

# **City of Hermiston**

## **Employee Handbook**



***Where Life is Sweet***

**Adopted November 2015**

Revised March 1, 2017  
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Revised July 1, 2020



# Welcome!

Welcome to City of Hermiston – we're glad to have you on our team. At the City, we believe that our employees are our most valuable asset. In fact, we attribute our success as a city in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the City you will be a productive and successful member of our team.

## Using This Handbook

This employee handbook describes, in summary form, the City's current personnel policies and procedures and becomes effective November 24, 2015. This handbook covers all employees of the City of Hermiston and supersedes any prior handbooks or written policies of the City. It does not, however, substitute for collective bargaining agreement (CBA) provisions. In the event anything in this handbook conflicts with an applicable CBA, the CBA will be the controlling document and the provisions of this handbook will not apply on that issue.

Also, while it is the City's hope that every employee's association with it is successful and rewarding, this handbook is not a guarantee of or contract for continued employment or benefits at any level. Rather, all employment at the City is "at will." That means that, except as provided by the terms of an applicable CBA or required by applicable law, either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice, and without appeal rights or due process procedures.

The City reserves the right to change or discontinue any policy, procedure, practice or benefit plan, at any time as it determines appropriate for efficient operations and City management. However, in order to avoid misunderstandings, you should recognize that no supervisor, manager, or representative of the City other than the City Manager has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the City Manager (or the City Council if applicable to the City Manager).

If you have any questions about any of the provisions in the handbook or City policies, please ask your immediate supervisor.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron D. Smith".

Byron D. Smith  
City Manager

## Our Vision

The City of Hermiston aspires to support an excellent community. We strive to provide courageous leadership to create an inclusive community while providing an affordable, livable and growing economy.

## Our Values

Strong Work Ethic

Inclusiveness

Integrity

Generosity

Excellence

People

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## Equal Employment Opportunity (EEO) Policies

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

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

### Non-Discrimination, No Retaliation Policy

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

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

### Pay Equity

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

### No-Harassment Policy

The City of Hermiston prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, the City of Hermiston prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

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

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

### Sexual Harassment

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

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

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

This is not a complete list.

### Other Forms of Prohibited Harassment

City of Hermiston policy also prohibits harassment against an individual based on the individual’s race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Such harassment may include verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual’s protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Hermiston property;
- “Teasing” or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person’s religious beliefs, or “pushing” your religious beliefs on someone who doesn’t have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

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

### Complaint Procedure

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

### Investigation and Confidentiality

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

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Hermiston's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the City of Hermiston cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Hermiston, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

### Protection Against Retaliation

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

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

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

### Other Employee Rights

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

The City of Hermiston is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for

addressing good-faith complaints. However, Oregon law requires the City of Hermiston to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Hermiston regarding his/her experience and/or employment status, the employee should contact [the City Manager. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Hermiston and employee do reach an agreement, the City of Hermiston will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Hermiston or making comments that would lower the City of Hermiston in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Hermiston and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

## No-Bullying Policy

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

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

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

## Disability Accommodation Policy

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

### Accommodations

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

### Requesting an Accommodation

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

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

## Pregnancy Accommodation Policy

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

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

### Requesting a Pregnancy-Related Accommodation

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



accommodation. Both the City of Hermiston and employee must monitor the employee's accommodation situation and make adjustments as needed.

### No Discrimination, No Retaliation

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

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

### Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, the Oregon Family Leave Act and the Family Medical Leave Act. See policies on page 32, or speak with Human Resources.

### Complaint Alleged Discrimination Procedure

You should promptly submit your complaint/alleged discrimination in writing to your department head or another member of the Management Team. All complaints will be investigated by members of the Management Team or a person designated by the City Manager. The investigation and decision will be made within 15 working days. If the complaint cannot be resolved, it will be forwarded to the City Manager. The complaint will be heard in an objective manner and a written final decision will be made within 30 working days. Records of complaints and decisions will be kept on file and may be made public depending on the nature of the complaint.

### Reporting Improper or Unlawful Conduct – No Retaliation

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

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

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

### Employee Reporting Options

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

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

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

### Additional Protection for Reporting Employees

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

### Policy Against Retaliation

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

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

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

### Open-Door Policy

City of Hermiston's Open-Door Policy is based on our belief that employee suggestions for improving the City of Hermiston are welcome at any time. If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City of Hermiston, please raise them first with your immediate supervisor. If you are not satisfied with the response from

your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the City Manager.

Please note, however, that employees who have concerns regarding discrimination, harassment or retaliation, etc. should use the reporting procedures found on page 10 of this Handbook and not this Open-Door policy.

## Employment and Promotional Opportunities

It is our goal to fill employment vacancies with the most qualified applicants, whether recruiting internally or externally. External recruiting may be initiated concurrently with the internal posting process, but generally, no hiring commitment or decision is made until the position has been posted internally for a minimum of five working days. Employees currently working for the City who wish to apply for the position may submit a request for consideration by filling out an employment application.

Former employees, relatives or partners of current employees are considered for employment in the same manner as other applicants. Employment of a spouse, partner or immediate family member under the direct supervision, or grievance adjustment authority, of his/her spouse, partner or family member is prohibited. Such employment is also prohibited if the employment would cause the City to violate public employee ethics rules or any other applicable law, including violating public funding rules, etc. For the purposes of this policy, immediate family members including the employee's spouse, registered domestic partners, children, children-in-law, siblings, siblings-in-law, parents, parents-in-law, niece/nephew, aunt/uncle, step parents/children and grandparent/grandchildren.

If two employees marry or become related in positions contrary to this policy, one or both of the employees may be transferred, reassigned, or terminated. The two employees' input is considered in making this decision. However, the City will make the final decision based on its operational and performance needs. With regard to other relatives or any other similar situation that the City determines to be damaging to morale or operations, the City retains discretion in placement of those individuals consistent with applicable law.

In addition to posting and filling job opening competitively, you may from time to time be temporarily or permanently transferred or assigned to perform work outside of your regular job classification, schedule, shift, or department as the City determines appropriate to our operations. Depending upon the circumstances, when transferred you may be subject to a wage adjustment. Except for transfers that are temporary or of an urgent or emergency nature, the employee is generally be notified of a transfer in advance.

### Introductory Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Hermiston, are hired into an introductory training period, which generally lasts no less than six months. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under additional observation and evaluation by your manager. In addition to overall performance and conduct, evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Hermiston meets your expectations as an employer.

At or before the end of the introductory period, a decision about your employment status will be made. The City of Hermiston will decide whether to: (1) Extend your introductory period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment. Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and City of Hermiston may terminate the employment relationship during the introductory period for any or no reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by City of Hermiston for any definite period of time. Both you and City of Hermiston are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

## Residency Requirement

Employees must reside within a thirty-minute response time to their primary duty station, excluding Washington State. Employees must maintain this residency/response time for the duration of their term of employment. If they do not maintain such residency the employee may be terminated.

## Employee Classification

Upon successful completion of the introductory period, the City of Hermiston classifies employees as follows:

1. Regular Full-time: Employment in an established, on-going position, which regularly and consistently requires 40 hours or more of work per week. Generally, full-time employees are eligible to participate in City of Hermiston's benefit programs provided they meet all applicable eligibility requirements of the particular benefit plan as outlined in official plan documents (which are controlling).
2. Regular Part-time: Employment in an established, on-going position, which regularly and consistently requires less than 40 hours per week (but is regularly scheduled to work at least 20 hours per week). Regular, part-time employees are not eligible for employment benefits except as specifically outlined in this handbook, required by the provisions of applicable formal plan documents for a particular benefit (which are controlling), or mandated by applicable law.
3. Temporary/Seasonal: Temporary/seasonal employees are those who have been hired directly by the City or through a temporary employment agency for employment in a job established for a specific temporary purpose, for a specific period of time, or for the duration of a specific project or group of assignments, generally not to exceed six months. Temporary/seasonal employment can either be full-time or part-time or have variable hours. However, the duration of employment generally is not permitted to exceed six calendar months and hours worked are generally not permitted to exceed 1508 hours. Temporary/seasonal employees hired directly by the City are not eligible for any City employment benefits except as specifically outlined in this handbook (provided eligibility is consistent with the terms of any formal benefit plan documents) and as required by applicable law. Temporary employees hired through a temporary employment agency are subject to the City's performance expectations for the services they perform as well as the City's conduct policies in our workplace. Temporary employment agency employees are not, however, eligible for City wage rates/incentives or any other employment benefits through the City. Rather, the City reports your hours of service and other information to your employing agency, which controls your pay and benefits. As a result, all questions regarding your pay and benefits should be directed to the employment agency.
4. Limited Duration: Limited duration employees are those who have been hired directly by the City, for a specific period of time, or for the duration of a specific project or group of assignments. Scheduled hours can either be full-time or part-time but not less than 30 hours per week. **However, the duration of employment is not permitted to exceed nine calendar months.** Employees in this class are

eligible for Employee Only benefits. Sick Leave accrual at 75% of the regular full-time accrual rate (not to exceed 7.5 hours/calendar month). No other employment benefits or leave time are available.

### Exempt/Non-Exempt Classification

Additionally, all employees are defined as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime and other employment conditions. Non-exempt employees, including but not limited to all hourly employees, are eligible to earn overtime pay or compensatory time off as outlined in the City’s Compensation policies, and when otherwise required by applicable law.

Employees who hold supervisory/managerial, professional and certain high level administrative positions may be classified as exempt based upon their job duties and level of responsibility. Employees who the City has classified as exempt are paid a salary that covers all of their hours worked (regardless of how many), and are not legally entitled to additional pay or benefits for overtime.

### Volunteers

As a public entity, the City may use the service of volunteers. Volunteers are individuals who donate their services to the City for civic or humanitarian reasons without contemplation or expectation of compensation in accordance with applicable law. Individuals who have been hired into paid employment positions with the City (employees) are strictly prohibited from volunteering to perform the same or similar work to the work they perform in their paid positions and from performing any volunteer work during their normal working hours. In order to avoid misunderstandings, City employees must obtain approval in writing from the City Manager before performing any volunteer services for the City. If you are a City employee and also want to volunteer with the City, please contact the City Manager.

Although the City expects volunteers to meet our conduct and behavior standards (as well as any performance needs related to the nature of their volunteer services), Volunteers are not considered employees of the City and are not paid for their services or eligible for benefits. Volunteers may choose to discontinue their volunteer services at any time. The City may also discontinue volunteer services at-will at any time for any reason without appeal rights or due process procedures.

### Changes in Employee Classifications

A temporary assignment of a part-time employee to additional hour of work (such as for special projects and/or during busy periods, etc.), or the extension of a temporary assignment does not automatically change an employee’s classification category for benefit eligibility purposes. Rather, all changes in employment status from one classification category to another must be confirmed in writing by the City Manager (or the City Council if applicable to the City Manager) to be valid.

### Work Schedules

The workweek is a seven-day work period beginning on Monday at 12:00 a.m. through Sunday at 11:59 p.m. The general business hours at the City of Hermiston are 8:00am to 5:00pm, Monday through Friday. The appropriate manager will determine specific workweek schedules for each employee, based on the City’s needs. *Nothing in this Handbook is intended to be a guarantee of employment for a specified number of hours per week or day, or on any particular day(s) of the week.* Management reserves the right to modify schedules at any time consistent with the needs of the City. However, unless the City determines such notice is not possible or practicable under the circumstances, we generally strive to notify you of any changes in workdays or workweek schedules two weeks prior to the effective date of change.



The normal workday for full-time employees is 8 hours. As determined by the City, a 10-hour workday may be used. The total hours in a normal workweek are 40, Monday through Sunday. 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.

## Meal Periods and Rest Breaks

Nonexempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible.

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

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

## Rest Breaks for Expression of Breast Milk

The City of Hermiston will provide reasonable rest periods to accommodate an employee (exempt or non-exempt) who needs to express milk for her child eighteen (18) months of age or younger. If feasible, the employee must take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not feasible, the employee is entitled to take reasonable time as needed to express breast milk. The City of Hermiston treats the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City of Hermiston is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time. If an employee takes unpaid rest breaks, the City of Hermiston may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City of Hermiston allows, but not requires, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this rule.

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

## Notice

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

## Storage

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

## Overtime

***For employees covered by a collective bargaining agreement, overtime rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

### Time-and-a-half

The City of Hermiston's standard workday is 12:00 a.m. through 11:59 p.m. Our workweek for overtime purposes is 12:00 a.m. Monday through 11:59pm Sunday each week.

The City pays one and one-half times a non-exempt employee's statutory regular hourly rate for all hours worked: 1) in excess of 8 hours per workday or in excess of 10 hours per workday for those employees working a 4/10 schedule, and 2) in excess of 40 hours per workweek. Hours not actually worked (for example, vacation, holidays, etc.) are not counted toward the 8 hour or 10 hour work day or 40 hour workweek for purposes of calculating overtime eligibility and pay. Also, overtime is not pyramided or otherwise paid more than once for the same hours worked.

### Supervisor Authorization

Although employees are expected to perform overtime when required, all overtime must be authorized by your supervisor before it is worked, unless emergency or other circumstances beyond your control prevent prior approval. Regardless of whether it has been pre-approved, the City pays non-exempt employees for all overtime worked to the extent required by law. Therefore, non-exempt employees are expected to accurately record their time worked, including overtime, on their time records. If there are questions about whether any unauthorized overtime was necessary and appropriate to conduct City business or should have been approved, the City may meet with you to evaluate whether you are meeting City standards and expectations, and you may be subject to disciplinary action for unauthorized overtime.

While the City strives to minimize any unnecessary overtime, employees are also expected to perform overtime work when it is required. If the assignment of overtime work presents a hardship for you, discuss your concern with your supervisor. The City considers particular employee needs and desires to the extent we feel it is practical and fair to your co-workers. Failure to work required overtime may result in disciplinary action.

### Compensatory (Comp) Time

In lieu of paid overtime, non-exempt employees may elect to receive comp time off at the rate of 1.5 hours of comp time for each hour of overtime worked, with prior agreement of the employee's supervisor. Employees are encouraged to work with their manager/supervisor to schedule and use comp time. Comp Time may be accrued to a maximum of 120 hours for introductory period and regular status employees. Temporary/seasonal employees may accrue a maximum of 20 hours of comp time.

Employees who have accrued comp time may be allowed to “cash out” those hours during employment within the City of Hermiston’s budgetary limits and prior to going over the allowed 120 cap. Employees are encouraged to only cash out one time per year. When an employee is separated from employment with City of Hermiston, any remaining comp time is paid to the employee at either the employee’s final regular rate of pay or the average regular rate received by the employee over the last 3 years of employment, whichever is higher.

#### On-Call Status or Call Backs

The City provides additional compensation for employees who are called back to work when off duty as follows:

1. If an employee is called in on a day the employee is not scheduled to work the employee is paid at overtime rates for actual hours worked but not less than 2 hours.
2. Call back of an employee more than 1 hour before or 1 hour after their normal scheduled work shift is paid or accrued at overtime rates for actual hours worked, but not less than 2 hours.

### Timekeeping Requirements

All employees must accurately record time worked on a time card for payroll purposes. If your job site requires you to “clock-in” using a time clock or something similar, it is your responsibility to clock-in immediately before you begin working, and clock out immediately after you stop working each day. Non-exempt employees must also clock in and out for their unpaid meal periods each day. Employees are required to record their own time. Filling out another employee’s time card, allowing another employee to fill out your time card, or otherwise falsifying or misrepresenting hours worked on any time card is grounds for discipline up to and including termination. An employee who fails to record his or her time properly may be subjected to discipline as well. If you make a mistake or have any questions about completing your time records, please contact the payroll clerk or your immediate supervisor.

### Employee-Incurred Expenses and Reimbursements

The City of Hermiston reimburses employees for actual and reasonable business-related expenses incurred in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. The City of Hermiston will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on City of Hermiston-approved travel. Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred. Some examples of actual and reasonable business-related expenses that the City of Hermiston reimburses/pays for are:

- *Conferences or Workshops*
- *Education:* Employees with at least 1 year of service are eligible for reimbursement. Expenses are restricted to tuition, course fees and required text books. Also no more than 6 hours of credit may qualify for payment under this plan in any given school quarter; the course must be taken from a recognized and accredited school; employee must present evidence to substantiate expenses and obtain an average of “C” grade or better. For more information about the requirements and options for seeking educational reimbursement, please contact the payroll clerk or your immediate supervisor.
- *Meals that include an Overnight Stay:* Employees are reimbursed for meals (breakfast, lunch and/or dinner) if your trip includes an overnight stay. Alcoholic beverages do not qualify for



reimbursement. For current meal reimbursement rates please see the per diem rates on the U S General Services Administration website: <http://www.gsa.gov/portal/content/104877>

- **Business Meals:** Employees are reimbursed for actual expenses incurred, for those meals that are deemed to be “business meals.” Reimbursement requests need to specify the purpose of the business related meal (i.e. Date, amount, purpose of meeting). Reimbursement for correctly certified business meals is NOT treated as taxable income.
- **Mileage and Parking:** Employees are reimbursed for authorized use of their personal vehicles at the current mileage rate established by the Internal Revenue Service. This does not include home to work travel (your commute). Reasonable parking costs incurred on approved City business are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Hermiston.
- **Lodging:** Employees are reimbursed for lodging costs based on actual costs upon presentation of travel vouchers and actual receipts. In the event the employee is traveling with family, the minimum room charge at the governmental rate for a single room is the greatest amount that may be submitted for reimbursement.
- **Personal use of City owned Vehicles:** Personal mileage (mileage to and from home) is considered taxable income and will be treated as taxable income. If you are authorized to take home a city vehicle on a regular basis, whether it is for on-call use or any other reason, you are required to report all personal mileage used on that vehicle (mileage to and from home). A daily log of those miles is required to be attached to the “Cents-per-Mile Method” sheet, and turned into the payroll department at the end of each quarter (3/31, 06/30, 9/30 and 12/31). Miles reported multiplied by the current mileage rate will equal the total taxable income for the quarter.
- **Other expenses:** (1) Employees are allowed one long distance call per 24-hour period to non-business contacts during approved overnight travel. (2) Employees are also reimbursed actual costs for parking, taxi or other travel related expenses, required to perform city related business.

Any citation, violation or similar charge incurred by the employee shall be subject to disciplinary action and shall be the sole expense of the employee. Any expenses associated with recreational or personal activities that are not business related are not reimbursable. Alcoholic beverages are not eligible for reimbursement, nor are personal care items such as laundry, hair care, shoe shines and similar items.

## Credit Card Policy

### Use of Personal Credit Cards

If it is necessary to make a credit a card purchase, employees and other City Officials should use a municipal credit card instead of personal credit cards to purchase goods or services on behalf of the City. Any purchases by personal credit cards must be pre-approved by the employees’ supervisor. Unauthorized use of personal credit cards to purchase goods or services on behalf of the City to earn credit card incentives by an employee or public official in violation of the Oregon public employee ethics rules is grounds for discipline.

### Use of Municipal Credit Cards

Employees may be temporarily or permanently assigned a credit card to defray authorized travel or business expenses. Employees are responsible for justifying all expenses incurred on said cards with travel vouchers and receipts in accord with this policy. Use of municipal credit cards for personal use (such as to acquire items not directly associated with the business travel of the employee or business purchases of goods or services), is grounds for immediate disciplinary action, including but not limited

to termination of employment. Municipal credit cards may not be utilized for meals while traveling except to the extent that such use falls within the definition for business related purposes as explained in this handbook. All credit card receipts listing the individuals' names, business purpose, and supervisor authorization must be turned in along with the credit card immediately upon return to the workplace.

## Wage and Salary Policies

The City's pay periods run from the 1<sup>st</sup> through the 15<sup>th</sup> and from the 16<sup>th</sup> through the last day of each month. Payroll checks are processed and distributed to the employees on the 5<sup>th</sup> and the 20<sup>th</sup> of each month following the close of the pay period. If the payday falls on a Saturday, Sunday or Holiday; payroll is disbursed on the preceding workday. The City of Hermiston does not provide advance payments of salary, or loans from salary to be earned.

Net pay will be directly deposited into the employee's bank account, unless an employee requests otherwise (i.e. paper check). No paycheck/paystub will be personally delivered to any person other than the employee named on the paycheck unless the employee provides written permission for someone else to receive the check.

In the event you believe that the City of Hermiston has failed to properly calculate your wages in any way, you must immediately report the error to the Payroll clerk. The City of Hermiston investigates all reports of improper pay practices. If an error results in an underpayment of 5% or more, pay is corrected within three (3) days from when the error is realized. Any other underpayments are generally corrected on the next regular payday.

### Pay Increases

After completion of the introductory training period (as described above), your rate of pay may be increased upon recommendation by the department head and written approval of the City Manager. If awarded, increases in salary will not be of more than one step and are not be made more often than once each year, except that a department head may, for outstanding performance or unusual employment conditions, recommend pay increases of more than one step or more frequently than at annual intervals, subject to written approval of the City Manager. All increases in pay become effective the 1<sup>st</sup> day of the month. Written approvals for wage increases occurring on or before the 15<sup>th</sup> of the month become effective retroactively to the 1<sup>st</sup> of that same month. Written approvals for wage increases occurring after the 15<sup>th</sup> of the month become effective the 1<sup>st</sup> of the following month.

### Bilingual Pay

The City currently offers bilingual incentive pay of 5% of an eligible employee's base wage/salary. Eligible employees are defined as Full-Time and Regular Part-Time. Employees must pass the approved aptitude test administered by Language Testing International for the specific (non-English) language. The (non-English) language must be consistent with demographics of the City of Hermiston and account for those (non-English) languages that comprise at least 10% of the population within the City.

### Police Certification Pay (Non-Association)

In addition to salaries set forth in the current pay resolution, all non-association, management level police officers who hold the following certifications shall receive an additional amount to his/her base salary per month:

- Supervisory Certification - \$150.00
- Mid-Management Certification - \$250.00
- Executive Certification - \$350.00

## Reporting Changes to an Employee's Personal Data

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

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

Employees may not intentionally withhold information from the City about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the City may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination as well as other sanctions under applicable law.

## Personnel Files

The City considers employee personnel files to be private and access to personnel files is restricted. Employees who wish to review their own personnel file may contact Human Resources to arrange for an appointment. No files may be removed from the office but may be reviewed there with a management representative. Requests for copies of your own personnel file must be submitted in writing to Human Resources. The City's policy is to provide copies within 45 days from the time the request is submitted. If you have any questions, please contact Human Resources.

## Performance Reviews

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

An employee's first formal performance evaluation generally occurs at or near six months following hire or promotion. After the initial evaluation, the City of Hermiston strives to provide a formal performance review on an annual basis. Reviews generally include the following:

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

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response is filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than thirty days following the date the performance evaluation was received. Supervisors and managers are also encouraged to provide employees with informal feedback and evaluations of their employees' work on an as-needed basis.

## Time Off and Leaves of Absence

### Attendance, Punctuality and Reporting Absences Policy

Employees are expected to report to work as scheduled, on time and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for unpaid break periods or when required to leave on authorized City of Hermiston business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and generally must be avoided, unless you have prior approval from your immediate supervisor. While some allowances may be made for occurrences beyond the employee's control, ***habitual or excessive absenteeism or tardiness will result in disciplinary action up to and including discharge, except as protected by law.***

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via a telephone call, text message or email no later than one-hour before the start of the employee's shift/work day, this procedure is specific to your individual department policy, please contact your department head as to what call in procedure is appropriate for your department. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter.

The first instance of a no call/no show results in a final written warning except when prohibited by law. The second separate offense generally results in termination of employment with no additional disciplinary steps. **A no call/no show lasting three days is generally considered job abandonment and deemed a voluntary resignation of employment.**

### Vacation

***The following policies outline the City's vacation benefits for non-represented employees only. For employees covered by a collective bargaining agreement, employee benefits information applicable to your employment is established and governed by the terms of that CBA, and not this policy.***

It is the policy of City of Hermiston to provide each regular full-time employee with paid vacation time off on a periodic basis. The amount of vacation that an employee may earn is determined by the employee's length of service as of his or her employment anniversary date as outlined below.

For regular, full-time employees hired prior to July 1, 2015, paid vacation benefits are earned upon the completion of each full month of employment as follows:

Years of Service	Vacation Credit	Vacation Accrual Limit
0* – 24 months	6.67 Hours/Month	120 Hours
25 – 60 months	8.00 Hours/Month	144 Hours

61 – 120 months	10.00 Hours/Month	168 Hours
121 – 180 months	13.34 Hours/Month	192 Hours
181 – 240 months	16.66 Hours/Month	216 Hours
241 months +	18.66 Hours/Month	240 Hours

For regular full-time employees hired on July 1, 2015 or after, paid vacation benefits are earned upon the completion of each full month of employment as follows:

<b>Years of Service</b>	<b>Vacation Credit</b>	<b>Vacation Accrual Limit</b>
0* – 24 months	6.67 Hours/Month	120 Hours
25 – 60 months	8.00 Hours/Month	144 Hours
61 – 120 months	10.00 Hours/Month	168 Hours
121 – 180 months	13.34 Hours/Month	192 Hours

\*Note: Newly hired City employees are not eligible for and do not earn any paid vacation benefits during the first 6-months of employment. After successful completion of the 6-month introductory period, otherwise eligible employees are credited with a lump sum amount of vacation benefits equivalent to what they would have earned during the trial service period if they had been eligible. Thereafter, vacation benefits are earned upon completion of each full month of City employment. However, once an employee's vacation bank reaches the maximum vacation accrual limit listed above, the employee does not earn any more paid vacation benefits until their vacation accumulation is reduced below the limit. It is your responsibility to manage vacation hours and to appropriately schedule time off.

Part-time and temporary/seasonal employees are not eligible to earn paid vacation benefits. However, a part-time employee who has been employed for at least 6 months and is retained as a full-time employee without a break in service begins earning vacation benefits from the date of appointment as a full-time employee without an additional waiting period. The date of appointment as a full-time employee will also act as the anniversary date for vacation accrual purposes.

Also, paid vacation benefits are not earned while an employee is on leave without pay.

#### **Vacation Scheduling and Use**

Vacations must be scheduled so as to meet the operating requirements of the City. All requests for vacation time must be approved in advance by your immediate supervisor and vacations must be scheduled in a way that allows us to meet the needs of our operations, except when otherwise required by law. Employees should generally submit their vacation time off requests as far in advance as possible. All approvals are subject to the City's operational needs except as required by law.

Therefore, it may be necessary to limit the number of employees using vacation at the same time, to deny a request for time off during a particular period of time, or to cancel or reschedule employee vacations during particular periods of time.

Paid vacation benefits are paid at your regular base salary or straight time hourly rate of pay for the hours you would otherwise be scheduled to work, up to a maximum of 8 hours per day and 40 hours per week. Note: if you are a salaried exempt employee, your salary covers all hours worked during the week. However, for vacation benefit purposes only, your base salary is divided by 40 hours per week to get your vacation benefit rate.

Also, employees are required to use any earned and unused paid vacation benefits time off before unpaid time if taken except when prohibited by law, such as for periods of military leave, jury duty, domestic violence leaves, etc. when employees may elect to use or save such benefits. Employees are not permitted to use paid vacation benefits that have not yet been earned.

Whenever an authorized City holiday falls within an employee's vacation leave, the day is paid as a holiday and they are not charged a vacation day for that holiday.

#### **Payment on Termination**

All earned and unused vacation benefits are paid with an employee's final check on termination of employment. As a reminder: vacation benefits are not earned by and will not be paid out to employee's who leave employment within the first 6 months of employment.

#### **Sick Leave**

***The following policies outline the City's paid sick leave benefits for non-represented employees only. For employees covered by a collective bargaining agreement, employee benefits information applicable to your employment is established and governed by the terms of that CBA, and not this policy.***

City of Hermiston provides paid sick days to eligible employees as outlined in this policy.

#### **Eligibility**

In order to be eligible to earn any Paid Sick Leave Benefits under this policy, you must be an introductory period, regular full-time, regular part-time, limited duration or temporary/seasonal employee who has been hired directly by the City of Hermiston. *Temporary and seasonal employees hired through an employment agency/service are not eligible for any benefits through the City and should consult their employing agency for information about benefits applicable to their employment.*

#### **Amount of Paid Sick Leave Benefits**

The amount of paid sick leave benefits an employee is eligible to earn depends on the employee's employment classification with the City.

Regular Full-time employees hired for ongoing employment are eligible to earn ten (10) hours of paid sick leave benefits each calendar month of service with the City of Hermiston. Employees begin to accrue leave on their first day of employment and may use any accrued leave immediately. Paid sick leave benefits are not earned during full months in which the employee is on unpaid leaves of absence (does not work or has used previously accrued paid leave benefits).

Limited Durations employees are eligible to earn up to seven and a half (7.5) hours of paid sick leave benefits each calendar month of service with the City of Hermiston. Employees begin to accrue leave on their first day of employment and may use any accrued leave immediately. Paid sick leave benefits



are not earned during full months in which the employee is on unpaid leaves of absence (does not work or has used previously accrued paid leave benefits).

Paid Sick Leave benefits for all other eligible employees under this policy (regular part-time employees and temporary/seasonal employees) are earned in accordance to Oregon's Paid Sick Leave Law. Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91st day of employment. After the 91st day of employment, paid sick leave may be used as it is accrued.

Employees may accrue and use up to 40 hours of paid sick leave per calendar year. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. Paid sick leave shall be taken in hourly increments.

#### **Use of Paid Sick Leave Benefits**

Paid Sick Leave benefits are intended to provide eligible employees with compensation when absent from work only for the following purposes:

1. For your own illness, injury or health condition (including diagnosis, care, treatment and preventive medical care)
2. To care for a family member (Spouse, Same-Sex Domestic Partner, Son/Daughter/Stepchild, Son-in-law/Daughter-in-law, Mother/Father/Stepparent, Mother-in-law/Father-in-law, Brother/Sister, Brother-in-law/Sister-in-law, Children of Same-Sex Domestic Partner, Grandparent/grandchild) with an illness, injury or health condition (including diagnosis, care, treatment and preventive medical care)
3. For any purpose for which you could take Family leave (OFLA or FMLA) (regardless of whether or not you are eligible for OFLA)
4. For any purposes covered by the City's domestic violence leaves policy;
5. For time off due to a public health emergency such as the closure of your child's school or place of care by order of a public official due to public health emergency or the closure of our business due to a public health emergency;
6. For time off caused by a determination by a public health authority or healthcare provider that your presence or the presence of your family member in the community would jeopardize the health of others such that you must provide self-care or care for the family member;
7. If you are excluded from the workplace by the City under any law or rule requiring your exclusion for health reasons.
8. For any other reason when required by applicable law.

*Please note that the same absence may be covered by more than one of the sections outlined above (e.g. an employee's own illness or injury may qualify for OFLA/FMLA). In such cases, all applicable types of leave run concurrently.*

Employees who need time off for qualifying purposes under this policy must follow the City's attendance reporting procedures as outlined in this Employee Handbook. If it is not possible to provide notice prior to your shift due to unforeseeable circumstances, you must provide notice as soon as practicable. If the need for leave is known in advance, you must notify the City at least 10 days in advance or as soon as possible if you learn of the need for leave with less than 10 days' notice.

Depending on the City's assessment of its staffing needs and individual circumstances, employees who are unexpectedly absent are not required to, but may be permitted to make up lost time during the same work week (outside of meal periods) rather than using paid sick leave or unpaid time that week.

### **Payment of Sick Leave Benefits**

Sick leave benefits are paid out at the employee's regular straight time hourly rate of pay (or base salary rate for salaried employees) for the hours the employee would otherwise be required to work of the day the benefits are used up to a maximum of 40 hours per week. Limited exceptions to the maximum hours rule are permitted to cover periods of absence from mandatory overtime only when required by applicable law. Employees are not permitted to use or be paid for sick leave benefits that have not yet been earned.

*Also, please note that employees are required to use any earned and unused paid sick leave benefits for all absences covered by this policy, followed by any earned and unused vacation benefits before any unpaid time off is granted, except when otherwise prohibited by law.* As a limited exception the City pays employees the difference between an employee's regular base salary/rate of pay and the amount received through workers compensation insurance for up to three (3) calendar months without deduction from the sick leave bank for employees who have accepted worker's compensation claims, upon written approval by the City Manager. In order to receive such payments, the employee must report to the Payroll Clerk the amount of the insurance check received and the period for which it represents payment. This insurance check may in no event be endorsed over to the City. At no time, however, can the combination of these two payments exceed normal earnings. If the period of incapacitation caused by an accepted on-the-job injury exceeds 3 calendar months, then the employee may use any earned and unused sick leave benefits to cover such additional period of incapacity.

### **Verification of Absences**

All employees are expected to be honest and complete in reporting the circumstances surrounding absences. *Abuse of our sick leave benefits policy, including dishonesty in reporting the reasons for an absence or need to be absent, is addressed as a serious disciplinary matter up to and including termination of employment.* In the event that the City has a reason to suspect that an employee has been dishonest in reporting the reasons for an absence the City may require medical or other verification of your need for leave. Verification of the reasons for absence is required under this policy whenever the City determines necessary to ensure compliance with applicable laws regarding time off from work such as for absences covered by Oregon's paid sick leave law, FMLA and OFLA (including but not limited to providing a completed medical or other appropriate certification form from their doctor/healthcare provider for any OFLA/FMLA qualifying purposes).

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

### **Accumulation and Carryover of Paid Sick Leave Benefits**

The City permits full-time employees to accumulate and carryover up to 2080 hours of unpaid sick time benefits from one year to the next. All other eligible employee are permitted to carry over up to 40 hours of unused sick leave benefits from year-to-year and to accumulate a maximum of 80 hours of paid sick leave benefits.

### **Payout on Termination**

Sick leave benefits are not vested and are not paid out on termination of employment. However, for employees who leave the employment of the City (for reasons other than discharge) after 15 years of full-time employment, the City deposits (at the employee's current rate of compensation) one-eighth (1/8) the employee's accumulated sick leave into the Employee's HRA VEBA Medical Reimbursement Plan Account provided such deposit is permitted under the terms of the City's applicable benefit plan



documents, which are controlling. For employees who leave the employment of the City (for reasons other than discharge) after 25 years of full-time employment with the City, the City Deposits (at the employee's current rate of compensation) one-fourth (1/4) the employee's accumulated sick leave deposited into the Employee's HRA VEBA Medical Reimbursement Plan provided such deposit is permitted under the terms of the City's applicable benefit plan documents, which are controlling. Once deposited, such benefits are considered to be "used" for purposes of reemployment calculations below.

Also, employees who leave City employment (including those who leave within the first 90 days of employment) for any reason and are rehired within 180 days are given credit for previously earned and unused sick leave benefits (which may be used immediately if eligible) as well as for the length of prior service for purposes of Sick Leave benefit eligibility, earning rate, and use.

### Paid Bereavement Days

Regular full-time non-represented employees are eligible for up to five (5) days of paid time off (at your regular straight time hourly or base salary rate of pay for the hours you would otherwise be scheduled to work on the dates of absence up to 10 hours per day) due to a death in their present immediate family member. Time off for bereavement leave under this policy runs concurrently with OFLA bereavement leave for eligible employees. "Present immediate family" includes the employee's present spouse or registered domestic partner, children, step-children, parents, step-parents, brothers, sisters, grandparents, great grandparents, grandchildren, step grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, and son-in-law. Verification of family relationship and death may be required. Whenever possible, employees should give at least 24 hours advance notice of their need for such leave.

Employees who wish to further extend any period of bereavement time off may use any earned and unused sick leave or other paid time off benefits (or take unpaid time off if no such benefits are available) and must follow applicable procedures for requesting time off (OFLA or other attendance policy as applicable). Such bereavement time-off extensions are subject to the City's attendance reporting policies, as applicable.

### Holidays and Employee Days

***The following policies outline the City's paid Holiday benefits for non-represented employees only. For employees covered by a collective bargaining agreement, employee benefits information applicable to your employment is established and governed by the terms of that CBA, and not this policy.***

The City of Hermiston recognizes nine paid holidays for eligible employees each year. Established holidays are as follows:

New Year's Day  
Martin Luther King Jr. Day  
President's Day  
Memorial Day  
Independence Day (4<sup>th</sup> of July)

Labor Day  
Veteran's Day\*  
Thanksgiving Day  
Christmas Day

In order to be eligible to receive paid holiday benefits, you must be an introductory period or regular full-time employee, or a salaried exempt employee in any classification. Part-time and temporary/seasonal employees are not eligible for paid holiday benefits.

#### Amount of Holiday Pay

Eligible salaried exempt employees receive a continuation of salary without deduction for City recognized holidays. Eligible non-exempt employees are paid for their regularly scheduled workday, up to a maximum of ten (10) hours, at their regular, straight time hourly rate of pay (including shift differential).

If an eligible non-exempt employee is scheduled to work on the day of a recognized holiday, the employee receives overtime pay or compensatory time (rate of time and one-half) for all hours worked in addition to holiday pay as described above. Eligible employees (exempt or non-exempt) who work on a recognized holiday may, at the employee's choice, have the hours of holiday pay benefits held in a holiday bank in lieu of cash payout of those benefits. Holiday banks must be used as time off by the end of each calendar year or be forfeited.

#### Veteran's Day Holiday

The City respects the service of our veterans and allows qualified veterans to take the day off on Veteran's Day as outlined in this policy. Qualified veterans who are not eligible for paid holiday benefits may take the day as an *unpaid* holiday day off or use any earned and unused vacation benefits. If you would like to take advantage of this benefit, you should submit your request for time off to the City as far in advance as possible (generally at least 21 days in advance) and provide verification of your veteran's status. In rare cases, where granting Veteran's Day off creates a significant economic or operational disruption or other undue hardship to the City, qualified veterans are given the option to select, with management approval an alternative unpaid day off within the year following Veteran's Day as a replacement day. For more information on this benefit, please see the Payroll Clerk.

#### Employee Days

In addition to the holidays identified above, the City allows two additional days of paid leave identified as an Employee or E-Days, which is provided in lieu of less traditional holidays for eligible full-time, regular part-time and salaried exempt employees as outlined above. Employee days must be used in the year received or forfeited. The Employee days are accrued on January 1<sup>st</sup> and July 1<sup>st</sup> of each year. Full-Time employees working 4/10 hours shifts accrue 10 hours of e-day, employees working 5/8 hours shifts accrue 8 hours of e-day. Regular part-time employees will accrue 6 hours of e-day regardless of what their shift is. Temporary, Seasonal and Limited Duration employees are not eligible for e-days.

#### Leave Donation Program

The purpose of this program is to allow City employees to donate earned vacation and sick leave benefit hours to a co-worker who is absent from work due to a catastrophic health condition and has exhausted all of their own sick and vacation leave benefits. Employees may voluntarily transfer accrued vacation hours to the sick leave account of an eligible employee who has exhausted all accrued sick and vacation leave benefits. Eligible employees must be unable to return to work due to the serious illness or injury (of themselves, their spouse or their child) which is life threatening or requires a lengthy convalescence.

#### Donating Employee

In order to be eligible to donate paid leave benefits (vacation and/or sick leave) to another employee, a donating employee:

- Must be eligible to earn paid sick and/or vacation benefits with the City, and

- Have at least 80 hours of accumulated paid leave benefits (including sick and/or vacation benefits combined) remaining after deducting the requested donation and after taking into account the amount of any schedule vacation time and the time of the donation.

Donations may be made only to employees who are eligible to receive donated leave as outlined below. All donations of paid leave benefits are completely voluntary and all donations are irrevocable. Donations may be made by completing a form obtained from the Payroll Clerk.

#### Requesting Employee

In order to receive donated leave, an employee must meet all of the following criteria:

- The employee must be eligible to earn paid sick leave benefits through the City,
- The employee must be absent from work for a prolonged period of at least 20 consecutive days (if eligible, donated leave may also be used for intermittent absences that are related to the same illness or condition) due to their own major illness/serious health condition or to care for the employee's spouse or child with a major illness/serious health condition. Medical verification of the need for such leave is required, and
- The employee must have exhausted all of his/her own paid sick leave and paid vacation benefits, and
- The employee must not be receiving time loss compensation from an outside insurance provider (e.g. workers compensation insurance or City provided disability insurance, etc.), and
- The employee must make a written request for donated leave

Employees are not permitted to receive any more directly donated leave than is necessary to provide pay for the straight time hours they would otherwise be regularly scheduled to work during the approved leave of absence period and are limited to a lifetime maximum of 600 hours of donated leave during their employment. The City Manager reviews all donated leave requests (and associated documentation) and makes the final determination on whether an employee is eligible to receive donated leave.

Employees who request donated leave have the option of authorizing the City to release information about their medical condition for the purpose of soliciting leave donations. All such authorization must be in writing. If an employee does not elect to release information and/or does not provide a description of the need for leave, the City will release only the employee's name and the fact that donated leave is being solicited at his/her request.

#### Other Requirements

All employees must understand that leave donation is completely voluntary. It is prohibited for anyone to pressure or intimidate any employee to donate leave and the City does not guarantee that any employee will receive donated leave or that sufficient leave, if any, will be donated to cover an employee's entire period of approved absence from work.

If donated leave is available, the amount of leave is converted based upon the receiving employee's regular rate of pay, so that the total dollar value of the leave remains the same. The leave is then paid to the receiving employee at his/her regular straight time hourly rate of pay for the hours they would otherwise have been regularly scheduled to work during their leave of absence up to ten (10) hours per day and forty (40) hours per week.

*Also, please note that nothing in this policy creates the right to additional time off beyond what is allowed by the City's family leave and other leave policies or changes any employee's at-will employment status.*

## FMLA/OFLA Policy

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

Employees seeking further information should contact Human Resources. Please also refer to the "Employee Rights and Responsibilities under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in each building, which are incorporated here by reference.

### Definitions

#### *Child/Son or Daughter*

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

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

#### *Eligible Employee*

OFLA — To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

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

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

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

#### *Family Medical Leave*

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

#### *Family Member*

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

### *Serious Health Condition*

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

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

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

### • Reasons for Taking Leave

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

1. **Call to Active Duty Leave:** Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.
2. **Employee’s Serious Health Condition Leave:** To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
3. **Family Member’s Serious Health Condition Leave:** To care for a family member with a serious health condition.
4. **Parental Leave:** For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.

5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Service member Family Leave: Eligible employees may take up to 26 weeks of leave to care for a “covered service member” during a single 12-month period. A “covered service member” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered service member.” This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.
8. Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy for more information.

- Length of Leave

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

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

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

- One-Year Calculation Period

The “12-month period” during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a calendar year (Jan. 1 – Dec. 31). Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used in the same calendar year.

- Intermittent Leave

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

- Employee Responsibilities — Notice

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

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

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

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

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

- Certification

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

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

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

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

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

- Medical Certification Prior to Returning to Work

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

- Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including e-days, holidays, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. If the employee has no accrued paid leave, e-days, vacation, compensatory time or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

- Holiday Pay While on Leave

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

- On-the-Job Injury or Illness

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

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

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

#### Benefits While on Leave

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

#### Job Protection

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

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

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



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

## Oregon Family Military Leaves

Employees who work an average of at least 20 hours per week are eligible to take time off to spend time with a spouse or registered domestic partner who is a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States and has been notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. Eligible employees may take up to 14 workdays of Family Military leave per deployment, which may be taken intermittently. Periods of Family Military Leave are counted against an employee’s entitlement to OFLA when the employee is also eligible for OLFA, and are unpaid. Employees may, however, elect (but are not required) to use any earned paid leave benefits during periods of Family Military Leave. Employees who need Family Military Leave must request leave within 5 business days of receipt of the official notice of a call to duty or leave. If official notice is provided less than five business days in advance, you must request the leave as soon as practicable. A copy of the call or leave orders is required.

## On-the-job Illness or Injury Leaves

The City grants employees leaves of absence for illnesses and injuries incurred on-the-job, in accordance with applicable law. If you are injured on-the-job, please contact your supervisor immediately for a workers’ compensation form. Employees who are absent from work due to work-related illnesses or injuries are eligible to receive workers’ compensation benefits. Employees on a workers’ compensation leave of absence are required to report to the Payroll Clerk on their status, progress and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement.

**All employees who are released to return to work from on-the-job injuries or illnesses must request return to work as soon as possible but no later than seven (7) days after receipt of notice by certified mail from our workers' compensation insurer that you have been released to return to work by your doctor.** The City complies with applicable reinstatement and reemployment laws for employees who are absent due to work related illnesses or injuries.

NOTE: Workers’ compensation and OFLA absences do not run concurrently. Therefore, you may be eligible for OFLA leave following the conclusion of a workers’ compensation leave. Eligible employees who are released to light duty after a workers’ compensation illness or injury, and remain off work are automatically placed on an OFLA leave of absence consistent with applicable law. For more information, please contact Human Resources

## Other Medical Leaves

Occasionally, employees are required to be absent from work for periods of time due to serious on or off-the-job injuries or illnesses that are not covered by FMLA or OFLA, or for periods of time which extend beyond FMLA/OFLA leaves, such as to accommodate disabilities. In such circumstances, employees should contact Human Resources regarding an extended medical leave of absence.

Employees on a medical leave of absence are required to report to Human Resources on their status, progress and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or to report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement. The re-employment of persons returning from medical leave is subject to the availability of suitable work. The City does, however, comply with applicable laws. All employees who are released to return to work from a medical leave for extended off-the-job injuries or illnesses must promptly contact the City to discuss all available options for return to work and other accommodations after receipt of a full or light duty release from your doctor.

## Jury and Witness Duty

### Jury Duty

Any employee who is called to serve on a jury is granted time off for the time necessary. City of Hermiston grants full-time employees time off *with pay* for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. The employee may keep the jury duty pay he or she receives. To the extent not covered by the provision above, salaried exempt employees receive a continuation of their salary during periods of required jury service, if the employee works any part of the week while serving jury/witness service. Except as outlined above, all other jury duty service is unpaid, though you may elect to use any earned and unused vacation benefits that you have available. The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his or her supervisor or manager informed about the amount of time required for jury duty. Verification of the dates and times of service may be required.

### Witness Duty

Any employee, who is called to serve as a subpoenaed witness in a court of law before a judge, or before a legislative committee, administrative proceeding, or any official board or body authorized to conduct a hearing or inquiry, is granted the necessary time off.

Time spent serving as a witness in a work-related, legal proceeding is treated as time worked for pay purposes (less any witness fees received), provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify. Except for employee absences covered under City of Hermiston's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

## Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault. "Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit copies of any notices of scheduled criminal proceedings that the employee receives from law enforcement agencies.

## Domestic Violence Leave and Accommodation Policy

If you are the victim of domestic violence, sexual assault, harassment, or stalking, or are the parent of a minor child or dependent who is the victim of domestic violence, harassment (as defined by applicable law), sexual assault or stalking, you are eligible for reasonable unpaid leaves of absence for the following purposes:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of you or your minor child or dependent (including preparing for and participating in protective order proceedings or other criminal or civil proceedings) related to domestic violence, sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To seek medical treatment or recover from injuries caused by domestic violence or sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault, harassment, or stalking;
- To obtain services from a prosecutor provided or non-profit victim services provider for the employee or his/her minor child or dependent; or
- To relocate or take steps to secure an existing home to ensure the health and safety of the employee or his/her minor child or dependent.

### Requesting Leave

Eligible employees who need domestic violence leave should contact the City Manager. Certification of the need for leave is generally required. Domestic violence leaves are unpaid. However, employees are permitted to elect to use any earned and unused sick leave and/or other paid benefits for periods of domestic violence leave. Requests for domestic violence leave and all supporting documentation are treated confidentially.

### Requesting Other Accommodations

The City also makes other reasonable accommodations for victims of domestic violence, sexual assault, harassment, or stalking as required by law. Employees who need workplace accommodations should promptly contact the City Manager to discuss reasonable alternatives and options. Verification of the need for accommodation is generally required. Requests and all supporting documentation are treated confidentially.

## Military Leaves

Employees who serve in the U.S. Armed Forces, National Guard or Reserves, commissioned corps of the public health service, or other qualifying military/services branches are granted leaves of absence for the period of their military service, including training and other duties, as well as reinstatement of employment in accordance with applicable law. Except as provided below, military leaves are unpaid. Employees may, however, elect to use any earned and unused paid vacation benefits during military leaves. Employees who need a military leave of absence should notify the City as far in advance as reasonably possible under the circumstances. For more information, please

contact the City Manager. The City appreciates the contributions of those who serve in the military and encourage anyone who serves to exercise their reinstatement rights.

An employee who has completed six continuous months of service with the City and who is absent from work for periods of initial active duty for training or annual active duty for training as a member of the National Guard, National Guard Reserve, or any reserve component of the Armed Forces of the United States or of the United States Public Health Service, is provided with a **paid** leave of absence for such training as required by law. Each training year (the federal fiscal year for any particular unit of the National Guard or reserve component), eligible employees are provided **paid** time off for up to the number of days the employee would normally be scheduled to work within a 15 calendar day period, in accordance with applicable state law.

## Religious Observances Leave and Accommodation Policy

The City of Hermiston respects the religious beliefs and practices of all employees. The City of Hermiston 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 of Hermiston's business. Employees must use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave.

## Other Leaves

The City complies with applicable laws regarding leaves of absence. If you need time off for a reason not covered by these policies, please contact the City Manager.

## Employee Benefits

***The following policies outline the City of Hermiston's employment benefits for non-represented employees only. For employees covered by a collective bargaining agreement, employee benefits information applicable to your employment is established and governed by the terms of that CBA, and not this policy. Such employees should consult their current CBA or collective bargaining representative for information about benefits applicable to their employment.***

These policies are intended to provide a general description of the current benefits that non-represented employees may be eligible to receive. This Handbook does not change or otherwise interpret the terms of the official plan documents. To the extent that any of the information contained in this Handbook is inconsistent with applicable official plan documents, the provisions of the official plan documents control. Also, nothing contained in the benefit plans described in this handbook creates any promise of employment or future benefits, or a binding contract between the City and its employees, retirees or their dependents, for benefits or for any other purpose. Rather, this is a summary of the currently available benefits. In order to avoid misunderstandings, employees should understand that the City reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefits and benefit plans described in this Handbook, including any paid leave benefits described above and in other sections of this Handbook as well as health benefits that may be extended to retirees and their dependents, as well as to what extent, if any, employees may be required to share in the costs of such plans.

For more complete information regarding any of our current benefit programs, please refer to the Summary Plan Descriptions or contact the Payroll Clerk.

## Healthcare Benefits

The City of Hermiston offers medical, dental, vision and life insurance for all eligible employees pursuant to the terms of its applicable benefit plans. Employees who wish to participate in our plans are required to pay a portion of the monthly premium for coverage through authorized deductions from payroll. The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the City of Hermiston. These documents govern all issues relating to employee health insurance. Copies are available from Human Resources

Covered employees continue to participate in our plans, and receive the City's contribution to premiums while they continue to work as an eligible employee. Coverage through City paid contributions ends on the last day of the month in which an employee resigns, is terminated (due to discharge or reduction in force or otherwise), or otherwise stops working as an eligible employee. As a limited exception, the City continues to pay its portion of the premium for employees who are on Family Medical Leave and during periods of jury duty leave, and otherwise as required by law. Employees who lose their coverage may elect to self-pay the premium for continued coverage in accordance with applicable law.

Employees should note that it may become necessary to discontinue benefits entirely, or to change premium contribution levels, insurance carriers or plans at any time. You will be notified prior to any such change. Disputes regarding coverage and scope of benefits, etc. should be directed to the respective provider of the benefit.

## Employee Assistance Program (EAP)

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

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

## PERS (Public Employees' Retirement System) Benefits

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

## Voluntary Employee Benefit Association (VEBA)

The City of Hermiston ("Employer") has adopted the HRA VEBA Medical Reimbursement Plan for Public Employees in the Northwest ("Plan"). Subject to budgetary allocations, employer may contribute to the Plan on behalf of its employees ("Group") defined as eligible to participate in the Plan. Each

eligible employee must submit a completed and signed Enrollment Form to become a Plan participant and be eligible for benefits under the Plan.

The dollar amount of contribution is based on the number of dependents enrolled in a CIS medical plan on January 1<sup>st</sup>. Current contribution amounts are based on your enrollment status: employee only, employee +1, or employee +2 or more. You must be enrolled in a medical plan to receive the contribution.

New-hires currently receive a pro-rated VEBA contribution as follows:

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

The New Hire pro-rated contributions are made within 30 days of the effective date of the medical plan.

Current employees not enrolled in a medical plan that experience a qualifying event (as defined by the IRS: divorce, job loss, reduced hours, etc.) and who enroll in a CIS medical plan within 31 days of the qualifying event are eligible for a pro-rated VEBA contribution. The pro-rated amount is currently based upon the date of enrollment into CIS' plan:

- \* Enrollment date between January 1st and March 31st: 75%
- \* Enrollment date between April 1st and June 30th: 50%
- \* Enrollment date between July 1st and September 30th 25%
- \* Enrollment date between October 1st and December 31st 0%

Current employees enrolled in a medical plan who experience a qualifying event (such as a birth of a child, adoption, marriage etc.) and who enroll in a CIS medical plan within 31 days of the qualifying event are currently eligible for a pro-rated VEBA contribution. The pro-rated amount is currently calculated by taking the difference of the original status and the changed status amounts and based upon the date of enrollment into CIS' plan:

- \* Enrollment date between January 1st and March 31st: 75%
- \* Enrollment date between April 1st and June 30th: 50%
- \* Enrollment date between July 1st and September 30th 25%
- \* Enrollment date between October 1st and December 31st 0%

The Qualifying Event pro-rated contribution is made within 30 days of the effective date of the medical plan. When an employee is rehired after a layoff or termination, VEBA contributions are not made until the first January after rehire or termination. In all cases, contributions are subject to the provisions of formal plan documents, which are controlling.

## Deferred Compensation Plans

The City currently participates in three deferred compensation plans: Kansas City Life, the Oregon Savings Growth Plan and ICMA-RC. The City shall match 2% of up to the first \$5000 contributed by an employee to one of the City approved deferred compensation programs. More information is available from the Payroll Clerk.

## Additional Insurance

The City participates in additional voluntary insurance thru AFLAC. At your expense you may participate in this plan. More information is available from the Payroll Clerk.



## Workers' Compensation and Safety On-the-Job

Workers' Compensation Insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

## On-the-Job Injuries and Accidents

To ensure that you receive any workers' compensation benefits to which you may be entitled, you must do all of the following:

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

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

All employees are also required to report any accident involving other persons or their property immediately. These accidents should be reported in sufficient detail to allow the City to respond. Employees are required to cooperate fully with all accident investigations.

## Early Return-to-Work Program

The City recognizes the value of returning employees to work as soon as possible following an on-the-job injury/illness. The granting of temporary modified duty assignments under this Early Return-To-Work Program not only promotes the recovery of employees who suffer on-the-job injuries and illnesses but also enables us to utilize the skills and experience of such employees during recovery to perform miscellaneous temporary assignments. The Return-to-Work program for job-related injuries consists of a team effort by the City of Hermiston, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

All modified duty assignments under this policy are *temporary*, and individualized to each employee based on numerous factors including the employee's medical restrictions, the anticipated length of those restrictions, and the availability of suitable work the employee can safely perform. The City reserves the right to determine the availability, appropriateness, and continuation of all light duty assignments. Modified duty assignments may include: 1) a change or reduction in the work hours of the employee's regular position; 2) limiting or altering duties in the employee's regular position; 3) temporarily reassigning the employee to another position for which he/she is qualified; or 4) assigning the employee to perform miscellaneous tasks that are not associated with any specific job position but that meet a business need and provide productive value to the City. For employees who are injured on the job, the physical requirements of a modified duty assignment are submitted to the employee's treating physician for approval, to ensure that they are consistent with the employee's work restrictions. While you are on modified or transitional work, you are still subject to all other City of Hermiston rules and procedures.

The City does not have designated "light duty" positions and does not create any new positions through its temporary modified duty program. As such, the retains the right to not offer a modified duty assignment if we determine there is no work assignment that would be suitable for the employee that would also provide a productive value to the City. In the event we do not assign a temporary modified

duty assignment to employees who have suffered a work-related injury or illness, the employee is generally continue to be eligible to receive time loss payments, as well as other benefits and reinstatement rights, in accordance with applicable laws.

To be eligible for consideration for a temporary modified duty assignment under this policy, an employee must be *temporarily* unable to return to his/her regular duties as a result of an on-the-job injury or illness; and not medically stationary. Once an employee becomes medically stationary, that employee is no longer eligible to participate in a temporary modified duty assignment under this policy. The City continues, however, to comply with its reasonable accommodation obligations for employees who qualify as disabled under applicable state or federal laws regardless of whether their disability arises on or off-the-job and regardless of whether the condition is stationary. Such accommodations may include temporary or ongoing job modifications that allow qualified employees to perform their essential job functions. For more information on our disability accommodation policies, please see the Equal Employment Opportunity policies or contact Human Resources.

If an employee declines to accept an offer of a modified duty assignment that has been approved by his/her treating physician, the employee's right to receive time loss compensation under the worker's compensation laws may be discontinued. In addition, the employee may lose the right to be reinstated under the injured worker reinstatement laws. Other leaves of absence may still apply and all applicable leaves run concurrently. For more information, contact the Payroll Clerk.

## Reporting Unsafe Working Conditions

It is the responsibility of all employees to report any unsafe working condition promptly. Reports should be made to your supervisor or the City Manager. We encourage employees to work with us to maintain safety by alerting us to potentially unsafe conditions. If you see an unsafe or dangerous working condition that you can easily correct within the scope of your authority (such as a cord lying across a walk way), you should fix the problem immediately.

We also encourage employees to bring general concerns and recommendations for improving workplace safety to our attention. General concerns and recommendations can be made to the Safety Committee or your immediate supervisor. Your concerns and recommendations are welcomed and carefully considered.

## Anti-Retaliation Policy

It is important for all employees to understand that the City expects its employees to report all workplace accidents, injuries and unsafe working conditions and to participate in investigations. We do not allow supervisors, managers or other employees to retaliate against employees who comply with our safety reporting policies. Employees should bring complaints of retaliation to the City Manager. These types of complaints are promptly investigated and violators are subject to appropriate disciplinary action, up to and including termination of employment.

It is important for all employees to understand that the City expects its employees to report all workplace accidents, injuries and unsafe working conditions and to participate in investigations. We do not allow supervisors, managers or other employees to retaliate against employees who comply with our safety reporting policies. Employees should bring complaints of retaliation to the City Manager. These types of complaints are promptly investigated and violators are subject to appropriate disciplinary action, up to and including termination of employment.



## Workplace Violence Policy

The City is committed to preventing workplace violence and to maintaining a safe work environment. The City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- Provoking, participating in or encouraging fights or other physical altercations.
- Threatening the safety or well-being of another employee, citizen/public, vendor (or others you come into contact with through your job) whether directly or indirectly.
- Vandalizing City property, citizen/public property, or the property of other employees.
- Screaming, or other violent, vulgar, abusive or harassing outbursts of temper, particularly when directed at another employee.
- Advocating or encouraging acts of violence toward others.
- Being in possession of guns, weapons, explosives, or any other object that could reasonably be perceived as a weapon on City property, including parking lots or in City vehicles without the City's written authorization.
- Distributing "hate" literature or engaging in other communications that advocate violence.
- Engaging in bullying-type conduct. Bullying conduct generally includes repeated verbal and/or non-verbal conduct that is malicious, vindictive, cruel, or deliberately hurtful, etc. It also has the effect or purpose of threatening, embarrassing, humiliating, intimidating, insulting, offending or sabotaging / undermining another employee; and/or interfering with an employee's performance. Bullying does not include legitimate workplace disciplinary or other corrective action by your supervisor or City management.
- Engaging in any other conduct we consider menacing, intimidating, threatening or violent.

Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

### Reporting

Employees should immediately report incidents that involve violations of this policy to a supervisor or the City Manager. If you are in immediate fear for your safety or the safety of another person, call 911. Likewise, all suspicious individuals or activities should also be reported as soon as possible to a supervisor or the City Manager. The City promptly investigates all reports of violations of this policy. Investigations, including the identity of the person reporting, are kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our investigation obligations.

### Violations

Violators are subject to discipline as we determine appropriate, up to and including discharge. Retaliation against those who report incidents or provide information in connection with an investigation will not be tolerated. Employees who engage in retaliation will be subject to immediate discharge.

## Other General Safety Rules and Expectations

The City provides employees with a variety of protective safety equipment such as gloves, rubber boots or overshoes, protective clothing, hairnets, bump hats, aprons, and other necessary safety equipment to do their jobs. Employees are required to use good judgment and follow City rules and safety regulations for wearing proper safety gear. Failure to wear assigned safety gear as required or instructed will result in disciplinary action. Any item furnished by the City must be turned in upon termination or reduction in force.

Employees are strictly prohibited from driving or operating any equipment unless they have been authorized by management to do so. Also, employees should not, under any circumstances, operate equipment or vehicles that they reasonably feel are not in safe operating condition. If you feel that equipment is not in safe operating equipment, you must comply with the City's lock-out/tag-out procedures and promptly notify your Supervisor.

Each of us is responsible for maintaining a safe, clean and well-kept work area. Please keep the lunch facilities, work surfaces, floors, passage ways, parking lots, and common areas clear of refuse, debris, spills, or other obstacles which could cause an accident. We ask you to treat these areas with the same care you give your individual workspace.

The City expects all employees to use common sense and good judgment to safely perform their job duties. In addition, we conduct periodic safety training that may be mandatory for your job. We also expect employees to stay familiar with the City's safety rules and procedures. For more information, contact your supervisor or Safety Committee members.

### Workplace Safety Committee

The City maintains a safety committee in accordance with applicable law. The Committee is responsible for making recommendations on improving safety and health in the workplace. In particular, the Committee has been charged with the responsibility to identify problems and obstacles to loss prevention; identify hazards and suggest corrective actions; and help identify employee safety training needs and develop accident investigation procedures. The Safety Committee consists of management and employee representatives who have an interest in the general promotion of safety and health for the City. Employee members may be elected or volunteer from each work group. If no employee members are elected or volunteer, they are appointed. Management members are also appointed. Each member is a member of the Committee for no less than one year, beginning in January of each year. If you are interested in participating in our Safety Committee, contact the City Manager for more information.

The Safety Committee meets monthly and keeps written records of meetings. Copies of meeting records are available for employee review upon request. Employees who have suggestions for improving workplace safety should write out their suggestion(s), sign and submit them to any member of the Safety Committee for review at an upcoming meeting.

### Alcohol and Drug Policy

***For employees covered by a collective bargaining agreement, Drug and Alcohol policy rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

The City is a drug and alcohol free workplace and is committed to maintaining high standards of safety, productivity, and reliability for employees and the public we serve. In order to promote these standards and provide a safe working environment, the following Drug and Alcohol Policy has been adopted and applies to all employees of the City. Employees who engage in any conduct prohibited under this policy will be subject to immediate discharge.

As used in this policy, "Drugs" includes all controlled substances regulated under the federal Controlled Substances Act as well as other substances that have mind-altering or function-altering effects on a person's system. For the purposes of this policy, "Drugs" generally does not include lawfully prescribed medications, other than Marijuana, which is unlawful under federal law and is

prohibited by this policy regardless of state recreational and medical use laws. For additional information on the requirements that apply to employees used prescribed or over-the-counter medications, please see the “Medications” section below.

#### Prohibited Conduct

The following conduct is strictly prohibited:

- Reporting to work, returning to work following breaks or meal periods, or otherwise working with any amount of drugs or alcohol in your system, regardless of when or where the drugs or alcohol were consumed.
- Consuming, manufacturing, buying, selling, transporting, distributing, using, or possessing drugs, drug paraphernalia, or alcohol, on City premises (including City vehicles), or while off the premises doing City work or operating any motor vehicle on behalf of the City. This rule applies regardless of whether you are on paid time. "City premises" includes all property rented, leased, owned or controlled by the City, including job sites and parking lots, etc. It also includes all City equipment and vehicles on or off our property.
- Failing to cooperate with any aspect of this Drug and Alcohol Policy, including but not limited to refusing to promptly submit to required testing; giving false, diluted, or altered urine samples, or assisting another person to do so; failing to comply with lawful rehabilitation conditions imposed by the City or a rehabilitation counselor; or failing to cooperate in investigations or enforcement of this policy.
- Failing to promptly report a conviction, arrest, or plea-bargain for an alcohol or drug related criminal offense after the effective date of this policy. All drug and alcohol related convictions, arrests, and plea-bargain arrangements must be reported to the City Manager as soon as possible.

#### Required Testing

- Pre-Employment: As a condition of employment, including rehire, the City requires a drug test of all applicants for safety sensitive positions (for example, jobs that require an employee to carry a firearm, operate hazardous equipment, etc.). All applicants who are required to undergo testing must report to the collection site and submit to such testing within the specified time period after they are notified of their obligation to be tested. Applicants testing positive for drugs, or providing a false, altered or diluted sample, etc., or testing positive for any type of masking substance, will be disqualified from employment except as prohibited by law.
- Random: Random testing of employees in safety sensitive positions may be conducted for the presence of illegal drugs. Individual safety-sensitive employees, all safety sensitive employees, a percentage of all safety-sensitive employees or all safety sensitive employees in particular job positions, departments or locations may be required to submit to random testing at the discretion of the City. For individualized testing, the City utilizes a random selection process based on a pool of safety sensitive employees. All employees in the designated group have an equal chance of being selected for testing. Employees selected for random testing are required to immediately submit to such testing as instructed, and without any delay or detour. There will be no advance notice of testing.
- Reasonable Suspicion: Any employee may be required to immediately submit to testing for drugs and/or alcohol as applicable, whenever the City reasonably suspects that the employee has reported to work or returned to duty with drugs and/or alcohol in his/her system. “Reasonable suspicion” under this policy is based on specific identifiable criteria, which may include observed behavior, witness statements, and/or employee statements. Employees who are required to submit to reasonable suspicion testing are prohibited from transporting

themselves to the collection site. A supervisory employee will arrange for/provide transportation and will arrange for the employee to be taken home after testing, unless the employee's test results have been confirmed as negative.

- Post-Accident: Any employee who is engaged in safety sensitive functions and is involved in a work-related accident or safety violation that results in bodily injury to themselves or others, significant property damage, or a motor vehicle citation may be required to submit to immediate testing for the detection of drugs. Post-accident testing for alcohol may also be required if the circumstances give rise to reasonable suspicion that the employee had alcohol in his or her system at the time of the accident. If an employee is injured due to an accident, the City's first concern is appropriate medical treatment for the employee. However, if there is a basis for testing as stated above, the employee will be required to authorize testing as part of their medical treatment and must also authorize the release of appropriate medical records to enable the City to determine whether drugs or alcohol were present in their system.
- Return To Work and Other Required Testing: Individual employees subject to a Last Chance Agreement under this policy may be required to submit to return-to-duty and individualized, random follow-up testing consistent with the terms of the Rehabilitation and Return to Work Agreement for each employee and applicable law. Likewise, employees are subject to drug and alcohol testing when otherwise required by law based on the nature of their job duties with the City, such as DOT drug and alcohol testing. Failure of a legally required test, such as a DOT test, is also a violation of this policy.

All sample collection and testing must be done at facilities designated by the City, and the City pays for the cost of required testing. The time an employee spends undergoing required testing is also paid, and therefore should be reported as hours worked. Employees who are required to submit to reasonable suspicion testing may be placed on administrative leave until confirmed test results are received and a decision has been made regarding employment status.

### **Medications**

If you are taking prescription or non-prescription medication, you have an obligation to consult with your healthcare provider and/or pharmacist to determine whether there are any potential side effects that could affect your ability to safely and competently perform your job duties. This specifically includes asking about potential drug interactions if you are taking more than one kind of medication. If you or your healthcare provider believes that you are/may be experiencing such side effects, you must notify your supervisor before reporting to work or continuing to work with the medication in your system. The City may require verification of your ability to safely and competently perform job duties from your doctor or health care professional as a condition to returning you to work. Medical verification may also be required if the City otherwise has reason to believe that a medication may be affecting your job performance and/or job safety. You do not need to disclose the name of the medication or the medical condition you are being treated for unless the City determines that this is necessary to comply with its legal obligations (e.g. properly designating leaves, making reasonable accommodations, etc.).

Although the lawful use of prescription or over-the-counter medications is not grounds for disciplinary action by itself, failure to follow the reporting procedure discussed above may subject the employee to disciplinary action. Employees may also be disciplined for using medication that is unlawfully obtained or for using that is inconsistent with the prescription or label (including but not limited to using medication prescribed to another person). Please also note that if you test positive for alcohol, or show signs of having alcohol present in your body (e.g. odor on your breath), it will not be an acceptable excuse that you used a medication containing alcohol, such as Nyquil.

***REMINDER:** Marijuana is unlawful under federal law and having marijuana in your system is a violation of this policy regardless of state recreational or medical marijuana laws. The City does not accommodate the use of marijuana or excuse violations of this policy. If you believe you need some other type of accommodation for your disability, you should contact the City Manager to discuss available options.*

### **Searches**

When the City believes there is reasonable suspicion that an employee is in possession of drugs or alcohol or has brought them onto the City's premises, personal items such as packages, bags, lunch boxes, or other items being carried on or being removed from the City property may be subject to search as permitted by law. Furthermore, all City property such as desks, equipment, lockers, etc., will remain the property of the City and are subject to general access and search at our discretion.

The City will not search an employee's person, and no employee will be forcibly searched or detained. Reasonable efforts are made to respect an employee's integrity and privacy during searches; however, refusal to cooperate with lawful searches and investigations is considered a violation of this policy and will result in discipline, up to and including termination of employment. All illegal drugs or drug paraphernalia found in or on the City's property may be released to law enforcement.

### **Safeguards**

The City uses qualified supervisory personnel and makes arrangements with a certified laboratory/testing organization to administer this policy. If applicable, medication use and other medical information is screened by a qualified Medical Review Officer (MRO). Lawful medication used consistent with a prescription is treated as a negative test under this policy, and employee medical information is not disclosed to the City by the testing organization. The detectable presence of any drug or alcohol in the system constitutes a "positive" test result. All positive test results are confirmed using reliable confirmatory testing methods as determined by the City and consistent with applicable law. Test results and other information concerning drug and or alcohol investigations are treated confidentially and released only when there is a legitimate business need to know, or as otherwise required or authorized by law.

### **Rehabilitation Assistance**

If you believe you may have an alcohol and/or drug use problem, you are encouraged to contact your supervisor or the Payroll Clerk before the problem results in unsatisfactory performance or attendance, or a violation of the City's rules and policies, and before being instructed to submit to testing under this policy. An employee who voluntarily discloses a substance use problem before these problems arise may request a leave of absence to allow for inpatient or outpatient treatment. The City will grant such requests as it deems appropriate and as required by law. In such cases, the employee will not be permitted to work until such time as a qualified medical professional verifies that the employee is fit for duty. The employee may also be required to comply with any additional requirements imposed on the employee or the City by law. The time an employee is off work for evaluation and/or treatment may qualify for family leave, and the City complies with such leave rights. As noted in the Leaves of Absence section, all leave is unpaid. However, employees are permitted to use any earned and unused paid time off benefits in lieu of taking unpaid time off.

Employees who test positive or otherwise engage in prohibited conduct under this policy are subject to immediate termination of employment. However, the City may, at its discretion, allow the employee a one-time opportunity to enter into a Last Chance Agreement in lieu of discharge. The City's decision in each case is based on all of the surrounding circumstances, including the nature of the violation, the employee's position and length of service, and overall disciplinary record. Last Chance Agreements provide, among other things that the employee is subject to unannounced suspicion less



testing for a period of time after returning to work, as recommended by the substance abuse provider or required by the City and consistent with applicable law.

## Miscellaneous Workplace Policies and Expectations

The City expects all employees to use common sense, sound judgment, and to conscientiously perform your work duties while abiding by City policies and management directives in the performance of your job. As a result, all employees should become familiar with and keep informed of changes in our safety rules, operational policies, etc. In the event you have questions about your position, your employment status, your job requirements, or any other matter, please discuss your questions with your Supervisor.

### Cooperation and Teamwork

The City believes that teamwork is the foundation of a successful employment relationship. Teamwork is an independent job requirement for all positions at the City. In addition to working in a manner that meets our quality and production standards, every employee is expected to perform their job duties in a cooperative and professional manner.

### Cellular Devices Policy

This policy applies to employee use of cell phones, smart phones (including iPhones, “smartphones” and similar devices), tablets and similar devices, all of which are referred to as “cellular devices” in the Cellular Devices Policy.

#### Cell Phones in General (both City of Hermiston-provided and personal cell phones)

Employees are allowed to bring personal cell phones to work with them. During working hours, however, employees must refrain from using them except in an emergency or during a meal period or rest break. Employees who use personal or City of Hermiston-provided cell phones may not use the phones to violate the City of Hermiston’s policies, including the City’s policies against harassment and discrimination, workplace violence, etc. Employees who use a personal or City of Hermiston-provided cell phone to send a text or instant message to another employee (or to a citizen or someone not employed by the City) that is harassing or otherwise in violation of the City of Hermiston’s no-harassment and no-discrimination policies is subject to discipline up to and including termination.

#### Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones or cellular devices with built-in cameras and video photography options, may not be used during working hours, or at any City of Hermiston-sponsored function unless authorized to do so by the department head or City Manager.

#### Cell Phone Policy

It is the City’s intent to comply with the Government Standards and Practices Commission’s (GSPC) ruling that the use of cell phones supplied by public entities must be restricted to the business of that public entity. The City recognizes that due to the nature of some positions, certain employees must have access to, if not full-time use of, a cell phone. The City Manager, in conjunction with department directors, will identify those employees whose jobs require the use of a cell phone. The following options may be available to those employees who are required to carry a cell phone. Employees should consult their department director for further information.

**City-supplied Cell Phone.** The Oregon Ethics Commission has ruled that cell phones supplied by the City must be restricted to City business, with the following limited exception. Personal calls or text

messages (outgoing or incoming), are only allowed in instances of family emergencies when those calls cannot be made from a land-line phone within a reasonable period of time. These calls should be of short duration. The Oregon Government Standards and Practices Commission Advisory Opinion No. 98A-1003 prohibits all other personal usage of City-provided Smartphones. The relevant Oregon Revised Statute is as follows:

ORS 244.040: "Code of ethics; prohibited actions; honoraria. The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120."

- (1) "Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative of the public official, or any business with which the public official or a relative of the public is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office."

The above example is the only situation where *de minimus* personal use is considered acceptable. **No other personal use is allowed, even if reimbursed.** The above calls need not be reimbursed. To assist you in adhering to this policy, the GSPC (Government Standards and Practices Commission) provides the following advice:

- Do not list your personal cell phone number on your business card.
- Do not give your City-supplied business cell phone number to personal contacts other than your immediate family, and then only with the understanding that it is for emergency use only.
- If you receive a non-business related call on your City-supplied business cell phone, advise the caller you will return the call after business hours.

All devices and equipment issued by the City (including tablets, laptops, cell phones, smart phones, etc.) remain the property of the City and are subject to inspection and review at any time at the discretion of the City.

**Personal Cell Phone.** For the convenience and mutual benefit of the employee and the City, those employees who are required to carry a cell phone have the following options; they may choose to receive additional taxable income each month (\$40) for the specific purpose of utilizing a personal cell phone for City business purposes. This cell phone may be used for business and personal calls.

The City recognizes that personal cell phone calls may be made from time to time. Use of personal cell phones to conduct personal business, including the receipt of incoming calls, must be limited to the employee's break and lunch periods except for rare, urgent personal communication.

New employees who are required to carry a cell phone and who select this option will be eligible for their first monthly allowance as of the first of the month following either the initial date of hire, or the employee's notification of eligibility by the department manager. When terminating, the employee will receive the full allowance for their final month provided they complete at least one day of work (not merely "paid status") during their final month of service.

Please use your cell phone to call for help or to help others in emergencies. Your cell phone lets you be a "Good Samaritan" in the community. If you see an auto accident, crime in progress or other serious emergency where lives are in danger call 911 and give the exact location and information to the fire, police or ambulance personnel. This emergency number could be one of the one-button programmed numbers on your phone. Employees are not expected to offer additional assistance beyond calling for help.

**Text Messaging.** When text messages are used for City business purposes, they must be retained in accordance with the applicable retention schedule.

**Procedure.** Supervisors shall submit a written request to administration requesting a city issued cell phone for their employee. Employees eligible for assignment of City-supplied cell phones are those designated by the Department Director, and approved by the City Manager, based on the following job functions.

**Responsibilities of Employees.** Employees who are assigned the use of City-supplied cell phones and other wireless personal communication devices are responsible for the following:

- Insuring that all City related communication is conducted through or over the City owned device, only, and not a personally owned device.
- Insuring the physical security of such devices.

The City reserves the right to monitor and record communications traffic at any time, on City-owned devices, without notice to any employee.

Any abuse or inordinate use of those devices will be considered misconduct and indifference to work, resulting in possible disciplinary action, up to and including termination. Any employee responsible for inordinate use of wireless communications devices may also be held responsible for the resulting costs to the City.

**Reimbursements.** IRS Rules and regulations govern whether a City-supplied cell phone assigned to an employee may be treated as a taxable fringe benefit. The City makes no representations about any tax ramifications that may result from an employee receiving a City-supplied cell phone, or a stipend to offset the business usage of a personal cell phone. Each individual should consult a tax expert to determine the tax ramifications relative to their individual situation.

The City-supplied cell phone is assigned to an employee and the employee is required, as part of their responsibilities, to be accessible at all times for which the issuance of the cell phone was required. Employees are allowed *de minimus* personal use of City-supplied cell phones under this scenario. Except for *de minimus* use, employees must demonstrate that the City-supplied cell phone is used for City business only.

The Department Director will develop a standard for *de minimus* use for their staff. There is no charge and the use of a City-owned cell phone is not taxable to the employees unless their usage exceeds the *de minimus* use standard.

In the event the employee's personal usage exceeds the *de minimus* use standard for the department, the employee will be required to reimburse the City for the costs associated with such usage.

**Disclosure of Information.** The City will disclose the contents of retrievable wireless communications messages, upon receipt of a valid court order or legal request, including Public Information (open records) requests. The City may disclose the contents of retrievable wireless communication messages if the information will assist in official internal or criminal investigations.

The use of a cell phone while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of hand-held cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City of Hermiston vehicles and the



operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by City of Hermiston.

For employees who drive any vehicle on behalf of the City, your first responsibility is to drive safely at all times. All employees are expected to be aware of weather, traffic, pedestrians, and other driving conditions and to use caution and good judgment at all times. Employees are prohibited from using hand-held cell phones for any purpose while driving on City of Hermiston-authorized or City of Hermiston-related business. Employees who must take a call while driving are required to use a hands-free device at all times, including voice dialing. If you do not have an appropriate hands-free device available, or if weather or other driving conditions warrant extra caution even with a hands-free device, you must safely pull off the road and have the vehicle in park before engaging in any call. This policy also prohibits employees from using a cell phone or other device to read, send or receive text or "instant" messages while driving or engaging in any other reading, browsing of social media, internet, etc. while driving on City of Hermiston business. Taking notes (including writing down phone numbers or other information) is also strictly prohibited while driving. All employees who drive must also be aware of and adhere to all state and local laws regarding cell phone use while driving. Violation of this policy will subject the employee to discipline, up to and including termination.

### Children in the Workplace

Employees are welcome to bring their children to visit their worksite, provided that the visits are infrequent, brief and planned in a fashion that limits disruption to the workplace. While children are in the workplace, they must be directly supervised by the host/parent at all times. If the frequency, length or nature of visits becomes problematic, the employee will be advised of the situation and will be expected to take corrective action.

Employees are not permitted to bring ill children to work. This policy is not to be utilized as a backup childcare arrangement. Employees are provided paid time off benefits which should be used for personal reasons or to care for an ill child. Employees may consult our EAP provider to find an emergency care provider to care for sick children.

### Dating and Workplace Relationships

The City considers employee personal relationships to be their personal business. However, when personal relationships develop between employees, they have the potential to impact working relationships and City operations. Therefore, the City has developed this policy to avoid conflicts of interest, favoritism, special treatment, harassment and retaliation, and to help ensure continued excellent services to our community.

Romantic/sexual relationships between management employees and subordinate employees are strictly prohibited. This includes but is not limited to employees who are married and/or living together. Subordinate employee means an employee in the same chain of supervisory authority even if there is not a direct reporting relationship. If such a situation develops, both individuals are required to notify the City Manager at the earliest opportunity (including at the application process if one of the involved parties is applying for City employment). In such cases, the City makes personnel decisions as it determines appropriate to the management and protection of the City, which may include declining to hire, or the transfer, reassignment, request for resignation, or termination of one or both individuals.

Other consensual romantic/sexual relationships between individuals who work for the City, as well as romantic personal relationships between an employee and an individual employed by a customer, vendor, supplier, etc. are not prohibited. However, all employees are expected to act professionally in the workplace and during the course of their employment. Sexual/romantic conversations, text or

instant messaging; inappropriate touching (kissing, hugging, massaging, sitting on laps, etc.); etc. is strictly prohibited in the workplace, even when it is consensual.

All employees are expected to comply with the City's policies against harassment and retaliation and to maintain appropriate professional working relationships. In the event a consensual romantic relationship between two employees is discontinued, both parties must respect that decision. Employees who continue to pursue romantic relationships in the workplace, or retaliate in violation of City policies after they have been advised that the other employee wishes to end the relationship should be reported pursuant to the City's policy against harassment.

Lastly, even where there is no romantic involvement, employees are expected to behave in a manner that does not raise claims of favoritism or create a negative or unprofessional work environment. If you have any questions about your obligations under this policy, contact your supervisor.

## Dress Code

Public relations are an integral part of each employee's job. All employees are expected to present themselves in a way that helps generate trust, confidence and respect from the public they serve. As a result, all employees are required to be neatly groomed and wear clothing that is clean, in good repair, fits properly, and is professional and appropriate for their position and job duties, whether in the office, a City vehicle, or other worksite. Some positions with the City may be required to wear a uniform or other job specific attire. Your supervisor will inform you of any specific uniform or dress code requirements for your position. For positions that are required to wear a uniform, the City provides employees with uniforms at City expense. City uniforms and attire (with City logo, etc.) may not be worn off-duty except in the normal course of travel to and from work. All City uniforms and attire must be returned on separation from employment.

In the event a concern arises regarding employee compliance with this policy, the City will make the final determination regarding what is appropriate dress for our workplace in its discretion. In addition to discipline, employees arriving for work with an appearance that significantly disregards City standards or creates a safety hazard may be asked to return home for immediate correction. If you have any questions regarding the specific standards for your job, please contact your Supervisor.

## Driving and Use of Vehicles

Some positions with the City require employees to operate vehicles as part of their jobs. The following rules are applicable to all employees who drive on City business:

### Driver's License and Insurability

Employees whose job requires the use of any vehicle (including a City vehicle or a private vehicle) to conduct City of Hermiston's business must possess a valid driver's license and maintain insurability with the City and its insurer(s) (including a driving record acceptable to the City and our insurer(s) at all times. Employees driving private vehicles must carry and maintain auto liability insurance acceptable to the City. Only employees who are properly licensed, insured and have been authorized by the City Manager are permitted to drive on City business. In order to ensure compliance with this policy, and the safety of other employees, passengers and the public, the City of Hermiston may verify the validity of your driver's license and/or your driving record at any time. If your position requires you to drive and you have any driving restrictions or your license status changes in any way, you must inform your supervisor immediately.

### **Compliance with the Law, Traffic Violations and Good Judgment**

All employees who drive on behalf of the City are expected to use good judgment and caution in the operation of the vehicle at all times. All employees who drive on behalf of the City are also required to be aware of and comply with all applicable traffic laws and regulations at all times. This includes using safety belts for drivers and passengers at all times. The City does not pay for employee traffic violations. If you receive a traffic or parking citation while using any automobile on City business, you are responsible for all fines, court costs, etc.

### **Reporting Accidents and Traffic Violations**

All accidents, traffic citations and damage, however small, must be reported immediately to the Payroll Clerk. This applies to all types of accidents and damage, including damage to the property of others as well as City property and equipment. Accidents involving City vehicles must also be reported to a police agency for investigation. Employees are required to cooperate fully with City accident and damage investigations.

### **Use of City Vehicles**

Employees are prohibited from transporting any unauthorized passengers in City vehicles or while on City business, unless specifically authorized by their department head. This includes friends, family members, etc. Personal use of City vehicles is prohibited except as authorized in writing by the City Manager and subject to income/expense reporting as described in this Handbook and required by law.

### **Use of City of Hermiston Email and Electronic Equipment, Facilities and Services**

City of Hermiston uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, e-mail, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging), the Internet and any new technologies used in the future. This policy governs the use of such City of Hermiston property.

### **Ownership**

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

### **Use**

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

- Display or store any sexually explicit images or documents, or any images or documents that would violate City of Hermiston's Equal Employment Opportunity policies;
- Engage in any activity that violates the rights of any person or company protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the rights to privacy of protected healthcare information or other City of Hermiston-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).

Further, employees may not use City of Hermiston-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts).

City of Hermiston email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

#### **Incidental Use**

It is acceptable to make incidental personal use of the City's electronic communications equipment and systems. Such use must be limited to necessary, occasional communication and must occur only during meal and break periods. Also, regardless of whether the material/communications/use is intended to be personal or is viewed, downloaded, and/or forwarded, the City's systems and equipment are not to be used to access sexually explicit, indecent or illegal materials or any other sites or information contrary to the expectations set forth in City policies. Individuals who use the City's Internet and other systems for such limited, incidental personal use are also reminded that this policy does not change the City's right to monitor the use of its equipment and systems and to access, review, copy, modify, delete or disclose information as we deem appropriate and as required by public records laws. *You have no expectation of privacy in the use of the City's equipment, facilities and systems.* Do not conduct any personal business using our systems that you would not want others to see or disclose.

#### **Inspection and Monitoring**

Employee communications, both business and personal, made using City of Hermiston electronic equipment, facilities, and services are not private. Any data created, received or transmitted using City of Hermiston equipment; facilities or services are the property of City of Hermiston.

All information and communications in any format, sent, received, transmitted through or stored by any means on City of Hermiston's electronic equipment, facilities or services, are subject to inspection at any time without notice. Passwords may be used for purposes of security, but the use of a personal password does not affect City of Hermiston's ownership of the electronic information, electronic equipment, facilities, or services, or City of Hermiston's right to inspect such information. All passwords must be recorded with the IT Department. City of Hermiston will override all personal passwords if it becomes necessary to do so for any reason. Also, all employees should be aware that the City of Hermiston reserves the right to access, review, copy, modify, delete or disclose information transmitted through or stored in our systems, including but not limited to electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of City of Hermiston's electronic equipment, facilities and services, including all communications and internet usage and resources visited. Deleting files does not eliminate our ability to view those files. Therefore, *all employees should understand that they have no expectation of privacy in connection with the use, of City equipment, facilities and services or with the transmission, use or storage of information in our equipment, including stored email messages.*

#### **Personal Hardware and Software**

Employees may not install personal hardware or software on City of Hermiston's computer systems. All software installed on City of Hermiston's computer systems must be licensed.

#### **Unauthorized Access**

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City of Hermiston management. No employee can examine, change or use another person's files, output or user name unless they have explicit authorization from the City Manager to do so.

#### **Security**

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception and these methods of communicating should not be used

for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

### **Social Media**

The City generally believes that your off-duty activities are your own business. However, certain types of off-duty activities, in particular, certain online and social networking/social media conduct by employees has the potential to affect our operations and working environment. As a result, we have developed this policy to provide employees with information about what is expected of them when they engage in personal social networking/social media and other online activity.

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

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

### **Prohibited Postings and Required Conduct**

Employees are subject to discipline, up to and including termination, if they create/post any text, images or other media that violate City of Hermiston’s Equal Employment Opportunity, workplace violence or other workplace policies.

Do not create a link from your blog, website or other social networking site to a City of Hermiston-owned or -maintained website without identifying yourself as a City of Hermiston employee. Also, you should express only your personal opinions. Never represent yourself as a spokesperson for City of Hermiston unless you have been authorized in writing by the City Manager or City Council to speak on behalf of the City. If the City of Hermiston is a subject of the content you are creating, be clear and open about the fact that you are a City of Hermiston employee, and make it clear that your views do not represent those of City of Hermiston or its employees or elected officials.

Maintain the confidentiality of City of Hermiston’s confidential information. (See “Workplace Privacy and Confidentiality” policy, below.)

### **Encouraged Conduct**

Always be fair and courteous to co-workers, the citizens we serve, City of Hermiston’s employees and elected officials, and suppliers or other third parties who do business with City of Hermiston. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or otherwise violates the City’s workplace policies. Violations are subject to discipline, up to and including discharge.

### **Request for Employee Social Media Passwords**

City of Hermiston’s supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee’s or applicant’s user name and password, password or other means of authentication that provides access



to a personal social media account. This includes, without limitation, a user name and password that would otherwise allow a supervisor/manager to access a private email account not provided by City of Hermiston.

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

### Workplace Privacy and Confidentiality

Although the City is a public entity, some information obtained in the course of your employment is confidential and may not be subject to public disclosure. Employees must not access, use or disclose sensitive or confidential information or data except in accordance with City of Hermiston policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or release confidential information contrary to Oregon or federal laws may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy (or a supervisor or manager's lawful directive). Confidential information generally does not include employee wages.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of City of Hermiston) may be removed from our premises without permission from the City Manager. Additionally, the contents of records or information otherwise obtained in regard to the City of Hermiston's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

### Ethical Practices and Honesty

At City of Hermiston, we strive to conduct all business affairs in compliance with applicable laws and regulations. We expect all employees to strictly comply with this standard and to refrain from engaging in activities that are unlawful or may bring discredit to the City, and avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with their obligations to the City of Hermiston.

In keeping with this policy the City believes that it is the responsibility of all employees to report conduct that they reasonably believe violates any federal, state, or local law, rule, or regulation. We also believe that all employees have the responsibility to report conduct that they reasonably believe constitutes: mismanagement (i.e. serious organizational misconduct that has the effect or potential to undermine the City's ability to fulfill its public mission); misappropriation of funds, materials or assets of the City; abuse of authority; or gross waste of funds of the City. Reports should be made to the City Manager, your department head, or the Mayor. The City respects the right of our employees to raise such matters and address any concerns reported. The City does not tolerate retaliation against employees for raising such complaints.

### Public Employee Ethics, Conflicts, Gifts, & Political Activities

We at the City of Hermiston are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City of Hermiston 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. All employees are required to comply with the highest level of ethics under City policies and the Oregon public employee ethics rules. Additional Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

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

**Conflicts of Interest & Gifts:** The public trust and proper operation of the City requires employees to be independent, impartial and responsible to the public we serve. Therefore, employees are prohibited from engaging in any transaction or having a financial or personal interest that is incompatible with the proper discharge of their official duties or that would tend to impair their judgment or action in the performance of their official duties. No employee may use his/her position to obtain financial or personal gain for themselves or any member of their immediate family, or for any business with which the employee or immediate family member is associated. If you have any concerns about what type of activity is covered by this policy, you must seek guidance and approval from the City Manager before taking any action that could violate this policy.

Likewise, employees are not permitted to accept gifts of cash or merchandise from customers or organizations that are doing, reasonably anticipated to do, or seeking to do business with the City. As very limited exceptions employees may be permitted to accept incidental gifts of nominal value in accordance with public employee ethics rules.

**Political Activity:** The City does not restrict the right of its employees to express their personal political views or engage in political activity. However, no political activity furthering the cause of any party, candidate, or ballot measure, etc. is allowed on the job. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours;
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign; or
- Use City premises, equipment or resources to engage in any other political activity prohibited by Oregon public employee ethics rules

## Outside Employment

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

- An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.
- Employees may not accept outside employment that involves:
  - The use of City of Hermiston time (including the employee's work time), facilities, equipment and supplies, or the prestige or influence of the employee's position with City of Hermiston. In other words, the employee may not engage in private business interests or other employment activities on the City of Hermiston's time or using the City of Hermiston's property;

- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works; or
- Receipt of money or other consideration for performance of duties that the employee is required to perform for the City of Hermiston; or
- Otherwise violated public employee ethics rules and requirements

Also, all employees who hold outside employment must continue to meet the performance, attendance, overtime and other requirements of your job with the City.

### Personal Employee Property

The City does not provide protection for an employee's property brought onto City premises, customer property, or other work locations. This includes employee vehicles and their contents. We are not responsible for lost, damaged, or stolen items and encourage employees not to bring valuables to work. However, all employees are expected to show concern and respect for the rights and property of others. Employees who find lost items are required to immediately report the items to your supervisor.

### Tobacco-Free Workplace

City of Hermiston provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. This policy applies to employees, volunteers, and any visitors to City of Hermiston property, vehicles or facilities/buildings. City of Hermiston buildings and vehicles are also tobacco-free areas. Further, City of Hermiston prohibits tobacco use in or around City of Hermiston vehicles and equipment or machinery. If you wish to smoke or use tobacco products, you must do so outside of City of Hermiston's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

### Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Hermiston (see "Holidays" section), City of Hermiston is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her designee) will decide whether to, and to what extent the City of Hermiston will close. When it is announced that offices will be closed for inclement weather or an emergency, all full-time exempt employees will be paid for the entire day. Regular part-time and regular full-time non-exempt employees will be paid up to two (2) hours of regular pay if the closure occurs during a regular scheduled work day. Should the closure exceed 2 hours, employees may choose to use accrued vacation or E-day leave to make up for the additional hours. Temporary/seasonal and limited duration employees will be unpaid. In case of closure, employees are notified via phone by their immediate supervisor.

In the event of extreme bad weather when City offices are open, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your supervisor in accordance with the attendance reporting procedures. Safety and a trustworthy approach are your guides. Employees are required to use accrued vacation leave or accrued E-days for bad weather days. Employees without any appropriate accrued leave will be unpaid for bad weather days.



## Work Performance

Employees are responsible to perform their duties with care and attention to the City's quality and performance standards and requirements. Carelessness or negligence that leads to mistakes, physical injury or property damage, or failure to meet the City's quality or performance standards or requirements may result in disciplinary action, including termination.

## Termination of Employment

### Prohibited Conduct, Discipline and Discharge

The City and the public's best interests are served through fair and consistent treatment of all employees. The City also believes that most employees prefer to work in an environment in which serious or repeated violations of its standards are not permitted. With that in mind, we have established various policies and standards of conduct thought this Handbook that employees are expected to follow. Aside from the City's right and your right to terminate our relationship at any time and for any reason, the City may issue verbal or written warnings, suspend, demote, or take other disciplinary action against employees for violation of our rules or policies as we deem appropriate. We have, however, grouped together examples of unacceptable conduct into two general categories: minor and major infractions.

When the City determines that a regular employee has committed a first minor infraction, the employee generally receives a verbal or written warning prior to termination. The City does not generally issue a written warning before terminating introductory period, temporary/seasonal employees. However, each situation is evaluated according to the circumstances involved, and the type of discipline administered may vary based upon our determination of the seriousness of the offense, the employee's past performance and disciplinary record and length of service as well as other factors the City considers relevant. Also, warnings for different minor infractions are generally combined to determine the type of discipline administered. When we feel an employee has committed a major infraction, that employee is subject to immediate discharge, even for a first offense.

### Non-Major Infractions

These types of infractions include, but are not limited to, the following:

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to notify us of intended absence or tardiness or failure to comply with other reporting policies.
- Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity.
- Performing other than City work during paid working time.
- Failure to follow safe working practices and rules. (Note: When we feel an employee has committed a serious safety violation, that employee is subject to immediate discharge).
- Using City property for personal use.
- Violation of the Equal Employment Opportunity policies, which, in our view, is not serious enough to justify immediate discharge.
- Violating any City policy or practice which is presently in effect or subsequently issued or any other conduct that the City determines warrants disciplinary action, but not discharge.

### Major Infractions

These types of infractions include, but are not limited to, the following:

- Insubordination, including failure to follow any verbal or written job instructions issued by a person in the position of authority as determined by the City.
- Violation of the City's Workplace Violence policy.

- Violation of the City's Drug and Alcohol policy.
- Dishonesty of any type, including but not limited to: falsifying any employment related records (such as applications, absence and sickness reports, time records), making untruthful statements in response to any employment related inquiry or investigation, or making material omissions or misstatements related to your employment. Dishonesty also includes theft or unauthorized removal or possession of City property, confidential business records or the property of another employee, visitor, or business associate
- Deliberate, reckless or negligent act(s) of destroying, or damaging City property, tools or equipment, or the property of others on City premises.
- Committing repeated or serious violations of safety rules, safe working habits, or governmental safety rules and regulations. Serious violations that result in immediate discharge include but are not limited to:
  - Failure to follow lock-out/tag-out procedures,
  - Violation of any confined space safety rules,
  - Failure to use and follow procedures for Personal Protective Equipment (PPE) or Chemical Handling
  - Failure to use safety guards on equipment,
  - Failure to promptly report an injury, accident or property damage, and
  - Any other violations of City safety rules and practices or governmental safety laws or regulations resulting in injury to yourself or others
- Engaging in violation of our discrimination, harassment and/or retaliation rules (e.g. conduct of a sexual, racial, ethnic, age, disability-related, unwelcome religious nature, etc.) that the City considers to be serious or repeated.
- Failure to maintain required licenses or certifications.
- Disclosure of non-public, confidential information to unauthorized persons (*As a reminder, confidential information does not include information about employee wages*).
- **Violating any City policy presently in effect or subsequently issued, or any other conduct that the City determines is serious enough to warrant immediate discharge.**

The City believes these rules are clear and require little explanation. However, if you have any questions concerning the application or intent of these rules, please consult with the Payroll Clerk. Obviously, rules cannot be listed to cover every situation. Conduct not specifically mentioned is disciplined according to the standards followed for what the City determines is the most equivalent type of conduct listed.

An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate in all cases. If you feel you have been unfairly disciplined or discharged, we encourage you to utilize the complaint procedure.

***Notwithstanding all of the above listings and other verbal and written statements, employment can be terminated, with or without notice, at any time and for any reason the City considers sufficient at its option or the employee's option. The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its employment "at will" termination options.***

## Layoffs

City employment needs vary based on organizational changes, workload, budgetary and other business and operational considerations. In the event the City determines that it is necessary to

eliminate or consolidate jobs or otherwise curtail operation, layoffs may be necessary. The decision of individuals to be laid off is made by the City based on management evaluation of the comparative work performance and skills of the employees in the job classifications affected, as well as the skills and abilities of those employees to perform the work remaining. When the City determines that the performance, skills and abilities of the employees being considered for layoff are relatively equal; preference is given to the employee with the longest length of service with the City. The City's policy is to provide advance notice of layoff whenever it determines budgetary and operational considerations allow. Except as otherwise provided by an applicable collective bargaining agreement, employees who are laid off do not have any bumping or automatic recall rights.

## Retirement or Resignation

If you choose to resign or retire, it is anticipated that you will provide the City of Hermiston with a written notice, addressed to your immediate supervisor preferably a minimum of two weeks in advance of your planned departure. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-weeks' notice of your intent to leave City of Hermiston, you will not be eligible for re-employment at a later date. Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

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

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

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

## Exit Interview

The purpose of an exit interview is to identify workplace, organizational or human resource factors that have contributed to an employee's decision to leave employment. Employees who are leaving employment with the City are invited to partake in an exit interview with their supervisor and/or the HR Specialist upon leaving employment. If an in-person interview is not the ideal choice for an employee, an exit interview form may be sent with the employee to complete during their last week of employment or have the option of completing and mailing the survey back to the HR department at a later date.

## Employment References

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

## Final Paychecks

If you are discharged or laid off by the City, your final paycheck is made available by the end of the next business day following your termination. If you voluntarily resign your employment with at least 48-hours advance notice, your final paycheck is made available on your last day of work or on the next business day if your last day falls on a Saturday, Sunday or holiday. If you voluntarily resign your employment and fail to provide at least 48-hours' notice, your final paycheck is made available within five (5) days of your termination or on the next payday, whichever comes first. Your final paycheck will be mailed to you upon request.

# Employee Acknowledgement

## Acknowledgment of Receipt

### City of Hermiston Employee Handbook

Adopted November 2015

Revised March 2017

Revised July 2018

Revised July 2019

Revised July 2020

I acknowledge that I have received a copy of City of Hermiston's Employee Handbook, which becomes effective July 1, 2019 and covers my employment. I also understand that a copy of the Employee Handbook is available to me at any time to review in the office of the HR/Payroll clerk.

I understand that the City of Hermiston reserves all rights necessary for the efficient management of its operations and that the City of Hermiston has adopted the handbook only as a general guide about its current policies, work rules and the work environment. I acknowledge that this Handbook is not a contract for continued employment or benefits at any level. Rather, I understand that it may become necessary for the City to change this Handbook, its policies and practices, and/or to change, reduce or discontinue any benefits from time to time (*subject to applicable collective bargaining obligations, if any*) as it determines appropriate to the management of the City.

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

I also understand that no one other than the City Manager (or the City Council if applicable to the City Manager) has any authority to enter into any agreement for employment for any specified period of time, to assure me of any future position, benefits or other terms or conditions or employment, or to make any promises contrary to or in addition to this Handbook. I understand and acknowledge that any such representation and promises must be in writing and signed and dated by the City Manager (or City Council if applicable to the City Manager) in order to be valid.

I further understand that, *except as otherwise provided in an applicable collective bargaining agreement covering my employment or an individual written employment agreement signed by the City Manager (or City Council if applicable to the City manager)*, either City of Hermiston or I may terminate my employment relationship at any time, for any or no reason, with or without cause, and with or without advance notice or due process procedures. I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have read this acknowledgement carefully before signing.

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Employee Signature

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Date

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