employee.
- C. Records pertaining to I-9 verification, medical records, and victims of domestic violence are considered confidential and shall be maintained by the Executive Director in confidential files separate from the personnel file.
- D. Verifications of employment dates, job title, and wages may be provided without written approval.
- E. Internal access to employee records will be limited to those employees having an authorized need-to-know.
- F. You are permitted to review your personnel file, and you may correct inaccurate factual information or submit written comments in disagreement with any material contained in your personnel records. Personnel files are maintained in the City Manager's office, although the physical location of these files is subject to change.
- G. All employees have a responsibility not to accidentally disclose information about employees through overheard conversations, mislaid documentation, and faxes, e-mails and hard copies of correspondence sent to a wrong destination. Unauthorized communication of confidential information is regarded as a serious matter.
- H. The City of Newport's IT Department maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored in the city's systems.
- I. All employees are required to follow these principles, as well as any other city policy or practice related to confidential information. Violations of this may result in corrective action, up to and including termination.

## **Public Records**

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 Newport. Although there are some exceptions (such as parts of personnel files), most records in a public body are available to the public for inspections. It is the intent of the city to be responsive to requests for public records. Employees are to forward all requests for public information to the City Recorder.

## **Background Screening**

The City of Newport stores background screening information in access-protected files. This file is not considered part of your personnel file, so it is not available to employees for review.

## **Medical Records**

The City of Newport stores employee medical records 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 does not typically inform other employees of an individual’s medical condition(s).

## **Personnel Records**

The City of Newport maintains personnel files for each employee. Access to these files is on a need-to-know basis and is restricted to authorized persons only. The files are currently housed in the City Manager’s office, although the physical location of the files is subject to change.

Authorized persons typically, are any individuals in a direct line of supervision over the employee, as well as the City Manager, and the individual to whom the file applies; the employee may also give written permission for an otherwise unauthorized individual to view his/her 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 with the city. Other information in the files may be subject to public disclosure by court order.

## **Change in Personal Data**

Since personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping personnel records current can be important with regard to pay, deductions, benefits and other matters. If you have changes in any of the following items, please notify the City Manager's office to assure that the proper updates/paperwork is completed as quickly as possible:

- Name
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only)
- Address
- Telephone number
- Dependents
- Person to be notified in case of emergency
- Other information having a bearing on your employment
- Tax withholding

## **Social Security Numbers**

Social security numbers may not be printed on materials that will be mailed, unless an employee has requested the mailing and all but the last four digits have been removed. This does not apply to records required by state or federal law (examples: W2s, 1099s, etc.).

Also, social security numbers may not be printed on a card used to access products or services, nor will the city publicly post or display employees' Social Security numbers, such as on a website.

If computer files containing this personal information have been subject to a breach, then the city will notify you as soon as we are reasonably able to do so.

## **Communications**

Conversations: Use care when discussing confidential information about employees in public areas, where it might be overheard; or when talking on the telephone.

Written information: Use care not to leave written information about employees where unauthorized persons can view it. This includes leaving confidential documents sitting in printer trays or placing such documents in open recycling bins. Please send internal "mail" in sealed envelopes, marked "confidential."

## **XII. WORKPLACE RULES AND EXPECTATIONS**

The City of Newport believes policies and procedures are essential for the orderly operation of business and for the protection and fair treatment of all employees. As a result, we have clearly identified performance expectations so that everyone can act in accordance with our workplace standards. Courtesy and common sense should always prevail. The following work rules are not all-inclusive, but serve as guidelines to demonstrate work behaviors considered important to the city.

- A. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you. If you are unable to be at work on time, you are expected to contact your supervisor prior to the start of your work shift. If that individual cannot be reached, you are expected to contact an alternate supervisor.
- B. You are expected to regard your workplace with respect and attention. The city's records, equipment, and property are to be treated carefully and appropriately. The city's equipment is not to be utilized for personal use. You are responsible for those items in your care and custody and will be held accountable for their maintenance, appropriate use, and/or accuracy.
- C. You are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are established by the city or outside regulatory bodies.
- D. You are expected to conduct yourself in a professional and respectful manner, exhibiting a high regard for citizens, committee/task force/board members, elected officials, and co-workers. No breach of professional behavior (abusive language, harassment, personal business during work time, etc.) will be condoned. This also applies to alcohol or drug consumption when representing in a business or social capacity.
- E. You are expected to maintain the confidentiality of the city's information in your possession (i.e., personnel information, certain financial information, information that is confidential under law, etc.).
- F. Your personal appearance at work should be neat and consistent with a professional atmosphere, keeping in mind the impression made on citizens, visitors, and other employees, and the need to promote the City of Newport and employee safety. Good individual judgment is the best guideline, but management retains the right to decide what appearance at work is appropriate.



- G. Any other action an employee takes that is not in the best interest of the organization. This information regarding unacceptable practice/behavior may help in providing guidance for employee actions. You are urged to use reasonable judgment at all times and to seek advice from your supervisor, or department head, in any doubtful or unclear situation. By everyone doing their best to meet both the spirit and intent of these guidelines, employee disciplinary issues should be minimal. As a matter of policy, the city seeks to resolve conduct and performance problems in the most informal and positive manner possible. However, when someone does not conduct her/himself within the intent of the work rules, action may be taken to correct the situation promptly and completely. Violations of workplace rules may result in corrective action, up to and including immediate discharge.

The city believes that employees should be given an opportunity to be heard in matters involving discipline, if termination is the likely outcome. We have adopted a policy of allowing an employee to present his/her perspective prior to the imposition of any discipline.

We encourage all employees to become familiar with the non-discrimination policy and complaint procedures contained in this Handbook.

### **Inclement Weather/Emergency Closing**

Except for regularly scheduled holidays, the City of Newport will be open for business on Mondays through Fridays during normal business hours. The city recognizes that there may be circumstances beyond its control, such as inclement weather, national crisis, or other emergencies, that may make one or more of our work locations inaccessible. On such occasions, one or more city facilities may be closed for all or part of a regularly scheduled workday. In such an event, the City Manager (or his designee) will make a decision and attempt to notify all department heads for the purpose of contacting employees; you may also contact your supervisor. To access the city's closure information, please go to the city's website at [www.newportoregon.gov](http://www.newportoregon.gov), or call the City Manager's main number at 541.574.0603. If you are calling after regular work hours, or when the City Hall is closed, staff will endeavor to have a recorded message regarding any closures on this line.

In the event of extreme inclement weather conditions, it is recognized that each staff member's ability to safely reach their worksite may be different. Staff who cannot report to work in such circumstances should contact their supervisor. Safety and a trustworthy approach should be your guide.

If the City Manager closes a facility, employees may be directed to report to another facility that is open, at which time, duties will be explained by your supervisor. If the City Manager closes a facility, and asks employees not to report for work, employees working in that facility

should not report to work and will be paid for the day. If the City Manager declares a delayed opening of a city facility, employees who report for work, at the delayed opening time, will be paid for a full shift. Employees choosing not to report to work, at all, or on a delayed shortened day, will be required to use vacation or compensatory time for the day or not be paid.

If the City Manager declares a city emergency, employees may be directed to report to a different facility and may be asked to perform duties outside their routine responsibilities. For example, employees may be asked to perform an ICS function at a city emergency operations center.

### **Absences - General**

It is vital to the city that all employees to have reliable attendance. Absenteeism and tardiness negatively impact the city's ability to effectively provide services. The purpose of this policy is to establish the requirements for reporting absences, to provide guidelines for the handling of tardiness and unscheduled absences, and to outline employees' need to adhere to established work schedules to maintain efficient, effective operations within the city.

Employees are expected to arrive and be prepared to begin work at their scheduled start time. Employees are responsible for notifying supervisors of absences or late arrivals each day of the absence or tardiness, in accordance with their unit's call-in procedure, which typically requires employees to advise the supervisor when they will report to work. Unscheduled absences and tardiness (whether excused or unexcused), failure to provide appropriate notification, or abuse of sick leave or other paid time off may result in corrective action up to and including termination of employment. Absences or tardiness due to approved FMLA or OFLA leave, military leave, jury duty, workers' compensation, reasonable accommodation as required by law, or any other legally protected leave will not be counted as unscheduled absences. These guidelines apply to all employees whose departments do not have more specific guidelines, or when department attendance guidelines do not address certain areas covered by this policy.

Notification of any unscheduled absence or tardiness must be made as far in advance as possible. An employee who will be unable to report to work as scheduled, tardy, or leaving early must contact his/her supervisor or the department's designated call-in number as far in advance as possible and at the latest prior to the start of the shift. Notification of tardiness will not excuse it.

Three (3) or more consecutive days of no call/no show may be considered job abandonment and result in termination of employment.

Employees should record attendance and absences in the applicable attendance tracking records used by the department.

An unscheduled absence will typically be recorded as one (1) occurrence. Each tardy usually will be recorded as one-half (1/2) an occurrence. No occurrences will be recorded for scheduled absences or use of accrued sick leave as provided under city and departmental policy and union contract, if applicable. However, pattern usage, failure to provide timely notification, or failure to comply with the Sick Leave Policy, or with other applicable leave policies may result in absences being counted as unscheduled absences.

Employees may be subject to corrective action up to and including termination for pattern unscheduled absences and no call/no show.

Occurrences will be tracked based on calendar, rolling back.

An unscheduled absence typically is unpaid unless an employee's supervisor approves the use of accrued leave in accordance with city policy and appropriate union contract, if applicable. Acceptable means of verifying the reason for the unscheduled absence may be required. Usually, an employee will not be compensated for unscheduled absences that extend beyond his/her accrual balances.

Requests for scheduled absences, including jury duty, emergency time off (vacation or selectable holiday), bereavement, military leave, and medical leave should be requested as far in advance as possible consistent with city and departmental policy and applicable union contract and law. It is the employee's responsibility to request leave or excused time off and to submit appropriate documentation. Employees, who will be unable to report to work as scheduled (except for a city preapproved block of leave time) or using intermittent FMLA leave are required to contact their supervisor or the department each day unless otherwise instructed by their supervisor. Denied leave or other requested time off, failure to return to work after an approved leave, or failure to comply with these guidelines or other applicable city policy may result in the treatment of time away from work as an unscheduled absence or tardiness under this policy.

Employees absent more than three (3) consecutive days due to illness or who are suspected of abuse of sick leave may be required to submit a proof of illness certificate issued by a health care provider and identifying when the employee was seen and treated. Failure to submit such proof upon request may automatically disqualify the employee for sick leave pay and may result in the absences being counted as unscheduled absences.

Employees who have exhausted all their sick leave, vacation leave, and comp. time and are absent from work for three (3) or more days in one calendar year, rolling back, may be considered job abandonment and result in termination of employment.

*Employees represented by a union are governed by the appropriate bargaining unit agreement.*

### **Absences – Definitions**

**No Call/No Show** - An unscheduled absence without proper notification to the employee's supervisor or department.

**Pattern Absences** - Unscheduled absences the day before or after a scheduled holiday, vacation, or personal day; on a desirable day off, a specific day of the week, or a weekend; a specific or unique work day; or as sick leave or other paid time off is accrued.

**Scheduled Absence** - A scheduled absence occurs when an employee requests time off in a timely manner in accordance with departmental and city policies and applicable union contract. Some examples of, but not limited to, scheduled absences include approved vacation, personal holidays, jury duty, military related, bereavement leave, and FMLA or OFLA leave.

**Tardy** - Failure to report to an employee's assigned work area at his or her scheduled start time, including returning from breaks and meal periods.

**Unscheduled Absence** - Failure to report to work on a scheduled workday or working less than a scheduled workday due to tardiness or leaving early without a written and approved time off request from at least the previous day. Absences on consecutive days for the same reason will count as one unscheduled absence for each day under this policy. Some examples of unscheduled absences include absences due to car trouble, caring for a family member who has the flu, and home emergency.

### **XIII. COMMUNICATIONS AND SOFTWARE SYSTEMS**

The city's systems, equipment, hardware, software and other information (hereinafter referred to as "systems") in any form are considered an asset of the City of Newport and thus must be properly used and adequately protected. This includes the transmission of information over computer communication networks.

Systems include but are not limited to, computers, software, electronic mail (e-mail), copiers, fax machines, telephones, voice mail, surface messengers, communication tools, various on-line services, and protected health information. All of these systems are operated and managed based upon this policy.

The city-provided systems are intended to be used primarily for business purposes. Without your supervisor's approval, you are not allowed personal use of the city's systems. Any approved personal use must not interfere with normal business activities, involve solicitation, be associated with any for-profit outside business activity, or potentially embarrass the City of Newport.

The city reserves the right to monitor employee use of its systems at any time. Employees should not consider their usage of the city's systems to be private. Within the bounds of current and future laws, the City of Newport reserves and intends to exercise the right to review, audit, intercept, access, and search any of these systems at will, monitor data and messages within them at any time for any reason, and disclose selected contents without notice or other restrictions. Messages sent through these systems remain the property of the city. All data and messages maintained on the city's systems are subject to public records law and disclosed to the public upon lawful request.

Any improper use or violation of this policy may result in disciplinary action up to and including discharge. Any violation of this policy should be brought to the attention of the IT Manager and the City Manager.

#### **Communication Courtesies**

You are reminded to be courteous to other users of the system and always conduct yourself in a professional manner. Some examples of inappropriate systems use include, but are not limited to: installing non-business software; sending chain letters or other material that can be construed as spam; playing games; displaying sites with inappropriate sounds or visuals; transmitting obscene, harassing, offensive or unprofessional messages; accessing any site that is sexually or racially offensive or discriminatory; and displaying, downloading, or distributing sexually explicit material. The exception is in the performance of duty, i.e., police work.

Only authorized employees may communicate on the Internet on behalf of the city. Employees may not express opinions or personal views that could be misconstrued as being those of the City of Newport.

Any information posted to the city's internet or intranet sites must first be approved by the respective department head or designee.

### **Copyrights**

No software or other materials may be downloaded into the city's computers without the approval of the IT Manager, and may be used only in ways consistent with the licenses and copyrights of the vendors, authors, or owners of the material. The City of Newport honors all licenses, copyrights, patents, restrictions and terms and conditions associated with commercial proprietary computer software. Systems users are not authorized to use, copy, modify, or transfer purchased computer software, in whole or in part, except as expressly provided in the applicable software license, contract or purchase agreement. "Pirating" (making unauthorized copies of software or music) is a violation of federal copyright law. Any approved material that is posted should obtain all proper copyright and trademark notices if applicable.

Applications developed while employed by or under contract with the city are the properties of the City of Newport, not the developer.

### **Electronic Mail System**

E-mail messages are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. You should write e-mail communications with no less care, judgment, and responsibility than you would use for letters or internal memoranda written on city letterhead.

Please be aware that even when a message is erased through e-mail, it is still possible to retrieve and read that message. Even though the City of Newport reserves the right to retrieve and read any mail messages, those messages are to be treated as confidential by other employees and accessed only by the intended recipient. We expect that employees will respect others' privacy, and unless authorized to do so, will not retrieve or read electronic messages not intended for them. The use of passwords for security *does not* guarantee confidentiality. All passwords must be disclosed to the IT staff. Again, personal use of e-mail may occur, but is to be kept to a minimum, and it must be approved by your supervisor.

E-mail messages are considered public records, just like a hardcopy message, pursuant to ORS 192.420, and like any public record, all non-exempt e-mail must be made available for inspection on request.

### **City of Newport Computers: Software Installation**

In an effort to protect the integrity of the city's systems, all software used on city-owned computers must be registered with the IT office. Personal or downloaded software may only be installed after written authorization from the IT Manager has been received. A complete virus check of all such software must be made immediately before it is installed on any city computer. A virus check must be made on any disk or files originating from outside the city prior to its use in city-owned computer. Copying or transferring of city-owned software may be done only with the written authorization of the IT Manager.

### **Telephone Usage (Landline)**

The City of Newport recognizes that employees must occasionally make and/or receive personal telephone calls. Such calls must be held to a minimum and should impact your work as little as possible. Excessive use of city telephones may result in corrective action, up to and including termination. Unauthorized use of the telephone, including charging long distance calls to the city, may result in corrective action, up to and including termination.

### **Telephone Usage (Cellular)**

The City of Newport may provide a monthly cellular telephone, or cellular telephone allowance, to employees in designated positions who regularly make business calls while away from the office.

Personal Cell Phones: Employees receiving a cellular telephone allowance must use the allowance to obtain a reliable cell phone and reliable cell phone service. The allowance and any reimbursement will be considered part of the employee's official compensation and will be reported as taxable income. The cell phones, because they are the property of the employee, may be used for both personal and city business. Cell phone expenses over and above the amount of the allowance will not be covered by the city and will be considered the employee's responsibility. The city may annually determine the amount of the cellular telephone allowance.

Employees should not store confidential or work-related information on personal cell phones unless authorized by a supervisor and protected by a password.

City-Owned Cell Phones: City employees receiving a city-owned telephone will use that telephone primarily for city-related business. The City of Newport recognizes that employees must occasionally make and/or receive personal telephone calls. Such calls must be held to a minimum. Excessive, or abusive, use of city-owned cellular telephones may result in corrective action, up to and including termination.

Employees issued city-owned cell phones shall have no expectation of privacy while using city-issued devices. The City of Newport may audit and monitor phone calls, messages, internet, and other usage.

Oregon law prohibits the use of cell phones while driving, unless use of the cell phone is (a) an integral part of individual's job duties (b) a one-way communication device used within the scope of their employment, or (c) employees are using a "hands-free accessory." Please note, the use of a speaker phone is not considered a "hands-free" accessory.

Cell Phone Safety: The City of Newport prohibits the use of cell phones, including text messaging, during the following work-related activities:

- While operating a moving vehicle unless a hands free device is used;
- While operating or being in close proximity of heavy, dangerous, moving machinery; or
- Where use of a cell phone may place employees at risk of injury.

Reporting Lost or Stolen Cell Phones: If a personal or city-owned cell phone stores email addresses, phone numbers or other work or private information about other employees, customers, or clients, or sensitive or confidential workplace information and is lost or stolen, report the loss to a supervisor immediately.

### **Voice Mail System**

The voice mail system is the property of the City of Newport and has been provided for use in conducting city business. All communications and information transmitted by, received from, or stored in, this system are city records and the property of the City of Newport. This voice mail system is to be used for city business only, and use of the system for personal purposes is discouraged. You have no personal privacy rights pertaining to any information stored in, created, received, or sent over, the voice mail system. The City of Newport, in its discretion as owner of the voice mail system, reserves and may exercise the right at any time to monitor, access, and retrieve any message stored in, created, received, or sent over the system for any reason, and without the permission of any employee. Employees are not authorized to retrieve or listen to any voice mail messages that are not sent to their personal attention. Any exception to this policy must receive prior approval from the employee's supervisor.



Voice mail messages are considered public records, just like a hardcopy and e-mail messages, pursuant to ORS 192.420, and like any public record, all non-exempt voice mail messages must be made available for inspection on request.

### **Archiving Electronic Communications**

Employees must follow federal and state law regarding archiving electronic communications. Employees should follow the same archiving timeframes for electronic records, as for paper records.

Please refer to the City Records Retention Schedule, as developed by the Oregon Secretary of State, for specific information on records retention. Questions regarding records retention should be directed to the City Recorder.

### **Social Networking and Blogging**

The City of Newport takes no position on any employee's decision to start or maintain a social media blog or participate in other social networking activities. However, it is the right and duty of the city to protect itself from unauthorized disclosure of information. City of Newport's social networking policy covers city-authorized social networking and personal social networking and applies to all employees (see Authorized Social Networking and Personal Blogging/Social Networking below).

#### **General Provisions**

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with the City of Newport.

Unless specifically instructed, employees are not authorized and therefore restricted from speaking on behalf of the City of Newport. Employees are expected to protect the privacy of other employees and clients and are prohibited from disclosing personal employee and nonemployee information and any information to which employees have access through work. This policy does not prohibit employees from exercising their rights under applicable employment relations laws.

### **Authorized Social Networking**

Authorized social networking is social networking or blogging on behalf of the City of Newport which has been authorized by the city. Authorized social networking and blogging is used to convey information about city services, promote and raise awareness of city activities and events, and issue or respond to breaking news or negative publicity.

The goal of authorized social networking and blogging is to become a part of the community conversation and promote web-based sharing of ideas and exchange of information. When social networking, blogging or using other forms of web-based forums, the City of Newport must ensure that use of these communications maintains our integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

### **Personal Blogs/Social Networking**

The City of Newport respects the right of employees to write blogs and use social networking sites. The city does not want to discourage employees from self-publishing and self-expression, and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

If you choose to identify yourself as a City of Newport employee, please understand that some readers may view you as a spokesperson for the city due to your content including text and images. Because of this possibility, we ask that you state that your views expressed in your blog or social networking area are your own and not those of the City of Newport, nor of any person or organization affiliated or doing business with the city. In order to avoid misrepresentations, employees should not portray themselves in City of Newport uniforms or any official city capacity on non-work authorized networking mediums.

### **Employer Monitoring**

Employees are cautioned that they should have no expectation of privacy while using the internet at work, subject to lawful access to public postings. Postings can be reviewed by anyone, including the City of Newport. The city reserves the right to monitor comments or discussions about the City of Newport, its employees, and clients.

Employees are cautioned that they should have no expectation of privacy while using City of Newport equipment or facilities for any purpose, including authorized blogging.

### **IT Information Security Policy**

In addition to the following requirements, this policy may also apply to electronic information that is required to be compliant with the federal Health Information Portability and Accountability Act (HIPAA) and has been secured according to HIPAA guidelines.

## **Purpose**

Technology resources are critical assets of the City of Newport. These policies have been designed to help ensure the confidentiality, integrity, and availability of city technology resources, protected health information, and in particular, information and the systems used to store, process, and access the information.

## **Scope and Applicability**

These policies apply to anyone with access to city systems, protected health information, or technology resources, including, but not limited to, all employees, contractors, consultants, customers, vendors, business associates, and temporary staff. It is the responsibility of each individual to comply with policies and protect property and proprietary or confidential information.

## **General Information Security Policy**

City of Newport information must be protected in a manner commensurate with its sensitivity, value, and criticality. Security measures must be employed regardless of the media on which information is stored (paper, overhead transparency, electronic, etc.), the systems that process it (microcomputers, mainframes, networks, voicemail systems, etc.), or the methods by which it is moved (electronic mail, face-to-face conversation, etc.). Such protection includes restricting access to information based on a "need-to-know" basis.

Responsibilities - Individuals accessing the city's technology resources must comply with information security policies, standards, guidelines, and procedures.

Access Control Mechanisms and Individual Accountability - Individuals at all levels are responsible for the secure operation of their activities. All system users must take reasonable actions to guarantee this security, maintained primarily through access control mechanisms (user IDs and passwords). Individually assigned user IDs and passwords must not be shared. Automated sign-on scripts should not be used.

Requests for access to technology resources require documented management (or designee) approval as well as any other required approval and user agreements (depending upon the information classification and owner/approver's requirements).

Documents and/or data created by a user should not be stored on the local drive of the computer they are using, but on the appropriate network drive to allow for greater security and regular backup. Information stored on a computer's local drive is not backed up. If you are unsure what constitutes the "local drive," please contact the IT Manager.

If you will be away from your computer for an extended period of time (meetings, lunch, etc.) you are required to log off, lock, or otherwise secure your computer.

### **Virus Prevention**

Anti-virus software with up-to-date virus definitions must be actively in use on all workstations connected to the city's technology resources. Software, utilities, and files from outside sources, including the internet, must be scanned using virus detection software prior to use or installation on city technology resources if not certified virus-free by the vendor.

### **Communications and the Internet**

Firewalls (hardware/software security interfaces between the internal network and the outside internet) and other methods may be used to control, filter, and monitor internet access. Subscriptions to services designed to block access to inappropriate web sites also may be used. Internet use will be actively monitored and reports may be provided to management.

### **Remote and External Access Controls**

Any and all remote or external access to city technology resources will be provided through a centrally administered remote access control system, or other approved secure connection approved by the IT staff. Connection via the internet for purposes of electronic commerce requires special attention to security and privacy issues in order to protect city business and that of its staff and citizens. Installations of such remote access systems or other external connections require the approval of the IT Manager.

Remote computers connected to the city's technology resources must be actively protected by anti-virus software with up-to-date virus definitions.

### **Policy Exceptions**

Exceptions or waivers to these policies require the approval of the City Manager. Appropriate documentation providing business justification for non-compliance is required, as well as full documentation of the business and technical reasons for granting the waiver. The City Manager will notify the IT staff of all approved exceptions.

### **Contact Information**

Questions about this policy or related information security concerns should be directed to the IT Manager.

## **XIV. PERFORMANCE MANAGEMENT AND APPRAISAL**

To ensure a meaningful performance evaluation system upon which the City of Newport can monitor the effectiveness of the city and its operations, employees will receive an annual performance evaluation.

The objectives of the annual performance management and formal appraisal process are:

- To ensure that each employee knows how he/she is performing against established performance standards;
- To determine how well the city's supervisors are performing in assisting employees with work performance and objectives;
- To ensure communication and two-way feedback;
- To provide a consistent, objective, and fair method for making compensation decisions;
- To identify areas where an employee may need more training;
- To provide a tool for career planning; and,
- To provide a record of employee performance and contributions.

Supervisors are accountable for providing employee development actions designed to improve and enhance employee performance, such as:

- Reasonable employee training, including computer software proficiencies;
- Assigning, directing, controlling, and reviewing employee work;
- Assisting employees in correcting deficiencies; and,
- Objectively assessing employee performance during the evaluation period.

The performance appraisal program is intended to be participatory, involving employee input as much as that of the supervisor or department head, thereby helping employees contribute to the growth and improvement of the city. Employees are encouraged to:

- Inquire about their performance from time to time;
- Accept additional responsibilities and show initiative;
- Review opportunities for advancement within the organization;
- Ask for assistance in developing a goal-oriented path for advancement; and,
- Learn about training available to assist in improving skills.

Performance evaluations serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, and retention. Written reports identify specific performance levels, acknowledge the merit of above standard performance, and prescribe the means and methods for correcting performance deficiencies to the required level of performance. While the city does not have

merit pay, specifically, employees are required to receive a positive performance evaluation to advance to the next step of the classification plan, unless otherwise provided in a collective bargaining agreement.

### **Reasons for Corrective Action**

Corrective action may be taken for, but is not limited to, the following reasons:

Theft, misappropriation or unauthorized removal of city property;

Falsification or omission of facts on forms, records, or reports including time sheets/records or application materials;

Personal solicitation or acceptance of a payment, gift or other valuable item for providing a city service;

Destruction, misuse or waste of city property, facilities, materials, or working time;

Use of alcohol or controlled substances which affects performance; possession of alcohol or controlled substance during working hours (except as may be required in the line of duty);

Abusive behavior toward the public or other employees; sexual or other harassment of another employee or the public;

Failure to comply with established rules, procedures, or directives;

Failure to comply with a proper directive from a supervisor;

Non-compliance or disregard of safety policies or procedures; failure to report injury, accident, or unsafe conditions;

Excessive absences or tardiness; unexcused absences, abuse of sick leave; working overtime without appropriate approval;

Dishonesty;

Any act, whether employment related or not, that has a serious detrimental effect on the city, the city's reputation, or public trust in the city, taking into account the job classification of the employee;

Violation of the provisions of city or departmental policies, rules or regulations, other than violations of performance standards.

Nothing in this section is intended to limit employee's constitutional rights of free expression or association.

### **Corrective Action Plan**

The City of Newport has high performance expectations because it strongly believes that everyone benefits when employees work together and conduct themselves in a manner that mutually reflects the best interests of co-workers, the city, and citizens. It is the philosophy of the city to take corrective action measures when needed for the purpose of correcting performance deficiencies or to deal with violations of polices and work rules.

Corrective action plans may differ based on any collective bargaining agreement in place for a particular department. For non-represented employees, and bargaining unit employees without a corrective action plan in the CBA, the following will apply.

Employees will be informed by their supervisor of any corrective action that is necessary, as soon as possible, after any performance problem has been identified. Your supervisor will discuss the situation with you, explaining the policy and the necessity of corrective action to avoid other disciplinary actions.

Although one or more corrective action measures may be taken in connection with a particular performance problem, **no formal order will be followed**. Corrective action may include any of a variety of actions depending on the circumstances and severity of the particular situation.

Corrective action may be taken at the discretion of management and may include, but is not limited to, the following examples:

- Verbal counseling which will be confirmed, in writing, for your personnel file.
- Mandatory participation in training and/or counseling.
- Written warning, which will be placed in your personnel file.
- Suspension, which will be confirmed in writing for your personnel file. Suspension is normally used to remove an employee from the premises during an investigation, or as a disciplinary action. This may be paid or unpaid. If you are suspended, it will be documented in your personnel file.
- Discharge.

The corrective action process will not always commence with a verbal counseling or include a sequence of steps. Some acts, particularly those that are intentional or serious, warrant more

severe action on the first or subsequent offense. Consideration may be given to the seriousness of the offense, your intent, motivation to change the performance, and the environment in which the offense took place.

These are *only examples* of possible corrective action(s) that may or may not occur.



## **XV. GRIEVANCES**

### **General**

It is the city's policy to provide appropriate avenues of communication to meet a variety of employee-supervisor needs. It is also the desire of the city to resolve problems and pursue suggestions through an informal and positive process. Supervisors should encourage employees to bring their concerns to management. Formal grievance procedures are provided for situations where the informal process is not appropriate. The grievance procedure shall not be used for appeals of employee discipline.

The formal grievance process may be used by employees to appeal the provisions of the personnel policies, administrative directives, departmental rules and regulations, and administration of those policies, directives, rules and regulations. Temporary employees and employees who have not completed their trial service period are not eligible to utilize the formal grievance process.

### **Grievance Process**

A formal grievance will be handled in the following manner, unless otherwise provided for in a collective bargaining agreement:

Step One: An employee may present the grievance orally to his/her immediate supervisor within ten (10) working days of its occurrence or the employee's knowledge thereof (not including the day of the occurrence). The immediate supervisor will provide an oral reply within ten (10) working days of the date of the presentation.

Step Two: If the grievance is not settled at Step One, the employee may submit a written appeal to the department head within ten (10) working days from the date of the supervisor's response (not including the date of the response). If the department head is the immediate supervisor, the grievance will go directly to Step Three. A written response to the employee's appeal will be provided by the department head within ten (10) working days of the date of the written appeal (not including the date of presentation). The City Manager will be provided with a copy of the written response at the time it is sent to the employee.

Step Three: If the grievance is not settled at Step Two, the employee may present the written grievance to the City Manager within ten (10) working days after the department head's response. After reviewing the situation, the City Manager may schedule a meeting with the employee, immediate supervisor and/or the department head. The City Manager will respond to the employee within ten (10) working days following the receipt of the appeal or within ten

(10) working days following the meeting, whichever is later. The decision of the City Manager will be binding.

The City Manager's office will be responsible for the administration of the grievance procedure and for assuring that the time frames are adhered to. If the employee fails to submit the grievance within the specified time limits, the grievance will be considered abandoned. If the City fails to submit a reply within the specified time limit, the employee may take the grievance to the next step. The time frames specified above may be extended by mutual agreement of the employee and the city.

## **XVI. PAY ADMINISTRATION**

The City of Newport values quality employees and is committed to compensating employees for their efforts and results. It is the city's intent to provide a competitive compensation package that will attract, retain, and motivate employees. It is also the city's intent that policies and pay practices be administered consistently throughout the city.

The pay of a new employee may be established based on the city's classification plan, and the new employee's previous experience, education, and skills.

Employees may be eligible for future pay increases based on the city's approved budget and individual performance.

### **Classification Plan**

#### **Purpose**

The classification plan is, in effect, an occupational inventory of positions. It is fundamental to personnel administration since it makes possible standardization of class titles for purposes of record keeping, qualifications for employment eligibility, employment testing, pay administration and related personnel administration objectives.

The city uses the classification plan as a means of assuring that the content and requirements of a job have been analyzed properly and that employees will receive the same treatment in salary and other matters as employees who have similar duties and responsibilities.

#### **Class Specifications**

The classification plan consists of a class specification for each class of positions. The specification includes the title for the class, a general statement of duties, a statement of essential functions/major responsibilities performed, the qualifications an applicant should possess to perform the work and information regarding physical demands and working environment. Positions that are similar with respect to duties, responsibilities, authority and level of work are included within the same class. The class specification will be descriptive rather than restrictive, so that the specification will not be construed to limit the assignment of other duties related to the class.

#### **Administration**

The City Manager's office shall establish and maintain a classification plan. The City Manager shall approve the classification plan and any subsequent adjustments. When a new position is

created, the department head will prepare a description of the duties and responsibilities which will be reviewed, evaluated, and approved by the City Manager's office for allocation to the appropriate class.

A department head may request a change in classification when the duties of a position have changed substantially in type or level of work performed or if the labor market changes. Such a request will be submitted to the City Manager's office with a description of the duties and responsibilities. The City Manager's office will make a reclassification recommendation based on the duties and responsibilities assigned, overall relationship to the organization and without regard to the personal characteristics and abilities of the employee holding the position. Any changes in salary range for a classification shall be based on the salary range for similar positions for similar sized coastal cities in Oregon. Salary ranges for private entities in the immediate area may also be considered.

### **Salary Increases**

The city's pay plan is based on ranges and steps. Each position has an identified range with steps within that range. Employees receiving a positive performance evaluation will advance to the next step in their range subject to City Council approved budget directives. All salary increase recommendations must be approved by the department head and the City Manager.

To the extent allowed by law, information pertaining to employee rates of pay and increases in pay, if any, is deemed to be a personal matter, and we request that employees exercise great discretion and care regarding any discussion about pay.

### **Pay Days**

All employees are paid on the first day of each month.

Please remember that the city assumes that you took regular holidays and any vacation days listed on your time sheet, unless you provide timely notification to the contrary.

### **Payroll Deductions**

Certain mandatory and elective deductions are made from employee pay, and are noted on the paycheck stub. Only those deductions mandated by law or those you have authorized in writing are made, provided such deductions are not otherwise prohibited by state regulations.

## **Payroll Draws**

The City will make available, with appropriate approval, two draws per year, with appropriate approval, for each employee.

Employees are required to obtain approval for each draw from their supervisor, department head, and the City Manager.

Approval of a payroll draw will be on a case-by-case basis. Approval of the first draw does not necessarily mean that a second draw request will be approved. Each draw must be requested separately.

The draw request form is available from department heads.

Income taxes will be withheld from all draw checks.

## **Delivery of Paychecks**

Each payday, your paycheck will be hand-delivered to your department head, or electronically deposited to an account you designate at a financial institution, provided the institution has that capability. No paychecks will be picked up by any person other than you except upon your written request.

## **Method of Payment**

A statement of earnings and deductions showing gross earnings, deductions and the net salary amount will accompany each paycheck or notice of direct deposit.

## **Employee Withholding Allowance Certificates Form W-4**

You are required under Federal law to furnish the city with a valid Employee Withholding Exemption Certificate (W-4) at the time of hire. You may request additional withholding for your state and/or federal taxes. If you fail to provide a W-4, the city is required by law to withhold at the S-o rate, until you provide us with a W-4.

## **Timekeeping for Employees**

Employee pay is calculated from reported hours as approved by your supervisor. The time record is formal documentation of the exact time worked. It should be completed daily and reviewed at the end of each week for completeness and accuracy. It must be completed and approved at the end of each pay period.

Your supervisor, or designee, will review and approve time records each pay period. If an error is to be corrected or time clarified, the employee should notify his/her supervisor during the review process. Your electronic or written signature on the time record each pay period verifies that the times and dates are true and accurate to the best of your knowledge. You should never allow someone else to make entries on your time record. Willfully falsifying a time record may be grounds for corrective action, up to and including termination.

### **Final Paycheck**

The city requests that employees give us at least 10 working days advance notice prior to departure when resigning or retiring from the organization. If you provide us with at least 48 hours notice (excluding holidays and weekends) you will receive your final paycheck on the last day worked. If less notice is given, the final paycheck will be provided within five business days or on the next regularly scheduled payday, whichever occurs first. If you are discharged, your final paycheck will be paid no later than the end of the next business day. Final paychecks will include all wages earned through the last workday plus payment for any accrued and vested benefits (excluding retirement) that are due and payable at separation. Checks can be picked up at City Hall or mailed to the current home address if requested in writing by the terminating employee.

## **XVII. HOURS OF WORK AND WORK SCHEDULES**

### **City of Newport Office Hours**

The City of Newport has established regular working hours to promote a productive work environment that will best serve our citizens. The general office hours at the city are 8:00 A.M. to 5:00 P.M., Monday through Friday.

The normal workday is eight hours. The normal work week is 40 hours. If you are a non-exempt employee, you should not begin work before your normal starting time nor continue working beyond the normal quitting time without advance approval from your supervisor.

The department head or supervisor schedules specific work hours for individual employees. Typically, employees will work from 8:00 A.M. to 5:00 P.M. with one hour for lunch. Changes to work schedules may be made on an individual basis (work hours/work days) based on business necessity, at the discretion of the supervisor with approval from the department head will attempt to notify you of any changes in workdays or work week schedules one week in advance of the effective date of change. Management reserves the right to modify schedules consistent with the needs of the organization.

Hours worked for the City of Newport are compensable and include all of the time that an employee is required to be on duty. Travel time and training or meeting time are considered hours worked under specific conditions outlined under wage and hour laws, city policy, or collective bargaining agreements. Please consult with your supervisor regarding these conditions. These provisions do not apply to exempt positions.

### **Meal and Rest Periods**

Meal and rest periods will be provided according to federal and state law and respective collective bargaining agreements. Non-exempt employees are not permitted to work through a meal period unless approval from a supervisor or department head is obtained prior to the scheduled meal break. If you are a non-exempt employee and you are required to work during your meal period, you will be paid for your meal time. If an employee frequently works through a meal and/or rest period, without supervisor or department head approval, the employee may be subject to disciplinary action. These provisions do not apply to exempt positions, as there are not any required meal and rest periods for such positions.

### **Overtime**

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

## **Definition and Administration**

Overtime – For full-time employees and employees working thirty (30) or more hours per week, excluding employees represented by a collective bargaining agreement, overtime is time worked in excess of forty (40) hours per week.

For part-time employees working less than thirty (30) hours per week, overtime is time worked in excess of forty (40) hours per work week.

Part-time employees working less than 30 hours per week will be paid overtime for hours worked in excess of 40 hours per work week.

Overtime provisions for represented employees are contained the respective collective bargaining agreements.

Work Week - the basic work week for city employees begins at 12:01 A.M. on Monday and ends at midnight on Sunday. A different work week may be established for either a group of employees or an individual employee with the approval of the City Manager or designee. A copy of this approved work week will be placed in the employee's personnel file. The city reserves the right to modify the work week.

Hours Worked - for the purpose of computing overtime, the following paid status hours are included as hours worked: hours performing assigned duties, holidays, vacation, sick leave, compensatory time, and jury duty.

## **Exemptions**

Employees of the city in positions which fall under the definition of an administrative, executive or professional employee (FLSA 29 C.F.R. Section 541.1, 2, 3) and are designated as exempt employees are exempt from overtime provisions. All such employees are required, for the salaries, compensation, fees or pay fixed for their respective positions, to render such service as may be necessary to complete assigned duties and responsibilities in a proper and efficient manner.

## **Authorization for Overtime**

All overtime worked by non-exempt employees should normally be approved by the immediate supervisor prior to being worked. However, in the case of emergencies, the employee must notify the supervisor as soon as possible, but not later than the next working day, of the need to work overtime. Department heads may authorize overtime by policy or



category without the need for individual approval of each instance of overtime work. Overtime may be authorized retroactively by a department head for good cause, such as the need to leave a worksite in a safe condition or to complete transactions with citizens.

### **Compensation for Overtime**

The rate of compensation for overtime worked by non-exempt employees will be 1.5 times the rate of pay that would otherwise be payable OR compensatory time off at 1.5 hours for each hour of overtime worked. Compensatory time may be provided instead of cash compensation at the discretion of the supervisor, and approved in advance of working the overtime. Overtime will be computed to the nearest fifteen (15) minutes.

You may be required to work overtime. Prior approval must be obtained from your supervisor before working overtime hours. Supervisors are to ensure that no unauthorized overtime hours are worked. The city complies with the provisions for overtime for its non-exempt employees, as outlined in the Fair Labor Standards Act and state wage and hour laws. Supervisors and employees will make every effort to keep the hours worked, to the regular work week. This may be accomplished by flexing the hours worked, during the week, with the supervisor's approval. This may enable the employee to maintain his/her regular hours in the week and reduce the accumulation of overtime. If scheduling adjustments cannot be made during the week, comp time may be granted. However, supervisors should attempt to avoid accumulated overtime by employees.

Overtime is calculated on the basis of hours actually worked in excess of 40 hours in a work week. Only actual hours worked are used in calculating overtime. Sick leave, vacation leave, and holidays are not counted as hours worked. Provisions in collective bargaining agreements will supersede provisions contained in this Handbook.

### **Compensatory (Comp) Time**

Compensatory time, in lieu of paid overtime, will be computed at 1.5 times the overtime hours, with prior approval.

Employees are encouraged to take accumulated compensatory time on a timely basis. Requests to use compensatory time require approval of the immediate supervisor or department head. The city can also require the use of compensatory time to ensure accruals are being used in a timely manner.

Compensatory time is to be taken in minimum of one-half (1/2) hour increments. Employees may accrue a maximum of forty (40) hours of compensatory time. The maximum accrual for

compensatory time may be increased by the City Manager or designee. Accumulated compensatory time hours, in excess of 40, will be paid to the employee monthly.

Upon termination of employment, an employee will be paid for any unused compensatory time at the higher rate of either:

The average regular rate of pay received by an employee during the last three (3) years of the employee's employment; or the final regular rate of pay received by the employee.

In addition, when an employee's salary changes due to a promotion or demotion, the accrued compensatory time will be paid off at the salary rate immediately prior to the promotion or demotion.

### **Social and Recreational Activities**

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

## **XVIII. EMPLOYEE-INCURRED EXPENSES AND REIMBURSEMENT**

### **General Provisions**

The purpose of this policy is to provide guideline to City of Newport employees for payment of travel expenses in an efficient, cost-effective manner which results in the best value for the city and its taxpayers.

Exceptions to this policy may be recommended by department heads to the City Manager on a case-by-case basis, when it is necessary and reasonable to meet city needs and requirements.

The City of Newport will pay for all reasonable and necessary travel expenses for representatives of the city. All city employees shall practice fiscal responsibility in the discharge of their duties.

Reimbursement for Personal Expenses shall not be authorized for payment at any time. For example, employees will not be reimbursed for parking tickets, moving violations, or commuting mileage. Employees will not be reimbursed for alcoholic beverages or for any expenses incurred by the employee's spouse when that spouse is accompanying the employee on a business trip.

Employees are considered to be on Travel Status from the time they start from, and return to, their primary work station, or to/from their residence. The primary work station may be a physical location (a building) for some employees and it may be a geographic location for others.

This policy has been developed with the Internal Revenue Service Regulations (Publication 535) as its primary reference; the specific guidance is described as an Accountable Plan, which assumes that the following IRS criteria have been met:

- All expenses were incurred while on official city business
- Expenses must be adequately accounted for in a reasonable time frame; the city's definition of "reasonable timeframe" is 10 work days.
- All excess payments or advances must be returned, also, within 10 work days

In the event that an employee is required to travel outside of the local area (normally outside Lincoln County) to attend a conference or meeting, and when multiple modes of travel are available, the city will reimburse for the least expensive mode of travel.

Requests for advance payments or reimbursement of travel expenses should be made using the City of Newport Travel Expense and Reimbursement Request Form available from

department heads. Conference registration materials must accompany the request. *Detailed* (not summary) receipts must support all expenses.

**Registration and Course Fees**

The city will pay conference, seminar, meeting, training, and related course fees in advance to the company or providing the service through billing by purchase order and invoice, advance payment by check request or by city debit card. Department heads should make every reasonable effort to avoid requiring an employee to “front” registration fees. A cash advance to the employee to pay such fees will only rarely be done, on an emergency basis.

**Meal Reimbursement Rates**

Meals will be reimbursed at the following rates, only upon the receipt of *original, detailed* expense receipts<sup>1</sup>. Summary receipts of meal expenses, or the types of receipts often found when using the city’s debit card, are not adequate, and reimbursement will not occur until detail receipts are provided. The receipt must show the amount of the expense, the date of the expense, the time of the expense, the location of the expense, and the business reason for the expense. Debit card receipts or charge card receipts are not acceptable. The meal reimbursement rate is subject to change, but the current rate is:

- Breakfast       \$ 8.00
- Lunch            \$12.00
- Dinner           \$25.00

The maximum daily meal allowance (\$45.00) will be limited by the amount of time spent on official city business *away from home*. These rates are subject to annual review. Employees will be notified of any changes to the reimbursable meal rates as soon as practicable. The following table outlines the extent of meal reimbursement.

<b>Initial Day of Travel: Leave</b>	Prior to 6:00 A.M.	6:00 A.M. to Noon	12:01 to 6:00 P.M.	After 6:00 P.M.
Meal Allowance Percentage	100%	75%	50%	25%
<b>Final Day of Travel : Return</b>	Prior to 6:00 A.M.	6:00 A.M. to Noon	12:01 to 6:00 P.M.	After 6:00 P.M.
Meal Allowance Percentage	25%	50%	75%	100%

If a meal is provided as part of the conference registration or lodging accommodation, no reimbursement will be processed for that meal, whether or not the employee participated in the provided meal.

No additional reimbursement will be given to an employee who purchases other meals or spends more than the allowance amount on meals, without approval from the department head.

### **Lodging**

The city will pay lodging expenses to the hotel in advance; allow payment through billing by city debit card, or by reimbursement, if paid for by the employee. Every effort should be made to secure reasonably priced accommodations close to the training location. Employees are encouraged to request the "government rate" when securing lodging accommodations. A *detailed* receipt is required in all cases. A cash advance for such expenses will be provided to employees only in an emergency. The city is a member of the Western States Contracting Alliance that offers its members lodging and rental car discounts. The website can be accessed at [http://www.oregon.gov/DAS/SSD/SPO/wsca\\_lodging.shtml](http://www.oregon.gov/DAS/SSD/SPO/wsca_lodging.shtml)

### **Travel**

Employees should determine the most cost-efficient means of travel.

Travel by air is to be accomplished at the lowest available rates, through travel agents, on-line, or by direct means. Mileage "points," discounts, or rebates earned for travel on city business may only be redeemed on future travel for city business, and in no case are they to be used for personal travel. A *detailed* receipt is required in all cases.

When traveling outside of the city limits, employees who travel by car must use a city vehicle, assigned to their department, when a mechanically sound vehicle is available. If a mechanically sound city vehicle is not available, and/or an employee opts to use a personal vehicle, the employee must obtain the permission of their supervisor, prior to traveling, in order to be eligible for mileage reimbursement. Reimbursement will be determined as follows:

- A. When an appropriate city car is not available, the reimbursement rate for all employees will be the current IRS mileage reimbursement rate.
- B. When a mechanically sound city vehicle is available, and an employee chooses to use their own vehicle, they will be reimbursed at one-half the current IRS mileage reimbursement rate. Exceptions must be approved by the City Manager before the employee travels.

For local travel (within city limits), employees may use their personal vehicles; they will be reimbursed at the current IRS mileage reimbursement rate.

Mileage reimbursement requests must be accompanied by a Google or MapQuest map that includes an address to address route calculation. When using a personal vehicle for city business, the city will reimburse only for the most direct route.

Expense reports must be supported by evidence of proof of purchase, e.g., receipts, and are to be submitted within three weeks of the expense being incurred or the employee may forfeit their payment or reimbursement. Meal receipts must denote for whom the meal was purchased and the purpose of the meeting.

### **Driving While on Business**

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

The city may verify the validity of your driver's license and/or your driving record. Once you are employed by the City of Newport, the department head may request driving records from the Department of Motor Vehicles on an annual basis. The reports notify the city when there are transactions on your driving record.

While on city business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on city business. Drivers are to ensure that the use of prescribed or over-the-counter drugs does not interfere with their ability to drive while on business. Operative a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their supervisor of any subsequent restrictions, limitations, or other change in their driving status as soon as possible.

### **Attendance**

If the City of Newport is paying registration, travel, meals, and accommodation costs for attendance at the workshop, seminar, conference etc., employees are expected to attend scheduled work sessions and related activities and take advantage of the opportunity to learn in both formal and informal settings.

Employees are encouraged to report back on their learning experience for the benefit and development of other staff.

## **Employee Benefits**

The City of Newport strives to provide excellent, equitable, and cost-effective benefits for employees in recognition of the influence employment benefits have on the economic and personal welfare of employees. Paid in various forms, the total cost to provide the benefit program described in this Handbook and other documents is a significant supplement to pay and should be viewed as additional compensation. The city reserves the right to modify employee benefits.

Policies, provisions, and procedures that govern the city's benefit programs apply to all benefits-eligible employees, whether status is exempt or non-exempt, unless otherwise provided in a collective bargaining agreement.

Some benefits begin on the first of the month after 30 days of employment. Some benefits may accrue during your trial service period, but eligibility to use the benefit will not occur in most cases until you obtain regular status, or meet other conditions of employment specified in the Handbook or contained in the benefit policy/plan booklets.

Generally, employees who work 40 hours, or more, per week receive all benefits; employees working 30 – 39 hours per week will receive a prorated share of benefits; employees working 20 – 29 hours per week will receive pro-rated vacation, sick leave, and holiday pay; and employees working less than 20 hours/week are not eligible for any benefits or compensation beyond wages. The exception to the "No Benefits" policy is Bereavement Leave. Bereavement Leave will be pro-rated according to the number of hours regularly worked, for employees who work less than 40 hours per week.

## **Benefit Plan Documents**

You will be provided with Summary Plan Descriptions (SPDs) for the City of Newport benefit programs. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents will govern. All of these official documents are readily available from Finance Department staff for your review. We ask that you refer any questions about this information to the City Manager's office.

## **Health/Dental/Vision Insurance Benefit**

The City of Newport currently offers health insurance coverage for all benefits-eligible employees and their dependents that are eligible to participate in the plan. You will be provided with information about the plan during orientation. Health benefits begin the first of

the month following 30 days of employment. You are asked to review the summary plan description for answers to questions you may have. Further information is available through the City Manager's office.

### **Eligibility**

The health insurance plan provides benefits-eligible employees (working 30 hours/week or more in regular positions – the city will pay a pro-rated amount for employees working between 30 and 40 hours weekly), and their eligible dependents, with medical, dental, and vision care insurance benefits. Eligibility begins the first of the month following 30 days of employment. Employees working in benefits-eligible positions are provided with a health insurance plan for themselves, their eligible dependents, and their domestic partners (note that the domestic partner of an insured employee is eligible for coverage if the domestic partnership meets all of the coverage criteria). The children of covered domestic partners are eligible under the same terms and conditions as children of enrolled employees. Questions regarding the criteria for determining eligibility for domestic partners, the employee's premium payment portion, and other questions relating to this benefit, can be addressed by contacting the City Manager's office.

Employees with health coverage through another source may waive coverage with the City of Newport, provided that at least 75% of the city's benefits-eligible employees are covered. Employees having health coverage through another source are entitled to compensation of \$25 monthly in lieu of city health coverage.

Part of the city's health insurance coverage is the Healthy Benefits program, which provides a valuable package of services to employees and eligible family members to help achieve or maintain optimum health. City of Newport employees are encouraged to participate in wellness programs/resources offered via a healthy benefits program, the medical insurance carrier programs, etc.

### **Premium Contribution**

Employees contribute to the cost of their coverage based on their regular work schedule and the coverage level they select.

### **Pre-Tax Account**

The City of Newport makes three pre-tax options available to benefits-eligible employees for dependent care expenses, medical and dental services, and employee insurance premiums. Because taxable income is reduced by using one or more of these options, employees pay fewer taxes - the only provision is that all the designated dollars in a Pre-tax Account be used



by the end of the plan year (August to July) or the balance will be forfeited. A brochure explaining the details of the program is available by contacting the City Manager's office.

**Voluntary Employees' Beneficiary Association (VEBA/HSA)**

Subject to budgetary allocations, the City of Newport may contribute a set dollar amount into a VEBA/HSA account on your behalf, on an annual basis (January). The amount of the contribution is based upon an employee's enrollment status in the city's medical benefits program as of January 1.

The dollar amount of an employee contribution is subject to the number of dependents covered in the city's medical benefits plan, and includes: employee only; employee +1; or employee +2 or more.

You must be enrolled in the city's medical benefits program in order to qualify for a VEBA/HSA contribution.

New-hires may receive a pro-rated VEBA/HSA Contribution as follows:

- Employment date between January 1 and March 31: 75%
- Employment date between April 1 and June 30 50%
- Employment date between July 1 and September 30 25%
- Employment date between October 1 and December 31 0%

The new hire pro-rated contribution will be made within 30 days of becoming covered in the plan.

Current employees, who did not elect medical benefits during a prior year's open enrollment, may be eligible for a 25% VEBA/HSA contribution, for the calendar year they enroll in the plan. Thereafter, if they remain enrolled in the plan, they may receive the regular January contribution. The open enrollment pro-rated contribution will be made during the month of August.

Current employees, covered by another health plan at the time of open enrollment, who lose their coverage due to a qualifying event (as defined by the IRS—divorce, job loss, reduced hours, etc.) and who enroll in the city's medical plan within 31 days of losing that coverage, may be eligible for a pro-rated VEBA/HSA contribution. The pro-rated amount will be based upon the date of enrollment into a City of Newport plan:

- Enrollment date between January 1 and March 31 75%
- Enrollment date between April 1 and June 30 50%

- Employment date between July 1 and September 30 25%
- Employment date between October 1 and December 31 0%

The qualifying event pro-rated contribution will be made within 30 days of becoming covered in the plan.

## **XIX. OTHER BENEFITS**

### **Workers' Compensation**

Employees will be insured under the provisions of the Workers' Compensation Program for "accepted" injuries and illnesses received while performing work for the City of Newport. The city uses an external claims adjuster to process employee claims, and to determine the compensability of a claim.

### **Accident and Injury Reporting**

All job-related injuries or illnesses must be reported to your supervisor within 24 hours, regardless of severity using the Incident Report form. **If you are going to seek treatment, please remember to complete an 801 Form.** In the case of serious injury, your reporting obligation will be deferred until circumstances reasonably permit a report to be made. Failure to report an injury or illness may affect or delay the payment of any benefits to you and could subject the city to fines and penalties.

### **Light Duty**

The city will attempt to provide you with light duty for a reasonable period of time (usually three months or less) until you can resume your regular duties (except where provided as an accommodation for a disability).

### **Benefits Continuation (COBRA)**

If otherwise qualified, the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and qualified dependents the opportunity to continue health insurance coverage under their employer's health plan. Eligibility is initiated when a "qualifying event" would normally result in the loss of eligibility (e.g., work separation, death of an employee, a reduction in an employee's hours, leave of absence, an employee's divorce or legal separation, or a dependent child who no longer meets eligibility requirements).

Under COBRA, the employee or beneficiary pays the full cost of coverage at the group rates, plus a 2% administrative fee. Employees will receive a written notice describing rights and obligations granted under COBRA when the employee becomes eligible for coverage under the city's insurance plan.

## **Long-Term Disability**

The City of Newport provides a long-term disability (LTD) benefit plan to help employees working in benefits-eligible positions (refer to Employee Classifications) 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, but it is not intended to fully replace your wages. LTD coverage begins on the first of the month following 30-days of employment and is subject to all the terms and conditions of the agreement between the city and the insurance carrier. LTD benefits are offset by amounts received under Social Security, PERS, other retirement income, or workers' compensation for the same time period.

## **Life Insurance**

The City of Newport provides a basic life insurance plan that is based upon an employee's annual salary, up to a maximum benefit amount for employees working in benefits-eligible positions; it is subject to all the terms and conditions of the agreement between the employer and the insurance carrier (refer to Employee Classifications). If your city-purchased life insurance is greater than \$50,000, then the amount greater than \$50,000 becomes taxable to you. Please contact Payroll if you have any questions about the taxable portion of your life insurance. Employees are eligible for coverage the first of the month following 30 days of employment. Employees will be asked to designate beneficiaries at the time of enrollment.

Also, additional voluntary and/or dependent life insurance may be purchased and will be deducted from the employee's monthly salary. Voluntary coverages may be subject to medical underwriting by the life insurance company.

## **Accidental Death and Dismemberment (AD&D) Insurance**

The City of Newport provides AD&D insurance coverage in the same dollar amount as an employee's city-paid life insurance coverage, for employees working in benefits-eligible positions, who suffer accidental death or dismemberment. Employees are eligible for coverage the first of the month following 30 days of employment.

## **Long Term Care**

Voluntary long term care insurance may be purchased for employees and eligible family members; the premium for each type of coverage will be deducted from your monthly salary. After your first opportunity for enrollment, coverage will be subject to medical underwriting by the long term care insurance company. All coverage for eligible family members is subject to medical underwriting.

## **Unemployment Insurance**

The City of Newport provides unemployment compensation through the State of Oregon Unemployment Insurance Fund as provided for under state law.

## **Employee Assistance Program (EAP)**

This free, confidential service is provided to all employees covered by the city's medical insurance benefits, and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the City Manager's office.

## **City of Newport Employees' Retirement Plan**

Eligibility - Regular employees scheduled to work 30 or more hours per week, other than public safety employees, become participants of the City of Newport Employees' Retirement Plan on the first of the month following six (6) months of employment.

Retirement Benefits - A Summary Plan Description of the City of Newport Employees' Retirement Plan which describes the retirement program and benefits is available to employees at the time of hire and upon request.

Retirement Date - There is no mandatory retirement date for city employees. Employees may continue to work while they meet the expectations and requirements of the position and fulfill their duties.

## **PERS (Public Employees' Retirement System) Benefit**

Public Safety Employees - Sworn police officers and firefighters participate in the Oregon Public Employees Retirement System (PERS) or Oregon Public Service Retirement Plan (OPSRP) as applicable. Member's Handbooks are available from PERS or OPSRP which describe these programs in additional detail.

As participants in the PERS system, your designation as a Tier I, Tier II, or OPSRP member will depend on your prior PERS service and PERS rules.

Public safety employees will become a PERS member after working six full calendar months for a PERS-covered employer in a qualifying position requiring at least 600 hours per calendar year period. That six month "waiting period" cannot be interrupted by more than 30 consecutive working days. Your effective date of membership is the first day of the month after you have met this requirement.

The City of Newport makes two contributions to PERS on your behalf. The first contribution is an amount based on the actuarial requirements for funding the city employee pensions. It is a percentage of payroll set by PERS. The amount may be different for each designation (Tier I, Tier II, OPSRP), and changes from year to year.

The City of Newport may pay on your behalf, all or a portion of, the employee contribution to the PERS system, which is set by statute at 6% of your pay. The employee contribution is deposited by PERS into the Individual Account Program (IAP). After you become a member of PERS, you will receive information about how to review your IAP account. PERS also will send you annually a statement of your balance(s).

When you become a PERS member, you should fill out a Designation of Beneficiary form available from the City Manager's office to name someone to receive your benefits should you die before refunding or retiring. The "Standard Designation" on the Designation of Beneficiary form directs your death benefits to your surviving next of kin. If you select the standard designation, you automatically provide for changes which occur in your family situation such as marriage, birth, divorce, or death.

For more information on PERS membership, contact the PERS Customer Service line: 1-888-320-7377 or 503-598-7377, Monday – Friday between the hours of 8:30 a.m. and 5:00 p.m.

### **Deferred Compensation**

To supplement your City of Newport or PERS retirement, benefit eligible employees may elect to participate in a **Deferred Compensation program**. This allows you to set aside part of your salary and defer the taxes on it until you retire. You are eligible to participate, beginning with your first paycheck.

### **Vacation Leave Benefit**

All benefits-eligible employees are eligible for vacation based on the schedule below, unless otherwise provided by law or agreement. Benefits-eligible employees who regularly work less than 40 hours receive pro-rated benefit accruals. All accruals begin at the date of hire, and after completion of six months, accruals are credited as Vacation Leave and may be taken with supervisor approval. No vacation time will be authorized during the period, unless specific arrangements have been made at the time of hire.

Vacation time is intended to provide time away from work for rest and recreation. Vacation pay may not be taken in lieu of time off. Time is not to be banked and then never used; therefore, the maximum accrual for vacation benefits is 240 hours. Although an employee's accrual may exceed this amount during the year, the maximum accrual amount is the amount

that can be carried over from one calendar year to the next without written permission of the City Manager or designee. The city in certain circumstances, at its sole discretion, may choose to pay an employee for vacation time accrued in excess of the maximum accrual rather than allowing for the carryover of vacation time over the maximum accrual. In no instance will the city pay for more than 40 hours per year. Vacation benefits will stop accruing once the maximum has been reached. When this total is reduced below the maximum allowable, the benefit will begin accruing again. No vacation is accrued while the employee is on a leave of absence without pay.

You will earn vacation leave benefits according to the following schedule:

<b>Length of Service</b>	<b>Full-Time Accrual Per Month</b>	<b>Full-Time Days Per Year</b>
Less than 5 years	8 hours	12 days
5 years to 10 years	10 hours	15 days
10 years to 15 years	12 hours	18 days
15 years to 20 years	15.34 hours	23 days
20+ years	16.67	25 Days

Vacation benefits for represented personnel are outlined in the respective collective bargaining agreements.

Employees designated as exempt accrue an additional four hours per month (six days per year) of vacation. Employees designated as department heads accrue a further additional two hours per month (three days per year) of vacation.

Eligibility - In order to receive the full vacation accrual set forth above, an employee must be employed on a full-time basis. Part-time employees who work an average of twenty (20) or more hours per week are eligible for prorated vacation based on annual scheduled hours. Part-time employees working an average of less than twenty (20) hours per week and temporary employees are not eligible to receive vacation benefits.

An eligible employee accrues vacation benefits for any period during actual work and/or while on paid status. This includes an injured worker who is receiving worker's compensation time loss benefits. To be credited vacation benefits during partial months, employees must work or be on paid status at least one-half of his/her assigned work hours for the month. Vacation

benefits do not accrue when an employee is on unpaid status more than one-half of his/her assigned work hours for the month.

Upon separation of employment, employees who have completed six months of employment will be paid for unused vacation time that has been earned through the last day of work with a cap of 300 hours.

Vacation leave is paid at the employee's base pay rate at the time vacation is taken. In the event that available vacation is not used by the end of the calendar year, employees must carry unused time forward to the next calendar year pursuant to the caps previously mentioned. Vacation leave balances are accumulated and deducted based upon the time period used to calculate paychecks. Changes to employee leave balances are not reflected until the forms have been processed through payroll, which includes any needed adjustments.

Any employee wishing to use vacation time should request vacation hours as early as possible so that arrangements for coverage can be made. Employees are encouraged to be aware of the critical times for their work groups during the year, and to avoid taking any routine or expected time off during these periods. Requests for vacation time are to be made in writing and given to your supervisor. Every attempt will be made to grant each request; however, no guarantees can be offered. Vacation is to be taken in minimum of one-half (1/2) hour increments.

### **Paid Holiday Benefit**

The City of Newport will grant paid holiday time off to all benefits-eligible employees. If a holiday falls on a Saturday, it will be observed the Friday prior; if falling on a Sunday, it will be observed the Monday following.

The city currently provides 11 paid holidays, ten of which are defined and one of which is selectable by the employee. These holidays, and/or any additional time observed, will be determined at the discretion of the City Manager.

Unused holiday time will not be paid; you must use your selectable holidays between July 1 and June 30, each year.

#### Defined Holidays for the City of Newport (Office Closed)

1. New Year's Day (January 1)
2. Martin Luther King Day (third Monday in January)
3. President's Day (third Monday in February)
4. Memorial Day (last Monday in May)
5. Independence Day (July 4)



6. Labor Day (first Monday in September)
7. Veteran's Day (November 11)
8. Thanksgiving Day (fourth Thursday in November)
9. Day After Thanksgiving (Friday following Thanksgiving)
10. Christmas Day (December 25)

In addition, the day before the Christmas day holiday shall be a half day holiday, with employees required to work only the first half of the day. On days when December 24 falls on a Monday, the day shall be a full day holiday. For purposes of this section, a half day shall mean four hours. The half day holiday shall be at the end of the work day.

In years when the library is open the day after Thanksgiving, the day after Thanksgiving shall not be a holiday, but library workers shall have an additional Selectable Holiday. The Library Director shall have the discretion to determine whether the library shall be open the day after Thanksgiving.

Working on a Holiday – Non-represented employees eligible for holiday pay who work on a recognized holiday (not to be moved because of the recognized holiday falling on either a Saturday or Sunday) as part of his/her regular work week will be compensated at one and one-half (1 2) times his/her regular rate of pay for actual hours worked in addition to holiday pay. Represented employees will be compensated for working on a holiday based on provisions of the respective collective bargaining agreement.

Unless the provisions of a collective bargaining agreement apply, full-time employees whose regularly scheduled day off falls on a holiday will be compensated with a day off mutually agreed upon between the employee and immediate supervisor or receive an additional day of pay. For part-time employees who work an average of 20 or more hours per week, the amount of pay and/or time off would be pro-rated.

Holidays which occur during vacation or sick leave will not be charged against such leave. Employees on an unpaid leave of absence do not receive holiday pay.

Other holiday leave provisions are in place for employees covered by collective bargaining agreements.

### **Selectable Holidays**

Employees may select one additional holiday during a fiscal year, on any day they choose.

The selectable holiday may only be used in full-day increments; partial days are not allowed.

Employees must coordinate requests for the selectable holiday with their supervisor.

Non-exempt employees certify their use of a selectable holiday when they certify their monthly timesheets (or leave report).

Employees, who begin employment after July 1, receive a pro-rated number of hours for their selectable holiday.

An employee must use the selectable holiday within that fiscal year or lose any unused selectable holiday time.

### **Sick Leave Benefit**

Unless otherwise provided by a collective bargaining agreement, benefits-eligible employees will receive one sick day for every month of service, unless otherwise provided by law or agreement. Sick leave is accumulated on the last workday of the month. You must be in an active pay status on the last day of the month to accumulate sick leave for that month. Sick leave can be used after you have completed one full month of service.

In order to receive the full sick leave benefits set forth above, an employee must be employed on a full-time basis. Part-time employees who work an average of 20 or more hours per week are eligible for prorated sick leave accrual based on annual scheduled hours. Part-time employees working an average of less than 20 hours per week and temporary employees are not eligible to receive sick leave.

Sick leave is intended for employee's use due to illness or injury; to allow employees to care for an ill or injured member of their immediate family; or for employee medical appointments.

Although the city realizes that an employee with a temporary illness such as influenza, cold, and other viruses often need to continue with normal life activities, including working, your supervisor may require you to go home from work if you appear to be too ill to be at work or if you are unable to perform normal job duties and meet regular performance standards. If in the judgment of the supervisor, your continued presence poses no health risk to you, other employees, or customers, you may be allowed to work. However, if this is not the case, and your supervisor requires you to go home, you are expected to do so. If you dispute your supervisor's decision to send you home, then you must submit a statement from your attending health care provider that your continued presence in the workplace poses no significant risk to you, other employees, or customers.

If you have been ill or injured, have missed time from work, and have a fitness for duty certification from your doctor to return to temporarily modified work, please contact your

supervisor before returning to work. The City of Newport will determine whether you may return to work in a temporarily modified job.

If you miss more than three (3) consecutive days work, you may be required to provide a fitness for duty certification from your doctor before returning to work.

Please refer to the ADA/ADAAA policy if an injury or illness requires accommodation to perform essential job functions.

Time for routine doctor or dentist appointments should be charged to sick time unless other arrangements have been made with your supervisor. You are encouraged to schedule such appointments to occur outside of work hours.

You must use accumulated sick leave in conjunction with income protection plans or other sources of disability income to achieve full pay for as long as possible. However, at no time can the combination of these exceed normal earnings.

Full-time employees accrue sick leave at the rate of eight (8) hours per month and the maximum accrual is 910 hours, unless otherwise provided by law or agreement. When this total reaches the maximum accrual, this benefit will cease accumulation until the accrual is reduced below the maximum allowable.

You are expected to notify your supervisor of absence due to illness or injury at the beginning of each workday during your absence. Exceptions to this include a serious accidental injury, hospitalization, or when it is known in advance that you will be absent for an extended period of time.

A Medical Release Statement and Fitness for Duty Examination may be requested for review before you return to work in certain situations.

Please refer to the FMLA/OFLA section of this handbook, for sick leave use when on FMLA/OFLA leave.

Unused sick leave is not paid at termination of employment.

Sick leave is not accumulated while an employee is on a leave of absence without pay. In the case of a work-related accident or injury, sick leave may be used to offset any hours not paid through Workers' Compensation, or to offset the reduction in regular pay until accumulated sick leave is used. However, at no time can the combination of these exceed normal earnings, nor can you use more sick leave than that accumulated. PERS retirement provisions may supersede this provision of the Handbook.

Employees who are found to have abused the city's sick leave policy may be subject to disciplinary action, up to and including termination

### **Workers Compensation Time Loss Injury and Sick Leave**

If a city employee is injured on the job and his/her workers' compensation claim is accepted, the employee may request that the City of Newport pay the employee the difference between time loss wages received under workers' compensation and his/her regular salary rate.

The dollar value paid by the city will be converted to the employee's hourly wage rate and charged on an hourly basis against the employee's accrued leave. Wages paid by the City of Newport for a leave period covered by workers' compensation will be paid first from accrued sick leave. Upon exhaustion of the employee's sick leave, the employee may choose to use his/her vacation or compensatory leave. Upon exhaustion of the employee's sick leave, vacation leave or compensatory time, the city's supplemental payments will stop.

If an employee has received accrued leave from the city while waiting for a time loss payment, then he/she must reimburse the City of Newport any pay overages.

If the employee does not request leave use, then it will be assumed that the employee does not want to use his/her leave accruals, and no accruals will be paid.

If the workers' compensation claim is denied, all future use of accrued leave for the time loss event will revert to the leave policies as written in the Employee Handbook.

## **XX. LEAVE DONATION AND USE**

All employees, excluding volunteers, are eligible to participate in the Vacation Donation Program as employee donors and/or recipients. Participation in the Leave Donation Program is strictly voluntary.

Employees who wish to voluntarily donate a portion of their accrued vacation or compensatory time to another employee may do so under the conditions listed below:

- A. The employee receiving the donation must be in a non-paid status due to a serious medical condition of the employee or qualifying family member, as defined by the family medical leave laws, and must be on FMLA/OFLA.
- B. Employees receiving donations must have exhausted all accrued leave and must be ineligible for other forms of disability payments, such as time loss, long term disability (LTD), PERS disability or Social Security disability. Employees may receive leave donations up to the amount necessary to cover applicable waiting periods for disability benefits.
- C. Employees receiving the donations are allowed to receive sufficient donated leave time to cover their projected unpaid through their FMLA/OFLA period. However, the amount of donated leave transferred to the recipient shall not exceed the amount of time off needed for the specified injury or illness.
- D. While an employee is receiving donated leave time, he/she will continue to be classified as a city employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using their own leave.
- E. Donated leave may not be used to extend employment beyond the point that it would otherwise end by rule or law. For example, if employment would have otherwise been terminated due to layoff or other non-discriminatory reasons, donated leave may not be used to extend employment.
- F. The recipient is responsible for the payroll taxes when the donated hours are paid out to the recipient.
- G. Donations must be made in increments of whole hours, and they will be transferred as an hour-for-hour exchange.
- H. Donors must sign a declaration that their donation is voluntary, is intended as a gift, and has been made without coercion, compensation, or for other consideration.

- I. Recognizing the need for employees to take vacation and compensatory time, all employees donating time must retain at least 40 hours of accrued vacation time, but may donate a maximum of 80 leave hours per person in need.
- J. Donations are irrevocable and must be made with the understanding that the donated leave is lost to the donor forever for all purposes including, but not limited to, use for paid time off and vacation cash out upon termination.

### **Donating Vacation and Comp Time Accruals**

Any employee who wishes to donate vacation and/or comp time shall complete and submit a Donor Application form to the City Manager's office. The application will be processed when received and the donations will be applied to the recipient's bank on a first in, first out basis.

The City Manager's office will verify the recipient and donor information and transfer the hours. Donated hours will not be credited to the recipient until they are to be paid and are limited to the maximum hours needed in the respective pay period.

Donated hours will be converted to a dollar amount based on the donors current wage, then converted to recipient hours by dividing the donor dollar amount by the recipient's current wage.

Donated hours that are unused will be returned to the donor.

### **Receiving Donated Vacation and Comp Time Accruals**

Any employee who wishes to receive donated vacation and/or comp time must submit a completed Medical Certification form to the City Manager's office, verifying the severity of the health condition, the need for the employee to provide care for the family member if applicable, and the expected duration of the condition. FMLA/OFLA Medical Certification forms shall be used for vacation donation verification purposes.

Any employee who wishes to receive donated vacation/comp time also must sign a completed request for FMLA/OFLA.

The City Manager's office will verify the recipient's benefit accruals and anticipated length of the leave of absence.

The City Manager's office will verify the recipient and donor information and transfer the hours. Donated vacation/comp hours will not be credited to the recipient until they are to be paid and are limited to the maximum hours needed in the respective pay period.

Persons receiving donated vacation/comp hours are responsible for payroll taxes when the donated hours are paid out to the recipient.

Recipients of donated vacation/comp hours will immediately notify the City Manager's office in writing of any change in circumstance that negates the employee's continued need or eligibility to participate in the vacation/comp time donation program. Departments receiving such information will immediately notify the City Manager's office.

## **XXI. OTHER LEAVES OF ABSENCE**

The City of Newport recognizes that employees may encounter many situations that require a temporary, but extended, absence from work. The city offers several different types of leaves of absence for that purpose.

The type of leave may determine which employees are eligible and what procedure is to be followed in requesting and obtaining the leave. The effect of the leave on benefit accruals, benefits, and reinstatement rights also vary according to the type of leave requested. Each of these leaves is discussed below.

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### **Leave Without Pay**

Leave without pay may be approved based on workload and business necessity, for limited duration, by the department head. Examples might include unpaid religious holidays, an extended medical leave, or a leave to participate with a volunteer organization such as the Peace Corps. Maximum duration allowable would not exceed one year. All requests will be considered on a case-by-case basis. Instances of leave without pay may affect an employee's annual performance appraisal date. The City of Newport has the right to make such a change, and may do so at the discretion of the department head. The city may discontinue all, or a portion of, benefits when granting leave without pay.

### **Bereavement Leave**

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. For purposes of bereavement leave, "immediate family member" is typically defined as spouse, domestic partner, child, parent, spouse's or domestic partner's child, parent, sister, brother, grandchild or grandparent. Up to three (3) working days of paid bereavement leave will be provided to benefits-eligible and certain other employees if they have successfully completed their initial period. If the death in the employee's immediate family should require out-of-state air travel or more than eight hours drive time, the leave may be extended to five (5) working days. Bereavement leave is calculated on the base pay rate at the time of leave, and will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with supervisory approval, use any available paid leave for additional time off as necessary, or for attendance at funerals of individuals who do not meet the criteria of "immediate family member."

### **Military Leave**

Military leave is granted to all employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and



Reemployment Rights Act (USERRA) and state law. Generally, advanced notice is required before taking military service or training leave.

See Federal and Oregon Military Family Leave information under the FMLA/OFLA section below.

### **Jury or Witness Duty**

If you are notified or subpoenaed to serve as a witness or juror, you may obtain a leave of absence.

- **Length of Leave** - Jury or witness duty leave is available for the period of time covered by the initial subpoena or court order and any involuntary extensions.
- **Request Procedure** - You must notify your supervisor as soon as you receive the notice or as soon as is practicable in order for arrangements to be made to cover your position. If requested, you are expected to provide us with a copy of the subpoena or notice.

**Pay while on Leave** - The employee is required to remit to the city any compensation received for such duties, excluding compensation received for mileage and amounts received when required to report outside the employee's normal work shift.

- **Status of Benefits** - Benefits are not affected by jury or witness duty leaves.
- **Reinstatement** - You will be reinstated to the same position you held at the time your leave commenced, subject to the city's general reinstatement policy. When not in court, you are expected to report to work during regular work hours. If requested, you must supply proof of your court appearance or jury service.

### **Domestic Violence Leave**

The City of Newport provides leave to employees who are victims of domestic violence, sexual assault, stalking, or criminal harassment, or the parents or guardians of a minor child or dependent who is a victim, so they can meet the health and safety needs of themselves or their minor child or dependent while maintaining their employment status. Employees involved in domestic or non-work related situations that may pose a risk to the workplace are encouraged to inform their supervisor or human resources manager as soon as practicable.

City of Newport employees are entitled to take a reasonable amount of paid or unpaid leave to address domestic violence, sexual assault, stalking, or criminal harassment in accordance with the provisions of ORS 659A.272. Employees who work an average of 25 hours or more per

week for at least 180 days immediately before taking leave, and are victims of domestic violence, sexual assault, or stalking, or are parents of victims (minor children), may be eligible for this leave. An authorized purpose includes seeking legal or law enforcement assistance or remedies; seeking medical treatment for or recovering from injuries; obtaining counseling or services from a victim services provider; or relocating or taking steps to secure a safe home for the employee or minor child.

Employees shall charge leave for absences under this policy to accrued leave balances in accordance with applicable city rules and collective bargaining agreements. When applicable, such leave shall also be designated as FMLA and/or OFLA.

Requests for Reasonable Safety Accommodation: The City of Newport may provide reasonable safety accommodations for an employee who is a victim of domestic violence, sexual assault, or stalking, or criminal harassment if the employee requests it, and if it does not impose an undue hardship on the city. When an employee requests a reasonable safety accommodation, the city will engage in discussions with the employee about the nature and scope of a reasonable safety accommodation that will best address the particular safety concern affecting the individual employee.

An employee who wishes to take leave under this policy must provide certification as provided in ORS 659A.280(4) that the employee or dependent child is a victim of domestic violence, sexual assault, stalking, or criminal harassment.

Where feasible, the employee will provide reasonable advanced notice of the intent to take leave.

Examples of reasonable accommodation, but not limited to, may include: transfer, reassignment, modified schedule, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure, or any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault, stalking, or criminal harassment..

Records and Confidentiality: In accordance with ORS 659A.280(5), all records and information kept by the City of Newport regarding an employee's request for, or use of, leave and/or a reasonable safety accommodation under this rule will be kept confidential and may not be released without the express written permission of the individual, unless otherwise required by law or required for litigation. Documents provided to the city regarding the leave will be maintained in a confidential, locked file separate from employee personnel files.

## **Vacation/Sick/Compensatory Leave Reporting**

All City of Newport employees (exempt and non-exempt) are required to report any vacation or anticipated sick leave in advance.

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## **Requesting Leaves**

All city employees are required to submit leave requests for sick, vacation, and/or compensatory leave, to their supervisor. The department head shall determine the method in which leave is to be requested. The supervisor is responsible for authorizing or declining requests and communicating this back to employees.

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## **Family and Medical Leave: Federal (FMLA) / Oregon (OFLA)**

The FMLA/OFLA policy allows a leave of absence for an employee, and/or his/her family members (refer to FMLA and OFLA definitions below) with a "serious health condition." Leave may also be granted for pregnancy disability, the birth or adoption of a child, the placement of a foster child, the care of a sick child with/without a "serious health condition," and in some circumstances, leave may be available for military families.

## **Eligibility**

- A. FMLA – Employees must meet three requirements to be eligible for FMLA coverage. Employees must:
- have been employed by the City of Newport for a total of at least 12 months (does not need to be consecutive);
  - have worked at least 1,250 hours during the 12-month period immediately preceding the family medical leave; and
  - work for an entity employing 50 or more employees within a 75-mile radius.
- B. OFLA – Employees are eligible for OFLA-covered leaves if they have been employed by the City of Newport for at least 180 days (26 weeks) before the first day of the family medical leave; and have worked an average of 25 or more hours per week for the city as of the day before the request for family medical leave is made. This average will be calculated over the 180 days preceding the request for leave. However, for the purpose of taking leave in the event of the birth or adoption of a child or the legal placement of a foster child, an employee does not need to have met the hours requirement. For leave related to a spouse being called to active duty, the employee must have worked an average of 20 or more hours per week for the City of Newport.

## **Qualifying Event**

- A. Under federal law (FMLA), employees are entitled to take family medical leave in the following situations:
- 1) When the employee is unable to perform the essential functions of the job because of a serious health condition, including pregnancy-related conditions. In some situations, additional leave may be available for pregnancy-related disability; and/or
  - 2) In the event of the birth or adoption of a child under the age of 18 (including the legal placement of a foster child under the age of 18) within twelve (12) months of the event; and/or
  - 3) To care for a spouse, parent, or child under the age of 18 who has a serious health condition or a mentally/physically impaired child aged 18 or over; and/or
  - 4) To care for a spouse, parent, child or next of kin who is a covered service member or veteran who has a serious injury or illness incurred or aggravated while on active duty (leave must begin within 5 years of the veteran leaving military service); and/or
  - 5) For an exigency leave related to a spouse, child or parent of a covered service member who is on active duty or called to active duty.
- B. Under Oregon law (OFLA), employees are entitled to take family medical leave in the following situations:
- 1) To provide home care for a child under the age of 18 with a non-serious health condition, provided another family member is not willing and able to care for the child; and/or
  - 2) To care for a child aged 18 or over, grandparent, grandchild, parent-in-law, same-sex domestic partner, or child or parent of a same-sex domestic partner who has a serious health condition; and/or
  - 3) To spend time with a spouse who is a covered service member after being notified of a call to active duty and during leave from deployment.

Typically, employees experiencing non-work related injuries or illnesses that are short-term in duration (6 months or less), are not allowed to return to work until released by a doctor.

## **Expression of Breast Milk**

Female employees breastfeeding a child 18 months or younger are allowed a 30 minute unpaid break during each 4-hour work period or major part of a 4-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 10-minute rest period, ten minutes of the break will be paid, the remaining portion will not. With prior approval from her

supervisor, 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.

### **Federal Military Family Leave**

#### **Qualifying Exigency Leave for Families of National Guard and Reserves:**

The National Defense Authorization Act for 2008 (NDAA) amends FMLA to allow military family members (spouse, son, daughter, or parent) of people who are on, or about to go on active duty, leave entitlement to manage their affairs ("qualifying exigency").

For purposes of qualifying exigency leave, family members of covered military members called to active duty may take leave for one or more of the following qualifying exigencies: (1) to address any issues which arise from the military member learning of a call or order to duty seven or less calendar days prior to deployment; (2) to attend military events or sponsored family support programs; (3) to arrange for alternative childcare or school attendance, attend childcare or school meetings, or provide childcare on an urgent immediate need basis when necessitated by the call to duty; (4) to make or update financial and legal arrangements to address the military member's absence, or to serve as the military member's Representative in obtaining, arranging or appealing military service benefits; (5) to attend counseling (not provided by a health care provider) for oneself, the military member, or child of the military member; (6) to spend time (up to 5 days of leave for each instance) with a military member on temporary rest and recuperation leave; (7) to attend post-deployment activities, and (8) any other events which employer and employee agree arise out of the military member's call to duty, qualify as an exigency, and agree as to the timing and duration of leave.

Military Caregiver Leave: The NDAA FMLA amendments also allow up to 26 weeks of unpaid FMLA caregiver leave for a service member who incurs a serious illness or injury in the course of active duty. This leave is called "Service member Family Leave" (SMFL). A caregiver may be the spouse, son, daughter, parent or next of kin (defined as nearest blood relative). For this leave only, a "serious injury or illness" is defined as any injury or illness incurred in the line of duty that "may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating." This means that the SMFL serious health condition may not meet the definition of other FMLA serious health condition.

### **Oregon Military Family Leave (OMFLA)**

Employees who work an average of 20 hours per week, regardless of how long the employee has worked for the City of Newport, may be eligible for this leave. The OMFLA provides

spouses of armed service members with 14 days of unpaid leave each time an employee's spouse is deployed for military service. In order to take this leave, the employee must give notice to the employer within five days of receiving official notice of the spouse's deployment. The 14 days count against the employee's 12-week OFLA allotment for the year; this means the days are included in, not in addition to, the 12 weeks of family leave available under Oregon's Family Leave Act (OFLA). Benefits and Compensation may be continued during OMFLA leave. Upon completion of OMFLA, an employee is eligible to be restored to employment in the position held at the beginning of the leave. No retaliation or discrimination may occur because an employee has requested OMFLA leave.

Length of Military Leave: Military family members using leave for any "qualifying exigency," do not receive an additional 12-weeks leave. The leave is subject to the same 12-week limitation as most other FMLA/OFLA situations.

### **Workers' Compensation**

Workers' Comp and FMLA/OFLA: FMLA/OFLA automatically begins when an employee is on workers compensation time loss.

### **Certification and Designation of Leave**

Usually, leave under the federal Family and Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA), run concurrently. There are some situations where this may not be the case. The FMLA/OFLA leave year for purposes of calculating leave, is a rolling (backward) twelve-month year. If you or your family member's circumstances qualify for FMLA/OFLA protection, hours missed cannot be cause for discipline or retaliation.

#### Certification of Need

1) Certification of the need for family medical leave is required. In the event of a personal health condition or that of a family member, the certification must be provided by a medical professional within fifteen (15) days of the request for family medical leave. Failure to provide required medical certification may delay the start of family medical leave or may cause the denial of family medical leave. The employee may be required to furnish the City/County with periodic medical reports as frequently as every thirty (30) days and to complete the full recertification process every six (6) months.

2) In the event of a request for parental leave to care for a newly adopted child or a newly placed foster child, the employee is required to provide verification from the agency representative regarding the adoption or placement of the child.

#### Designation

If an employee does not request FMLA/OFLA, the city will designate the leave as FMLA/OFLA after three consecutive work days missed, due to a qualifying condition. When the qualifying purpose of the leave is covered under both FMLA and OFLA, the leave will be designated concurrently toward the time allowed under both laws.

Please remember the Sick Leave policy for absences of more than three days: *"If you miss more than three (3) consecutive days work, you may be required to provide a fitness for duty certification from your doctor before returning to work."*

#### Intermittent or Reduced Schedule

- 1) Serious Health Conditions – If medically necessary, family medical leave may be taken on an intermittent or reduced schedule. Details of the proposed schedule should be verified by the certifying medical professional. Employees should discuss the need for intermittent leave with the employer. The employer may require updated medical certifications during intermittent leave periods.
- 2) Parental Leave – Intermittent leave or a reduced schedule are not allowed upon the birth or adoption of a child, except to accommodate the required legal process leading to the adoption of a child or the placement of a foster child.

The time off may be taken in full, intermittent, or reduced time increments, to the extent allowed by law. Full, intermittent, or reduced time will be determined after the city reviews your physician's recommendation and the applicability of FMLA/OFLA laws. Due to the complexity of the laws, please contact the City Manager's office for information specific to your situation.

#### **Length of Leave**

The City of Newport uses a "rolling" 12 month period, measured backward from the date an employee begins using leave.

#### **Request Procedure**

In situations where the need for medical leave is foreseeable, employees are expected to give 30 days' written notice. You must also complete and deliver the Notice for Family Medical Leave form and the Health Care Provider Certification as soon as possible, but no later than 15 days from the requested leave date. If you are unable to provide this information to the City Manager's office, the City Manager's staff may complete and submit the necessary paperwork on your behalf.

If you are taking family and medical leave to care for a family member with a serious health condition or adoption or placement of a foster child, proof of the relationship may be required.

### **Pay While on Leave**

You will be required to use any accrued vacation, sick leave, comp time, or other paid leave available to you during your family medical leave. You may choose which type of your accrued leave you want to use. When all accrued leaves (vacation, sick, comp time) are exhausted, the balance of the eligible leave time will be unpaid, except as required by law.

When FMLA/OFLA leave is used, it must be covered by accrued or donated sick, compensatory, or vacation time. If an employee takes intermittent leave in blocks of less than one day, the city may reduce the employee's salary for the part-day absence, as the law allows.

Full or partial absences for exempt employees may be deducted accordingly from available leave balances. Once all accrued leave is exhausted, **full day absences may be deducted** from salary, as the law allows. Paid and unpaid leave combined usually will not exceed 12 weeks.

### **Status of Benefits**

The City of Newport will continue to pay its share of an employee's medical benefits during family medical leave under FMLA.

The employee will be required to pay the full premium for **unpaid** OFLA leave that is not concurrent with FMLA.

Employees are responsible for paying their share of medical insurance premiums prior to the due date of the premium payment. Employees may continue other insurance benefits by paying the full cost of the premium for any leave in excess of four work weeks in duration. Premium payments must be received by the due date or coverage will be discontinued.

Vacation and sick leave, may not continue to accrue during periods of **unpaid** FMLA/OFLA leave.

### **Reinstatement**

At the end of FMLA/OFLA leave, you are entitled to return to your former job, reinstated with all rights and benefits, pay and other terms and conditions of employment. If your position has been eliminated, you are entitled to return to an equivalent position with all rights and benefits, pay and other terms and conditions of employment. You may be required to present a fitness for duty certification from the health care provider in order to return to work. The city



may require you to participate in a fitness-for-duty exam (at no out of pocket cost to you) if it is related and consistent with business necessity. Working a reduced number of hours may be permitted, if approved by the city, and only if such leave is determined to be medically necessary and supported by medical documentation.

**Contact the City Manager's office for Filing a FMLA Complaint:**

## **XXII. EMPLOYEE HEALTH AND SAFETY**

The City of Newport is committed to providing our employees with a safe and healthy work environment. To accomplish this goal, all employees must diligently undertake efforts to promote safety. Safety is everybody's responsibility!

The City of Newport, through its Safety Committee, develops and implements safety rules and regulations contained in the Safety Manual. A copy of the manual is available in each department and is accessible to all city employees on request. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. The city will educate employees as to hazards of the workplace and train employees as to such hazards and the proper and safe method to perform job tasks.

You are expected to give your full-time skill and attention to the performance of your job responsibilities utilizing the highest standard of care and good judgment. You are also expected to follow all safety rules and regulations at all times including the use of protective clothing and equipment, attendance at all training sessions related to your job, and follow the directions of warning signs or signals and/or directions of supervisory personnel.

Safety rules and regulations may be issued or modified from time to time; notice of these changes typically is communicated via email.

### **Drug-free Workplace**

The City of Newport is committed to maintaining a drug-free workplace in the interests of good business practices that provide a productive, safe, and healthy working environment for all employees.

Any unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs or other controlled substances on city time, premises, member premises, or while operating a vehicle on the job is strictly prohibited. In addition, any unauthorized possession or use of alcoholic beverages on the job is prohibited.

Employees undergoing prescribed medical treatment with a prescription drug or over-the-counter medication that will impair behavior or work performance, should report such fact to his/her supervisor. The employee is not required to inform the supervisor what medication(s) he/she is taking. The City of Newport has the right to reassign duties or to place an employee on temporary leave of absence if the employee is unable to properly and safely perform his or her duties. In the event an employee needs to take a prescription drug or over-the-counter

medication while at work, he or she should keep the medication in its original container so that it can be properly identified.

The city may use drug or alcohol testing as part of its investigation of an altercation, accident, (or near-miss incident), employee's irrational/inappropriate behavior, or on-the-job driving under the influence (DUI) as provided by law.

In the event an employee encounters work or personal problems related to his/her use of alcoholic beverages, drugs, or other controlled substances, he/she is encouraged to seek appropriate medical care or counseling. The City Manager's office has information on substance abuse treatment programs. Information or referral will be provided on a confidential basis to our Employee Assistance Program (EAP) if requested by the employee, or as directed by a supervisor. The city has group insurance benefits that provide coverage for certain medical services related to drug or alcohol dependency treatment.

### **Smoking in the Workplace**

The City of Newport complies with all laws prohibiting smoking in public buildings. The city believes that smoking is a danger to health and is a cause of material annoyance and discomfort to those who are present. As a result, smoking is prohibited anywhere on city premises and in city vehicles.

### **Workplace Violence**

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

Should situations occur which present a risk of harm to employees and others, all employees have an obligation to report any incidents that pose a risk of harm to employees or others associated with the city, or which threaten the safety, security or financial interests of the city. Employees should make such reports directly to the supervisor, or the City Manager's office.

All information related to the reports, including the name of the reporting employees, will be kept as confidential as possible under the circumstances. The supervisor or his designee will notify the reporting employee of any action it takes in response to the report.

The City of Newport may conduct an investigation of a current employee where the employee's behavior raises concerns about work performance, reliability, honesty, or

potentially threatens the safety of co-workers or others. An employee investigation may include investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voice mail systems and computer systems.

### **Weapon-Free Workplace**

Employees, with the exception of sworn police officers, and personnel conducting authorized wildlife mitigation efforts at the airport, are prohibited from carrying or bringing any weapon to their work site or any other location the employee may be required to be during the workday. This prohibition also applies to any employee who is licensed to carry a firearm or weapon.

Weapon means any firearm, whether loaded or unloaded, from which a shot may be discharged including but not limited to pistol, revolver, shotgun, rifle, bb gun or any knife including switchblade knife, gravity knife, or any knife with a blade longer than three inches, or billy, blackjack, bludgeon, metal knuckles, bow and arrow, electronic stunning device, etc.

Any employee who is uncertain whether an instrument or device is prohibited under this policy is obligated to request clarification from the Police Chief to insure he or she is not in violation of this policy.

The city reserves the right to conduct workplace searches and investigations at its discretion and in a manner considered appropriate to the circumstances.

A violation of this policy is a serious infraction of the work rules, and, in the case of a firearm, a Class C felony (ORS 166.370) in Oregon, and may result in discipline up to and including termination.

### **Employee Right to Know/Written Hazard Communication Program**

The City of Newport has established a Hazard Communication Program that is delineated in the Occupational Safety and Health Manual. Employee questions regarding this document should be directed to your supervisor.

## **XXIII. SEPARATION OF EMPLOYMENT**

Separation from employment from the City of Newport occurs when an employee voluntarily resigns, retires, is laid off, or discharged.

### **Resignation**

While an employee may resign at any time, a one-week notice (employees with less than one year); and a two-week notice (employees with over one year of service) is customary. The resignation should be written and should indicate the anticipated last day of work as well as reasons for the resignation; the employee may only withdraw a resignation at the discretion of city.

Employees, who miss three or more consecutive work days without contacting their supervisor, are typically considered to have voluntarily terminated their employment.

### **Job Elimination, Reduction in Work Hours or Staff**

It is the city's desire to avoid circumstances that require a reduction in hours or staff, but we also recognize that situations may arise where the city may need to make such reductions. Depending upon the circumstances, the city may respond in a variety of ways, including offering a voluntary reduction in hours or days of work, reducing the work hours or days of work, or by a reduction of the workforce. Some, but not all, of the factors that may be considered for any reductions of hours or staff are:

- Department, location, or job;
- Job knowledge, skill, and ability to do the required work;
- Performance, attendance, safety, and disciplinary history and records;
- Possession of licenses, registrations, and or certifications required by the job;
- Creativity and teamwork skills;
- Demonstrated willingness to go the extra mile for the city, coworkers and customers; and,
- Efficiency of the city operation.

Evaluation of these factors is at the discretion of the City Manager with input from department heads. After receiving an explanation of the layoff procedure, the employee(s) will be given a letter describing the conditions of the layoff, such as effects on benefits, the possibility of re-employment, and any outplacement services, etc.

If practicable at the time of lay-off, the city may provide outplacement services on a limited basis. The city may also provide re-employment services to affected employees laid off through no fault of their own, for a period of up to six months from the date of lay-off. The

order of recall may be determined using the above factors. An employee who is not re-hired during that period will be separated from employment.

### **Discharge, Dismissal, and Termination**

All employees are hired at the City of Newport for an indefinite period of time and may be discharged, dismissed, or terminated at any time, with or without reason or notice. The city's philosophy and general practice is to provide employees who have completed the trial service period of employment with an opportunity to correct minor performance and conduct problems before discharge is implemented. Some of the ways the city offers you an opportunity to correct performance and conduct problems are verbal counseling, written warning, and suspension without pay for a designated period of time, and dismissal. (See the "Corrective Action" section of this handbook.) Nothing in this paragraph precludes the city from exercising its options as an at-will employer, so employees should not assume that the city will progressively work through the methods listed to help you improve your performance.

Before reaching a final decision to discharge, dismiss, or terminate an employee, the city typically follows "due process," which means the affected employee will be told in writing why termination is being considered, and the employee will be offered an opportunity to respond to the written notice.

### **Exit Interview**

An exit interview may be scheduled with the City Manager's staff, or his designee, when an employee leaves the city. This gives the departing employee an opportunity to offer constructive feedback, positive comments, or address any unresolved issues prior to leaving. This also allows the city to solicit the employee's candid opinions, as well as suggestions, for improvement at the city. We encourage departing employees to participate in an exit interview when they separate from employment, and we value all opinions and suggestions received throughout this process.

Prior to the last day of employment, the exiting employee will be provided with information to help ease the transition, such as, benefit continuation rights and responsibilities, and final paycheck information.

### **Return of City Property**

The employee must return all city property in possession by the last day of employment. City property includes credit cards, keys, ID cards, cellular phones, pagers, tools, software, computer disks, this Handbook, and any other items belonging to the City of Newport. Failure to return city property will result in a billing to the former employee.

## **XXIV. CONCLUDING THOUGHTS**

We look forward to your participation on the City of Newport team. The success of our organization depends on the cooperation and contribution of each one of us. We want to continue to provide a workplace that is professional, healthy, and conducive to a positive work environment. Please join in continuing this positive tradition.

Approved by the City Manager and effective September 21, 2012.

## **XXV. ACKNOWLEDGEMENT AND RECEIPT OF THE EMPLOYEE HANDBOOK**

*NOTE: This signed form should be inserted in the employee's personnel file.*

Each employee is expected to acknowledge the receipt of this handbook by signing an Acknowledgement of Receipt in the following form:

1. I have received a copy of the City of Newport employee handbook; or I have viewed the Employee Handbook that is located on the city's website at [www.newportoregon.gov](http://www.newportoregon.gov).
2. I understand that I am responsible for becoming and remaining familiar with the policies, procedures, requirements, and other information contained in both the handbook and on the company intranet.
3. The policies, procedures, requirements, and other information contained in the handbook may be modified or deleted, and others may be added, at any time.
4. I understand that I will receive notice of any significant change(s) in the employee handbook.
5. This handbook supersedes all prior statements of the City of Newport which conflict or may conflict with it. I understand that any conflicting prior statement is superseded.
6. This handbook is not a contract. Neither the handbook's statements of City of Newport policies, procedures, requirements, and other information, nor any representations made by any management representative at the time of hire or at any time during employment, are to be interpreted as a contract between the city and any employees, unless expressly so stated in writing signed by the City Manager.

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Employee Signature

Date