



Microphones will be muted and webcams will be turned off for presenters and members of the public unless called upon to speak.

If participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off.

If disruption continues, the participant(s) will be removed from the meeting.

## Agenda

**CITY OF MILLERSBURG**  
**City Council Work Session**  
Electronic Meeting  
September 22, 2020 @ 4:00 p.m.

---

This meeting is being recorded for public review on the City of Millersburg website.

**This meeting will be held remotely. Instructions for joining the meeting can be found at <http://www.cityofmillersburg.org/city-advisory-group-meeting-material/>. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, September 21.**

**Meeting link to join via computer:**

**<https://aspenuc.accessionmeeting.com/j/1166055689>**

**Phone number to join meeting: 503-212-9900**

**Meeting ID: 116 605 5689**

A. CALL TO ORDER

B. ROLL CALL

C. WORK SESSION ITEMS

- 1) Employee Handbook – Informational
- 2) Personnel Policy Updates Associated with Updates to the Employee Handbook – Informational
  - a. Workplace Respect and Code of Conduct Policy
  - b. Harassment Free Workplace Policy

D. CLOSING PUBLIC COMMENT

*The public has the opportunity to address the Council during "Public Comment" while in the virtual meeting by virtually signaling by unmuting first then those who call in will be acknowledged, or if the public prefers, may send written comments by email to [cityclerk@cityofmillersburg.org](mailto:cityclerk@cityofmillersburg.org). Please limit comments to one page and include your name and address. Emails received before 5:00 p.m. on the day of the meeting will be included and read into the record for comments by the Council.*

E. CLOSING COUNCIL COMMENT

F. ADJOURNMENT

### Upcoming Meetings & Events:

October 13, 2020 @ 6:30 p.m. –City Council Meeting & Public Hearing

October 20, 2020 @ 6:00 p.m. – Planning Commission Meeting (tentative)

*The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.*



CITY OF  
**Millersburg**

A COMMUNITY LINKING  
AGRICULTURE AND INDUSTRY

Effective \_\_\_\_\_

Welcome!

Welcome to the City of Millersburg, we're glad to have you on our team. We recognize the importance of our employees, and that you are our most valuable assets. We attribute our success in meeting and exceeding our Communities needs and ensuring an exceptional customer service experience, to our ability as an organization to recruit, hire, and maintain a motivated and productive workforce. Our goal is that during your career with City of Millersburg, you will become a productive and successful member of the City of Millersburg's team.

This Employee Handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Millersburg and its employees, other than those found in applicable written contracts of employment. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Millersburg with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City that are inconsistent with its provisions. To the extent that a provision in a valid employment agreement contradicts or is inconsistent with what is in this Employee Handbook, the applicable written contract of employment provision controls, unless superseded by applicable State or Federal law.

This handbook does not create a contract of employment between the City of Millersburg and its employees. With the exception of employees who are subject to an employment agreement, all employment with the City of Millersburg is "at will." That means that either you or the City of Millersburg may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a written employment agreement). No supervisor, manager, or representative of the City of Millersburg 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 that is included in an applicable written employment agreement).

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

Sincerely,

Kevin L. Kreitman - EFO

City Manager

City of Millersburg

Contents

<b>I. Equal Employment Opportunity (EEO) Policies</b> .....	1
A. No-Discrimination, No-Retaliation Policy .....	1
B. Statement Regarding Pay Equity.....	1
C. No-Harassment Policy .....	1
Sexual Harassment.....	2
Other Forms of Prohibited Harassment.....	2
Complaint Procedure .....	3
Investigation and Confidentiality .....	3
Protection Against Retaliation.....	4
D. No-Bullying Policy .....	5
E. Disability Accommodation Policy .....	5
Accommodations.....	6
Requesting an Accommodation.....	6
F. Pregnancy Accommodation Policy.....	6
G. Reporting Improper or Unlawful Conduct — No Retaliation .....	7
Additional Protection for Reporting Employees.....	8
<b>II. Employment Status</b> .....	9
A. Introductory Period of Employment.....	9
B. Employee Classification .....	9
C. The Workweek.....	10
D. Meal Periods and Rest Breaks.....	10
E. Rest Breaks for Expression of Breast Milk.....	11
Notice .....	11
Storage.....	11
F. Overtime.....	11
Time-and-a-Half.....	11
Limitation on Overtime Pay .....	12
Assignment of Overtime Work .....	12
Supervisor Authorization .....	12
Compensatory (Comp) Time.....	<b>Error! Bookmark not defined.</b>
G. Timekeeping Requirements.....	12
H. Employee-Incurred Expenses and Reimbursements.....	12

I. Payroll Policies .....	13
J. Statement Regarding Pay Practices .....	14
K. Reporting Changes to an Employee's Personal Data.....	14
L. Performance Reviews .....	14
<b>III. Time Off and Leaves of Absence.....</b>	<b>15</b>
A. Attendance, Punctuality and Reporting Absences.....	15
B. Vacation.....	15
C. Sick Leave .....	16
D. Holidays and Floating Holidays .....	18
Floating Holidays.....	<b>Error! Bookmark not defined.</b>
E. Family Medical Leave.....	19
Statement of No FMLA/OFLA Coverage <i>[for employers with 24 or fewer employees]</i> .....	19
OFLA Leave Policy <i>[for employers with 25-49 employees]</i>	<b>Error! Bookmark not defined.</b>
• Definitions.....	<b>Error! Bookmark not defined.</b>
• Reasons for Taking Leave .....	<b>Error! Bookmark not defined.</b>
• Length of Leave .....	<b>Error! Bookmark not defined.</b>
• One-Year Calculation Period.....	<b>Error! Bookmark not defined.</b>
• Intermittent Leave .....	<b>Error! Bookmark not defined.</b>
• Employee Responsibilities — Notice .....	<b>Error! Bookmark not defined.</b>
• Certification.....	<b>Error! Bookmark not defined.</b>
• Medical Certification Prior to Returning to Work .....	<b>Error! Bookmark not defined.</b>
• Substitution of Paid Leave for Unpaid Leave.....	<b>Error! Bookmark not defined.</b>
• Holiday Pay While on Leave.....	<b>Error! Bookmark not defined.</b>
• On-the-Job Injury or Illness.....	<b>Error! Bookmark not defined.</b>
• Benefits While on Leave .....	<b>Error! Bookmark not defined.</b>
• Job Protection .....	<b>Error! Bookmark not defined.</b>
FMLA/OFLA Policy <i>[to be used by employers with 50 or more employees]</i> .....	<b>Error!</b>
<b>Bookmark not defined.</b>	
• Definitions.....	<b>Error! Bookmark not defined.</b>
• Reasons for Taking Leave .....	<b>Error! Bookmark not defined.</b>
• Length of Leave .....	<b>Error! Bookmark not defined.</b>
• One-Year Calculation Period.....	<b>Error! Bookmark not defined.</b>
• Intermittent Leave .....	<b>Error! Bookmark not defined.</b>

• Employee Responsibilities — Notice .....	<b>Error! Bookmark not defined.</b>
• Certification.....	<b>Error! Bookmark not defined.</b>
• Medical Certification Prior to Returning to Work .....	<b>Error! Bookmark not defined.</b>
• Substitution of Paid Leave for Unpaid Leave.....	<b>Error! Bookmark not defined.</b>
• Holiday Pay While on Leave .....	<b>Error! Bookmark not defined.</b>
• On-the-Job Injury or Illness.....	<b>Error! Bookmark not defined.</b>
• Benefits While on Leave .....	<b>Error! Bookmark not defined.</b>
• Job Protection .....	<b>Error! Bookmark not defined.</b>
F. Bereavement Leave [required for all CIS members] .....	19
G. Jury and Witness Duty .....	20
Jury Duty .....	20
Witness Duty .....	20
H. Religious Observances Leave and Accommodation Policy.....	20
I. Crime Victim Leave Policy [ <i>Six or more employees</i> ].....	20
J. Domestic Violence Leave and Accommodation Policy [ <i>Six or more employees</i> ] .....	21
K. Military Leave .....	21
<b>IV. Employee Benefits.....</b>	<b>22</b>
A. Healthcare Benefits .....	22
B. Employee Assistance Program (EAP) .....	22
C. Workers' Compensation and Safety on the Job.....	22
Steps to Take if You are Injured on the Job .....	22
Return to Work [use this version if your organization has between six and 20 employees] .....	23
Return to Work [use this version if your organization has 21 or more employees] .....	<b>Error! Bookmark not defined.</b>
Early Return-to-Work Program.....	23
Overlap with Other Laws.....	24
I. PERS (Public Employees' Retirement System) Benefits .....	24
<b>V. Miscellaneous Policies.....</b>	<b>24</b>
[Version One: Zero Tolerance].....	24
Prohibited Conduct .....	25
Prescription Drugs and Medical Marijuana .....	26
Reasonable Cause Testing .....	26
Post-Accident Testing.....	27
Search of Property .....	27

Employee Refusal to Test/Search .....	28
Crimes Involving Drugs and/or Alcohol .....	28
Drug and Alcohol Treatment .....	28
Discipline and Consequences of Prohibited Conduct .....	29
Confidentiality .....	29
[Version Two: "No Impairment" Policy] .....	29
Prohibited Conduct .....	29
Prescription Drugs and Medical Marijuana .....	30
Testing .....	30
Search of Property .....	31
Employee Refusal to Test/Search .....	31
Crimes Involving Drugs and/or Alcohol .....	31
Drug and Alcohol Treatment .....	32
Confidentiality .....	32
B. Cellular Devices Policy .....	32
Cell Phones and Cellular Devices in General .....	32
Employee Use of City of Millersburg -Provided Cell Phones/Cellular Devices .....	33
Employee Use of Cell Phones/Cellular Devices with Cameras .....	33
Cell Phones/Cellular Devices and Public Records .....	33
Cell Phone/Cellular Device Use While Driving .....	34
C. Use of City of Millersburg Email and Electronic Equipment, Facilities and Services .....	34
Ownership .....	34
Use .....	34
Inspection and Monitoring .....	35
Personal Hardware and Software .....	35
Unauthorized Access .....	35
Security .....	35
Inappropriate Web Sites .....	36
D. Social Media .....	36
Prohibited Postings .....	36
Encouraged Conduct .....	36
Request for Employee Social Media Passwords .....	37
E. Confidential City of Millersburg Information .....	37
F. Ethics .....	38

G. Open-Door Policy.....	38
H. Outside Employment.....	38
I. Criminal Arrests and Convictions .....	39
J. Political Activity .....	39
K. Bad Weather/Emergency Closing .....	40
L. Driving While on Business.....	40
M. Workplace Violence.....	40
N. Workplace Inspections — No Right to Privacy or Confidentiality.....	41
O. Smoke-Free Workplace .....	41
<b>VI. Termination of Employment .....</b>	<b>42</b>
A. Workplace Rules and Prohibited Conduct.....	42
B. Retirement or Resignation from Employment .....	43
C. References .....	44
Employee Acknowledgement.....	45
VERSION ONE: At-Will and Union Employees .....	45
VERSION TWO: For Employees Covered Under a CBA.....	<b>Error! Bookmark not defined.</b>



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

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

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

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

The City of Millersburg provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Millersburg 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 Millersburg's commitment to equal opportunity applies to all aspects of the employment relationship, including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

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

The City of Millersburg 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 Millersburg pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the City Manager or designee.

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

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

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

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether

others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the City Manager or Assistant 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 Millersburg–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 Millersburg's employees. **Such harassment is prohibited whether committed by City of Millersburg 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. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

### Other Forms of Prohibited Harassment

City of Millersburg 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 Millersburg 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 City Manager or Assistant 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 witness's 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 Millersburg's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Millersburg 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 Millersburg'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 Millersburg 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 Millersburg, 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 Millersburg 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 City Manager or Assistant City Manager or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

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

### Other Resources Available to Employees

The City of Millersburg provides an Employee Assistance Program (EAP). Employees wishing to contact the City's EAP provider may call (800) 255-5255, email [oreap@providence.org](mailto:oreap@providence.org), or employee's supervisor.

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

### Other Employee Rights

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

The City of Millersburg 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 Millersburg 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 Millersburg regarding his/her experience and/or employment status, the employee should contact the City Manager or Assistant 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 Millersburg and employee do reach an agreement, the City of Millersburg 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 Millersburg or making comments that would lower the City of Millersburg 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 Millersburg and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

#### D. No-Bullying Policy

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

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

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who 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 Millersburg will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

#### E. Disability Accommodation Policy

City of Millersburg is committed to complying fully with Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

## Accommodations

City of Millersburg 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 Millersburg.

### 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 Millersburg) 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 Millersburg, 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 Supervisor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her need for a reasonable accommodation. Both the City of Millersburg and employee must monitor the employee's accommodation situation and make adjustments as needed.

#### F. Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the City Manager or designee to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Millersburg 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 Millersburg's operations.

Although this policy refers to "employees," the City of Millersburg 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 employee's supervisor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City of Millersburg and the employee find an effective accommodation, or to verify the employee's need

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

#### No Discrimination, No Retaliation

The City of Millersburg 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 Millersburg; or (3) needed an accommodation.

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

#### Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law. See policies on page **[Location-updated with final draft]**, or speak with the City Manager or Assistant City Manager.

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

Employees may report reasonable concerns about the City of Millersburg's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Millersburg 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 Millersburg;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of the City of Millersburg; 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 Millersburg 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 Millersburg's Open Door Policy (see section **[Location] update with final draft**), employees who wish to report improper or unlawful conduct should first talk to his/her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with City

Manager or Assistant City Manager. Supervisors and managers are required to inform the City Manager or Assistant 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 Millersburg 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 Millersburg's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Millersburg; 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 Millersburg will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Millersburg policy).

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

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



## II. Employment Status

### A. Introductory Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Millersburg, are hired into an introductory training period that generally lasts no less than 365 days. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. 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 Millersburg meets your expectations of an employer.

At or before the end of the introductory period, a decision about your employment status will be made. The City of Millersburg 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 Millersburg may terminate the employment relationship during the introductory period for any lawful reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by City of Millersburg for any definite period of time. Both you and City of Millersburg are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

### B. Employee Classification

City of Millersburg classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in City of Millersburg's benefit programs.
2. Regular Part-time: Employment requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for benefits except those mandated by applicable law.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time

of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Millersburg rules and procedures.

### C. The Workweek

The workweek is a seven-day work period beginning Sunday at 12:00 a.m. through Saturday at 11:59 p.m. Typically, business hours are from Monday through Friday, 8:00 a.m. through 5:00 p.m. For departments that are staffed 24 hours a day, the Day (first) shift is from 7:00 a.m. to 3:00 p.m. Evening (second) shift is from 3:00 p.m. to 11:00 p.m. Night (third) shift is from 11:00 p.m. to 7:00 a.m.

### D. Meal Periods and Rest Breaks

Non-exempt 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. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

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

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

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

Length of Work Period	Requirement	
	Rest Breaks	Meal Periods
2 hours or less	0	0
2 hrs & 1 min – 5 hrs & 59 min	1	0
6 hrs	1	1
6 hrs & 1 min – 10 hrs	2	1
10 hrs & 1 min. – 13 hrs & 59 min	3	1

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

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

The City of Millersburg will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City of Millersburg 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 Millersburg 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 Millersburg will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

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

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

#### Notice

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

#### Storage

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

#### F. Overtime

#### Time-and-a-Half

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

### Limitation on Overtime Pay

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

### Assignment of Overtime Work

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

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

### Supervisor Authorization

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

#### G. Timekeeping Requirements

All non-exempt employees must accurately record time worked on a timecard for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City of Millersburg business. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his/her time may be subjected to discipline as well.

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

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

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

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

Some examples of actual and reasonable business-related expenses that the City of Millersburg will reimburse/pay for are:

- *Conferences or Workshops:*
- *Education:*
- *Meals:* GSA PER DIEM RATES are found here:  
[https://www.gsa.gov/node/86696?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeld=8203&contentType=GSA\\_BA\\_SIC&progr=](https://www.gsa.gov/node/86696?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeld=8203&contentType=GSA_BA_SIC&progr=)
  - *When an employee is not away from home overnight, meals will be reimbursed at actual cost only, and a receipt for each meal must be provided with the employee's reimbursement request. Meal costs may vary based on location and program; however, generally accepted limits are:*
    - *Breakfast*      \$13.00
    - *Lunch*            \$14.00
    - *Dinner*            \$23.00
- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Millersburg.
- *Unallowable expenses:*
  - *The City does not reimburse for:*
    - Fines and parking tickets
    - Towing or impounding fees
    - Traffic violations
    - Alcoholic beverages
    - Tobacco
    - Personal telephone calls
    - Extravagant costs of any kind
  - *An employee's family may accompany the employee on City business. However, the City will not pay the additional expenses incurred, including the incidental room costs.*

## I. Payroll Policies

You will be paid bi-weekly.

Paydays are generally every other Thursday, for both non-exempt and exempt employees. If a holiday falls on a Thursday, the payday will be moved to Wednesday of the same week.

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

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

#### J. Statement Regarding Pay Practices

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

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

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

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

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

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

#### L. Performance Reviews

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

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

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments

- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year.

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

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

### III. Time Off and Leaves of Absence

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

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

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via telephone or text no later than one (1) hour before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

#### B. Vacation

Monthly vacation accrual for employees shall be computed on the basis of time actually served from the employee's first date of employment. The rate that vacation leave accrues shall depend on the number of months of total continuous service for the City.

The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his or her employment anniversary date. For regular, full-time employees, vacation accrues as follows:

Months of Continuous Service	Bi-Weekly Accrual Rate	Equivalent Annual (hours)	Accrual (days)	Maximum Accrual (hours) 2 x Annual
1 through 48 months	3.23 hrs.	84	10.5	168
49 through 96 months	4.62 hrs.	120	15.0	240
97 through 168 months	5.08 hrs.	132	16.5	264
169 through 228 months	6.0 hrs.	156	19.5	312
229 months and over	6.46 hrs.	168	21.0	336

Regular, part-time employees earn vacation on their employment anniversary date in the proportion that the normally scheduled number of hours bears to a 40 per week or hours worked for year based 2080 hours. For example, a regular, part-time employee who works 20 hours per week would earn 50 percent of the hours of vacation upon completing his or her first year of service. An employee who works a non-standard workweek i.e. 25 hours one week 15 hours the following for a total of 1040 hours a year would also receive vacation at 50 percent of a full-time employee.

Earned vacation must be taken. Employees are not entitled to pay in lieu of taking time off for vacation. Vacation must be scheduled with one's supervisor at least two weeks in advance of the date(s) the employee wishes to take as vacation.

### C. Sick Leave

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

Employees with questions about this policy may contact the City Recorder. Please also refer to the Oregon Sick Leave Law poster that is posted in the breakroom and is incorporated herein by reference.

#### Eligibility and Accrual of Sick Leave

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

Sick leave is subject to management approval, and may not be used until the first day of the month after it is earned. Sick leave is accrued at eight (8) hours per month based on a forty (40) hour work week (3.6923 hours per bi-weekly pay period).

Temporary Employees begin to accrue pro-rated 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.

Exempt employees are presumed to work forty (40) hours in each work week for purposes of their sick leave accrual unless their normal workweek is less than forty (40) hours, in which case sick leave is accrued based on the employee's normal workweek.

#### Maximum Accrual

Sick leave is meant to be used or carried over; any unused sick leave has no monetary value and will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

Employees may accrue up to a maximum of 850 hours of accrued and unused sick leave.

#### Use of Sick Leave

Accrued sick leave may be used for the following reasons:



1. For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.  
  
"Family member" means the eligible employee's grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of *in loco parentis*; and the employee's biological, adoptive or foster parent or child.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

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

#### Employee Notice of Need for Sick Leave

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

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify their supervisor as soon as practicable, but no later than 7:00 A.M. if possible. Communication with their supervisor may be via email, phone, or text. Generally, an employee should notify his/her immediate supervisor of unforeseeable sick leave at least sixty (60) minutes prior to the beginning of his/her shift, unless physically unable to do so, at which time notice should be given as soon as possible.

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

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

Sick Leave Documentation

If an employee takes more than three (3) consecutive scheduled workdays as sick leave, the City of Millersburg may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.

Sick Leave Abuse

If the City of Millersburg suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations, and paydays, the City of Millersburg may require documentation from a healthcare provider of the need of the employee to use sick time, regardless of whether the employee has used sick time for more than three (3) consecutive days. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

D. Holidays and Floating Holidays

City of Millersburg recognizes ten (10) holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week. The holidays celebrated are:

New Year's Day	Labor Day
Martin Luther King Day	Veterans Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

To be eligible for holiday pay, an employee must have worked his or her regularly scheduled hours the workday before and the workday after the holiday; or have been on an approved vacation day or any other excused absence under City of Millersburg policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

Any hourly, non-exempt employee required to work on a holiday will receive double-time payment for the hours worked.

Floating Holidays

Employees may select twelve (12) additional hours of "with pay" (known as "floating holidays") during a calendar year; floating holiday hours must be used before the end of the calendar year, and have no pay out value.

Floating holidays may be used in no less than two (2) hour increments.

Employees must coordinate requests for floating holidays with their supervisor. Part-time employees, who are eligible for benefits, may select the following number of holidays, based upon their regular work schedule:

30 to less than 40 hours	12 hours
20 to less than 29 hours	8 hours
10 to less than 19 hours	4 hours
Less than 10 hours	0 hours

Employees who begin employment after January 1 receive a pro-rated number of floating holidays. See the City Manager or Assistant City Manager for more information.

E. Family Medical Leave

**Statement of No FMLA/OFLA Coverage** *[for employers with 24 or fewer employees]*

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

One exception is that City of Millersburg will honor requests from eligible employees to take a leave of absence under the Oregon Military Family Leave Act. Thus, during a period of military conflict, as defined by law, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

- F. Bereavement Leave: Up to forty (40) hours of bereavement leave will be granted to full-time employees who have worked for the City of Millersburg for ninety (90) or more days. This leave is provided to employees who have experienced the death of a family member and is paid.

"Family Member" is defined to include only the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse. Requests for bereavement leave must be made to the employee's immediate supervisor before the leave is to begin. This leave will be administered in accordance with Oregon's Sick Leave law.

The City will provide paid time off for the first five (5) days of time off needed per immediate family member occurrence; and the first three (3) days of time off needed for the death of grandparents and step children. Additional time off required will be used from the employee's vacation leave bank.

## G. Jury and Witness Duty

### Jury Duty

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

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

### Witness Duty

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

Except for employee absences covered under City of Millersburg'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.

## H. Religious Observances Leave and Accommodation Policy

The City of Millersburg respects the religious beliefs and practices of all employees. The City of Millersburg will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on City of Millersburg's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with your supervisor.

### I. Crime Victim Leave Policy *[Six or more employees]*

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

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

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;

- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to employee's supervisor as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

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

#### J. Domestic Violence Leave and Accommodation Policy *[Six or more employees]*

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

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

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

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

Notice of need to take leave should be provided by submitting a request for leave in writing to your supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. City of Millersburg will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

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

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

#### K. Military Leave

Employees who wish to serve in the military and take military leave should contact your supervisor for information about their rights before and after such leave. You are entitled

to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

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

#### IV. Employee Benefits

##### A. Healthcare and Employee Benefits

Employees who meet the definition of "benefit eligible" under both City of Millersburg policy and that of its health insurance provider are entitled to the benefit options offered by City of Millersburg. Generally speaking, that means City of Millersburg offers medical insurance for all of its regular, full-time employees unless otherwise established by law. City of Millersburg pays the cost of individual/family coverage for a base plan, for its regular, full-time employees. Part-time employees are not eligible for health-insurance coverage. Those employees who wish to have the enhanced insurance plan offered by the city are required to pay a portion of the monthly premium for that coverage on a payroll deduction basis.

The group insurance policy and the summary plan descriptions issued are available to employees which set out the terms and conditions of our health insurance plan(s), dental plan, vision plan, disability and life insurance plans as offered by City of Millersburg, these documents govern all issues relating to employee benefits. These and other benefits which may be offered by the City of Millersburg to our employees are available from the City Recorder.

##### B. Employee Assistance Program (EAP)

This free, confidential service is provided by our medical insurance benefits. The EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (6) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol or drug abuse, grieving a loss, and career development services.

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

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

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

If you are injured on the job, and it involves an immediate or life threatening emergency call 9-1-1 and notify your supervisor as soon as possible. If the injury is not life threatening

immediately report all on-the-job injuries to **Rapid Care at (855) 959-2741**. You will speak to a registered nurse who will provide immediate care instructions – plus collect your state-required 801 information. Notify your supervisor after contacting **Rapid Care**.

Please note it is important that the City and our worker's compensation provider are notified of any on-the-job injury and expects injuries to be reported to **Rapid Care no later than 24 hours after your injury**.

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

1. Report any work-related injury to **Rapid Care (855) 959-2741**, and notify your supervisor. You must report the injury no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required as instructed.

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

### Return to Work

If you require workers' compensation leave, City of Millersburg will strive to reemploy you in the most suitable vacant position available at the conclusion of that leave. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of the position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. City of Millersburg does not discriminate against employees who suffer a workplace injury or illness.

### Early Return-to-Work Program

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

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

If your doctor determines that you are able to perform modified work, City of Millersburg will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the

designated time and place may affect your compensation and employment with City of Millersburg. While you are on modified or transitional work, you are still subject to all other City of Millersburg rules and procedures.

#### Overlap with Other Laws

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

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

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

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

#### V. Miscellaneous Policies

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

##### [Version One: Zero Tolerance]

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

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

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



## Prohibited Conduct

- Possession, transfer, use or being under the influence of any alcohol while on City of Millersburg property, on City of Millersburg time, while driving City of Millersburg vehicles (or personal vehicles while on City of Millersburg business), or in other circumstances which adversely affect the City of Millersburg operations or safety of City of Millersburg employees or others.
- Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol “hangover” adversely affects an employee’s physical or mental faculties while at work to any perceptible degree, or the employee’s blood alcohol content exceeds .02 percent, the employee will be deemed “under the influence” for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City of Millersburg property, on City of Millersburg time, while driving City of Millersburg vehicles (or personal vehicles while on City of Millersburg business), or in other circumstances which adversely affect City of Millersburg operations or safety of City of Millersburg employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in system while on City of Millersburg property or on City of Millersburg time.
  - Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, e.g., collecting or transporting evidence.
  - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee’s physical or mental faculties while at work to any perceptible degree, or the employee tests “positive” for any such substances by screening and confirmation tests, the employee will be deemed “under the influence” for purposes of this rule.
  - As used in this policy, “controlled substance” includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state’s law.
- Bringing to City of Millersburg property, or possessing, items or objects on City of Millersburg property that contain any “controlled substance,” including, for example, “pot brownies” and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other “controlled

substance" to co-workers, members of the public, or elected officials while on work time or on/in City of Millersburg property.

- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law enforcement work.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City of Millersburg property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

#### Prescription Drugs and Medical Marijuana

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

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

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

#### Reasonable Cause Testing

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

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

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No

testing shall be performed under this rule without the approval of the [**Contact**] or the [**Contact**]'s designee.

- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
  - a pattern of abnormal or erratic behavior;
  - information provided by a reliable and credible source;
  - direct observation of drug or alcohol use;
  - presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
  - unexplained significant deterioration in individual job performance;
  - unexplained or suspicious absenteeism or tardiness;
  - employee admissions regarding drug or alcohol use; and
  - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

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

#### Post-Accident Testing

Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage a City of Millersburg vehicle, machinery, equipment or property; (b) result in an injury to themselves or another employee requiring offsite medical attention; or (c) when City of Millersburg has reasonable cause to believe that the accident or injury may have been caused by drug or alcohol use.

#### Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City of Millersburg property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, City of Millersburg may search the employee's possessions located on City of Millersburg property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have

no expectation of privacy in any items they bring on to City of Millersburg property, or in property, equipment or supplies provided by City of Millersburg to employee.

#### Employee Refusal to Test/Search

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

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

#### Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

#### Drug and Alcohol Treatment

City of Millersburg recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. City of Millersburg is willing to help such employees obtain appropriate treatment.

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

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

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

## Discipline and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement.

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

## Confidentiality

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

## **[Version Two: "No Impairment" Policy]**

### Alcohol/Drug Use, Abuse and Testing Policy

#### Prohibited Conduct

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

- a. Possession, sale and/or use of drugs on City of Millersburg premises, while in City of Millersburg-provided clothes, while on City of Millersburg- or work-related travel, or while on City of Millersburg business (other than employees who possess drugs while they are engaged in law-enforcement work);
- b. Failure to notify City of Millersburg of an arrest or conviction under any criminal drug or alcohol statute within five days of the arrest or conviction;
- c. Possession and/or consumption of alcoholic beverages or being under the influence of alcohol during work hours, while in City of Millersburg-provided clothes or on City of Millersburg premises, while operating a City of Millersburg vehicle (or while operating a personal vehicle in connection with the performance of City of Millersburg business), or while performing job functions other than at the employee's home (other than employees who possess drugs while they are engaged in law-enforcement work); or
- d. Being under the influence of drugs while on duty, on City of Millersburg premises, on City of Millersburg work time, while in City of Millersburg-provided clothes, while on City of Millersburg business, or while operating a City of Millersburg vehicle (or while operating a personal vehicle in connection with the performance of City of Millersburg business).

As used in this policy, "drug" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.

#### Prescription Drugs and Medical Marijuana

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

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify [**Contact**] of such use immediately before starting or resuming work. City of Millersburg may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide City of Millersburg with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as City of Millersburg will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

#### Testing

City of Millersburg reserves the right to:

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

The phrase "reasonable suspicion" (or in any variation) used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- A pattern of abnormal or erratic behavior;
- Information provided by a reliable and credible source;

- A work-related accident;
- Direct observation of drug or alcohol use;
- Presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- Unexplained significant deterioration in individual job performance;
- Unexplained or suspicious absenteeism or tardiness;
- Employee admissions regarding drug or alcohol use; and
- Unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

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

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

#### Search of Property

When reasonable suspicion exists to believe an employee possesses alcohol or a controlled substance on City of Millersburg property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, City of Millersburg may search the employee's possessions located on City of Millersburg property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to City of Millersburg property, or in property, equipment or supplies provided by City of Millersburg to employee.

#### Employee Refusal to Test/Search

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

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

#### Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

### Drug and Alcohol Treatment

City of Millersburg recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. City of Millersburg is willing to help such employees obtain appropriate treatment.

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

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

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

### Confidentiality

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

#### B. 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 and Cellular Devices in General

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

Employees who use personal or City of Millersburg-provided cell phones/cellular devices may not violate City of Millersburg's policies against harassment and discrimination. Thus,



employees who use a personal or City of Millersburg-provided cell phone/cellular device to send a text or instant message to another employee (or to a citizen or someone not employed by the City of Millersburg) that is harassing or otherwise in violation of City of Millersburg's no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or City of Millersburg-provided cell phone/cellular device for work purposes outside of their normal work schedule without written authorization in advance from **[Contact]**. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

#### Employee Use of City of Millersburg -Provided Cell Phones/Cellular Devices

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

Employees who receive a cell phone or cellular device from City of Millersburg must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or cellular device from City of Millersburg must acknowledge and understand that because the cell phone/cellular device is paid for and provided by the City of Millersburg, or subsidized by City of Millersburg, any communications (including text messages) received by or sent from the cell phone/cellular device may be subject to inspection and review if City of Millersburg has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cellular Device Policy or any other City of Millersburg policy. An employee who refuses to provide the City of Millersburg access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Employees may not use City of Millersburg-provided cell phones or cellular devices to call 1-900, 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's City of Millersburg-provided cell phone/cellular device.

#### 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 Millersburg-sponsored function unless authorized to do so by **[Contact]**.

#### Cell Phones/Cellular Devices and Public Records

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

## Cell Phone/Cellular Device Use While Driving

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

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

### C. Use of City of Millersburg Email and Electronic Equipment, Facilities, and Services

City of Millersburg uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, email, 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 Millersburg property.

#### Ownership

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

#### Use

All of City of Millersburg's electronic equipment, facilities and services are provided and intended for City of Millersburg business purposes only and not for personal matters, communications or entertainment. Access to the Internet, websites and other electronic services paid for by City of Millersburg are to be used for City of Millersburg business only. This means, for example, that employees may not use the City of Millersburg-provided Internet, or City of Millersburg 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 Millersburg's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or City of Millersburg, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);

- Engage in any activity that violates the rights to privacy of protected healthcare information or other City of Millersburg-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

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

### Inspection and Monitoring

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

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

### Personal Hardware and Software

Employees may not install personal hardware or software on City of Millersburg's computer systems without approval from **[Contact]**. All software installed on City of Millersburg's computer systems must be licensed. Copying or transferring of City of Millersburg-owned software may be done only with the written authorization of the **[Contact]**.

### 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 Millersburg management. No employee can examine, change or use another person's files, output or username unless he/she has explicit authorization from **[Contact]** 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.

### Inappropriate Web Sites

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

#### D. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with City of Millersburg, 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 Millersburg or City of Millersburg's legitimate business interests may result in disciplinary action up to and including termination.

### Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any City of Millersburg policies, including City of Millersburg's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

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

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

### Encouraged Conduct

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

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed

as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City of Millersburg employees or elected officials, that might constitute harassment or bullying, and/or that violate City of Millersburg policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City of Millersburg policy.

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

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

#### Request for Employee Social Media Passwords

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

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

#### E. Confidential City of Millersburg Information

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

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of City of Millersburg) may be removed from our premises

without permission from the City Manager or Assistant City Manager. Likewise, any materials developed by City of Millersburg's employees in the performance of their jobs is the property of City of Millersburg and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the City of Millersburg's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

#### F. Ethics

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

We at the City of Millersburg 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 Millersburg from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

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

#### G. Open-Door Policy

City of Millersburg's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. City of Millersburg's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in City of Millersburg, 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 either the City Manager or Assistant City Manager.

#### H. Outside Employment

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

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

#### I. Criminal Arrests and Convictions

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

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

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

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

#### J. Political Activity

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

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

#### K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Millersburg (see "Holidays" section, above), City of Millersburg 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 Millersburg will close. *Employees may be notified by a posting on the City Website noting the closure, by email, phone, or text.*

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve City of Millersburg from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

#### L. Driving While on Business

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

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

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

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

#### M. Workplace Violence

City of Millersburg recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life,



health, well-being, family, or property will be dealt with in a zero-tolerance manner by City of Millersburg.

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

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

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

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

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

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

#### O. Smoke-Free Workplace

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

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

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

## VI. Termination of Employment

### A. Workplace Rules and Prohibited Conduct

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

- Falsification of employment or other City of Millersburg records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City of Millersburg property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Millersburg equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Millersburg property.
- Carrying firearms (with the exception of a person with a valid concealed carry license when issued under ORS 162.291 and ORS 162.292, and proof of such license has been provided to the City Manager for review and approval to carry said firearm) or any other dangerous weapon on City of Millersburg premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City of Millersburg property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City of Millersburg employee, customer or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Millersburg.
- Misrepresentation of City of Millersburg policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Millersburg. Employees may not use the City of Millersburg's name, logo, likeness, facilities, assets or other resources of the City of Millersburg for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or City of Millersburg policy, rule or procedure. Employees are expected to act in accordance with all appropriate

codes, laws, regulations, and policies, regardless of whether they are set by City of Millersburg or outside regulatory or legislative bodies.

- Failing to timely pay water/sewer/tax accounts with City of Millersburg on time, and/or whose City of Millersburg -provided services are disconnected. This includes, without limitation, situations where the employee writes a check to City of Millersburg that is refused for payment due to non-sufficient funds.
- Harassment or discrimination that violates City of Millersburg policy.

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

#### B. Corrective Action/Discipline Policy

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City of Millersburg standards, City of Millersburg will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

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

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

#### C. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give City of Millersburg as much notice as possible—preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-weeks' notice of your intent to leave City of Millersburg, 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 or Assistant City Manager or supervisor before making a final decision.

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

#### D. References

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

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

## Employee Acknowledgement

### VERSION ONE: At-Will Employees

Acknowledgment of Receipt of 2020 Personnel Policies

[Use title and current version date of your organization's handbook]

I acknowledge that I have received and will read a copy of City of Millersburg's 2020 Personnel Policies/Employee Handbook. I also understand that a copy of the Personnel Policies/Employee Handbook is available to me at any time to review in the City Recorder's Office or Human Resources file on the City of Millersburg's intranet.

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

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

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

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

I have read this acknowledgement carefully before signing.

---

Employee Signature

---

Date

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



# Workplace Respect and Code of Conduct Policy

	<b>Policy/Procedure Title:</b> Workplace Respect and Code of Conduct Policy Policy/Procedure #: HR 100.4 Version #/Date: September, 2020 Ver. 2.0
<b>Drafted by:</b> Kevin Kreitman, City Manager	<b>Reviewed &amp; Approved by:</b> Name: Kevin Kreitman, City Manager
<b>Effective Date:</b> March 2019	Signature: _____ Date: _____
<b>Next Review Date:</b> September 2021	<b>Legal Review/Approval:</b> _____ Date: _____

## Purpose

To maintain a working environment where all individuals are treated with respect and dignity, and are free of discrimination and harassment.

Workplace harassment manifests itself in two primary ways:

1. Violations of state and federal law (reference City of Millersburg Workplace Discriminatory Harassment Policy); and
2. Behavior that may not violate law, but which violates this City of Millersburg (City) policy because the behavior is not conducive to creating a work environment where all employees are treated with respect and dignity, which is addressed in this policy.

## Policy

It is the policy of the City that all employees, applicants, contractors, visitors, volunteers, **interns** and agents of the City experience a positive, respectful workplace environment free from harassment, disrespect, bullying, aggressive behavior, and **sexual assault**. It is the responsibility of all employees and agents of the City to treat each other, as well as the public, with courtesy and consideration and to promote an atmosphere of mutual respect. Employees have the responsibility of working cooperatively with co-workers to create and maintain a positive, inclusive, and supportive work environment.

Examples of harassment may include but are not limited to:

- Verbal or physical conduct that is derogatory or shows hostility toward an individual;
- Behavior that has the purpose or effect of creating an intimidating, hostile, abusive, or offensive workplace environment;
- Behavior that has the purpose or effect of unreasonably interfering with an individual's work performance.

Examples of respectful and professional behavior in the workplace include, but are not limited to:

- Treating and communicating with others with courtesy and in a professional manner;
- Working effectively with others and functioning as part of a team; and

- Constructively and respectfully responding to organizational changes in workplace demographics, procedures, policies, and duties, etc.

Failure to meet the expected standards of conduct are grounds for disciplinary action, up to and including termination.

**Complaint Procedure:** Employees are encouraged to talk with the person who has left them feeling disrespected or intimidated, explaining how their behavior is impacting them. If the offensive behavior continues, employees are expected to talk with their supervisor or other manager. Supervisors and managers are expected to take timely, appropriate corrective actions to bring about resolution and ensure a positive workplace environment where all individuals are treated with respect and dignity, free of discrimination and harassment.

If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of this policy or the Workplace Discriminatory Harassment policy, you should report the matter immediately to the City Manager or Assistant City Manager.

- A. The City will not retaliate against you for filing a complaint in good faith or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers even if accusations are not substantiated.
- B. The City will conduct a prompt and impartial investigation of the reported conduct.
  - 1) Where investigations confirm the allegations, appropriate corrective action will be taken as provided in these policies, from counseling the employee up to and including discharge.
  - 2) The affected employee will be informed of the results of the investigation.
  - 3) Failure to cooperate with an investigation may lead to disciplinary action up to and including the possible termination of employment.
  - 4) Information provided by individual employees during the course of an investigation will be kept confidential to the extent possible under the law and made available only on a need to know basis.

# Discriminatory, Harassment, Code of Conduct Incident Report Form

Employee's Full Name: \_\_\_\_\_  
*(please print)*

Position: \_\_\_\_\_ Phone #: \_\_\_\_\_  
*(please print)*

Preferred Email Address: \_\_\_\_\_  
*(please print)*

Are you presently employed by the City of Millersburg?                      Yes                      No

Date on which most recent alleged action took place: \_\_\_\_\_

Is discrimination based on a protected class status (e.g. race, ethnicity, age, gender, etc.)?

Yes                      No                      If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please explain below the incident violating the applicable policies. Include all relevant facts, dates, name(s) of parties involved, and any witnesses including witness phone number(s) or email (if available). Attach extra sheets as needed in addition to copies of relevant documents and/or pictures.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Withdrawal of Complaint**

The complaint or any part of the complaint may be withdrawn at any time; however, the request for such withdrawal will set forth the reason for such a request. The request to withdraw must be signed by and notarized by the complainant. The City Manager or Assistant City Manager, will review the withdrawal in order to determine whether the request was the result of restraint, interference, coercion, discrimination, or reprisal.

**Confidentiality**

It is the intention of the City to protect, to the extent possible the confidentiality of any employee who contacts the City Manager or Assistant City Manager for the purpose of seeking information, assistance, or counseling regarding this policy. Information given to the City in the course of an internal investigation is not confidential. However, except as required by Oregon Public Records Laws or the requirements of the investigation, the City will only release information on a "need to know" basis. If you have questions about personal safety or personal privacy, you should discuss these questions with the City Manager or Assistant City Manager, or your own attorney prior to providing information.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

Report Received by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## Harassment Free Workplace

	<b>Policy/Procedure Title:</b> Harassment Free Workplace Policy/Procedure #: HR 100.5 Date/Version #: September, 2020 Ver. 1.0
<b>Drafted by:</b> Kevin Kreitman, City Manager	<b>Reviewed &amp; Approved by:</b> Name: Kevin Kreitman, City Manager
<b>Effective Date:</b> September 2020	Signature: _____ Date: _____
<b>Next Review Date:</b> September 2021	<b>Legal Review/Approval:</b> _____ Date: _____

### Purpose

The City of Millersburg is committed to a work environment in which all employees are treated with dignity and respect. Each employee, volunteer, and intern has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment.

Therefore, the City of Millersburg expects that all relationships among employees at the City will be professional and free of discrimination or harassment of any kind.

### Policy

This policy applies to all City of Millersburg employees, volunteers, interns, elected officials, contractors, vendors, and customers.

The City of Millersburg is committed to providing employees, volunteers, and interns a work environment free of discrimination or harassment. Discrimination or harassment in the workplace, or in a work-related situation, on the basis of sex, sexual orientation, gender identity or expression, race, color, ethnicity, national origin, citizenship status, religion, religious observance, age, source or level of income, political affiliation, physical or mental disability, medical condition, pregnancy, veteran or military status, marital status, union participation, injured worker status, non-supervisory family relationships, association with members of a protected class, or any other protected class or type of harassment or discrimination prohibited by law or policy is prohibited conduct and will not be tolerated by the City. Additionally, the City of Millersburg provides a work environment free from sexual harassment and sexual assault.

Harassment is prohibited whether committed by City of Millersburg employees (including casual/temporary) or by non-employees (including volunteers, interns, elected officials, contractors, vendors, and customers). All employees and non-employees must conduct themselves in a business-like and professional manner at all times and not engage in any form of discrimination, workplace harassment, sexual assault, or sexual harassment.

## **Types of Harassment**

**Discrimination:** Making employment decisions related to hiring, firing, transferring, promoting, demoting, benefits, compensation, and other terms and conditions of employment based upon, or because of an employee's protected class status.

**Workplace Harassment:** Any form of offensive treatment or behavior which, to a reasonable person, creates an intimidating, hostile, or abusive work environment. Workplace harassment may include hostile, intimidating, threatening, humiliating, or violent behavior, which is motivated wholly or in part by a person's protected class.

Examples of workplace harassment include, but are not limited to, slurs or jokes about a class of persons; derogatory remarks about a person's national origin, race, language, or accent; or obscenities directed toward another employee, customer, contractor, or visitor in the workplace. Disparaging or disrespectful comments, loud and/or angry outbursts related to membership in a protected class, or any similar disrespectful behavior related to membership in a protected class also constitute a violation of this policy.

**Sexual Harassment:** Sexual harassment is unwelcome, unwanted, or offensive sexual advances; requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or is used as a basis for any employment decision (granting leave requests, promotion, favorable performance appraisal, etc.); or such conduct is unwelcome, unwanted, or offensive and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to, unwelcome, unwanted, or offensive touching or physical contact of a sexual nature, such as closeness, impeding or blocking movement, assaulting, or pinching; gestures; innuendoes; teasing, jokes, and other sexual talk; intimate inquiries; persistent, unwanted courting; sexist put-downs or insults; epithets; and slurs or derogatory comments.

## **Responsibilities**

Managers and supervisors are held to a higher standard and are expected to take a proactive stance to ensure the integrity of the work environment.

Managers and supervisors must exercise reasonable care to prevent and promptly address any discrimination, workplace harassment, or sexual harassment they know about.

Any member of management that receives a complaint will contact the City Manager or Assistant City Manager as soon as possible, but no later than two (2) working days after receiving the complaint. Even if the person making the complaint requests that it be kept confidential, it is the responsibility of the management staff member to notify the City Attorney within two (2) working days.

The City Manager or Assistant City Manager is responsible for conducting, coordinating, and/or delegating investigations and for maintaining records of workplace harassment. The City Manager and/or Assistant City Manager is encouraged to involve the City Attorney as soon as possible with the investigation.

Employees must not engage in discrimination, harassment, or retaliation and are strongly encouraged to report any discriminatory, harassing, or retaliatory conduct.

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 they want it to stop. Nothing prevents the employee from filing a complaint because the employee did not tell the offender that their behavior is unwelcome or did not ask the offender to stop. Employee should document any incidents of workplace harassment.

Promptly file a complaint using the procedure below if an employee is subject to discrimination, harassment, or retaliatory conduct prohibited by this policy.

### **Reporting**

Anyone who is subject to or aware of what they believe is discrimination, workplace harassment, sexual assault, or sexual harassment has the right to, and may voluntarily, report that behavior to the employee's immediate supervisor, the City Manager, or the Assistant City Manager.

Employees are encouraged to report their complaints in writing (email is an acceptable format).

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Millersburg complaint reporting procedure, described in this policy, 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 Millersburg 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 Millersburg, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has caused them 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).

### **Resources**

The City of Millersburg provides an Employee Assistance Program (EAP) through Cascade Centers. 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, and identity theft.

The City of Millersburg 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/>.

## **Retaliation**

Retaliation against anyone for bringing a complaint or participating in an investigation is strictly prohibited. Employees have the right to be protected from retaliation. Under no circumstances will an employee be disciplined, demoted, or otherwise retaliated against for reporting, disclosing, or bringing a complaint of harassment to the attention of the City; appearing as a witness; or serving as an investigator. Any employee who retaliates or threatens to retaliate against another employee for reporting harassment will be subject to disciplinary action up to and including termination.

## **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 their experience.

If an employee who has been aggrieved by workplace harassment, discrimination, or sexual assault wants to enter into a settlement, separation, or severance agreement with the City of Millersburg regarding their experience and/or employment status, the employee should contact the City Manager or Assistant City Manager. The employee's request to enter into such an agreement must be in writing (email is an acceptable format).

If the City of Millersburg and employee reach an agreement, the employee will have seven (7) days to revoke the agreement after signing it. The City of Millersburg may not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their 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 Millersburg or making comments that would lower the City of Millersburg in rank or reputation).

The City of Millersburg 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 Millersburg 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 Millersburg regarding their experiences and/or employment status, the employee should contact the City Manager or Assistant City Manager. The employee's request to enter into such an agreement must be in writing (email is an acceptable format).

Requests of this nature will be considered on a case-by-case basis as such agreements are not appropriate for every situation. If the City of Millersburg and employee do reach an agreement, the City of Millersburg will comply with Oregon law applicable to such agreements. For instance, the City of Millersburg will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their 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 Millersburg or making comments that would lower the City of Millersburg in rank or reputation).

If, however, the employee initiates the request for the agreement, nondisclosure and non-disparagement are terms that may be agreed upon between the employee and the City of Millersburg. The employee will have seven (7) days to revoke the agreement after signing it.

## **Procedures**

The following complaint procedure will be followed in order to address a complaint regarding discrimination, workplace harassment, or sexual harassment.

## **Complaint**

A person who feels harassed, discriminated against, or retaliated against may initiate the complaint process by notifying their immediate supervisor, City Manager, or Assistant City Manager.

1. A complaint may be made verbally or in writing using the City of Millersburg Discriminatory, Harassment, Code of Conduct Incident Report Form.
2. A complaint should be filed promptly.
3. A copy of this policy shall be provided to the employee at the time of disclosure or complaint.
4. A verbal or written complaint should contain the following:
  - a. The name of the person filing the report;
  - b. The name of the complainant;
  - c. The names of all parties involved, including witnesses;
  - d. A specific and detailed description of the conduct or action that the employee believes is discriminatory or harassing;
  - e. The date or time period in which the alleged conduct occurred; and
  - f. A description of the remedy the employee desires.

## **Investigation**

The City Manager or Assistant City Manager will coordinate and conduct or delegate responsibility for coordinating and conducting an investigation. Confidentiality will be maintained to the greatest degree the law allows.

1. All complaints will be taken seriously, and an investigation will be initiated as quickly as possible.
2. The City may need to take steps to ensure employees are protected from further potential discrimination or harassment.
3. Complaints will be dealt with in a discreet and confidential manner, to the extent possible.
4. All parties, including witnesses, are expected to cooperate with the investigation and to do so honestly. To preserve the integrity of the investigation, you may be asked, on a case-by-case basis, to keep information regarding the investigation confidential.
5. If any represented employee has a reasonable expectation that the investigation may result in disciplinary action, they may request to have representation.
6. The City Manager or Assistant City Manager will notify the complainant and the respondent when the investigation is concluded.

7. Immediate and appropriate action will be taken if a complaint is substantiated.
8. The City Manager or Assistant City Manager will inform the complainant if any part of a complaint is substantiated and that action has been taken. The complainant will not be given the specifics of the action.
9. The complainant and the respondent will be notified by the City Manager or Assistant City Manager if a complaint is not substantiated.

### **Penalties**

Conduct in violation of this policy will not be tolerated.

1. Employees engaging in conduct in violation of this policy may be subject to disciplinary action up to and including termination.
2. City casual/temporary employees and volunteers who engage in conduct in violation of this policy may be subject to termination of their working or volunteer relationship with the City.
3. Managers and supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action up to and including termination.
4. An employee who engages in harassment of other employees while **away** from the workplace and outside of working hours may be subject to the provisions of this policy if that conduct has a negative impact on the work environment and/or working relationships.
5. If a complaint involves the conduct of a contracted employee or a contractor, the City Manager, Assistant City Manager, or their designee must inform the contractor of the problem behavior and require prompt, appropriate action.

### **Retaliation**

This policy strictly prohibits retaliation against employees who file a complaint; participate in an investigation; or report observing discrimination, workplace harassment, or sexual harassment.

1. Employees who believe they have been retaliated against because they filed a complaint; participated in an investigation; or reported observing discrimination, workplace harassment, or sexual harassment should report this behavior to the employee's supervisor, City Manager, or Assistant City Manager.
2. Complaints of retaliation will be investigated promptly.
3. Employees who violate this policy by retaliating against others may be subject to disciplinary action up to and including termination.

City casual/temporary employees and volunteers who retaliate against others may be subject to termination of their working or volunteer relationship **with** the agency, board, or commission.

**Definitions**

**Nondisclosure Agreement:** A contract through which an employee and the City agree not to prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement.

**Non-Disparagement Agreement:** A contract which states that a person in their role of an employee will not make negative comments about the City, its services, or leaders in any form of communication.



# Discriminatory, Harassment, Code of Conduct Incident Report Form

Employee's Full Name: \_\_\_\_\_  
*(please print)*

Position: \_\_\_\_\_ Phone #: \_\_\_\_\_  
*(please print)*

Preferred Email Address: \_\_\_\_\_  
*(please print)*

Are you presently employed by the City of Millersburg?                      Yes                      No

Date on which most recent alleged action took place: \_\_\_\_\_

Is discrimination based on a protected class status (e.g. race, ethnicity, age, gender, etc.)?

Yes                      No                      If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please explain below the incident violating the applicable policies. Include all relevant facts, dates, name(s) of parties involved, and any witnesses including witness phone number(s) or email (if available). Attach extra sheets as needed in addition to copies of relevant documents and/or pictures.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Withdrawal of Complaint**

The complaint or any part of the complaint may be withdrawn at any time; however, the request for such withdrawal will set forth the reason for such a request. The request to withdraw must be signed by and notarized by the complainant. The City Attorney will review the withdrawal in order to determine whether or not the request was the result of restraint, interference, coercion, discrimination, or reprisal.

**Confidentiality**

It is the intention of the City to protect, to the extent possible the confidentiality of any employee who contacts the City Manager or Assistant City Manager, for the purpose of seeking information, assistance, or counseling regarding this policy. Information given to the City in the course of an internal investigation is not confidential. However, except as required by Oregon Public Records Laws or the requirements of the investigation, the City will only release information on a "need to know" basis. If you have questions about personal safety or personal privacy, you should discuss these questions with the City Manager or Assistant City Manager, or your own attorney prior to providing information.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

Report Received by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date